

INTRODUCTION

A common approach to analyzing immigration politics and policy in Japan and South Korea (hereafter Korea) is to start with the premise that recent immigration has posed serious challenges to social and political stability in otherwise ethnically homogeneous societies. In Japan, the foreign population more than doubled from 850,000 in 1985 to over 2 million in 2011 (see Table 13.1). Korea's foreign population has grown more than four-fold in less than a decade, from approximately 210,000 in 2000 to almost 1 million in 2011 (see Table 13.2), plus another 412,000 unregistered foreigners (Korea Immigration Service 2011).

Although Korea and Japan are projected to have declining working-age populations, both countries kept their borders closed to unskilled workers and met labor demands through de facto guest worker programs and preferential policies for co-ethnic immigrants from the mid-1980s to the early 2000s. Despite closed-door policies, the number of unauthorized foreigners rose, reaching a peak of over 300,000 in both countries, first in Japan in 1993 and in Korea in 2002. In Japan, this number was reduced by half by the early 2000s in large part because of the institutionalization of strict border controls, severe penalties for employers knowingly hiring undocumented immigrants, and intensified crackdowns on undocumented workers. Korea also reduced its undocumented migrant workers from 90 percent to less than 20 percent of all immigrants by enacting similar, but less severe, measures.

While the problem of illegal immigration was an unintended consequence of restrictive immigration policies coupled with domestic demand for labor, it was not entirely unanticipated. What came as a surprise in both countries, however, was the *response* to growing immigrant populations—both documented and undocumented—by a significant cross-section of civil society groups. The growth of foreign populations in Japan and Korea not only immersed both societies in debates about border control, national identity, and social order; it mobilized a range of state and nonstate actors to advocate for migrant labor rights, established a wide array of services and programs for immigrant integration, and worked with immigrants to create a vision for a multicultural society.

TABLE 13.1
Registered foreign residents in Japan by nationality

Year	North and South Korea	China	Philippines	United States	Brazil	Peru	Other ^a	Total	Percentage ^b
1985	683,313	74,924	12,261	29,044	1,955	N/A	49,115	850,612	0.7
1986	677,959	84,397	18,897	30,695	2,135	553	54,736	867,237	0.71
1987	673,687	95,477	25,017	30,836	2,250	615	58,393	884,025	0.72
1988	677,140	129,269	32,185	32,766	4,159	864	68,781	941,005	0.76
1989	681,838	137,499	38,925	34,900	14,528	4,121	72,644	984,455	0.8
1990	687,940	150,339	49,092	38,364	56,429	10,279	82,874	1,075,317	0.87
1991	693,050	171,071	61,837	42,498	119,333	26,281	104,821	1,218,891	0.98
1992	688,144	195,334	62,218	42,482	147,803	31,051	114,612	1,281,644	1.03
1993	682,276	210,138	73,057	42,639	154,650	33,169	124,819	1,320,748	1.06
1994	676,793	218,585	85,968	43,320	159,619	35,382	134,344	1,354,011	1.08
1995	666,376	222,991	74,297	43,198	176,440	36,269	142,800	1,362,371	1.08
1996	657,159	234,264	84,509	44,168	201,795	37,099	156,142	1,415,136	1.12
1997	645,373	252,164	93,265	43,690	233,254	40,394	174,567	1,482,707	1.17
1998	638,828	272,230	105,308	42,774	222,217	41,317	189,442	1,512,116	1.19
1999	636,548	294,201	115,685	42,802	224,299	42,773	199,805	1,556,113	1.23
2000	635,269	335,575	144,871	44,856	254,394	46,171	225,308	1,686,444	1.33
2001	632,405	381,225	156,667	46,244	265,962	50,052	245,907	1,778,462	1.4
2002	625,422	424,282	169,359	47,970	268,332	51,772	264,621	1,851,758	1.46
2003	613,791	462,396	185,237	47,836	274,700	53,649	277,421	1,915,030	1.5
2004	607,419	487,570	199,394	48,844	286,557	55,750	288,213	1,973,747	1.55
2005	598,687	519,561	187,261	49,390	302,080	57,728	296,848	2,011,555	1.57
2006	598,219	560,741	193,488	51,321	312,979	58,721	309,450	2,084,919	1.63
2007	593,489	606,889	202,592	51,851	316,967	59,696	321,489	2,152,973	1.69
2008	589,239	655,377	210,617	52,683	312,582	59,723	337,205	2,217,426	1.74
2009	578,495	680,518	211,716	52,149	267,456	57,464	338,323	2,186,121	1.71
2010	565,989	687,156	210,181	50,667	230,552	54,636	334,970	2,134,151	1.67
2011	545,397	674,871	209,373	49,815	210,032	52,842	336,150	2,078,480	1.63

SOURCE: Ministry of Justice statistics 2003–2012; Japan Statistical Yearbook (2006).

^a“Other” includes nationals of more than 180 countries on every continent. Among the largest numbers of foreign residents in this category are nationals of Thailand, Vietnam, Indonesia, the United Kingdom, India, Canada, Australia, and Bangladesh.

^bPercentage of the total Japanese population.

Korea and Japan’s restrictive immigration policies overlapped until the mid-2000s, but the ways in which each society attempted to incorporate immigrant populations diverged significantly. In Korea, the arrival of migrant labor generated centralized rights-based movements and eventually national rights-based legislation. In 2004, Korea opened its borders to unskilled workers through the Employment Permit System (EPS), which gave these workers the same protections and rights as Korean workers. In 2006, Korea became the first Asian country to grant local voting rights to foreign residents, a measure that has been under debate in Japan for almost a decade. The Korean government launched the Korea Immigration Service (KIS) in 2007 to consolidate the management of policies regarding immigration, naturalization, and immigrant integration; moreover, between 2006 and 2010, Korea’s National Assembly passed a series of bills pertaining to noncitizen human rights, immigrant integration, and, most recently, dual nationality.

None of these developments occurred in Japan. Instead, decentralized grassroots movements and partnerships between local governments and civil society organizations

TABLE 13.2
Registered foreign residents in Korea by nationality

Year	China	Vietnam	Philippines	United States	Indonesia	Taiwan	Other ^a	Total ^b	Percentage ^c
2000	58,984	15,624	15,961	22,778	16,700	23,026	57,176	210,249	0.4
2001	73,567	16,048	16,361	22,018	15,617	22,791	63,246	229,648	0.5
2002	84,590	16,951	17,296	22,849	17,140	22,710	70,921	252,457	0.6
2003	185,485	23,315	27,562	23,208	28,349	22,585	127,450	437,954	1.0
2004	208,323	26,053	27,934	22,566	26,063	22,285	135,652	468,876	1
2005	217,002	35,514	30,649	23,476	22,572	22,178	134,753	486,144	1.1
2006	311,823	52,157	40,246	24,998	23,715	22,118	156,162	631,219	1.4
2007	421,493	67,197	42,939	26,673	23,698	22,047	161,699	765,746	1.7
2008	484,674	79,848	39,372	28,853	27,394	21,789	172,077	854,007	1.80
2009	488,651	86,166	38,423	31,379	25,937	21,698	178,382	870,636	1.9
2010	486,083	86,806	38,822	30,941	26,076	21,609	228,580	918,917	2.0
2011	536,699	110,564	38,366	26,466	29,573	21,381	219,412	982,461	2.0

SOURCE: KIS (2011) and SOPEMI (2012).

^a“Other” includes nationals of more than 50 countries on every continent. Among the largest numbers of foreign residents in this category are nationals of Thailand, Mongolia, Japan, Uzbekistan, Sri Lanka, Cambodia, Pakistan, Canada, Bangladesh, and India.

^bThe ROK government publishes statistics for unregistered foreigners in Korea. In 2011, they numbered 412,616, making the total number of foreigners in Korea 1,395,077.

^cPercentage of total Korean population.

generated an assortment of local services and programs for foreign residents that ranged from Japanese-language classes, multilingual information distribution, and cultural exchange programs, to consultation services, housing and employment assistance, and foreign-resident assemblies. The first national attempt to establish a comprehensive framework for immigrant incorporation came in the form of a “multicultural coexistence promotion” plan announced in 2006 by the Ministry of Internal Affairs and Communications (MIC), which proposed to coordinate programs that local governments had already developed. Although few structural reforms followed the arrival of recent immigrants, social welfare provisions for foreign residents already settled in Japan were among the most generous of those in industrial democracies as early as the mid-1980s.

How do we explain divergent policies for incorporating immigrants in Korea and Japan given the similarities between each country’s immigration and citizenship policies, which are marked by assumptions of ethnocultural homogeneity, overlapping immigrant populations largely from neighboring Asian countries (with the exception of Latin American immigrants in Japan), and common dilemmas of accommodating social diversity while adhering to liberal democratic principles? If East Asian democracies adhere to an exclusionary model of immigrant incorporation, how do we account for their relatively generous provisions of alien rights?

Rather than begin with the assumption that recent immigration has challenged ethnically homogeneous societies in East Asia or with the assumption of a particular immigrant incorporation regime, I identify patterns of interaction between recent immigration and existing institutions that have shaped relationships between state and nonstate actors, dominant populations and minority communities, and national and local institutions. Because Korea and Japan maintained official closed-door policies throughout the 1980s and

1990s, immigrants within their borders were, for the most part, populations to be returned or expelled, not incorporated. Patterns of immigrant incorporation until the early 2000s, therefore, were not the products of deliberate decision making by either state to manage the permanent settlement of immigrants. Rather, civil society actors and local governments drew on existing strategies for incorporating historically marginalized groups to confront the challenges of immigrant incorporation in the *absence* of official immigrant incorporation programs at the national level.

