

Migration policy types and modes of politics:  
A comparative case study of the Points-Based Preferential Immigration Treatment for Highly  
Skilled Foreign Professionals and the Technical Intern Training Program in Japan

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A Thesis  
in  
The Department  
of  
Political Science

Presented in Partial Fulfillment of the Requirements  
for the Degree of Master of Arts (Political Science) at  
Concordia University  
Montreal, Quebec, Canada

May, 2nd 2025

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Entitled: Migration policy types and modes of politics: A comparative case study of  
the Points-Based Preferential Immigration Treatment for Highly Skilled  
Foreign Professionals and the Technical Intern Training Program in Japan

and submitted in partial fulfillment of the requirements for the degree of

**Master of Arts (Political Science)**

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## ABSTRACT

Migration policy types and modes of politics:  
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Eléonore Komai

This thesis explores the relationship between different types of immigration policies and modes of politics in Japan. It focuses on two policy streams: one targeting highly skilled workers and one that has effectively become a policy for low-skilled workers. It examines how migration types, policy features, and political mobilization interact. Based on a qualitative study, the research revisits Freeman's (1995) concept of "client politics" in the context of contemporary immigration politics. It argues that immigration policy has evolved over recent decades, moving away from a coherent grand design and incorporating multiples dimensions. The findings suggest that high-skilled and low-skilled migration policies in Japan emerge from different assumptions about workers and are based on distinctive flows. In the context of Japan, high-skilled migration is linked to long-term national goals such as competitiveness and innovation, while low-skilled migration is driven by short-term local needs. These perspectives create policies with different features, which in turn generate varying costs, benefits, and political mobilization. The findings reveal two distinct modes of politics —despite some similarities due to a shared institutional and ideational context— that are captured through the concepts of “entrepreneurial-elite politics” and “clientelist-based interest politics” respectively.

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## **Chapter 1: Disaggregating immigration policy: the politics of low- and high-skilled migration policy in Japan**

### **Introduction**

This thesis discusses the immigration politics of Japan in the contemporary era (1990-2020). It interrogates contemporary modes of policymaking by disaggregating immigration policy between high-skilled immigration policymaking and de facto low-skilled immigration policymaking. While the literature has emphasized some distinctions between these two policy types, it is not clear whether they create different types of politics, in particular in the same context—where ideational and institutional elements are presumably stable. The objective of this research is to identify whether immigration policy in Japan is characterized by different modes of politics based on hypotheses developed by Gary Freeman. Freeman (1995) essentially argues that immigration policy creates clientelist politics due to its diffused costs and concentrated benefits. Building upon this hypothesis, this thesis asks: is the policymaking of de facto lower-skilled labor immigration policy different from policymaking of high-skilled labor migration in Japan?

This research suggests that despite similarities in terms of processes and actors, high-skilled migration policymaking differs from low-skilled migration policymaking due to some divergences in their policy features in terms of duration, specificity, flexibility, size, and the rights granted to migrants. These different dimensions shape the modes of politics observed—while also being shaped by politics themselves to some extent. These are captured through the concepts of “entrepreneurial-elite politics” and “clientelist-based interest politics” in the Japanese context. The former is characterized by the influence of political executives and big businesses with aligning

interests over the policymaking process, while the latter is characterized by a similar influence of political executives big and economic actors — encompassing the industry— with the addition of interest groups joining the debate.

This chapter frames the context in which this research unfolds. First, and against common assumptions, the inclusive and expansionist dimensions of Japanese immigration policy are presented establishing the rationale for the research question. Second, I delve into the politicization of labor migration policy and the distinction between high-skilled and low-skilled workers, thereby pointing not only to the relevance to focus on actors, but also to operate a disaggregation of immigration policy. Third, the case of Japan is situated within the comparative literature emphasizing both its peculiarity and the importance to anchor its study within the broader field of the comparative politics of immigration and its theories. Next, building on the debate of policy vs. politics, the main argument is presented providing some overarching guidance for the following theoretical and empirical chapters. Finally, the conclusion reiterates the contributions of this research and details the structure of the project.

### **The expansionist dimension of Japanese immigration policy: a paradox?**

Despite pressures to open migration pathways as a result of dramatic demographic shifts and labor shortages, Japan is an interesting example of a liberal state that has upheld restrictive immigration policies (Hollified and Sharpe, 2017). Explanations to this restrictive view can be found in hypotheses emphasizing ethnonationalism (Kashiwazaki, 2013; Liu-Farrer, 2020; Tsuda, 2003), its conflation with national security (Rochel, 2018), as well as the autonomy of the bureaucratic institutions that have maintained a strict control over immigration matters (Bartram, 2000). The

country's immigration policy has historically been narrow and closed. The government denies that it is pursuing an immigration policy (Roberts, 2018). The country has been a country of low immigration, with foreigners making up a bit more than 2% of the total population in 2019 (Ministry of Internal Affairs and Communication 2020). Japan frames immigration primarily as a technical strategy to replenish the workforce.

However, it does not mean that Japan is not already an immigrant country (Liu-Farrer, 2020). By focusing on the negative dimensions of immigration, the strong path dependence and institutional legacies are emphasized. This perspective does not reveal much about the policymaking process and the political processing of labor migration. While the peculiar status of Japan has often been emphasized, the country follows mainstream trends in at least two dimensions: the dualization of labor migration between high and low skilled workers and the expansionist dynamics of immigration policy.

### *The dualization of immigration policy*

In 1990, Japan implemented a significant revision to its immigration policy to address labor shortages. This period coincides with a critical shift in the country's approach to immigration from an emphasis on border control and security to accepting foreign labor, and more specifically, attracting high-skilled workers while restricting unskilled migration. The distinction between high-skilled/low-skilled migration has progressively emerged as a central axis of (labor) migration policy, not only in Japan, but across liberal democracies in general. From this perspective, the governance of labor migration looks increasingly similar across these countries. On the one hand, labor migration policies are rendered more attractive for high-skilled workers. On the other hand,

the movement and conditions for low-skilled migrant workers are being restricted notably through the tightening of requirements and the growing reliance on temporary migration (Boucher and Guest, 2018; Joppke, 2021a; van Riemsdyck, 2021). Joppke (2021b) contends that the dynamic of “courting the top” and “fending off the bottom” is a novelty of the globalization era, driven by forces of neoliberalism and reinforced by neonationalism.

Observing the fragmentation and complexification of migration management, Triadafilopoulos and Taylor (2024) suggest disaggregating the migration state in order to better understand the policy process and the most salient interests that have come to define contemporary migration management. Analyzing the case of Canada, they do not find a singular logic but rather “multiple policy subsystems, each responsive to different constellations of domestic interests and political exigencies” (5). In short, different logics governing different streams can coexist. Following these insights and focusing on the policymaking process, this research disaggregates Japanese immigration policy exploring a pathway for highly skilled foreign professionals and a pathway that became a de facto low-skilled workers program.

### *A Japanese liberal paradox?*

The narrative of Japanese immigration as restrictive should not obscure the slow and restricted yet gradual development of a policy framework paving the way for more openness regarding immigration. It should not mask either the fact that the country has been quite open to highly skilled migrants (Oishi, 2012). Since the mid-2000s, the government has multiplied strategies to address labour shortages in the face of the country’s growing anxieties regarding population decline (Akashi, 2014). For instance, in 2006, the government issued guidelines relaxing the

requirements for permanent residency. High-skilled immigration was encouraged with the implementation of a point system in 2012 for highly skilled foreign workers (Akashi, 2014). This process was expanded in 2017 with the introduction of a fast-track permanent residency for highly skilled workers.

Despite the official emphasis on high skilled migration and the multiple barriers for entry for low-skilled workers, a gradual opening of “side doors” and “back doors” has been observed across liberal democracies (Wright and Clibborn, 2018). De facto low-skilled migration schemes in Japan have been carefully designed with restrictive conditions and time limitation. However, they also exhibit some developments. For example, the expansion of the Technical Intern Trainee Program, a temporary de facto low-skilled migration program, formally established in 1993 to transfer skills and knowledge to low- and middle-income countries, has been consolidated through the creation of a new supervisory agency, granting interns more labor rights (Komine, 2018; MOJ, 2017), and increasing the number of eligible occupations. Economic Partnership Agreements (EPA) were progressively ratified, facilitating the transfer of foreign qualified nurses and care workers from Indonesia (2008), the Philippines (2009), and Vietnam (2014). Pathways for agricultural and construction workers were incrementally expanded (Roberts and Fujita, 2024). These policy developments suggest that Japan’s immigration policy has become more expansionist and inclusive, beyond high skilled migration streams. In other words, immigration policy has allowed more individuals with diverse skills profiles to legally enter the country, often with fewer restrictions and more rights. However, the political discourse regarding the non-admission of low-skilled workers remains unchanged.

The “gap hypothesis”, characterized by a restrictive political discourse and the expansionist reality of immigration policy, has stimulated much debate in political science. Hollified (2004) argues

that migration management is inherently defined by a “liberal paradox”: migration states must respond to the contradictory pressures for openness to immigration for economic reasons and closure for political responsiveness. Institutionalist perspectives essentially highlight the salience of liberal norms to explain why European states have remained open to admit certain types of immigrants, notably family members of labor migrants (Hollified, 2010). Laws and institutions act as constraints to political ambitions attempting to limit migration. Adopting a more actor-centered approach, Freeman (1995) contends that immigration policy is in nature “broadly expansionist and inclusive” due to interest group dynamics and liberal non-discrimination norms. More specifically, because immigration creates concentrated benefits for some actors and diffused costs for society, immigration policies might be shaped in a way that benefits specific groups, in particular economic actors who have incentives to mobilize. Freeman characterizes this pattern as “client politics”. The thesis applies this perspective to explore Japan’s contemporary modes of immigration politics.

### **The policymaking processes of high and low skilled migration in Japan**

Based on key insights in the literature that suggest that more than a single logic drives immigration policy development, this research interrogates the dynamics of Japan’s immigration policymaking processes by disaggregating the policymaking process of high-skilled labor migration and de facto low-skilled migration by asking:

*Despite strong and restrictive policy legacies, is the policymaking of de facto lower-skilled labor immigration policy different from policymaking of high-skilled labor migration in Japan?*

In short, this research examines whether the duality of labor migration (high- vs. low-skilled) transpires in the policymaking process from 1990 until 2020. The focus on labor migration is justified as the country lacks family reunification migration channels and is a de facto a negative case when it comes to refugee admission (Bartram 2000). It is also intuitive that family reunification and refugee admission presumably mobilize different actors. It is less obvious regarding labor migration pathways, especially as Japan does not have admission pathways based on permanent residency. As such, the comparison between de jure and de facto labor migration pathways for different skill levels is most interesting. Furthermore, the comparison within the same polity allows for the mitigation of the “too many variables” dilemma that plagued most comparative research focused on national comparisons. Due to the very nature of the comparison, the explanatory power of institutions and ideas are more likely to be stable, providing strong grounds for a focus on actors and interests in the policymaking process following Freeman’s framework (1995). While other theories emphasize public attitudes, national identity, or institutional inertia, Freeman’s framework offers a compelling explanation for how immigration policy is shaped by organized interests and political incentives. The focus on the asymmetry between concentrated beneficiaries and diffuse opponents makes it particularly relevant for a within-case comparison where the goal is to trace variation within the same institutional and ideational context.