In contrast to the conventional approach to understanding immigrant incorporation as a two-way relationship between the state and individual immigrants, the Japan and Korea cases point to the significance of the role played by intermediary organizations in shaping paths for immigrant incorporation and political empowerment. This chapter defines “immigrant incorporation” as the process by which immigrants and their descendants become permanent members and recognized political actors of their receiving societies (see Messina 2007: 233). Although I use the term “immigrants” to refer primarily to the first-generation, “immigrant incorporation” can refer to policies and practices pertaining to multiple generations of foreign residents. Incorporation, as understood this way, is equivalent neither to full legal membership as national citizens nor to sociocultural assimilation (see Chung 2010b: 677).

After a brief discussion of immigration patterns in Japan and Korea in the post–World War II era, I discuss the ways in which the Japanese and Korean governments attempted to maintain official closed borders while meeting domestic demands for labor through unofficial “side-door” policies and practices through the 1990s. I then analyze how grassroots movements established the blueprint for distinct patterns of immigrant incorporation in each country. Next, I examine areas where immigrant policies have diverged in Korea and Japan since 2000, focusing on each country’s first comprehensive proposals for immigrant incorporation. Finally, I discuss how these patterns are reflected in naturalization and permanent residency rates as well as their potential problems for permanent settlement of immigrants.

CONVERGENCE THROUGH THE 1990S: CLOSED BORDERS AND SIDE DOORS

Resisting Immigration

Both Japan and Korea are traditional “sending” countries that, until recently, had emigrant populations well exceeding their immigrant populations. By the 1960s, over 2 million Japanese migrants had settled in North and South America and, to a lesser extent, in Japan’s former colonies in Asia. Indeed, it was not until 1973 that the Japanese government ceased official emigration programs to Latin America (Chung and Kim 2012). In Korea’s case, over 5 million emigrants to North America, China, Japan, Australia, and the former Soviet Union, among other countries, continue to outnumber immigrants to Korea. Although more than half of the country’s emigrant population are descendants of those who emigrated from the Korean peninsula prior to the establishment of the Republic of Korea

in 1948, South Korean government statistics estimate that there are approximately 2.87 million South Korean nationals living abroad, with the vast majority residing in the United States, Japan, and China. In Japan and Korea, the net migration rate as of 2011 remained at zero.¹

Japan and Korea were, moreover, late developers that underwent rapid economic growth in their recent histories, transforming them, respectively, into the third (formerly second) and thirteenth largest economies in the world. Capitalist development and immigration patterns in both countries are, further, intricately tied together in Japan's colonization of Korea (1910–1945). As one of Japan's most important colonies, Korea supplied rice from the South and a much needed industrial base with its cheap labor and abundant supply of cheap hydroelectric power in the North. As an imperial power, Japan underwrote the expansion of Korea's infrastructure, the commercialization of its agriculture, and the beginnings of its modern capitalist enterprises, albeit in an uneven and dependent relationship. Both countries' immigration histories, therefore, are closely connected to the stages of their political economic development as well as to their shared colonial history.

Japan's immigration history can be divided broadly into three categories: (1) colonial migration from the early twentieth century to the immediate post–World War II period; (2) refugee and “skilled” migration in the late 1970s to early 1980s; and (3) unskilled labor migration from Asia and Latin America from the late 1980s to the present. Large-scale immigration to South Korea, in contrast, did not begin until the late 1980s, especially after the 1988 Seoul Summer Olympics. The only significant foreign population settled in Korea until this time comprised Taiwanese nationals known as *hwagyo* (or *huaqiao* in Chinese) whose roots in Korea date back to 1882, when Korea and China signed a trade agreement permitting Chinese merchants to own and lease land in Korea's treaty ports (Lee 2002).

Although Japanese employers and officials played important roles in recruiting immigrants—forcibly for a subset of colonial migrants from 1939—Japan's borders were officially open only for the first wave of immigration, when Japan was a colonial power with territories that included Formosa, Korea, southern Sakhalin Island, the Kwantung Leased Territory on the Liaotung peninsula, and the mandate islands of Micronesia (Chen 1984: 241). By the end of World War II, more than 2 million colonial subjects primarily from the Korean peninsula and Formosa were residing in Japan (see Caprio 2009). Approximately two-thirds of this population were repatriated during decolonization and, by the end of the American occupation of Japan in 1952, Japan implemented strict immigration and border controls to prevent the mass influx of former colonial subjects. However, with unstable conditions in the Korean peninsula following Korea's liberation from Japan in 1945 and escalation to the Korean War in 1950, illegal immigration to Japan largely by former repatriates to the Korean peninsula became a formidable problem during this period, as documented by Tessa Morris-Suzuki's (2010) in her path-breaking study of this first wave of immigration. Nevertheless, less than 700,000 foreigners resided in Japan by the end of the Occupation.

Although Japan experienced labor shortages in the 1960s similar to those in other industrialized countries, Japanese officials and corporations did not import foreign labor, opting instead to automate production, shift production abroad, and tap into alternative

sources of domestic labor such as women, students, the elderly, and rural migrants (Chung 2010a: 149). Japan's high-growth period in the 1960s coincided with the country's greatest rural-urban exodus, as 4 million farmers migrated to urban areas annually (Lie 2001: 9; Mori 1997: 55–57).

The second wave of immigration in the 1970s to early 1980s did not therefore represent responses to labor shortages. Rather, it was made up largely of three unrelated groups. The first and largest group consisted primarily of women from the Philippines, Thailand, South Korea, and Taiwan who were recruited to Japan as “skilled” workers to fill the demand in the so-called entertainment industry. By 1987, the number of immigrants from Asian countries with “entertainer” visas surpassed 40,000. By 1991, that number jumped to over 64,000 (Ministry of Justice, Japan, 1989). Until recently, most “entertainers” were recruited to work as hostesses in the industry known in Japan as *mizu shōbai* (water trade, in reference to bars, cabarets, restaurants, and so forth) and as prostitutes (Sellek 2001: 37–38, 160–61).² Other “skilled” workers residing in Japan during this period were generally white-collar professionals, many of them from the United States and Europe.

The children and grandchildren of Japanese citizens who remained in Japan's former colonies, mostly China, made up the second group. Although ethnically Japanese, and recognized as Japanese nationals, this relatively small group of “returnees” encountered significant problems of adjustment and discrimination, similar to those experienced by non-Japanese immigrants.

Finally, refugees from Indochina made up the third group, with more than 10,000 entering Japan with temporary visas between 1979 and 1999. It should be noted, however, that the Ministry of Justice recognized only a total of 315 refugees out of 3,118 applications between 1981, when Japan ratified the United Nations Convention Relating to the Status of Refugees, and 2004 (Flowers 2008: 340).

Japan's labor shortage in the 1980s could not be met with the same tools that had been employed in the 1960s. Internal sources of labor by this time were depleted, and rising land prices in urban centers triggered a reverse migration to surrounding areas. Starting in the late 1980s, large numbers of foreign workers entered Japan with tourist visas and overstayed their three-month limit, thus establishing a formidable undocumented immigrant population that reached a high of 300,000 in 1993 (SOPEMI 2007).

It was during this same period that Korea also began to experience its most significant labor shortages following two decades of rapid economic growth in which per capita GNP went from approximately US\$100 in 1963 to over US\$5,000 in 1989 (and to over US\$27,000 in 2010). To meet short-term demands for labor, especially in the manufacturing, production, and service industries, Korean government officials turned a blind eye to companies that recruited foreign workers who entered the country with tourist visas and overstayed, in what Timothy Lim (2003) calls a “wink-and-nod” approach. What began as an unofficial practice of importing migrant labor on an as-needed basis quickly became a de facto guest worker program that generated a serious illegal immigration problem. By 1991, more than 45,000 migrant workers from China, South Asia, and Southeast Asia had entered Korea to fill labor shortages in low-skilled jobs; among them, over 90 percent were undocumented (Lim 2006: 244; Seol 2000: 8).

Opening the Doors to Unofficial Immigration

In an effort to combat illegal immigration and, at the same time, meet labor demands, both Japan and Korea instituted two key legal loopholes to allow entry of unskilled migrant workers and at the same time maintain official closed-door policies: (1) preferential policies for co-ethnic immigrants and (2) “industrial trainee” programs. First, co-ethnic immigration policies created a relatively large pool of unskilled workers who would presumably pose a minimal threat to each society’s stability and ethnic homogeneity. The Japanese government revised the Immigration Control and Refugee Recognition Act in 1990 to impose criminal penalties on employers knowingly hiring undocumented workers.³ At the same time, this revision granted *Nikkei* (ethnic Japanese) immigrants and their descendants (up to the third generation) long-term residency visas that gave them unrestricted entrance and employment rights in Japan.⁴ Despite the stated purpose of inviting ethnic Japanese to learn the Japanese language, explore their cultural heritage, and visit their relatives, the vast majority of *Nikkei* with long-term visas after 1990 were Brazilian and Peruvian nationals who were recruited to work in the construction and manufacturing sectors (Tsuda 2003).