This endeavor is pursued through examining the development of a front door policy targeting high-skilled workers, that is the Point-Based System for Highly Skilled Professionals (HSFP) introduced in 2012, and a side doors policy, that is the Technical Intern Trainee Program (TITP) established in 1993. Side-doors openings often result from a reluctance to officially accept



migrants performing lower skilled work. They are drifts from pathways that are not primarily labor-oriented but enable the entry of temporary migrants enticed to work in lower skilled jobs. In the Japanese context, side door policy takes the form of a trainee program and visas granted to Japanese descents from Latin America established in the 1990s. More recently, international students have also become a growing source of cheap labor for companies. In all cases, these pathways have de facto become sources of low skilled workers supply despite it not being their official primary purpose. As the importance of the trainee program has a longer history and has increased over time, this research focuses on the Technical Intern Trainee Program (TITP).

## **Politicizing labor migration policy**

### *The need for skills*

The focus on interests to study labor migration stems from an acknowledgment that labor migration policy is not a rational exercise but a political choice that comes with political implications for a diversity of actors.

Labor markets have undergone tremendous structural changes in the past decades. Lifetime jobs have turned out to be the exception rather than the norm, and a growing share of workers work part-time or in non-traditional jobs. Societal transformations such as more women entering the workforce, youth experiencing delays in labor force entry, and the rapid aging of the population have further altered the dynamics of the labor market. Combined with technological advances and shifting government policies and preferences, important uncertainties characterize current

economic conditions. At the same time, these multiple changes create new demands for skills and talents that cannot be filled by domestic supply immediately (Cerna and Czaika, 2016).

A crucial issue for many countries pertains to linking migrant workers admission to the needs of the market. However, significant controversies and debates exist regarding the definition of “skill needs” and the role that migrant workers should play in labor shortages (Ruhs and Anderson, 2010). “Labor shortage” does not have a consensual definition, nor does it exist an “optimal” policy response. Most of the time, the concept is approached through the concepts of “skill needs” or “skill mismatch”. Surveys can be used to assess occupations for which employers have difficulties recruiting. Economic assessments of labor market needs often rely on indicators regarding changes in relative wages level and employment in specific occupations (Ruhs and Anderson, 2010). Biases and gaps in data sources and assumptions, and methodological challenges add up to the complexity of projecting and filling labor needs. Overall, the definition of “needs” follows different rationale across countries. In addition, while migration represents a possible strategy to respond to skill demands by the labor market, some countries insist on the importance to mobilize domestic labor supply or upskill the national population (European Commission, 2020). Ultimately, responding to labor shortage by mobilizing labor migration is more complex than a supply-demand puzzle or calculus. It involves political choices.

### *Designing skilled-based migration schemes*

Skill-selective migration schemes can be broadly classified into immigrant-driven or supply-driven systems, and employer-driven or demand-driven systems. Immigrant-driven systems put

emphasis on human capital attributes and adopt a long-term perspective of immigration. Human capital is assessed on the basis of the level of education, language skills, age, or occupation. Supply-driven systems typically require a job offer and adopt a short-term perspective prioritizing immediate needs in the labor market. Most systems are never wholly supply- or demand-driven but incorporate elements of both (Parsons et al., 2020).

The policy distinctions between permanent and temporary statuses are important to understand strategies used by countries to balance long-term and short-term needs. Boucher and Gest (2018) find that temporary economic migration is becoming a new global norm. Temporary programs include schemes for employers to recruit for short-term periods individuals working in specific occupations or sectors. A large portion of temporary programs are governed by bilateral agreements. Countries adopt different definition of what temporary means. Moreover, given the politically charged nature of permanent immigration, political discourses and national statistics tend to underplay its extent (Boucher and Gest, 2018). In short, the mobilization of labor migration policy to respond to labor shortage and the design of policy is not only a matter of rational choices and calculations but must be understood in light of the politics surrounding immigration.

### *Labor migration in Japan*

In the Japanese context, the mobilization of labor migration to respond to labor shortages has not been straightforward nor explicitly acknowledged. A snapshot of the recent political situation in Japan demonstrates that considerable anxiety derives from the rapid aging of the population and its expected consequences on the labour market. Japan is currently confronted with an

unprecedented demographic crisis attributed to a rapidly aging population and a low fertility rate. The country's life expectancy is one of the highest globally at 86.4 years for women and 80 years for men (UNESCAP, 2017). While in 2015, 26.7 per cent of the population was aged 65+, it is expected that by 2060, 1 in 2.5 people will be 65+ and 1 in 4 will be 75+ (Cabinet Office, 2015). In parallel, the country has one of the lowest fertility rates in the world standing at 1.43 in 2017 (World Bank, 2019). Labour shortages pose a significant threat to economic downturn and decrease in tax revenues whereas, simultaneously, public expenditures for social security and health-related costs increase. While the government has been seriously concerned with the financial sustainability of its programs, it also had to face the anxiety of businesses regarding the accelerating labor shortage and slower technological progresses. Labor force participation is expected to decline from 66.3 million in 2010 to 56.8 million in 2030 (Ganielli and Miake, 2015).

Promoting labour participation represents only one angle of the “problem”, the other being skill mismatches that figure among the most significant drivers of labour shortage (Ganielli and Miake, 2015). To address the latter dimension, immigration has regularly surfaced in public discussions (Takenaka, 2012) along with some state initiatives. The Japanese government has actively promoted “self- skilling”. In 1998, the Education and Training Benefit was established. It covers part of the training fees of individuals if certain conditions are met. This program has been extended over the years to become more generous and cover more skill training programs (OECD, 2018). Subsidies and initiatives for the development of Public Vocational Training Plans have been established in coordination with prefectural authorities. In parallel, although discrete, several amendments to migration policy have been enacted in recent years (Chapple, 2014; Green and Kadoya, 2015; Komine, 2014, 2018; Kwon, 2019; Ogawa, 2011; Sato, 2010). This recurrence, on

top of multidimensional strategies spanning multiple policy areas, perhaps reflects the growing credence given to the idea that migration represents one of the last untapped options for the country to be able to continue walking the fine line of economic growth (Chapple, 2014).

In a nutshell, this section explains why immigration policy is a political issue and how choices pertaining to this policy sector are tied to policy design features. It also gives credence to the importance of studying how interests shape the politics of immigration. As Freeman argued, immigration policy comes with costs and benefits for a diversity of actors. These costs and benefits are both material but also originate from ideational constructions. In this context, it is relevant to explore the ideational underpinnings of high-skilled and low-skilled migration.

### **High- and low- skilled migration**

Exploring the question of difference between high-skilled migration policymaking and low-skilled migration policymaking requires, first, to examine why we can presume that they are driven by different types of politics. High-skilled immigration is favored over low-skilled immigration in virtually most liberal democracies (Parsons et al. 2014). This preference is both explicit through political discourses, and implicit when analyzing immigration systems. Joppke (2021, 79) argues that the sharp distinctions between immigration regimes (guestworkers or settler logics) do not hold anymore but that the Western world is converging toward “courting the top” and “fending off the bottom”.

Skills have become a constitutive dimension of economic migrant selection policies. The intake of migrants based on skills is often premised on a dual logic. It is necessary to distinguish between high-skilled workers who are considered to be future citizens and enjoy rights and benefits, and low-skilled workers who are usually admitted on a temporary basis and based on market demands. High-skilled migrants are generally a category of power, privilege and status, and regarded as “wanted migrants” whose mobility is encouraged by a diversity of actors. They are typically defined based on their level of education, specialization, and work experience.

Low-skilled migrants constitute a diverse category. Joppke (2021) and Ellermann (2021) discuss low-skilled workers primarily referring to family migration and refugees. Ruhs (2010) identifies low-skilled migrants as those working in low-wage jobs, therefore adopting a more practical approach to skill definition which does not necessarily coincide with the actual qualifications of individuals or the visa under which they entered the country. De Haas et al. (2018) discuss entry rights for legally processed low-skilled workers. In short, while a small part of low-skilled workers is captured through legally processed as labor migration—mostly under the category of temporary or seasonal migration—, the majority of this category is constituted by de facto low-skilled migrants that entered the country through family and asylum migration channels (Joppke, 2021). The dichotomy is in part premised on assumptions about their respective integration and assimilation potential and their net contributions to the host society. Politically, public attitudes reflect a conspicuous preference for skilled workers for integration reasons or based on the belief that skilled workers will represent less of a fiscal and social burden for the host society (Parsons et al., 2014).

Issues of citizenship and membership in a political community are central to understand the segmentation of skills and the preference for high-skilled workers (Triadafilopoulos and Smith, 2013; Zolberg, 1987). Popular imaginaries depict low-skilled migrants as typically poor, uneducated, lacking language skills and knowledge about the host society's customs and social norms, which overall are unappealing characteristics to include them in the imagined community. On the opposite side of the spectrum, high-skilled migrants are generally wanted and welcome given their human, social, economic, and cultural capital, or at least how they are imagined to be (Triadafilopoulos and Smith, 2013). In more pragmatic terms, the justifications for preference for high-skilled in high income countries stem from the ideas that they can complement existing skills from the population, that human capital is important for long-term growth, and based on the relative impact of skills on the fiscal system.

### **Japan as exception?**

#### *Anchoring Japan in the comparative politics literature on immigration*

Japan is rarely taken as an important case in comparative politics as it is often described as a peculiar case, questioning the possibility to generalize from its study. Chung (2022) argues that most prominent theories of migration draw on the experience of Western liberal democracies and are often inadequate to explain migration patterns outside of Europe and North America, thereby positing the exceptionality of Japan (along with other Asian countries) as the starting point for theoretical development. At the same time, while things are slowly changing, the majority of the comparative political economy scholarship on immigration builds on the experience of few countries, so called “liberal Western democracies” (Natter, 2018). The quest for generalizability

based on the experience of a specific group of countries has some pitfalls. Theories can be inadequate to explain the unfolding of events in other contexts or some important factors may be omitted for we take them for granted. By incorporating more “exceptional cases”, it is possible to de-center the theories of migration from their original biases. In general, when studying peculiar cases, the challenge is often to demonstrate what we can learn more generally from the case.

Critically, “generalizations about the politics of immigration policy writ large are suspect” (Freeman and Hill 2006, 8). Freeman (2006) himself admitted that policies do not necessarily provoke similar politics across countries, even in countries with similar immigration histories, and even when dealing with a policy area in a single country. He suggested, nonetheless, deepening the comparative analysis of immigration politics to identify the multifaceted dynamics connecting national models and policy types. In this research, I pay attention to Japan’s peculiar features, but I do not consider them a sufficient reason to exclude theoretical frameworks developed in the West from being applied to the case.

#### *A developmental migration state*

The concept of “developmental state” typically refers to Japan, South Korea, and Taiwan to describe the rapid industrialization in the post-WWII era period. Key characteristic of those states include the prioritization of economic development, social stability, and national security over democracy and equality. East Asian developmental states are characterized by state intervention to promote economic growth through the coordination of key pillars of the economy. More specifically, their defining features can be summarized by an autonomous and embedded bureaucracy, a political leadership geared toward economic development, and a symbiotic and



beneficial relationship between the government and key industrial actors (Evans, 1992, Weiss, 1995; Johnson, 1982). Both capacity and leadership in East Asian Developmental states are important for successful economic growth.

Japan is frequently described as a “new country of immigration” (Cornelius et al., 2004) or an “emerging migration state” (Hollified and Sharpe, 2017). Chung, Draudt, and Tian (2024) discuss a “developmental migration state” that is different from the liberal migration state, yet it does not necessarily imply that it is illiberal. Drawing on the idea of “developmental state”, Japan, Korea, and Taiwan have some of the most restrictive immigration policies in the world. Policies draw on an ideology where industrialization and economic development trump over other societal goals. While liberal ideology equally prioritizes the rule of law and individual rights, developmental states prioritize national survival through the accumulation of human capital.

Chung et al. (2024) argue that the developmental states are not laggard in their path to becoming liberal migration states, but their trajectory is substantially different. Immigration policy is based on the recruitment of human resources to meet economic or social needs. Visa categories are embedded within macroeconomic industrial policies that serve the national economy. As such, the developmental migration state is based on a strategic and result-oriented approach to migration management (Chung et al., 2024). The developmental state’s strategy not only respond to market demands, but the state also develops strategies to address social and political needs and the fit of labor migrants within macro-level economic planning.

### **Contemporary immigration policy in Japan: two modes of politics?**

This research builds on research emphasizing the strong and restrictive policy legacies of Japanese immigration policy. It questions whether and to what extent the policymaking of de facto lower-skilled labor immigration policy is different from policymaking of high-skilled labor migration in Japan. Through the application of Freeman's framework, it is possible to observe (or not) the manifestation of clientelist politics in immigration policymaking in Japan and assess the extent to which the features of the developmental migration state are different from those in the liberal migration state with regards to the policymaking process. Essentially, this thesis suggests that early developments (~1990) of immigration policy in Japan reflected the specificities of the developmental state in terms of bureaucratic authority over the policymaking process.

However, applying Freeman's framework to the contemporary realities of Japan, the thesis shows that the presence of two different types of policy generated two distinct modes of immigration politics in the country. Both front doors and side doors policy development is strongly driven by powerful businesses working with the political executives. Yet, these policies differ when it comes to duration, specificity, flexibility, size, and with regards to the rights they grant to migrants. As such, they come with different costs and benefits for a variety of actors affected by these policies. Importantly, they were framed by the government in a distinct way: one emphasizing national and long-term goals (high-skilled) and the other driven by short-term and pragmatic interests (low-skilled).

The underlying logic of high-skilled migration in Japan is to create inflows where there are not enough. This pro-active approach to immigration policy, firmly established in policies, has over time become framed as part of the economic policy (Song, 2020). Framed in economic terms, policy developments have been stimulated by forces "from above", that is the executive arena and the leadership of the former Prime Minister Abe (2006-2007, 2012-2020), acting hand in hand

with the Keidanren (the Japanese business federation which focuses on national and international policy advocacy for large corporations across all industries), and driven by a desire to strengthen Japan's global competitiveness and boost innovation.

In short, it is galvanized by a vision based on promoting the global industrial leadership of the country. Because the program never grew substantially, the diffused costs and concentrated benefits remained relatively stable over the period of study, and importantly, high-skilled migration has not been politicized due to its relatively open features and ideas associated to this type of migrants. High-skilled migration, framed in a macro-level perspective, creates diffused costs for society—that are yet to arise—but they are mitigated by the immense benefits (whether real or imagined) that are associated by this type of migration both for society and for businesses. This type of migration is driven by “entrepreneurship-elite politics”.

Low-skilled migration policy development is based on a reactive approach. In the face of labor shortages, instead of opening the labor market, the government revised schemes that had been (sparingly) used and taken advantage of by small and medium enterprises. As a side door, the Technical Intern Training Program (TITP) is not acknowledged by officials as a labor migration policy but as a “skill transfer” program – although the growing discrepancies between the initial intent of the program and its development suggest that a tacit acknowledgment has gradually occurred.

As a side-door, the costs and benefits were never truly acknowledged, however they became visible as the program expanded. Restrictions and visa conditions created the conditions for abuse leading to the emergence of visible social costs for society which subsequently provoked the mobilization

of social actors. At the same time, the specialization of the program and its flexibility facilitated the mobilization of industrial actors that demanded the expansion of the program, ultimately expanding the concentrated economic benefits to more economic actors over time. The TITP is thus driven by pragmatic considerations and concentrated benefits for industrial actors, while creating social costs that mobilized interest groups. This mix is described as “clientelist-based interest politics” referring to the idea that policy developments are driven by economic actors, yet at the same time the mobilization of interest groups matters.

## **Conclusion**

Analyses of immigration policy have generally been couched in the language of liberalization/restriction. While such an approach is helpful to compare and contrast policy choices over time and across countries, it hardly captures the fragmented dynamics that characterize most contemporary immigration systems. International norms, labor shortages and economic reliance on migrant workers combined with populism, anti-immigration sentiments, and nationalism suggest that countries face constant pressure to be both open and closed, which presumably translates into more complex patterns of reforms than (selective) liberalization/restriction. Furthermore, discrepancies often exist between political discourses emphasizing the limitations or restrictiveness of immigration policies, and empirical developments.

The analysis of the policy process of immigration in Japan is an attempt to make three distinct contributions to the literature on immigration policy. First, by applying Freeman’s framework to the case of Japan, this thesis geographically expands the scope of the framework, not only decentering the comparative immigration policy from its western biases but also anchoring the

case of Japan in the comparative politics of immigration. The premise of Freeman's framework focuses on the nature of costs and benefits and the linkages between policy features and politics. This thesis simultaneously offers a theoretical expansion of Freeman's framework to account for the complexification and diversification of contemporary immigration policy.

Second, by disaggregating immigration policy, this project offers insights into the policy mix. Specifically, it responds to the call to develop more fine-grained and nuanced perspectives of immigration policy and illuminate the multifaceted logics and actors that participate in the process.

Third, the thesis contributes to the English literature on Japanese immigration policy by expanding the scope of existing research on the policymaking process and policy development. In particular, the focus on interests and actors over time beyond the elites contributes to enriching the literature.

This project is organized as follows. Chapter 2 establishes the theoretical and methodological foundations for the analysis. Freeman's thesis, critiques and developments are detailed. The relevance of the comparison, its nature and the data utilized are also presented. Chapter 3 provides a background to better understand immigration policymaking in Japan. The origin of contemporary migration is analyzed evoking the complex interplay between politics and policy. Chapter 4 focuses on high-skilled migration policymaking, and more specifically the Point-Based System for Highly Skilled Professionals introduced in 2012. It emphasizes the actors that participated in the policymaking process, the changing political context and the drivers of high-skilled migration. Chapter 5 focuses on de facto low-skilled migration and the gradual expansion of the Technical Trainee Program presenting the multiple stakeholders involved and the evolving costs and benefits

associated with the program. Finally, chapter 6 integrates the different parts of the analysis, linking theory and practice together, and reflecting on the significance of the findings for the literature.

## **Chapter 2: Updating Freeman's model based on a within-case comparison: theory and methods**

### **Introduction**

Building on Freeman's theoretical framework (1995), this chapter comes back to the original model before presenting later iterations developed by Freeman other scholars. Drawing on insights from the literature and the changes that have come to characterize contemporary immigration policy, I update Freeman's theoretical model by complexifying the assumptions and specifying the potential and complex linkages between policy and politics based on the different dimensions of pathways, namely duration, size, flexibility, specificity, and rights. The theoretical assumptions are introduced and the major arguments and key terms specified in light of the empirical chapters. The second part offers some insights on the methods. This research constitutes a qualitative case study research design based on a within-case comparison that follows a structured and focused approach. It is based on primary and secondary sources available in Japanese and English.

### **Theory**

#### *Interests, ideas, institutions*

Boucher and Cerna (2014) insist on the importance of delving into questions related to the policy process to account for policy outcomes and the factors that explain why countries adopt different policies. In this perspective, policy scientists have generally focused on a set of explanatory factors to account for policy choices and dynamics that can be broadly classified under the pillars of ideas,

institutions, and interests. These three “lenses” sometimes provide competing perspectives or complementary ones. While the focus of this thesis is on interests, returning to these different perspectives helps us to understand where this research is situated in the scholarship. Furthermore, while research typically focus on one of those dimensions, they can never completely get rid of other perspectives.

In the early literature on immigration studies, the development of immigration regimes or typologies often connected different states to different ideas, values, and norms based on historical legacies. At an abstract level, these categories echoed different “ideologies of immigration” (Boswell, 2003), “philosophies of integration” (Favell, 1998), traditions of “citizenship and nationhood” (Brubaker, 1992), or more broadly “paradigms” (Hall, 1993; Ellermann, 2021). These ideational structures shape the course of action by making some policy choices more consistent or legitimate than others. Studies further point to how cultural norms may account for variation among countries (Zolberg 1999). By contrast, liberal norms can constrain the policymaking process and facilitate convergence of policy choice to a certain extent (Triadafilopoulos 2012). Ideational forces are powerful drivers of immigration policy development when it comes to explaining path dependent policy development or policy stasis.

More institutionalist perspectives illuminate the power of institutional and policy legacies as enablers and constraints on the policymaking process (Hall, 1993; Pierson, 1993). In other words, policies are shaped by previous policy decisions, and the content and scope of existing instruments. Studies have pointed to the importance of a centralized government versus a diffused legislative



decision-making process regarding policy outcomes related to skilled migration policy. Boyd (2014) shows that the checks and balances inherent to the presidential system in the US make policy decisions dependent on previous legislative achievements so path dependency dynamics are important and can lead to policy paralysis. In a parliamentary system like Canada, the centralization of decision-making power makes the immigration minister relatively influential over the policymaking process. In a similar vein, emphasizing the importance of the policy process, Boucher (2013) argues that the capacity of states to introduce, change, and amend skilled migration schemes depends on the extent of bureaucratic control over the domestic policy process. At the international level, international institutions can also be influential in pushing for the adoption of certain policies (Cerna, 2016).