Although Korea did not create a corresponding visa category for co-ethnic immigrants, ethnic Koreans were given preferential treatment in the industrial trainee system and, later, the EPS (Skrentny et al. 2007: 799). Korea also passed the Overseas Korean Act in 1999 that created an “Overseas Korean” (F-4) visa category that gave eligible co-ethnic immigrants access to health insurance, pensions, property rights, unrestricted economic activity, and broad employment opportunities (Park and Chang 2005). Until 2003, however, ethnic Koreans from China (*Chosŏnjok*)—who make up the largest immigrant population of ethnic Koreans in Korea—and from the former Soviet Union (*Koryŏin*) were excluded from this status based on the provision that only those who left the Korean peninsula after the founding of the Republic of Korea in 1948 were eligible.⁵ Unlike many industrialized democracies with descent-based citizenship policies, neither Japan nor Korea grants co-ethnic immigrants automatic, or even simplified, access to formal citizenship.⁶

Second, the industrial trainee programs, established first in Japan and adopted in toto by Korea in 1991, served as de facto guest worker programs in which foreign workers were initially granted one-year visas to acquire technical skills. Because “trainees” were not officially recognized as workers, they received only “trainee allowances” and were not protected by labor laws in either country, making them vulnerable to industrial accidents, unpaid wages, and employer abuse. As Seol Dong-Hoon (2000: 7) points out, they were also denied three basic labor rights: “unionizing, collective bargaining and collective action.” Despite several revisions to better regulate these programs—extensions to trainee visas; government guidelines prohibiting abusive employer practices; and landmark court decisions from 1993 on that affirmed foreign workers’ rights to industrial accident compensation, back wages, and severance pay—many trainees continued to experience poor working conditions, overstayed their visas, and/or sought employment in higher-paying jobs.

Japan and Korea thus shared analogous immigration policies and exclusionary practices directed at migrant workers until the early 2000s. Both countries kept their borders closed to unskilled workers despite labor shortages; instead, they used “side doors” to meet labor

demands. Although both countries' official and unofficial immigration policies and practices did not produce the intended effect of eliminating illegal immigration, they added resiliency to official claims that Japan and Korea were not countries of immigration even as both experienced acute labor shortages.

THE UNINTENDED CONSEQUENCES OF CONTROL: ADVOCACY FOR IMMIGRANTS

The more significant unintended and unanticipated consequences of Japanese and Korean policies and practices came not from immigrants but from the native population within each country's borders. Whereas large-scale immigration to Western European countries mobilized restrictionist movements *against* immigration, large-scale immigration, combined with already restrictive national immigration policies, spurred unprecedented *advocacy for* immigrants by civil society actors

The Push for Migrant Workers' Rights in Korea

Less than five years after nationwide anti-government protests by a wide segment of Korean civil society toppled Chun Doo Hwan's (Chōn Tu-hwan) authoritarian regime and led to the June 29, 1987 announcement of Roh Tae Woo's (No T'ae-u) eight-point program of democratic reforms, the Roh administration enacted plans to deport undocumented workers and import additional, legal migrant workers. Although there were fewer than 50,000 undocumented migrant workers in Korea at the time, the government's attempt to "dispose" of them caught the attention of a small number of religious and labor organizations who proceeded to campaign for basic workers' rights alongside migrant workers in a series of high-profile nonviolent protests from 1994 to 1995. These protests—including the 1995 protests by thirteen Nepalese workers staged in front of the Myongdong Cathedral in Seoul—described by Katharine Moon (2000: 155) as the "traditional stage and refuge of antigovernment protestors in the era of military rule"—garnered the support of human rights groups. Not only did the mistreatment of migrant workers and police crackdowns of undocumented migrants seem to the protesters strikingly similar to the abusive practices and political repression of Korea's past authoritarian regimes; the language and tactics adopted by migrant workers and their advocates were almost identical to those of the labor movements in Korea's recent past. Slogans such as "We are human, not animals" and "We are not slaves" came to epitomize the migrant workers' movements, much as "We are not machines" represented the Korean workers' movements of the 1970s and 1980s.

What is most significant about Korea's pro-immigrant advocacy organizations is their position within Korea's democratization movement and post-1987 democratic consolidation. As Joon Kim (2003: 253) describes, these groups represent a cross-section of Korea's civil society that includes moderate and radical labor organizations, Protestant, Catholic, and Buddhist groups, women's organizations, and a range of progressive citizen groups that either have a long history within the democratization movement or emerged after 1987 amid the expansion of intermediate, voluntary associations in Korean civil society. For

example, the NGO that organized the 1994 rallies for undocumented migrant workers, the Citizens' Coalition for Economic Justice (CCEJ), was established in 1989 by approximately 500 individuals representing various walks of life—"economics professors and other specialists, lawyers, housewives, students, young adults and business people"—as the first civic organization "in pursuit of economic justice" in Korea (*Han'györe sinmun*, November 2, 2009). The coalition members' strong tradition of activism, coupled with the reconfiguration of political power in the late 1990s—starting with the inauguration of the first opposition president, Kim Dae Jung (Kim Tae-chung), in 1998 and that of a former human rights activist and labor lawyer, Roh Moo Hyun (No Mu-hyün), in 2003—lent the struggle for migrant labor rights significant potency and magnitude in Korean society. By employing the tactics, symbols, and language of the democratization movement, foreign workers and their advocates reframed the debate away from the dangers that migrant workers posed for Korean society and toward the threat that an exploitative industrial trainee system posed for the hard-fought rights of Korean workers in Korea (see Lim 2010). How could a pro-labor government condone exploitative practices toward migrant laborers that many in the administration, including the president himself, had struggled against for decades?

As early as 1996, the Joint Committee for Migrant Workers in Korea (JCMK), an umbrella organization for migrant advocacy groups, drafted a bill to legalize the status of migrant workers, which was submitted to the National Assembly in 1997 with the support of the Ministry of Labor and the ruling party. Although the assembly did not pass the bill that year because of strong opposition from key ministries, opposition parties, and the Korean Federation of Small and Medium Businesses (KFSB), the government introduced a modified version of it whereby trainees could become legal workers after a two-year training period (Lee and Park 2005). Korea eventually terminated its trainee system in 2007 and replaced it with an official guest worker program, the EPS, which had been introduced in 2004. The new system treats foreign workers as Korean workers by guaranteeing their protection under labor laws such as the Labor Standards Act, the Minimum Wage Act, and the Industrial Safety and Health Act (SOPEMI 2008). It also provides foreign workers with three-year visas that can be renewed for an additional two years.⁷ While the EPS is limited to guest workers from countries that have signed bilateral agreements with Korea, Korea has now opened its borders, if only slightly, to unskilled immigration.

As partnerships between Korean state officials and human rights activists paved the way for ground-breaking legislation on migrant workers' rights from the late 1990s onward, another group of immigrants began to grow precipitously: marriage migrants. Between 2000 and 2004, when the EPS was announced, the number of marriage migrants in Korea grew from approximately 25,000 to over 57,000 and reached more than 125,000 in 2009 (KIS 2009b). Their arrival during a critical period of cooperation between the central government and civil society organizations proved momentous for them. Pro-immigrant NGOs offered social and legal support, activists and the media publicized cases of domestic violence and human trafficking, and the Ministry of Gender Equality established a women's hotline and changed its name to the Ministry of Gender Equality and Family in order to expand its services to marriage migrants (see Lee 2008). In 2006, the government announced a "grand plan" for integrating marriage migrants, and in the following year the National

Assembly passed two related bills: the Plan for Social Integration of Mixed-bloods and Migrants and the Plan for Social Integration of Marriage Immigrants.

Two significant developments altered the course of immigrant incorporation patterns in Korea such that the spotlight shifted from migrant workers to marriage migrants. Prior to the establishment of the EPS in 2004, the government announced plans to deport all undocumented workers so that the program could be implemented with a “clean slate.” Not surprisingly, this was met with vehement protests by pro-immigrant activists. Although the government eventually conceded with a proposal to grant amnesty and a one-year visa to undocumented workers who agreed to leave Korea within a year, the movement for legalization continued. Unlike earlier movements, however, the renewed push for legalization lacked both state and public support. Having abolished the despised industrial trainee system, the government could now gain political capital by concentrating on the much less volatile issue of integrating marriage migrants into Korean society.

Second, the heyday of progressive administrations in Korea ended with the inauguration of Lee Myung-bak (Yi Myōng-pak) as president in 2008. Whereas some pro-immigrant activists had access to the highest echelons of previous administrations, they had few political allies within the conservative Lee administration. The honeymoon period between pro-immigrant activists and the Korean government had come to an end. As one activist explains,

We used to meet regularly with top officials. Four-star generals have visited my [migrant] center and have shared a meal with migrant workers. . . . The government now doesn't even invite us to participate in their committees and conferences on migrant issues. Instead, they consult with scholars who don't have any experience with migrants to create new programs. . . . We are simply trying to survive now. (Personal interview, June 1, 2010, Seoul, Korea)

Local “Multicultural Community Building” in Japan

Japan's industrial trainee system generated many of the same problems that arose in Korea: exploitation by employers and a rapidly growing population of undocumented workers among trainees. Rather than abolish the system, however, Japan established the Technical Intern Training Program (TITP) in 1993, which allows foreign workers with an employment contract to stay in Japan for up to three years and explicitly prohibits exploitative practices. Although liberal and conservative lawmakers alike have criticized the trainee system—among them Kōno Tarō of the Liberal Democratic Party, who deemed it a “failure” (lecture, Waseda University, April 14, 2010, Tokyo, Japan)—there have been no legislative moves for its abolition.