The literature on the variety of capitalism emphasizes the divergence in economic systems across countries (Hall and Soskice, 2001). Adopting a comparative political economy approach, Menz (2016) argues that employers' preferences regarding labor migrants are guided by models of capitalisms. He differentiates between liberal market economies (LMEs), such as the US or Canada, and coordinated market economies (CMEs), such as Germany or Japan. In LME, coordination occurs through market mechanisms and more adversarial industrial relations, while formal institutions typically play a key role in CME with labor-management coordination being more prominent. Each model encompasses different assumptions regarding the role and structure of economic interests. The specificities of and differences between LME and CME are expected to surface in the structures of opportunities for migrants. Different models of political economy produce different needs and strategies in the recruitment of labor migrants (Thelen, 2004).

However, capitalist institutions have undergone many changes in the past decades, potentially eroding predilections based on political economies (Wright, 2015; Ruhs 2018).

The importance of actors and interests has also contributed to a better understanding of the policymaking process. The contemporary model of production that puts at its center competitiveness is conducive to business-friendly policies and practices, suggesting that employers have risen as important actors in the making of migration policy (Menz, 2009). Cerna (2014) sheds light on the centrality of corporatist actors and coalitions to explain skilled migration policymaking dynamics. As an example, she contends that the liberalization of high-skilled policies in Sweden can be explained by a right coalition connected to employers rising into power. The role of non-state actors both at the national and supranational level in shaping skilled migration is increasingly acknowledged and explored in the literature (Boucher and Cerna, 2014).

Migration entrepreneurs and brokers, professional associations, media and non-governmental associations (Liu-Farrer et al., 2021) hypothetically and contextually matter in shaping policies through their influence in the policy process. Van Riemsdijk (2012) examines the role of the business community and international recruitment agencies in Europe. Her findings reveal that these actors are interested in breaking down institutional barriers for migrants, pressuring governments to liberalize legislation for skilled workers. One strategy they frequently use is to create networks with ministries (Menz, 2009). For example, at the EU level, these actors have developed relationships with agencies related to skilled migration such as the DG Justice and Home Affairs and the DG Employment, Social Affairs and Equal Opportunities. This strategy has

often been powerful form of leverage on the development of skilled migration policy and advocate for its liberalization (van Riemsdijk, 2012).

“Bottom-up” initiatives to influence decision-making processes at the local, regional, national, or supranational level are increasingly visible (van Riemsdijk, 2021; Piper, 2010). Van Riemsdijk (2021), for example, analyzes the role of cities in Norway. While the analysis points to the leading role of the state in high-skilled migration policy development, cities and non-state actors nonetheless play a key role in the governance of skilled migration, for example, through lobbying for tax breaks for highly skilled migrants.

The role of political parties is more mixed (Natter et al., 2020). Cerna (2009) finds no consistent position of left and right parties cross-nationally. Instead, it is coalitions that matter. She argues that coalition-building between actors mediated by labor market organizations and the electoral system determines cross-national variations in high-skilled policy outputs. By contrast, Consterdine (2015) emphasizes the importance of political parties in shaping immigration policy in the UK. Freeman (1995) adopts an interest-based approach, according to which the distribution of costs and benefits, and the negotiation between pro-immigration lobbies and protectionist public opinion are pivotal for the politics of immigration.

Attempts to assemble more complex and comprehensive theoretical frameworks to push our understanding of immigration politics and policymaking forward are important. Ellermann’s (2021) recent work, for example, combines an institutionalist perspective with the strategic behavior of actors. She identifies three types of political pressure that influence the direction of

immigration, namely: popular insulation, interest group insulation, and diplomatic insulation (including both immigrant-receiving and immigrant-sending states). These different types of insulation associated with institutional veto points (that vary across countries) provides a partial explanation for the variation in the direction and magnitude of policy changes across liberal democracies.

Illuminating the weaknesses of institutional and political economy perspectives to explain migration policy dynamics, Boswell (2007) proposes a “third way” rooted in societal interest and the state’s quest for legitimacy. To reconcile tensions arising from capital accumulation and maintaining legitimacy (as a state’s core functions), Boswell contends that possible solutions lie in intentional policy incoherence or favoring one function over the other. While these perspectives are useful and necessary to comprehend with more depth and nuance policy choices and direction, the treatment of “immigration policy” as a whole inhibits more fine-grained analysis of the different streams included in immigration systems that may not be governed by the exact same logics and policymaking dynamics.

Gest and Boucher (2021) examine immigration outcomes in 30 major receiving countries. Their conclusions hinge on the idea that immigration regimes are not determined by one factor so the pursuit of one grand theory of immigration regime is not desirable nor realistic. They propose instead a segmented theory of immigration regime development that provides different explanations for different immigration clusters. In a similar vein, it is a relevant question to ask

whether a segmented theory of migration channels is more relevant to capture the policy mix that has come to characterize contemporary immigration policy.

Consideration of ideas, interests and institutions is, without a doubt, important to understand immigration policy. In this thesis, although institutions and ideas are taken into account, the main focus of the analysis is on interests. Due to the nature of the comparison (within-case study), institutions and ideas are likely to be more stable, thus less salient factors in accounting for potential variations in the policymaking process. This research builds on Freeman's seminal article "Modes of Immigration Politics in Liberal Democratic States" (1995).

### *Modes of Immigration Politics and their developments*

#### *Original assumptions*

Freeman (1995) framework seeks to capture the forces structuring modes of immigration politics in liberal democracies. He provides some explanations as to why immigration policy is by its nature "broadly expansionist and inclusive" despite political discourses emphasizing restriction and control. His political economy approach builds on Lowi's (1972) now classical typology of policy and Wilson's (1973) account of regulatory politics in the United States.

Lowi (1972) typology categorizes policies into four distinct types—distributive, constituent, regulatory, and redistributive—based on their level of coercion and their linkages to individual behavior. However, the typology has faced critiques questioning its logical rigor and empirical validity as distinguishing between policy types is often challenging. Wilson (1973) proposed a typology that offers a more flexible framework for analyzing policy based on the concentration or

diffusion of costs and benefits rather than strictly delineated policy categories. Ultimately, the debate reflects the difficulty in categorizing and understanding the political dynamics of policy. This research builds on these insights suggesting that immigration policy can be differentiated based on duration, specificity, flexibility, size, and the rights they grant to migrants. To be sure, disentangling precisely the policy to the politics is a difficult, if not, impossible task. The policy features identified in this research are certainly political. However, driven by a concern for parsimony, these are captured as “policy” as they derive from the nature of the policy under scrutiny. In this perspective, it is consistent to argue that the two types of migration policy studied can generate two distinct modes of politics — albeit the political dimension of policy design cannot be ignored.

Immigration politics in liberal democracies, Freeman argues, often operate as client politics due to the diffused costs of immigration while the benefits are concentrated. Pro-immigration groups — generally employers and industry relying on migrants as workers — have concentrated benefits and strong incentives to lobby for open policies. They can overcome the costs of collective action and organize to push policies toward more liberalization. The costs of immigration are, on the other end, distributed across all of society and thus, hard to link causally to the inflows of newcomers. These diffuse costs affect the general public that will compete with immigrants for jobs, housing, and government services. However, it is generally more difficult for the public to organize as citizens are often ignorant and lack complete information. As a result, public opinion and voting behaviors tends to change more slowly in reaction to migration, leading to a weaker influence on the policymaking process. Immigration policy thus reflects the interests of those who have more resources to mobilize and lobby policymakers. This situation, in Freeman’s model,

gives rise to client politics: policymakers respond to the demands of organized interests while ignoring non-organized ones or responding to them only symbolically. According to Freeman, a clientelist mode of politics explains the liberal bias of immigration policy: despite elite rhetoric emphasizing restriction, immigration channels have remained open to (some) immigrants.

| Policy type                              | Migration policy/type                           | Mode of politics |
|------------------------------------------|-------------------------------------------------|------------------|
| Concentrated benefits/diffused costs     | High-skilled migration                          | Client           |
| Diffused benefits/ diffused costs        | Non-immigrant visas for other purpose than work | Majoritarian     |
| Concentrated benefits/concentrated costs | Low-skilled migration                           | Interest Group   |
| Diffused benefits/ concentrated costs    | Asylum claims                                   | Entrepreneurial  |

*Table 1 Migration policy types and politics, adapted from Freeman (2006)*

Freeman (1995) also theorized other modes of immigration politics. When benefits and costs are both concentrated, it generates mobilization on both sides, leading to “interest group politics”. In the case where there are diffused benefits and concentrated costs, the problem of collective action is solved by a political entrepreneur, creating “entrepreneurial politics”. Finally, when both benefits and costs are diffused, groups do not really form so there is an undifferentiated majority, generating majoritarian politics. Freeman acknowledges that depending on immigration cycles — encompassing economic conditions but also the evolutions along the migration temporal processes—, modes of politics can change. Emphasizing the importance to differentiate between different migrant categories, Freeman later specified the framework (2006) putting forward hypotheses according to the different migration types/policy (see table 1).

Because this typology is based on the US case, it is less straightforward in its application to the Japanese context, especially when considering that Japan does not have permanent residence visas.

Based on this framework, both types of visa categories covered in this research would yield to similar politics, that is interest group politics, as they are both part of the non-immigrant visas for work. However, as skills have become a central feature of politics, it can be expected that the type of migration policy envisaged by Freeman needs some revisions along the concept of skill. Freeman's implicit assumption seems to be that permanent residence visas target high-skilled workers while temporary work visas target low-skilled workers. In this sense, the two policies under consideration should create different types of politics.

Importantly, Freeman (2006) envisages the possibility of policy re-framing by political entrepreneurs. The allocation of costs and benefits is not objective, nor stable, and can be manipulated. Similarly, the preferences of interest groups are not monolithic and new coalitions and groups can emerge. Particular types of policies can thus create different types of politics. Freeman further recognizes that cross-national variations often find their roots in different national histories, and that even within countries with a similar history, there is a great diversity of politics. Inquiring how policies and politics are connected in other contexts than the US is therefore a relevant enterprise. While Freeman's model is a useful starting point, its seamless application to the case of Japan cannot be assumed.

Critically, according to Bartram (2004), a developmental state typically exhibits the dominance of professional bureaucratic staff over politicians with regard to policymaking authority. The bureaucracy is generally impermeable to politicians and civil society, thereby demonstrating a strong insulation to external pressure with the goal to maximize general welfare. In this perspective,



it is possible that clientelist politics simply cannot adequately capture the immigration policymaking in Japan. The application of Freeman needs to be applied with caution paying specific attention to institutional governance.

### *Pitfalls and revisions*

Over the years, Freeman's model has remained potent to understand the politics of immigration, with some revisions and specifications. In particular, the role of institutions has been taken more seriously (Money and Falstrom, 2004). Money (1999), for example, suggests that actors' interests are filtered by political institutions. Drawing on the cases of France, Great Britain, and Australia, Money finds that the spatial concentration of immigration leads to a concentration of the costs of immigration, pointing to the importance of considering the connection between the local and the national level. Geographically specific interests generate different demands regarding the liberalization or restriction of immigration. When local interests become important to national policymakers, they turn into policy outcomes. The relevance of contextual factors must also be taken into account. Based on Freeman's theoretical framework (1995), Money and Falstrom (2006) focus on the distribution of costs and benefits and institutional structures to hypothesize that when unemployment is low, employers will lobby for open access to immigrants and opposition will be limited. This attention to the context is important and can explain the timing and variation in skilled migration policymaking.

Furthermore, Freeman model has been critiqued regarding its applicability beyond liberal states, suggesting that it requires some revisions (Natter, 2018). Joppke (1998) argues that the logic of client politics is more likely to be found in historical immigrant nations rather than in European states where policy legacies have been more closed to immigration and where pro-immigration lobbies do not have the same power. Consterdine (2015) finds that in the UK, expansionist immigration policy was the initiative of the government based on the pursuit of economic growth. While businesses and the policy community supported these measures, they were not the driving forces. This perspective suggests that not all immigration policy expansion is a product of client politics, but that it can also be led by elites. Focusing on asylum policy, Statham and Geddes (2006) similarly find that immigration policymaking in the UK is elite-driven. These studies point to the importance of considering the political system as a whole.

Menz (2009) emphasizes the type of political economy to understand the nature of the demands for migration and, by extension, how it shapes interests in different contexts. Menz (2009) suggests that migration management in CME and LME unfolds in different ways. LMEs tend to be associated with training systems that generate general skills, thus may be interested in recruiting migrants with specialized skills across all skill levels (Afonso and Devitt, 2016). CMEs generally offer more support, both in terms of quality and quantity, to plant-based skill training, and less skilled workers are generally provided with more opportunities for advancement. These economies typically demonstrate no interest in permanent low-skilled migration. Cavedes (2010) argues that structural changes in the economy has led to changes in the demand from employers depending on the sectors. Employer preferences do not just depend on the type of political economy, but are sector-specific. Insofar as neoclassical economics has been criticized for taking preferences as

given, political scientists must therefore specify how individual and aggregated preferences develop and impact the policy process. In short, the type of political economy and sectoral preferences may impact the politics of immigration in different ways.

An additional limitation of Freeman's framework is that the state is not conceptualized as possessing political agency and autonomy. The state is also not a monolithic institution. As institutionalist accounts of immigration policymaking argue, it is critical to disaggregate the state. For instance, labor ministries may typically focus on short-term migration and illegal work, while the interior ministry may pay more attention to issues of social stability (Tsuda and Cornelius, 2004). Courts will typically capture immigration through the logic of rights rather than economic gains (Joppke, 1999). The salience of the bureaucracy, political party, and legislative power are all important to assess in the policy-making process. Costs and benefits accorded to the interests of the state need further scrutiny.

#### *Revisiting the costs and benefits: social and economic dimensions*

In light of the structural changes that have taken place in society, the identification of costs and benefits merit further clarification. This section discusses the importance of the nature of costs and benefits as it presumably matters to understand politics. Freeman discussed costs and benefits in general terms. I argue that it would be beneficial to disaggregate the costs and benefits according to their nature —economic or social— as they presumably lead to the mobilization of different actors. Economic costs and benefits have tangible economic repercussions. It does not necessarily

mean that direct causal links can be established but that they are typically presumed. Examples of economic costs typically imagined to be linked to immigration include security issues, competition for jobs or housing, tax and financial burdens. Economic benefits mostly relate to business interests, productivity, and economic growth for the country.

Social costs are costs that are connected to ideas, norms, and values. Social costs include human rights violations, reputational damages, or cultural threats. It is suggested that social costs are generally able to mobilize even if they are diffused due to their strong ideological content and their appeal to humanistic values. The social benefits of immigration can relate to increasing diversity and innovation in human resources and society.

The differentiation of the nature of costs and benefits provides a conceptual capacity to better differentiate among the concentration or diffusion of costs and benefits, and thereby better explain the mobilization of actors. Furthermore, policies have grown more complex and multidimensional so that the simple expansion/restriction framework often is not adequate to capture the policy tuning taking place. De Haas et al. (2018) argue that the growing complexity of migration regimes makes it relevant to ask to what extent it is useful to discuss general levels of restriction or liberalization of immigration policies in the first place. Similarly, specific migration channels are made up of different dimensions including rights and benefits, time limitations, closed or open work permits (including, for example, the possibility to change employers), the possibility to bring family members, etc. Some dimensions of the policy can generate costs and thus mobilize lobbying forces to revise these dimensions.

### ***Disaggregating policy dimensions: linkages with politics***

#### *Duration, specificity, flexibility*

Originally developed in the late 1990s, Freeman's theoretical approach does not differentiate between high- and low-skilled migration, a feature which has come to define contemporary immigration policy. However, he does suggest that different policies produce different modes of politics. Freeman and Hill (2006) examine the politics of skilled labor migration in the US and identify four key dimensions upon which the different types of visas differ: duration (temporary versus permanent), specificity (the extent to which they are targeted at particular industrial sectors), flexibility (how quickly and effectively they can be modified in light of changing economic circumstances), and size. The latter will be discussed in the next section.

The two policies analyzed in this thesis present differences along these dimensions. The Point-Based System for Highly Skilled Foreign Professionals (PBS) is limited but renewable and can lead to permanent residence. It is also based on general categories relying mainly on a job offer. Importantly, the size of the high-skilled migrant population is below expectations (Green, 2017). By way of contrast, TITP is not renewable past its maximum duration and is specific to some industries. Although it is not officially based on labor shortages, TITP has proven responsive to industry needs. The size of the program has grown tremendously over time. These four dimensions serve to differentiate the two programs compared and provide some insights as to why they potentially produce different types of politics.

The limited duration of the TITP, the specificity of the program, and the flexibility potentially affect the mobilization of actors. More precisely, the specificity of the program makes the identification of benefits more concentrated and generates clearer expectations for economic actors. The flexibility constitutes an additional incentive for actor mobilization as actors are more likely to make some gains. Finally, the restriction placed on the duration of the program creates some tensions with the reality of the labor market in Japan, which can be a driver for lobbying for the expansion of the program.

### *Size and rights*

An additional dimension missing from Freeman and Hill (2006) that is important to contemporary immigration policy management as it has come to differentiate pathways, pertains to rights. Analyses of capitalist institutions, rights, and immigration suggest that liberal market economies are more likely to put an emphasis on the individual characteristics of migrants while coordinated market economies focuses on restrictions regarding the type of jobs of migrants (salary conditions, compliance with collective wages, sectors) (Ruhs, 2013; Afonso and Devitt, 2018). According to Joppke (2021), high-skilled migration differs from low-skilled migration in the sense that high-skilled policies solicit flows where flows previously did not exist. Because the flows are never large enough, high-skilled migration is rarely politicized, even in the presence of radical right and nationalist parties and mobilization. High-skilled workers also typically have a favorable image among the general public, so skilled migration policies are often less controversial. Similarly, Ruhs (2008) contends that the market for skilled or high-skilled migrant workers is based on an excess

demand for labor. As a result, there is a positive correlation between high-skilled labor migrants and rights regarding attraction and retention.

By way of contrast, the supply of labor migrants for low-skilled jobs is unlimited. Countries are “overwhelmed” with (de facto) low-skilled migration originating via irregular migration channels, family reunification or asylum pathways (Joppke 2021) or international students. This statement must however be mitigated in the Japanese context where family reunification and refugee migration channels are very restricted. However, it is true that the potential supply or pool of low-skilled migrants is greater than what receiving countries are willing to negotiate. Ruhs (2008) argues that when it comes to low-skilled migration, a trade-off between number and rights applies as more employment rights generally implies greater labor costs. Concretely, it means that the greater the number of migrant workers accepted, the more restrictive are the rights. However, there is a distinction to be made between countries with a human rights tradition and those without, such as South Korea or Japan (Ruhs, 2013).

In Japan, the pathway for highly skilled migrants has included more rights and benefits over time thus making the country more attractive and competitive with other countries. The rights allotted to the highly skilled visa category (HSFP) in Japan are generous including the possibility of bringing family members. Highly skilled migrants are also generally allowed to change jobs under certain conditions. In addition, there are no quotas in place. Despite very generous conditions, the program has largely failed to meet its goals as it de facto served skilled workers already in the

country, and thus did not contribute to any substantial growth in the number of high-skilled foreign workers. Simply put, flows remain under expectations and not large enough.

By contrast, the trainee program was a reaction to the growing number of migrant workers taking jobs in the country in a period of labor shortage. It responded to “numbers” already in the country but also calls from the industry suffering from labour shortages. The program targeting de facto low-skilled workers has many restrictions including a quota system based on the size of the company and stage of participation (whether they are new or experienced). The rights of trainees have been historically limited, although their consolidation has taken place over the years. Trainees are not allowed to bring family members, and their visas are normally tied to their employers.

In this thesis, I suggest that the costs and benefits and the mobilization of actors must be understood in light of this segmentation of skill-size-rights, whereby the greater the size of the program increases, the more likely these flows are going to become visible and politicized, in particular due to the positive correlation between skills and rights. The analysis of policy development is thus particularly important to understand modes of politics. As the politicization of the policy grows, the costs in relation to human rights increase, leading to social costs and the mobilization of more actors. On the other hand, once the doors have been opened, a structural dependence is established with the potential that concentrated benefits will attract more economic actors due to the specificity of categories and the flexibility of the program.