Similar to Korea, hundreds of civil society organizations have played key roles in providing services and advocacy for foreign trainees (see Shipper 2008). Additionally, two national organizations—the National Network in Solidarity with Migrant Workers (SMJ) and the Zentōitsu Labor Union (ZWU)—established themselves in the early 1990s as network organizations to fight for migrant-labor rights and policy change. While their efforts have garnered international attention, the industrial trainee system remains intact and Japan's borders remain closed to unskilled immigration. Likewise, although the Ministry of Justice announced that it would adopt a more “humanitarian” approach to visa overstayers, special

permission to stay in Japan has been granted only on a case-by-case basis (*Japan Times*, October 27, 2009; SOPEMI 2009). Since 2009, even foreign workers with the most privileged “long-term resident” status, the *Nikkei* immigrants from Brazil and Peru, have been paid to “go home.”⁸

Why has pro-immigrant advocacy in Japan failed to generate structural reforms regarding migrant-labor rights? Two key features of Korea’s migrant rights movement are missing in Japan: (1) mass mobilization and (2) a key ally who played a pivotal role in previous rights movements. Immigrant incorporation in Japan has occurred largely at the local level, with decentralized, grassroots organizations taking the lead. Apichai Shipper (2008: 11–12) uses the term, “associative activism,” to describe pro-immigrant advocacy in Japan, which is typically characterized by local attempts to solve specific problems that lead to partnerships involving like-minded activists, NGOs, and local government officials, but that eventually dissolve after the problems are resolved.

Local governments and civil society actors in Japan have applied innovative strategies to solve immediate problems for foreign residents in their local communities and give voice to foreign residents’ interests and concerns. Nevertheless, many recurring issues—such as housing discrimination, workplace abuse, and police harassment—are difficult to resolve without national legislation, highlighting the limits of locally based immigrant incorporation programs. While local state and nonstate actors can build a “multicultural coexistence” community that gives voice and agency to foreign residents, they often lack the capacity and authority to respond effectively. Short-lived pro-immigrant advocacy, furthermore, has not generated sufficient momentum for sustained pressure and, ultimately, structural reforms of immigration policies.

In Japan’s recent past, however, mass mobilization by foreign residents resulted in significant structural reforms of policies regarding *foreign residents*, most notably the repeal of the fingerprinting requirement. What is missing in the current struggle for migrant workers’ rights is therefore not so much the *tradition* of immigrant mass mobilization but rather the leadership of a key ally: the community of multigenerational Korean residents (hereafter *zainichi* Koreans). Rather than push for immigration reform, *zainichi* Korean activists have absorbed recent immigrants into programs and movements that reflect more the interests of their multigenerational community and less those of recent immigrants.

By the time that Japan encountered its most recent wave of immigration starting in the late 1980s, *zainichi* Korean activists and their supporters had reached the final stages of what I call a “noncitizen civil rights movement” (Chung 2010a). Beginning with the landmark Hitachi employment discrimination trial of the early 1970s, in which a Korean plaintiff successfully sued the Hitachi company for employment discrimination, Korean residents have made dramatic gains in claims to citizenship rights and access to the labor market through lawsuits and local campaigns. By 1980, foreign residents were eligible for social welfare benefits and public-sector jobs in cities such as Nagoya, Osaka, Kawasaki, Kobe, and Tokyo. Some of these rights were subsequently centralized following Japan’s ratification of the International Covenants on Economic, Social, and Cultural Rights and on Civil and Political Rights in 1979 and the Geneva Convention Relating to the Status of Refugees in 1982. Even without national-level reforms, *zainichi* Koreans and their advocates succeeded in remov-

ing the nationality requirement for employment in public secondary schools, public universities, and semipublic companies, such as the Nippon Telegraph and Telephone Public Corporation (NTT), as well as entry into the Legal Training and Research Institute, which provides mandatory training for those who have passed the bar examination. These series of lawsuits and local campaigns culminated in the largest mass mobilization of Korean residents and their supporters in post-war Japan—the decade-long anti-fingerprinting movement in the 1980s that succeeded in abolishing the fingerprinting requirement for special permanent residents in 1993 and for all foreign residents in 1999 (see Strausz 2006).⁹

Having gained a secure legal status, social welfare benefits, access to public-sector employment, and, in some localities, ethnic or “multicultural” education in public school curricula, as well as the repeal of the fingerprinting requirement, *zainichi* Koreans and their advocates concentrated on securing local voting rights as growing numbers of new immigrants began to settle in communities throughout Japan. The timing of new immigration in relation to developments in the foreign-resident community already settled in Japan defined the path to political empowerment. On the one hand, immigrants with a secure legal status benefited from earlier movements of *zainichi* Koreans that made foreign residents eligible for a range of social welfare benefits and legal protections against employment discrimination; these were out of their reach until the late 1970s and early 1980s. Rather than an insular society unprepared for immigration, numerous civil society organizations and local governments had already been engaged in initiatives that directly addressed foreign residents’ rights and duties in Japan well before the new immigrants arrived. Although some communities had to create incorporation programs from scratch, local governments with relatively large foreign populations, such as those of Osaka, Kanagawa, and Hyōgo, absorbed new immigrants into a range of existing programs; likewise, networks of grassroots organizations that had provided services and advocacy to *zainichi* Korean residents expanded the scope of their activities to address the needs of the new immigrant flows.

On the other hand, because existing foreign-resident services and programs were created for permanently settled, highly assimilated, and, in many cases, native-born non-national residents, most local communities were ill-equipped to address some of the specific needs of migrant workers. Although civil society organizations stepped in to advocate for immigrant populations whose needs were overlooked by existing local programs, the residence-based incorporation approach—in contrast to the rights-based approach in Korea—widened the gap between legally registered long-term foreign residents and undocumented workers. Because the *zainichi* Korean movement from the 1960s made claims to citizenship rights on the basis of their permanent settlement as tax-paying, *law-abiding* residents, temporary and, especially, undocumented, immigrants have no voice in their movement.

DIVERGENCE FROM THE 2000S: THE EMERGENCE OF TWO FRAMEWORKS FOR INCORPORATING IMMIGRANTS

By the mid-2000s, Korean and Japanese government officials could no longer turn a blind eye to the swelling ranks of immigrants within their borders, and so they announced comprehensive proposals for immigrant incorporation: the Basic Act on the Treatment of

Foreigners in Korea (Chaehan oegugin ch'ou kibonpö; hereafter "Basic Act") and the MIC plan for "Multicultural Coexistence Promotion in Local Communities" (Tabunka kyösei suisin puroguramu; hereafter "MIC Plan") in Japan. Unlike previous legislation that focused on immigration and border control, these plans not only acknowledged the need to manage foreigners settled within each country's borders but also represented the first attempts by each country to establish an overarching framework for their incorporation. At the same time, they diverge dramatically in their degree of centralization, the scope of their reforms, and their target populations.

Korea's Basic Act

Korea's National Assembly passed the 2007 Basic Act after years of debate, research, and negotiations between policymakers and civil society organizations. Following a 2006 meeting of representatives from the major government ministries, migrant advocacy organizations, and the scholarly community, the government announced plans to enact the Basic Act with the stated purpose of promoting immigrant social integration and mutual respect between foreigners and Korean nationals. The act calls for the implementation of a Basic Plan for Immigration Policy every five years that entails the cooperation of national, municipal, and local governments and the designation of a Foreigner Policy Committee to coordinate all policies regarding foreign residents. The First Basic Plan for Immigration Policy (2008–2012; hereafter "First Basic Plan"), which included a total budget of 612.7 billion Korean won, set the basis for designing and funding programs and assigning to specific ministries tasks related to the following four goals: "1) enhancing national competitiveness with a proactive openness policy; 2) pursuing quality social integration; 3) enforcing immigration laws; and 4) protecting human rights of foreigners" (KIS 2009a).

Although the Basic Act is meant to serve as a general guide for drafting the five-year Basic Plan for Immigration Policy, it is notable for its explicit provision to safeguard the human rights of foreign residents in Korea (Article 10). As mentioned, this provision was adopted as one of the four stated goals of the First Basic Plan with the explanation that, as minorities in Korean society who are vulnerable to "human rights abuse," foreigners require "national-level protection against discrimination" (p. 13). In addition to outlining broad plans for reviewing and reforming discriminatory practices and institutions, the First Basic Plan offers specific provisions for protecting migrant women, foreigners in detention facilities, and refugees.

Migrant women, especially marriage migrants, are also central to the First Basic Plan's second goal of "pursuing quality social integration." Among the four major tasks assigned to it are two that are devoted solely to marriage migrants and their children: "helping immigrants through marriage get settled" and "creating a sound environment for multicultural children." In a similar vein, the last task concerns the social integration of co-ethnic immigrants, or the "Korean diaspora." The first task on immigration reforms makes clear that co-ethnics have priority over other foreign nationals in entry and employment rights. This task additionally includes a framework for equalizing working conditions for foreign and Korean workers as well as reducing industrial accidents and protecting foreign workers from workplace abuse. Accordingly, the Basic Act and the First Basic Plan set distinct

guidelines for incorporating specific immigrant populations: social integration for marriage migrants, preferential entry and employment rights for co-ethnic immigrants, and human rights protection for migrant workers.