*Migration policy and politics*



The following table summarizes the connection between migration type and politics. In short, in Japan, high-skilled migration flows are by definition under expectations. As a result, migration flows for this category of migrants that are “not large enough” are assorted with generous rights to make policies more attractive. Because the flows are negative and rights positive, the costs are diffuse, the economic benefits are concentrated, and clientelist politics should be observed. The costs of high-skilled migration are thus relatively invisible and have remained so as the number of high-skilled migrant workers remains marginal. On the other side, low-skilled migration is prospectively too large, explaining restrictive rights. The demand for low skill migrants (and oversupply of workers waiting at the door) led to an increase in the number of workers. This was made possible under the cover of the label of “training”. The nature of the program made it more likely for industrial actors and the business community to mobilize based on concentrated economic benefits which translated into a larger number of economic actors involved. In parallel, the social costs of low-skilled migration became increasingly visible based on the expansion of the program leading interest groups to organize to influence the policymaking process.

| Migration policy type  | Expected flows          | Dimensions                                              | Costs/benefits                                 | Modes of politics                         |
|------------------------|-------------------------|---------------------------------------------------------|------------------------------------------------|-------------------------------------------|
| High-skilled migration | Not large enough        | Possibility of renewal, general, generous rights        | Concentrated economic benefits, Diffused costs | Client politics                           |
| Low-skilled migration  | Prospectively too large | Time limitation, specific, flexible, restrictive rights | Concentrated economic benefits, Social costs   | Client politics + interest group politics |

*Table 2 Linkages between migration policy types and modes of politics based on Freeman*

The study of the evolution of a policy is important to understand the modes of politics it generates. As the case of the TITP shows, the costs and benefits have been expanding thereby politicizing the debate and potentially creating a space inviting more actors to join the debate. Furthermore, taking into account the institutional dimension of the policy process is important. A focus on institutions and political leadership is warranted in the Japanese context due to the nature of the state, elite relationships and bureaucratic institutions. In the case of highly skilled migration, political entrepreneurship has been a potent dimension in the policy process, which can be connected to the framing and the nature of highly skilled migration that is less politicized than its counterpart. The close ties between big businesses and political executive are also apparent in the analysis. This mode of politics is framed as “entrepreneurial-elite politics”. Due to the small size of the HSFP and the relatively open dimensions of its design, the politics of high-skilled migration remains relatively stable. In other words, the costs and benefits or the framing are not substantially altered over time.

In the case of low-skilled migration, it is hypothesized that the increasing size of the program simultaneously increased the salience of social costs. In other words, social costs related to human rights violations become increasingly visible as the program expanded leading interest groups to mobilize to address the abuses and misconducts. However, it did not displace client politics, meaning that industries and the business community continued to lobby for the expansion the program. This idea is captured through the concept of “client-based interest group politics”. The different dimensions of migration policies require to disaggregate mobilization as these actors pushed for different reforms that ultimately overlapped. Regarding the benefits, the program specificity and flexibility clearly revealed the concentrated economic benefits leading to more

economic actors getting involved in the process. It is suggested that different modes of politics can coexist. The reasons are to be found in the complexity of policies.

| Migration policy type  | Framing           | Dimensions                                              | Costs/benefits                                            | Modes of politics (revised)                                                        |
|------------------------|-------------------|---------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------|
| High-skilled migration | Macro, long-term  | Possibility of renewal, general, generous rights        | Concentrated economic benefits, Diffused costs (stable)   | Elite client politics + entrepreneurship = "entrepreneurial-elite politics"        |
| Low-skilled migration  | Micro, short-term | Time limitation, specific, flexible, restrictive rights | Concentrated economic benefits, Social costs (increasing) | Client politics + interest group politics = "client-based interest group politics" |

*Table 3 Linkages between migration policy types and modes of politics (revised)*

## Methods

### *Case study research design with a within-case comparison*

This research is based on a qualitative case study research design with a within-case comparison. It focuses on analyzing different sub-dimensions (in this case, high- and low-skilled migration policies) within a single case study (Japan). This design is useful to capture the potential inconsistencies and fragmentation of immigration policymaking deriving from different constituents and needs and because of institutional constraints (Joppke, 2007; Boucher and Guest, 2018; de Haas et al. 2015; Boswell and Geddes, 2011).

### *The case study research design*

Lijphart (1971) argues that the case study approach is appropriate when resources are limited. However, this assertion must be nuanced as some case studies may require intensive fieldwork and,

if situated outside of the researcher's geographical location, can be costly in terms of time, travel cost, or language skills investment. The same depth is usually not expected and likely not feasible for large-n studies. In mainstream comparative politics, it is assumed that one of the main strengths of the case study approach is that it allows intensive exploration of a unit of study and therefore provide rich and thick descriptions (Geertz, 1973). Case studies offer persuasive causal argument given the level of details and analysis that they are allowed to pursue (Rueschmeyer, 2003). This in turn has the potential to uncover meaning and illuminate insiders' point of view, positing agency for the actors.

Because of their lower level of abstraction (compared to cross-national statistical analysis), case studies can develop concepts and operationalize them in ways where they are less likely to be "stretched" (Sartori, 1970) and, in this way, can generate a more meaningful analysis and lead to the identification of more specific causal paths. The inevitable trade-off is perhaps the difficulty to generalize from the findings given the level of details and contextual analysis, but also given the fact that it is not always possible to know if the case study is an outlier or deviant case.

Case studies have merits as complementary to other methods, in particular cross-national statistical analysis that often assume homogenous causal pathways and have often a hard time identifying the direction of causality. They hold the potential to test theories and, in this sense, contribute to theory-building by validating or infirming hypotheses, or by suggesting the exploration of novel variables in the equation of explanations.

Shortcomings of the case study ultimately depend on epistemological considerations. From a perspective that postulates that legitimate research should focus on causation, case study may not be the best method. Because of the nature of the research, it is often impossible to "test" or "falsify" (Popper, 1959) the hypotheses and many interpretations of the same case are possible. Case study

research is also confronted to the “too many variables” problem where it is hard to isolate variables and test their respective impact. Another important shortcoming of the risk of selection bias (George and Bennett, 2005). Selection bias arises when the case study is selected based on other considerations than the research question such as scholarly expertise or interest, or relatively easy access to data. Pragmatic considerations should theoretically not take precedence over methodological concerns. However, the bounded rationality of researchers makes it difficult to completely occult these dimensions from case selection.

#### *Within-case comparison*

The within-case comparison is a research strategy to examine sub-dimensions within a single case to draw in-depth insights on the question under scrutiny. It provides more complexity and nuances to causal relationships that may be overlooked or invisible in cross-case comparisons. It is particularly relevant for examining complex phenomena that cannot be reduced to the addition of its components and to explore different dimensions of a single case (Mahoney, 2000; Levy 2008). One of the greatest benefits of this approach compared to a cross-case comparison is the control for external variables such as political economy, institutions, or culture, thereby isolating more compellingly the variables identified and reducing confounding factors. It further consolidates internal validity, with the potential for theory refinement (George and Bennett, 2005). A potential pitfall associated with this approach is the isolation of the sub-units selected in such a way that can reduce the complexity or ignore the interactions between them. There is also a risk of over-focusing on the particular dynamics at the expense of the broader contextual influences. Finally, due to the details of the dynamics, generalizability may be an issue. In short, within-case comparison is best suited when examining variation within a single case and when the focus is less on external validity

and more on exploring distinct causal pathways, which is consistent with the purpose of this research.

### *Structured and focused comparison*

The comparison is a structured and focused comparison (George and Bennett, 2005). This method provides a systematic way of analyzing more than one case to capture a particular phenomenon or to test hypotheses. It is based on standardized questions applicable to the compared cases to ensure consistency and comparability and mitigate risks of subjective biases. Through the application of the same framework to the two cases, similarities and differences emerge. It also ensures systematic and replicable research. The structured and focused comparison is used to test theories and analyze why certain patterns or outcomes vary, thereby potentially contributing to theory development.

This research is guided by the following question: *despite strong and restrictive policy legacies, is the policymaking of de facto lower-skilled labor immigration policy different from policymaking of high-skilled labor migration in Japan?*

Based on Freeman's theoretical framework and its revisions the following questions are developed.

- Who are the groups that mobilized and pushed for the revision of the policy?
- What were their demands?
- What are the costs and benefits (and their nature)? How were the costs and benefits transformed?

- How did politics affect policy and vice-versa?

These questions provide a direction to frame the analysis. By adopting a chronological perspective, it is possible to observe how policies and politics interacted in policy development processes and the ways policymaking was impacted by actors.

### *Data*

The research draws primarily on qualitative data to analyze migration policymaking process in Japan. It relies on primary legislations and policy documents, including white papers, policy, plans, Diet debates, meeting minutes, stakeholders' inputs, and archives. These documents are available on the websites of various government entities such as the Cabinet Office, ministries, central agencies, subnational governments, and stakeholders' websites. The Web Archiving Project (WARP) constituted a rich source of data. These documents are available in Japanese and English. They are complemented by secondary sources.

Applying Freeman's framework not only requires paying attention to the actors and their influence, but also to how their influence matters. I start with the identification of the locus in which policy is made. I then undertake a mapping exercise of actors and institutions that participated in the policymaking process. This process involved a content analysis of policy documents supplemented by secondary sources to establish a timeline of the process of policy change and linking it to actors and institutions. Through the analysis of relevant primary and secondary documents, the interests and lobbying efforts of the government ministers and departments, economic actors, organized interests and other relevant stakeholders identified as involved in these developments were traced. Particular attention is also devoted to the contextualization and the institutional settings in which

policymaking takes place to take into account the critiques addressed to Freeman's model. Third, I discuss the benefits and costs of the policies under scrutiny and their evolution according to the perspectives of the actors. The findings are then structured into the focused questions that frame the comparison of policy to create a consistent analysis.

This approach is limited by the fact that not all minutes or meeting contents are available online. There are many informal discussions or meetings behind closed doors taking place. In this sense, the data collected reflects what the political world agrees to share publicly. However, these limitations do not substantially hamper the goals of this research as the world is in essence never objective and omniscient. Furthermore, by drawing on bilingual materials, this project advances a little bit more knowledge of the Japanese immigration policy in the English language.

## **Conclusion**

This chapter connects theory and methods to offer a perspective that contributes to the literature in two ways. First, drawing on Freeman, I provide a more detailed and dynamic framework to capture the costs and benefits. The framework is especially warranted as immigration politics and policymaking have become more fragmented, complex, and inconsistent than before. More time has also passed since Freeman developed his assumptions, prompting for a timely reassessment of the hypotheses and claims. Second, still based on the contemporary features of immigration politics and policy, I propose a within-case comparison to account for the potentially different politics generated by high-skilled and low-skilled migration. The strength of this approach lies in the control of many variables including institutions, culture, or historical legacies.