Japan's MIC Plan

Although the Immigration Bureau within the Ministry of Justice is responsible for immigration policies, there is no single agency in Japan that manages *immigrant* policies akin to the KIS. Instead, immigrant integration programs and services in Japan were, until recently, spearheaded by civil society organizations and local governments. In 2001, a network of twenty-one cities and one town established the Convention for Cities and Towns with Concentrations of Foreign Residents (*gaikokujin shuju toshi kaigi*). Local government officials within this network declared that they had exhausted their resources in attempts to incorporate foreign residents in their communities, and called for national legislation to coordinate local immigrant incorporation programs and services. In 2005, the MIC established a Committee for the Promotion of Multicultural Community Building, which conducted a nationwide survey of local governmental programs and policies and, in 2006, announced an unprecedented proposal that called for all of Japan's prefectures and major cities to devise plans for "multicultural community building" (Yamawaki 2008).

Similar to Korea's Basic Act, Japan's MIC plan provides general guidelines for implementing policies and programs; however, whereas Korea's Basic Act assigns policy and program design, implementation, and assessment to the central ministries, the MIC plan is explicitly designed for adoption by local governments with the stipulation that authorities should make adjustments according to local needs and characteristics. The guidelines for implementing the MIC Plan are broadly divided into four tasks: (1) intercultural communication support; (2) assistance in everyday life; (3) development of a "multicultural coexistence" (*tabunka kyōsei*) community; and (4) development of a system to promote multicultural coexistence policies. While the focus on social integration of and coexistence with foreigners is largely similar to the goals of Korea's Basic Act, the methods for achieving these goals vary considerably. Korea's First Basic Plan concentrates on providing *support* and *protection* for foreigners through centralized, top-down policies and programs; the MIC Plan rests on the pillars of *support* and foreign resident *participation* in the local community through decentralized coordination between local governments, civil society organizations, and foreign residents themselves. Unlike Korea's Basic Plan, the MIC neither targets specific groups of foreigners nor offers any specific guidelines for protecting foreign residents' "human rights."

What is striking about the MIC Plan is the inclusion of foreign residents not only as the beneficiaries of incorporation policies and programs but also as active participants of "multicultural coexistence" community building. An entire section is devoted to encouraging participation of foreign-residents through support of their leaders, advisory bodies, participation in local civic associations, and public acknowledgement of their contributions to their local communities. This framework contrasts strikingly with the comparatively thin proposals for "encouraging foreigners' participation in local communities" found in Korea's First Basic Plan. Aside from a brief reference to future research on the living conditions of

foreigners in Korea, the only proposals outlined in this section of the Basic Plan refer to “multicultural festivals,” cultural events, and the establishment of a “Together Day” and a “Together Week” every May, according to Article 19 of the Basic Act.

CONTROLLING DIVERSITY: PROSPECTS FOR IMMIGRATION PERMANENT SETTLEMENT

The Limits of Blood-Based National Membership

While Japanese and Korean officials routinely link their country’s immigration and citizenship policies to claims of ethnic and cultural homogeneity, the inconsistencies in their policies suggest that such claims are highly contingent and flexible. Despite the presence of permanently settled and, in many cases, native-born foreign-resident populations, neither Japan nor Korea revised their nationality laws to introduce elements of *jus soli*, resulting in multiple generations of foreign residents. Also, although both countries have revised their nationality laws, these revisions were not aimed at facilitating the incorporation of each country’s largest groups of co-ethnic immigrants: *Nikkei* Brazilians and Peruvians in Japan and ethnic Korean immigrants from China in South Korea.

Japan’s revisions to the Nationality Law aimed to resolve the legal status of bicultural children in Japan. The 1985 revision, which followed ratification of the Convention on the Elimination of All Forms of Discrimination against Women, made children of international marriages eligible for Japanese nationality through either their father’s or their mother’s nationality. In 2008, the Supreme Court ruled that children born out of wedlock to a Japanese father and a foreign mother are to be granted Japanese nationality. Both cases highlighted the need to adjust the laws for those with “mixed” blood, specifically those without Japanese fathers in the first instance and those born out of wedlock in the second.

Korea took a more radical step in 2010, when the National Assembly passed a bill to allow dual nationality, which went into effect in 2011. However, the bill applies only to three categories of foreign nationals: (1) “exceptionally talented foreign nationals in science, economics, culture and sports”; (2) overseas Koreans over the age of 65, ethnic Koreans who lost their Korean nationality as minors, and ethnic Koreans who lost their Korean nationality through marriage; and (3) foreign spouses of Korean nationals. It notably excludes three categories of foreign nationals: (1) so-called “anchor babies” who were born in a country with birthright citizenship and returned to Korea shortly thereafter; (2) divorced foreign nationals previously married to Korean nationals; and (3) native-born generations of *hwagyo* residents (*Korea Times*, April 21, 2010, and May 3, 2010). Although the bill targets “high-quality” overseas Koreans, primarily from the United States and Japan, it does not “welcome home” ethnic Korean immigrants. On the contrary, as the KIS director, Seok Dong-hyeon, proposed, “It [naturalization] should be rectified to help increase the population of Korea” (“Immigration Office to Polish Image of Korea,” *Korea Times*, September 13, 2009).

Targeted Incorporation in Korea and Disaggregated Citizenship in Japan

Naturalization and permanent residency rates in Korea and Japan most visibly reflect the countries’ divergent approaches to immigrant incorporation. Naturalization rates in Japan

TABLE 13.3
Annual naturalizations in Korea and Japan

Year	KOREA			JAPAN		
	Total ^a	Simplified naturalization (marriage)	Percentage of foreign population ^b	Total	All foreign nationals	Percentage of foreign population
2001	1,680	—	0.8	15,291	10,295	0.9
2002	3,883	—	1.7	14,339	9,188	0.8
2003	7,734	—	2.8	17,633	11,778	1.0
2004	9,262	—	2.0	16,336	11,031	0.9
2005	16,974	7,075	3.5	15,251	9,689	0.8
2006	8,125	3,344	1.6	14,108	8,531	0.7
2007	10,319	4,190	1.6	14,680	8,546	0.7
2008	15,258	7,916	1.9	13,218	7,412	0.6
2009	26,756	17,141	3.0	14,785	7,637	0.7
2010	17,323	10,271	1.9	13,072	6,668	0.6
2011	18,355	10,733	1.9	10,359	5,656	0.5

SOURCE: KIS (2011); Ministry of Justice, Japan (2012); and SOPEMI (2012).

^aNaturalization figures for Korea include “Reinstatement of Nationality.”

^bPercentage of total registered foreign residents.

remain among the lowest of all industrial democracies and have continually fallen behind those of Korea since 2002 (see Table 13.3). Although *zainichi* Korean residents are naturalizing at higher rates than ever before—at an annual average rate of about 10,000 since 1995—overall, naturalization rates in Japan remain at less than 1 percent of the total foreign population annually. In contrast, the number of naturalization applications in Korea went up by more than 18 times in less than a decade, from 1,268 in 2000 to 23,846 in 2009 (KIS 2009b). In 2009, 26,756 individuals, or 3 percent of the total foreign resident population, naturalized in Korea, compared to 14,785, or 0.7 percent, in Japan (KIS 2009b; Ministry of Justice, Japan, 2010; SOPEMI 2010).

The informal practices associated with naturalization in Japan have posed considerable hurdles to naturalization. Until 1985, local officials typically required naturalization applicants to adopt a Japanese name (family name and surname) and conducted painstaking evaluations of applicants’ cultural assimilation to determine eligibility for the “good behavior and conduct” requirement. While naturalization applicants are no longer required to adopt a Japanese name, the pressure to do so remains, especially for applicants with Chinese-character surnames that are not listed in the official *Jōyōkanji* (“Characters in Common Use”) or *Jinmeiyō kanji* (“Name Characters”) lists, such as the common Korean surnames “Choi,” “Kang,” and “Yoon.” In some cases, local officials may offer unsolicited advice about the convenience of having a Japanese name over a “foreign” name or the benefits of adopting a Japanese name for the sake of the applicant’s children (Okamoto 1994). A third-generation *zainichi* Korean man married to a Japanese national recalls that the official dealing with his naturalization application suggested that a name change would be good for his marriage: “He said that we would be much happier if we both had the same Japanese family names. If I kept my Korean name, he said my wife might resent me and our

children would suffer” (personal interview, December 11, 2009, Tokyo, Japan). With a few exceptions, pro-immigrant groups in Japan rarely encourage foreign residents to naturalize as a means of political empowerment.

Unlike Japan, the Korean government actively encourages specific categories of foreigners—particularly marriage migrants—to naturalize through government-run support centers, the KIS “e-government for Foreigners” website, and simplified naturalization procedures.¹⁰ Although the naturalization process in Korea is not easy, pro-immigrant organizations in Korea, such as the Ansan Migrant Center, routinely help foreign residents with their naturalization applications, and government-sponsored “Multicultural Family Centers” provide preparatory citizenship exam courses and “Korea Immigration and Integration Programs” that eligible applicants can take in lieu of the written exam (personal interviews with Ryu, Sung-hwan of the Ansan Migrant Center, May 25, 2010, Ansan, Korea and Shin, Sang-rok of P’och’ön Multicultural Family Support Center, May 24, 2010, P’och’ön, Korea).