## **Chapter 3: Delving into the immigration policymaking in Japan: past and present**

### **Introduction**

To be sure, Japan is perhaps the most westernized countries of East Asia. However, it is not a case that is easy to grasp. After the WWII, Japan was forced to adopt political and economic institutions from the West. At the same time, the need to adapt those institutions to the Japanese context have given rise to idiosyncratic developments. This chapter provides some important background to the study of immigration politics and policy in Japan. It encompasses the state of the literature, pointing to the need to explore further the policymaking process in Japan in a long-term perspective and the role and influence of actors in the making of policies. Second, the concepts of high-skilled and low-skilled migrants in the Japanese context are explained paying attention to their evolution over time. The third part exposes the chief institutional and ideational features surrounding immigration policymaking in Japan. The fragmentation of actors represents an enduring and salient feature, making the policymaking process particularly strenuous. The next part provides a (frozen) overview of the main interests that potentially affect the policymaking process, assessing their a priori influence on immigration policy. Finally, the chapter analyzes the “1990 system” which officially marked the beginning of contemporary immigration policy in Japan. Through a Freemanian lens, the battle of interests and the framing of costs and benefits are uncovered.

This chapter is important to frame the following analysis of policies and the subsequent policymaking processes. Linking it back to the research question that explores the policymaking process of high-skilled and low-skilled migration, this chapter presents the elements that coexist, interact and matter to understand the immigration policy process. Reflecting on the nature of

immigration politics, the goal is to disentangle the role and influence of actors in the policymaking process in light of the institutional and ideational features of the political life in Japan.

## **State of the art**

Japan is a case that has been little explored in depth in the comparative politics literature on immigration. Most research on immigration in Japan is anchored in the fields of sociology or economics unveiling the experiences of migrants and stakeholders (Roberts& Fujita, 2023; Liu-Farrer, 2011, 2023; Nagayoshi&Kihara 2023; Hof& Tseng, 2021) and the impact of migration on the domestic labor market and society (Shimasawa& Oguro, 2010; Takenoshita, 2013). These analyses have made significant advances to our understanding of migration realities and migrant lived experiences in Japan.

However, there is a scarcity of macro-level analyses of Japanese immigration policy. Most of this literature has centered around a single dimension of immigration policy such as a specific program or a policy debate —high-skilled migration (Wakisaka, 2018, Oishi, 2014), the Nikkeijin (Yamanaka, 1996), the Economic Partnership Agreement for care workers (Nikki, 2024), or the Specified Skilled Worker program (Endoh, 2019)—, illuminating the making, the logic and the inconsistencies surrounding policies. Wakisaka (2023) provides a qualitative study shedding light on the bureaucratic agency in the governance of immigration in Japan. He finds that bureaucrats operate within institutional constraints and tend to avoid structural reforms due to the governance architecture. Oishi (2021) analyzes the development of skilled migration policies in Japan. She

points to the inherent ambiguity of the concept of "skills" and shows how this dimension has been instrumental in enabling major policy changes. In a similar vein, Chiavacci (2012) shows how the definition of a “valuable” foreign worker is a highly debated issue, and that in the context of Japan it is deeply influenced by evolving ideas and perceptions of immigration. Focusing on foreign care workers, Nikki (2024) highlights the salience of economic imperatives as drivers of policy change while suggesting that the decision-making process was dominated by political actors influenced by business leaders’ interests. Finally, Chiavacci (2025) emphasizes the variety of conflicting policy frames that have surrounded immigration policy since the 1980s as well as the fragmented decision-making processes that have long stalled efforts to open the labor market to foreigners.

Furthermore, studies on Japanese immigration policy generally focus on the four main debates that have punctuated policy development (Chivacci 2012), with the majority of them addressing the policy process during the 1990 amendment or a one-time policy reform. Few have traced the historical development of a program by looking at the changing parameters and interests involved in a single immigration program. Actor-centered scholarship exhibits a tendency to focus on a set of limited actors or focus on the role of the bureaucracy and its impact on immigration policy. Endoh (2019) traces the evolution of immigration policy since the 1990s to the introduction of the “Specified Skills” visa in 2019 pointing to the ambivalence reflected in how Japan has simultaneously eased entry for certain labor categories while tightening overall controls on long-term settlement. Overall, she finds that policy reforms seek to balance the economic imperative of alleviating chronic labor shortages with the goal of minimizing social integration costs. However, the study does not discuss in depth actors. Drawing on primary documents, Rehm (2024a) adopts an actor-centered approach analyzing two case studies (the 1990 and the 2019 amendments), He

emphasizes the changing influence of political, bureaucratic, and industry actors. The article finds a notable shift in the balance of power away from bureaucratic dominance towards increased influence by political executives, with industry actors maintaining a relatively consistent level of influence across both periods examined. Rehm further suggests the need to explore the influence of actors beyond the triad.

Finally, the major theoretical frameworks used to analyze the policy process have rarely been applied to the case of Japan. This can be explained by the fact that research on immigration policy in Japan is predominantly anchored in the field of Japanese studies, thereby failing to effectively establish a dialogue with the comparative policy literature. While I do not believe that the value of research should only be judged based on its linkages to the comparative literature, it is an important endeavor to shed light on the Japanese case and to provide an additional theoretical building block to the literature through geographical and cultural diversification.

### **Conceptualization: high and low-skilled migrants in Japan**

In Japan, the term “immigrant” is rarely used in political debates as Japan does not recognize that it has an immigration policy (Roberts, 2018). According to official definitions, an immigrant is an individual who comes to live and stay in Japan long-term or, more precisely, with the “intent to stay permanently” (Nagayoshi, 2020). Immigration involves the idea of accepting individuals as permanent residents with pathways to citizenship. The government insists that existing policies target foreign workers contributing temporarily to Japan’s economy, thus are not immigration

policy. Policies in Japan do not grant permanent residence from the outset, thus technically fitting into the government's rhetoric and narrow definition of immigration.

The country officially only accepts highly skilled workers. High-skilled workers are individuals working in specialized and technical field and is generally based on the idea of “advanced abilities and skills” (Green, 2015). High-skilled workers are defined by the positive, that is broad categories generally based on a high level of knowledge assessed through university education or work experience of at least 10 years. Japan classifies statuses of residence based on activity or kinship. However, the definition of high-skilled workers has evolved over time. Immigration Control and Refugee Recognition Act 4 has been revised in 1990, creating 14 employment visa categories, including 13 designated for highly skilled migrants. Several new categories have been established afterwards, such as “highly skilled professional” in 2015, “nursing care professionals” in 2016, and “specified skilled worker” in 2019— albeit the latter two are not really considered highly skilled professionals. In the late 1990s, the definition of high-skilled was expanded to include IT specialists. This time coincides to the period when IT qualifications were mutually recognized by several Asian countries including Japan, India, Singapore, and Vietnam (Iguchi, 2012). The Point-Based System for Highly Skilled professionals was introduced in 2012 establishing three visa categories: 1. Advanced academic research activities, 2. Advanced specialized/technical activities, 3. Advanced business management activities. With the introduction of the point-system, Japan created a category of privileged migrants within the more broadly defined “highly skilled” migrant workers category, the only one that is able to officially enter the country. The contours of skills have become more precise for the top category of migrants, but in general remain comparatively broad in terms of requirements, as long as a job offer is held. Today, there are 14 statuses of

residence for the purpose of work in addition to “designated activities” and the category of “care worker” (MOFA, 2023).

To refer to what has commonly been translated as “unskilled workers”, Japan uses “tanjun roudousha” (単純労働者), literally translated as simple workers or workers who do basic tasks.

The concept encompasses everything not included in the categories of high skilled foreign workers. Over time, the usage of the term so-called “unskilled workers” has waned. The government has progressively abandoned the term in government official documents since around 2015. Following Ulrich Beck, Kimura (2022) describes “tanjun roudousha” as a “zombie category”, meaning that it is dead and empty in content, but continues to be alive.

While, unskilled migrants are not officially admitted, several side doors have been open as a result of compromises. First, the acceptance of nikkeijin was premised on labor shortages while colored by discourses framed through the lens of illegal migration in the late 1980s. The term “nikkeijin” designates foreigners who are descendants of Japanese emigrants (first-second-third generations and their spouses), mainly to Brazil and other Latin American countries in the 1950s. The acceptance of nikkeijin was grounded in the idea of opening a pathway for low and middle skilled workers under the cover of preserving ethnic homogeneity (Tsuda, 1999). They are entitled to the status of “long-term resident” and can work and study in Japan without limitations. De facto, many of them took on simple jobs. Japan also admits “trainees” from Asian countries under the TITP program.

Finally, the other important category that de facto provides the Japanese labor market with low and middle skilled workers is the “shikakugai katsudou kyoka” category (資格外活動許可) or “individuals that have the permission to engage in activities other than those permitted by their status of residence”. This status is predominantly represented by foreign students. Notably, Japanese language schools have over the years transformed into an organized system composed of language schools and foreign informal brokers de facto pointing to the emergence of an education-migration industry that channels “de facto low skilled workers” into the Japanese labor market (Liu-Farrer and Tran, 2019). Although there have been some timid developments in the recent years as a result of political crises, Japan’s refugee policy has been de facto very limited (Rehm, 2024b).

### **Immigration policymaking in Japan: interests, institutions and ideas**

Japan is typically regarded as a strong centralized state with an effective apparatus relatively immune to external interests (Chiavacci, 2017). While this autonomy drove the development of long-term goals in an effort to stimulate economic growth and development, embedded nature of the state in closed networks should not be underestimated. Evans (1995) discusses “embedded autonomy” to refer to the idea that developmental states maintain some autonomy from vested interests while being characterized by strong collaborative ties between bureaucrats and economic elites facilitating negotiations and the attainment of goals, in particular relating to industrial development. These networks are instrumental for the implementation of long-term goals. As such,

the autonomy and the strength of the state allow for the strategic and autonomous formulation of policies, but their implementation is tied to cooperation with private interests.

There are however variations depending on policy sectors and temporal developments. Chiavacci (2020) contends that Japanese immigration policy poorly fits into this framework as it is often characterized by “immobilism and standstill” (191). More precisely, policymaking in Japan typically follows an “elitist bottom-up approach”. In other words, policy proposals are often the initiative of a specific ministry that consults other relevant ministries. The proposal then goes to the Cabinet/Prime Minister’s Office for approval. Regarding immigration policy, the policymaking under Abe (2012-2020) followed more of an “elitist top-down approach”. High-level policies were implemented at the Cabinet level, and then operationalized by ministries (Takizawa, 2021). As such, policymaking in Japan is not monolithic and cannot be assessed solely based on the nature of the bureaucracy or institutions. However, these insights suggest that the higher levels of government are presumably potent in the policymaking process, thereby tempering the emphasis on stakeholders only.

### *Institutional fragmentation*

To come back to the legal foundations of immigration in Japan, the core primary legislation is the Immigration Control and Refugee Recognition Act (hereafter the Immigration Act) implemented in 1951, and substantially revised in 1990 to set the basis of contemporary immigration policy. Following the Immigration Act, foreigners must be granted a “permit of residence” by immigration



authorities. There are different classifications of residence status in Japan that primarily depend upon the activity. Residence status is further supplemented by the Alien Registration Law (1952) that had for original intent control over permanent residents, in particular Koreans who had lost their Japanese nationality after the San Francisco Peace Treaty (1952).