At the same time, incorporation policies and programs that target marriage migrants and co-ethnic immigrants conspicuously exclude the largest category of foreign nationals in Korea from permanent settlement: migrant workers. Marriage migrants, or spouses of Korean nationals (including those with F-2 resident visas), accompanying spouses (F-3 visa), and co-ethnic immigrants with Overseas Korean (F-4) visas—which allow multiple renewals and confer many of the same rights granted to Korean nationals—made up only 21 percent of the total foreign population in Korea in 2011 (KIS 2011). Permanent foreign residents (with F-5 visas), moreover, make up less than 5 percent of foreign residents. Consequently, immigrants with temporary visas that permit only a single two-year renewal make up the largest category of foreign residents in Korea by far.¹¹ Thus, Korea appears to be heading toward a type of bifurcated immigrant incorporation pattern that embraces some immigrants as potential citizens and excludes others from permanent settlement.

In Japan’s case, low naturalization rates contrast strikingly with the rapid growth of permanent residents among registered foreign residents, from approximately 63,500 in 1995 to more than 943,000 in 2009 (Ministry of Justice, Japan, 1999, 2010). In 2011, permanent residents—including both “general permanent residents” (*ippan eijūsha*, 28.8 percent) and “special permanent residents” (*tokubetsu eijūsha*, 18.7 percent)¹²—accounted for over 47 percent of Japan’s total foreign resident population (see Figure 13.1). Among the remaining categories of registered foreign residents are some whose visas allow for unrestricted employment and multiple visa renewals, making them *de facto* permanent residents.¹³ When combined, permanent residents and “quasi-permanent residents” made up over 65 percent of registered foreign residents in 2011.

Rates of naturalization and permanent residency registrations in Korea and Japan highlight divergent patterns of immigrant incorporation as well as potential problems. Korea’s policies are rapidly coming to resemble those of traditional countries of immigration, where naturalization is seen as the final step in political incorporation. But because only a small, targeted group of immigrants qualify for naturalization, there are still wide gaps between marriage migrants who are expected to assimilate culturally and politically, Overseas Kore-

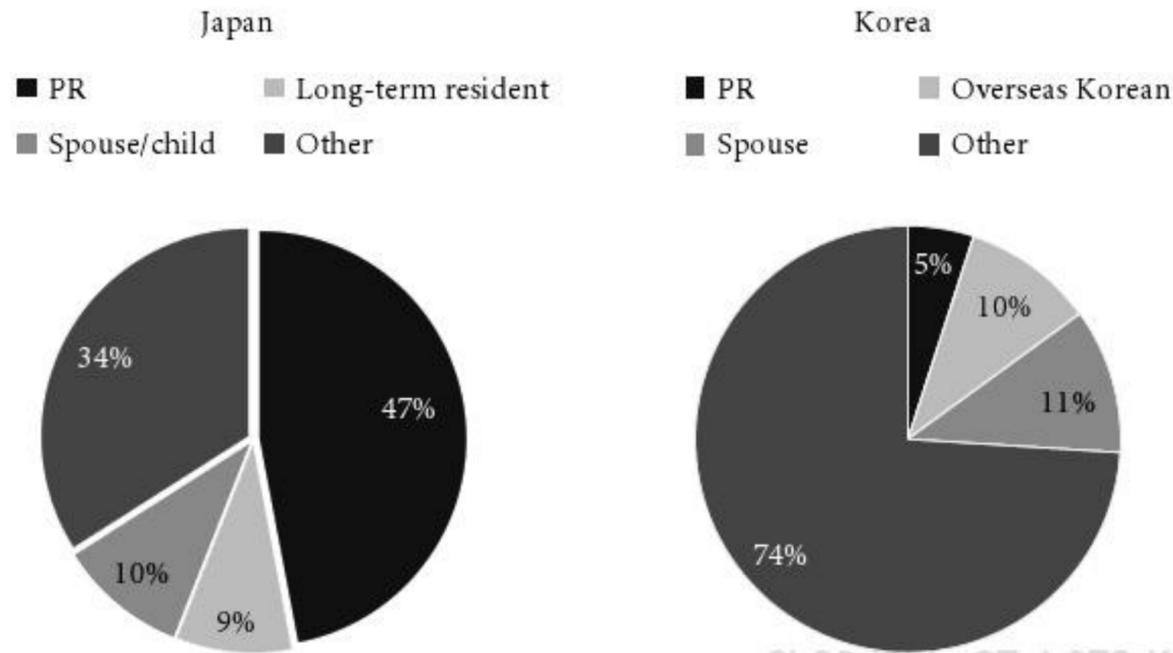


Figure 13.1 Registered foreign residents in Japan and Korea, 2011. Source: Korea Immigration Service (2011) and Japanese Ministry of Justice (2012).

ans who already hold quasi–dual citizenship rights, and migrant workers who are expected to leave the country after their temporary contracts expire. When foreign residents no longer fit into their designated categories—because of divorce, injury, or visa expiration—they are likely to be excluded from targeted services as well as denied their group-specific rights. A Catholic priest and long-time activist put it bluntly: “To the government, they [female marriage migrants] are simply baby-makers. When they can’t fulfill their obligations or flee from their husbands, they become disposable, just like migrant workers” (personal interview, May 26, 2010, Seoul, Korea). Integration thus becomes a matter not of choice or of will but of survival. A 75-year-old ethnic Korean immigrant from China describes her decision to apply for Korean nationality accordingly: “I was getting too old to work but I couldn’t stay in Korea if I didn’t have a work permit. If I didn’t acquire Korean nationality, then I would have become illegal” (focus group interview, May 29, 2010, Ansan, Korea).

In contrast, foreign permanent residency has become the norm in Japan, despite closed-door immigration policies. Among a wide spectrum of immigrants and local officials alike, permanent residency is treated as the final step in immigrant settlement. A Chinese national who lived in Japan for eleven years recalls that when his permanent residency application was finally accepted, the presiding official remarked, “You’re free now. You can do whatever you want” (focus group interview, April 10, 2010, Tokyo, Japan). While this trend may signal the enlargement of foreign-resident rights, it has also contributed to the growth of permanently settled foreign residents who remain indefinitely “migrants-turned-immigrants in an intermediate status,” to use Rogers Brubaker’s (1989) words, or “denizens,” according to Tomas Hammar (1990). Low rates of naturalization combined with high rates of permanent residency among both prewar and postwar immigrants indicate that, regardless of closed-door immigration policies, the *foreign* population in Japan will continue to grow and the problem of political incorporation will multiply, rather than decrease, with successive immigrant generations.

CONCLUSION

Overall, immigration politics in Korea and Japan reflect the interaction between new immigration and existing institutions that have shaped relationships between dominant and minority communities and between state and nonstate actors. In the absence of national incorporation programs and policies for new immigrants, institutions that previously worked to incorporate traditionally disadvantaged groups in each society became central to incorporating new immigrants. Because there was no directive from the national government, local communities and civil society actors used existing tools to confront the challenges faced by both new immigrants and the communities in which they lived. In Japan's case, immigrant incorporation patterns began *prior* to the most recent wave of immigration that started in the late 1980s. Alien rights, labor market access for foreign residents, multicultural programs, and networks of pro-immigrant activists that came out of earlier movements founded by multigenerational Korean residents established pathways for the incorporation of later immigrant flows. In Korea's case, human rights activists, labor unions, and citizen groups that had played central roles in earlier democratization movements applied tools for incorporating labor, women, and the poor within Korean society to make claims for migrant workers' rights. In both cases, existing institutions and strategies provided immigrants with far more political capital than they would have had otherwise, given their recent arrival and relatively small numbers.

Intranational gaps between exclusionary policies and inclusionary outcomes as well as cross-national variations between two seemingly similar systems, in turn, reflect the divergent ways that civil society actors use the tools of democratic institutions and principles to demand democratic accountability. While Japan's policies and programs are more informal and decentralized than those of Korea's, they treat all legal foreign residents essentially as members of their local communities with accordant rights and responsibilities. Permanent foreign residents, moreover, have rights and recognition almost on par with those of Japanese nationals. Korea's policies and programs, in contrast, target specific populations based on visa status, which themselves correspond to occupational, gendered, and ethnic categories. In this way, specific rights are accorded to specific visa holders: local voting rights for permanent residents (F-5 visa holders), dual citizenship rights and social welfare benefits for Overseas Korean (F-4) and Spouse of Korean national (F-3) visa holders, property rights for Overseas Korean (F-4) visa holders, and so forth. In sum, Japan maintains closed borders for unskilled immigration but has one of the most generous systems for granting institutionalized rights to legal foreigners already residing in the country. Since the institutionalization of the EPS in 2004, Korea has had partially open borders, including a guest worker program, with a corporatist model that incorporates specific categories of desirable, long-term immigrants but prohibits the permanent settlement of unskilled foreign labor. Although both countries use ethnic preferences in their immigration policies, not all co-ethnic immigrants are necessarily privileged over other immigrants in the areas of naturalization, citizenship acquisition, and citizenship rights.

In sum, the divergent ways that Japan and Korea have attempted to incorporate different immigrant groups into their societies reflect each country's attempt to absorb greater

social diversity while maintaining social stability *and* democratic accountability. Although both have applied the language of “multiculturalism” in their frameworks for incorporating immigrants, neither has embraced cultural pluralism. On the contrary, Korea’s “targeted incorporation” and Japan’s “disaggregated citizenship” frameworks demonstrate the tensions between each society’s acknowledgment of the swelling ranks of immigrants within their borders and their uneasiness with their permanent settlement. Similar to other countries that have experienced large-scale immigration, the combination of immigration and citizenship policies based on monocultural assumptions has forced Korea and Japan to redefine the meaning, terms, and rights of political and social membership.

NOTES

This chapter is a revised, expanded, and updated version of Chung (2010b).

1. The *CIA World Factbook* calculates the net migration rate based on the difference between the number of persons entering and leaving a country during the year per 1,000 persons (based on mid-year population). See <https://www.cia.gov/library/publications/the-world-factbook/fields/2112.html>.

2. In 1988, the Ministry of Justice revised the application procedures for “entertainer” visas to prevent the entry of those whose actual work was in the *mizu shōbai* and sex industries (see Komai 1995: 74–75).

3. The revision, modeled after US immigration laws, subjected employers hiring undocumented workers, and brokers facilitating their employment, to up to three years of imprisonment and fines up to ¥2 million (Komai 2001: 5–6).

4. Only four other visa categories permit unrestricted economic activities: special permanent resident, permanent resident, spouse or child of a Japanese national, and spouse or child of a permanent resident. Although Japan’s borders officially remain closed to unskilled labor, the revision further allows precollege and college students as well as “trainees” to work for a limited amount of time.

5. Since the 2003 amendment, ethnic Koreans from China and the former Soviet Union must formally apply for a change of status to that of Overseas Korean to be eligible for the aforementioned benefits. However, the thousands of co-ethnic immigrants from China with undocumented status are not eligible.

6. With the institutionalization of dual nationality in Korea in 2010, however, all Overseas Koreans over the age of 65 are eligible for dual nationality in Korea, as are ethnic Koreans who lost their Korean nationality as minors or through marriage.

7. The provision for renewal was inserted a few years after policymakers ratified the initial EPS proposal partially in response to heavy pressure from migrant worker organizations.

8. Under the so-called repatriation plan announced in April 2009, the Japanese government provides a lump sum of 300,000 yen for airfare, with an additional 200,000 yen for each dependent, with the stipulation that the recipients cannot reapply for a “long-term resident” visa until the economy recovers (see Tabuchi 2009).

9. The fingerprinting requirement for foreign residents was reinstated in 2007 for all but special permanent residents.

10. Foreign spouses of Korean nationals are eligible to apply for naturalization after two years of residency in Korea (while married) or, for those who have been married for longer than three years, one year of residency (www.hikorea.go.kr).

11. Overseas Koreans with Work-Visit (H-2) visas, who made up approximately 22 percent of all foreign residents in 2011, are given preferences in employment and entry under the EPS but cannot reside continuously in Korea for more than four years and ten months.

12. Only former colonial subjects and their descendants are eligible for the status of “special permanent resident,” the vast majority of whom are South Korean and *Chōsen* (de facto North Korean) nationals. Chinese nationals made up the largest group among “general permanent residents” in 2011.

13. The three visa categories that allow for unrestricted employment are (1) spouse or child of a permanent resident, (2) spouse or child of a Japanese national, and (3) long-term resident. In 2011, Brazilians made up the largest group among the last two categories, while Chinese nationals made up the largest group among the first (Ministry of Justice, Japan, 2012).

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COMMENTARY

Dietrich Thränhardt

Comparing Japan and Korea is enlightening because we can identify an East Asian pattern of reluctant opening on the one hand and register the differences between the political systems of Japan and South Korea on the other. Both countries are characterized as zero net immigration, meaning that immigration does not surpass emigration. That is important to keep in mind before we go into detail about the dilemmas that immigration poses for these two rich countries. Japan and even more so Korea have some of the lowest fertility rates in the world and the fastest-aging populations. Both governments were able to implement strict immigration controls and to lower the numbers of illegal immigrants, in spite of intensifying tourism and trade connections worldwide and the relaxing of visa requirements for tourists from mainland China, with its 1.3 billion inhabitants and 200 million internal migrant workers. Other parallels are the general de-skilling of migrant labor and the differential acceptance of ethnic immigrants, which allows them to work but does not grant them full rights. These striking parallels can be explained by the close but not easy connections between both countries and their common history, even if Korea has tried to liberate itself from the past colonial domination. Thus we find an East Asian pattern of immigration (or nonimmigration) policy, different from those of North America and Europe.

The differences between Japan and Korea go to the heart of their political systems: after decades of dictatorship, Korea now has a two-party system with alternative political outlooks and styles. This translates into government policies, including immigration, integration, and particularly human rights. In Japan, on the other hand, despite long and complex debates between ministries, pressure groups, and specialists (of which we have detailed knowledge thanks to Chiavacci's profound study; see Chiavacci 2011a, 2011b), the Justice Ministry and its bureaucrats maintain their hold on policy decisions. This is visible even in the OECD's SOPEMI committee, in which Japan is the only member with two representatives: one from the Labor Ministry to provide the information and the other from the Justice Ministry to control the policy (SOPEMI 2010: 355). This situation has not changed since 1991, when I had a chance to interview both labor and justice officials (Thränhardt 1999). Not even three changes in governing party or coalition had any effect on policies. Nor did the lively public discussion, with dozens of plans, concepts, newspaper articles, and

television programs, influence government decisions. The Japanese situation can be summarized with the headline: “A nonimmigration country discusses migration” (Kibe and Thränhardt 2010). There were two waves of discussion: one focusing on guest worker schemes in the boom years around 1990, the second focusing on demography, human trafficking, sexual exploitation, and immigrant crime around 2000, a period of rising unemployment.

In the absence of national integration policies, local government and civil society become more important, and many studies about Japanese immigration concentrate on their activities. This parallels the situation in Southern European countries like Italy and Greece, where the state does not provide care and governance with respect to immigrants. In countries with more organized immigration policies, civil society and local government can concentrate on additional integration programs—for example, cultural, civic, and leisure activities—and integrate immigrants into social and political structures. In the end, that brought immigrants to important positions such as leadership of the Belgian Socialist Party or the mayoralty of Rotterdam. In Japan, this happened only in some special business sectors and in popular culture but not in politics or in the core business realm.

On the other hand, local special interest was important for shaping the side-door policies that brought immigrants into Japan, with trainee schemes deliberately constructed to use their labor but denying them status security and not paying them full wages. Over the years, these schemes were modified, to keep trainees at work longer, to push them to small and medium-size firms, and to keep them dependent (Chiavacci 2011a). Criticism from concerned lawyers, activists, and humanitarian organizations did not help. The umbrella organization administering the program is a place for ex-bureaucrats to land profitable jobs after retirement (*amakudari*). Language students and ethnic Japanese from Latin America (*Nikkeijin*) are also in an exposed position. They cannot naturalize easily yet successive generations stay in Japan (Green 2011).

Korea not only gave more rights to foreign workers but also expanded the definition of Korean co-ethnics. Whereas Germany eliminated any special immigration status for ethnic Germans abroad between 1990 and 2005, Korea granted special immigration status for Koreans in China and North Korea and opportunities for these groups were opened up step by step (Brubaker and Kim 2011; Weiner 1989). This reflects the state of external relations. In contrast to Europe, Korea still exists in a Cold War environment. Like West Germany between 1951 and 1989, it can use its position as a rich, developed, and free country to attract people of Korean extraction from the North, from China, and later, possibly, from Kazakhstan and Russia. Moreover, this strengthens the country’s self-esteem and internal coherence. In the years before Korea’s economic take-off and democratization, such a policy was not possible and the South Korean authoritarian regime feared ideological diversion from the Communist North.

We should do some justice to the Japanese bureaucrats who have been criticized so much in migration literature. They achieved something that many Western governments and much of public opinion would have wanted to have: keeping out unqualified labor; controlling and even reducing the number of informal migrants through strict controls at the borders and in the country; and, in a limited number of cases, regularizing immigrants

(Kondo 2006: 219). Only under US pressure, did Japan accept a limited number of Vietnamese boat people and successfully integrate them (Kosaka-Isleif 1991). At the same time, Japan opened itself for tourists. Chinese and Korean tourist groups can now enter the country without visas, and 7,000 former students were granted permission to work in Japan (SOPEMI 2010: 216)—even though language students are another side-door immigrant group. More and more Chinese specialists work in China-related posts in Japanese companies (Liu-Farrer 2011). At the same time, the strict controls did not prevent strong and explicit negative public opinion of the newcomers (Herbert 1993), who recently replaced Koreans as outsiders in the media.

Finally, it is important to put these rich countries into an East Asian context. Mainland China now hosts 4 million foreign workers—two times the official number of foreigners in Japan—indicating that the borders of this totalitarian country seem to be more porous than those of Japan. There are about 200 million internal migrant workers in China, and China's population grew by 74 million in 2011, a rate much slower than that of India or Vietnam.

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COMMENTARY

Midori Okabe

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The purpose of this commentary is to review Erin Aeran Chung's analysis in light of three points brought up by James Hollifield as the original idea behind *Controlling Immigration*: the relevance of the "gap hypothesis," the meaning of (immigration) control, and the definition of "dilemma" as it applies to immigration control. Before making my remarks, I would like to reconsider in what way these three points can be used as an effective theoretical framework for explaining and understanding Chung's study.

The "gap hypothesis" refers to the "gap between the goals of national immigration policy (laws, regulations, executive actions, etc.) and the actual results of policies in this area (policy outcomes)" (Cornelius, Martin, and Hollifield 1994: 3). This analytical hypothesis continues to be highly valid even now as an effective tool of observation of policymaking, implementation, and results, often recognized as changes in sociopolitical relations within a state. The target of observation need not be limited to immigration policy but can be extended to almost every policy area: foreign affairs, taxation, economic stimulus, social security, and the like. However, in immigration policy in particular, it is extremely difficult to achieve the shared understanding necessary for setting policy goals, both among policymakers and where consensus among political actors and the public is to be achieved. For the time being, in many receiving counties of immigration (including all that are covered in this volume), policy failure is increasingly evident in the sense that government officials find it less easy to "effectively regulate immigration flows and employment of unauthorized foreign workers" (Cornelius, Martin, and Hollifield 1994: 4) than they used to. Whether or not this "failure" is for the same reasons, however, is not certain. There are several factors to explain this.

THE TIME LAG FACTOR

The time lag factor is closely related to the "convergence hypothesis" (Cornelius, Martin, and Hollifield 1994: 3–5). Differences are found by chronological observation of several cases of political activities in states that have a comparatively long history of receiving

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immigrants (both authorized and unauthorized) and those that do not. These differences need to be observed not only to determine whether a state's immigration policy per se is in development but also to determine whether or not (or how far) the liberal ideology of a state is projected into immigration policymaking. Not all states that have a restrictive immigration policy are illiberal. Just as many advanced countries of immigration (the United States, Australia, Canada, and many European countries) are confronted with the agonizing dilemma of immigration, so too are "latecomers" at least when we focus on the situation in which the political intention of opening doors to foreigners is often spinning out, distorted, and even hampered by the decision-making process.

The development of immigration policies in various states in simple chronological order needs to be questioned here because it cannot be known if policy failure could have been avoided until a certain policy is fully "mature" (in any light). Moreover, studies on advanced receiving states have shown that the liberal principle does not necessarily and sufficiently improve policy in the sense that it ensures successful immigration control and the integration of immigrants.

CHANGES IN WHAT CONSTITUTES PUSH AND PULL FACTORS

As is aptly described in this volume, immigration policy (especially regarding acceptance) is more and more affected by supply factors generated in potential migrant-sending countries and by the international environment that facilitates the rise in international migration. Although it appears that immigration policy is defined by the receiving states—they have the ability to determine *who* may enter, thus influencing (would-be) immigrants' decisions on *which* states they will enter and *how*—it also has an impact on the acceptance decision indirectly but with increasing significance. This insight permits an explanation of why many states encounter "unwanted" immigration.

It is important to examine intermediate factors here, not only as the object of government regulation and punishment but also as the means by which the course of migration policy might be altered. Migration patterns and the nexus between the origin and the destination of migration have changed over the last decades, and intermediate factors have played a significant role in this regard: they denounce not only, but notably, human trafficking but also the labor demands of enterprises that are often either unseen or not under control by the government. Whether or not the state is "attractive" in the eyes of potential immigrants—if you can make a fortune there, if you can run a business (even an underground one!) freely, or if you can live safely—these are also important considerations. They are not to be seen just as the "environment" but also as explanatory variables for contemporary migration, especially for governments receiving unwanted immigrants against their will.

THE RELATIVIZATION OF IMMIGRATION POLICY ANALYSIS

Third and most important, a clear and shared understanding is needed of the lack of consensus on what is "successful" immigration policy and on ways of measuring success. On

what grounds is an open immigration policy (if any) regarded as *good*? For whom and for what purpose are foreign labor recruitment and social integration of immigrants? What precise conditions does a country have to meet in order to clean up its restrictive image? Do the citizens of the receiving country make the judgment or do immigrants? How are the UN and third-country actors involved?

Quite often, an evaluation of immigration policy is made in accordance with such universal norms as human dignity and fundamental rights, but in the political real world, it is made in a more *relativized* manner: policy is constructed out of numerous political activities within the state and even within the environment where international relations matter. In particular, bilateral relations between immigrant-sending and immigrant-receiving states, together with a state's position internationally, heavily depend on immigration policymaking as well as policy interpretation, and it often leads to the outcome being seen as a failure or a success. This point relates to the meaning of immigration control.

What is immigration control? Who does it and for purpose? On what legitimate grounds do policymakers set its purpose? Can we say that the success of immigration control is determined by whether a policy has accomplished its goal? On the contrary, I find immigration control to entail a rather ontological meaning because it is always accompanied by questions of inclusion and exclusion and often a longer-term perspective. In other words, in contemporary political discourse, immigration control can be judged as effective (or as ineffective) when its outcome is expected to lead to social stability (or not).

In such discourse, control can be a balancing act between nationals and non-nationals, involving not just the policy design itself but also the possible adjustment of the policymaking process, and at an even earlier stage of mass mobilization (which Chung accurately describes in her chapter) so as to move the immigration issue higher up on the political agenda. From this viewpoint, it can be seen that further study of discontent in the existing domestic political system is needed. Again, we need to be careful, especially in any comparative study that attempts to account for discontent. We need to avoid defining it in such a way as to explain which country's immigration policy is "in progress" and which is not. Rather, independent variables are to be set free from such normative criteria.

This approach of disaggregation, especially from a moral standard, might enable empirical research on varied cases where the state encounters the "liberal dilemma." As Hollifield describes it, the liberal dilemma derives from the concept of (human) rights (Cornelius, Martin, and Hollifield 1994: 9–11; Brettell and Hollifield 2008: 196–98) and the different ways in which individual states institutionalize it, including their commitment to it across place and time. Because this means that what constitutes the liberal dilemma may be different in each stage of immigration politics development as well as in each country, there is still room for study from this perspective.

Based on these premises, Dr. Chung successfully argues that it is not entirely correct (or relevant) to say that East Asian countries (including Korea and Japan) follow the exclusionary model of immigrant integration. As she aptly points out, this restrictive image often fails to take into account legislation and activities that are in fact intended to integrate foreign residents. Her observation is precise, as can be seen in her concluding remarks: "Immigra-

tion politics in Korea and Japan reflect not new countries of immigration but, rather, the interaction between new immigration and existing institutions.” Also, her insights on mass mobilization in both Korea and Japan show us how immigrant rights are guaranteed to a great extent by the support of native labor associations and by minorities in the form of women’s groups and those who are in a socially lower class.

Dr. Chung closely analyzes the peculiar similarity between the two countries in their comparatively “restrictive” official stance on immigrant inclusion, which strangely but somehow tactfully coincides with proactive efforts toward integration made by intermediate actors—that is, local governments and grassroots organizations. Her observations and arguments prove that the scientific analysis on which she bases them is free from value judgments.

Meanwhile, her explanation of the mechanisms by which immigrants are incorporated into the two host societies (these mechanisms may be diverse but they do exist) is not entirely convincing. Of note is her implication that the attainment of policy goals equals full integration of immigrants and, furthermore, that the success of integration equals naturalization. In this Dr. Chung fails to examine the advantages of naturalization both to the host society and to the individual immigrant. This is a criticism that can be leveled at many studies (especially sociological ones): they regard various kinds of entitlement proffered to foreign residents as dynamic and evolving, leading inevitably to naturalization as the ultimate goal of social integration. What she claims as “targeted incorporation (Korea)” and “disaggregated citizenship (Japan)” can only be explained either in terms of political inaction or in terms of reluctance to support the (often discriminated against) minority.

Japan provides both quasi-naturalization (to “permanent residents”) and regular naturalization (nominally to any foreign nationalities as long as they meet stated conditions). Is this necessarily to be deemed a lack of policy consistency? In this regard, although Dr. Chung correctly points out that “low rates of naturalization combined with high rates of permanent residency . . . indicate that . . . the *foreign* population in Japan will continue to grow and the problem of political incorporation will multiply, rather than decrease, with successive immigrant generations,” she does not explore what kind of (multiplying) problems could emerge and under what circumstances. What is significantly missing in her chapter is any discussion of the relevance of international relations between the receiving country (in this case Korea and Japan) and the (potential) sending country.

Take Japan as an example, where certain aspects of official immigration policy provide evidence that low rates of naturalization are better explained in terms of international relations than in terms of domestic politics, given the fact that it is significantly less difficult to become naturalized than it used to be. Bilateral agreements (including extradition treaties) as well as diplomatic relations may play an important role. The degree of confidence building between Japan and a sending country may have an effect on changes in the number of those who are naturalized as opposed to the number of those who adhere to their “permanent resident” status. The unsettled security problems ranging from postwar reparation to territorial disputes might hamper the attempts of some permanent residents of Korean and Chinese descent to become Japanese citizens.

When issues such as these are elaborated, it becomes clear that an analysis is needed that examines the status quo in light of Pareto efficiency, where not only domestic associations but the state itself is an actor in immigration policymaking.

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