The Immigration Act confers the Ministry of Justice (MOJ) great powers regarding the making of secondary legislations (including Cabinet ordinances and Ministerial ordinances). However, other ministries are given a consultative mandate, meaning that policymaking should rest on a consensus. Ministries can have different perspectives on the goals of immigration policy. It often translates into long and costly discussions and negotiations. The Ministry of Health, Labor, and Welfare (MHLW) and the Ministry of Economy, Trade, and Industry (METI) actively participate in the discussions regarding immigration. While some other ministries are involved depending on the issue, these three ministries were, and are still, the most prominent ministerial actors for the discussions under interest.

In practice, there is no leadership that is identified in the negotiation processes (Wakisaka, 2018). The three Ministries share some responsibilities while being guided and driven by different interests and values. Wakisaka (2018) identifies the MOJ as being relatively neutral in its stance regarding the direction of migration policy. METI is seen as more of “admissionist”, as it is driven by the interests of the industry. The MHLW is backed up by labor unions and local communities, therefore tends to be more restrictive. However, views and positions are not set in stone and can sometimes lack consistency. Interests and ideas can and do often evolve. The dominant position of

the Ministries can also change depending on personalistic views. For example, cleavages are manifest in the different orientations carried by the different ministers of Justice. Notably, the former minister of Justice Nagase (2006-2007) proposed the creation of a guest worker program. His successor Hatoyama (2007-2008) positioned himself against such a reform emphasizing public order concerns and advocating for a restrictive immigration policy.

The lack of coordination and cooperation between ministries, and sometimes, even conflict between them, are a defining characteristic of immigration policymaking in Japan (Chiavacci, 2017; Wakisaka, 2018). Until the creation of the Immigration State Agency in 2018, there was no institution that took the lead to guide immigration policymaking. Chiavacci (2017) contends that reforms are “random results of highly conflictive policymaking process”. While this claim should not be underestimated, this thesis attempts to understand with more clarity the process through which immigration policymaking occurs. Under the 2018 reform package, the Immigration Service Agency (ISA) was first created. Its mandate is to operationalize high-level policies related to the immigration inspection of foreigners, the management of foreigners’ residences, the deportation of undesirable foreigners, and refugee status determination. The ISA is still part of the MOJ apparatus but acts as an autonomous and external bureau with its own budget.

Government consultation is an important feature of the political system. Consultations can take various forms such as consultancy and research mechanisms, informal consultation, and statutory and non-statutory public advisory bodies. Non-statutory bodies are known as *kondankai* and are informally established in higher levels of the government as round tables and informal discussions

to promote and facilitate dialogues between the government officials and stakeholders. Statutory advisory councils are known as *shingikai* (Harari, 1988). Each Ministry usually has a council attached that serves as a consultative and deliberative entity for public policy. In these councils, bureaucrats examine policies with members composing those councils, typically being business people, bureaucrats, scholars, unionists, journalists inter alia. Prior to policy reforms, the relevant Ministry holds some consultations with the councils that produces a proposal that can then be examined by the government and Parliament. These *kondankai* and *shingikai* are great opportunities for lobbyists and actors to influence the proposals during the policy development process. The content of the discussions is, however, often opaque and difficult to access.

The Advisory Council on Immigration Control Policy is a governmental body responsible for providing expert advice and recommendations on immigration policy. It is composed of 16 members including members from the academia, the business sector, and individuals from the political sphere. Depending on the topic discussed, officials from relevant ministries can be present (Takizawa 2021).

### *Ideational fragmentation*

Ideational fragmentation, a notable parallel, is not specific to the Japanese case. Chiavacci (2017) argues that the frame of ethnic nationalism, public security, and economic development are the chief lenses through which immigration is debated in Japan. These frames yield to competitive and contradictory perspectives on immigration policy development. For example, in the late 1990s,

actors focusing on economic development argued for more open borders. However, the opposition put forward a security perspective emphasizing the risks for public order and criminality. With the rise of the Abenomics, immigration became framed as a strategic policy for economic development, thereby redefining immigration policy as an economic policy. The missing coordination and internal conflicts between state actors and the conflicting frames through which immigration is conceptualized in Japan led to some surprising reforms that are difficult to rationally comprehend.

## **Balancing interests**

### *Civil society*

Civil society in Japan has historically been weak in influencing national policymaking represented through the idea of “members without advocacy” (Pekkanen, 2006). This weakness can be explained by the difficulty to penetrate elite circles that are often opaque et closed. Local advocacy is most potent at the local level. While civil society organizations (CSOs) have lacked resources, both human and financial, they regularly cooperate with local authorities, working as support groups for foreigners residing in Japan rather than acting as vigorous advocates (Pekkanen et al., 2014). As a result, they focus on the rights and welfare of foreign workers. Despite the limits that exist with regard to their inclusion within the elite policymaking circle, CSO have found strategies to influence the frames, implementation and reforms in immigration policy (Chiavacci, 2020).

### *Political parties*

Immigration has not been politicized due to its contentious nature. In Japan, while there are xenophobic social movements or right-wing politicians who have expressed anti-immigration views, immigration has not become instrumentalized or able to influence immigration policy discourses and reforms (Chiavacci, 2017). Political parties are composed of inconsistent factions when it comes to immigration issues, making it hard to clearly identify boundaries between competing parties. This internal fragmentation also explains why immigration has not yet arisen as a politicized issue for electoral gains. The interests of political parties and the political leadership have also transformed in the face of evolving economic and political priorities. Furthermore, due to historical and societal considerations, political parties have no incentive to politicize immigration. Political parties' cautious and fragmented approach to immigration policy prevents the identification of clear costs and benefits that would provide a coherent roadmap for policy development. Finally, the Liberal Democratic Party (LDP) has been ruling the country with almost no interruption. As a result, party competition and electoral turnover does not substantially affect the politics of immigration in Japan.

### *Public opinion*

The literature indicates that Japanese perceptions of immigration are shaped by economic needs, cultural considerations and demographic imperatives and that preferences are fragmented. As a matter of fact, the government's strategic priority famously known as "Abenomics", which focuses on monetary policy, fiscal reforms, and structural reforms (Government of Japan, 2019), proved

to be very popular, responding to the public's views on the most pressing issues to be addressed (Solis, 2019). However, positions regarding the intersection of economic growth and immigration are arguably less clear-cut.

Research by Kage, Rosenbluth, and Tanaka (2021) identifies two primary axes along which Japanese citizens view immigration: cultural and economic effects. Their findings reveal a more complex picture suggesting that when broken down, individuals recognize immigration as beneficial for economic growth while exhibiting some concerns about potential cultural impacts. Green (2017) finds that cultural threat seems to be the driving force behind immigration perception among the Japanese public. A 2004 survey conducted by the government on the acceptance of foreign workers (Cabinet Office, 2004) demonstrates that Japanese language ability (35.2%) and understanding Japanese culture (32.7%) are valued criteria regarding immigration. Respondents also indicated that they were mostly concerned about security (71.4%) and the negative effects on Japanese employment (40.8%) thereby considering different dimensions of immigration.

An Asahi Shimbun poll from 2012 gauged the acceptance of immigrants to maintain economic vitality: 26% agreed, while 65% opposed the idea (Hirata and Warschauer, 2014). Similarly, Green and Kadoya's findings (2015) indicate that 63% of respondents to their survey positioned themselves against the increase of the number of foreigners.

However, the design of the study matters. For instance, Davidson and Peng (2020) explored views on immigration in the prefecture of Yamanashi based on 28 in-depth interviews with local residents.

They find a widespread anti-immigrant sentiment except for care workers, thereby suggesting pragmatism in the way people approach immigration. The latest Nikkei survey in 2019 reflects this tension and a general pragmatism of the population. While 66% of the respondents believe that an increase in foreign residents is “good” or “somewhat good” for the country, 27% agreed that foreigners should be welcome and 55% said the increase was undesirable but unavoidable (Nikkei, 2019). Combined with the fragmentation of views within and across political parties and in the absence of clear-cut definition of preferences and costs, the conflicted, pragmatic, and resigned views of Japanese society potentially explain why public mobilization cannot constitute a potent force to shape immigration policy.

Furthermore, some cultural, legal and institutional barriers act as challenges to a potent influence of public opinion on immigration policymaking. Japan demonstrates a high social cohesion, and a relatively low level of overt political activism compared to Western democracies. While freedom of assembly is guaranteed, there are strict regulations on public protests and demonstrations. Protests and activism are also not extensively covered by the media, which can create barriers to awareness, mobilization, and participation.

### *Business interests*

The Nippon Keidanren (Japan Business Federation) is Japan's most influential business organization, representing the interests of major Japanese corporations, industry associations, and regional economic organizations. Established in 2002 through the merger of the Japan Federation

of Economic Organizations (Keidanren) and the Japan Federation of Employers' Associations (Nikkeiren), it plays a significant role in shaping Japan's economic and industrial policies. The Keidanren has proved to have significant influence over Japanese policymaking due to its close ties with the government and the ruling Liberal Democratic Party (LDP). Small and Medium Enterprises (SMEs) are a critical part of Japan's economy and often face acute labor shortages, particularly in rural areas. While SMEs business associations, including the The Keizai Doukyuukai, have historically had less linkages to the central executive, they generally work with local government and sectorial ministries. Industry groups represent sectors facing significant labor shortages and advocate for tailored immigration policies to address specific needs of the industry.

In Japan, economic interests are integrated and organized within the governance framework through formal consultative processes. While scholars disagree on the nature of the relationship between businesses, bureaucrats and interest groups, they emphasize the potency and strength of economic actors (Tsujinaka and Pekkanen, 2007). Their influence transpires in their participation in *kondankai*, *shingikai* and through their established and close connections with policymakers.

### *Labor interests*

The country is often described by the term corporatism without labor (Pempel and Tsunakawa, 1979) or enterprise paternalism (Streeck and Yamamura, 2001) referring to the weak role that organized labor usually plays in politics. Japanese unions are enterprise-based and are assumed to have contributed to the economic success of Japan (Kitagawa, Ohta and Teruyama 2018). They



have turned out to be an important internal mechanism for job security and a key player in building trust relationships between labor and management (Moriguchi, 2014). However, their influence on politics remains more limited.

In 1989, the Japanese Trade Union Confederation, or Rengo was borne out of the fusion between four nationwide labor organizations (the General Council of Trade Unions of Japan, the Japanese Confederation of Labor, the Federation of Independent Unions, and the National Federation of Industrial Organizations). Rengo has since then played a key role to negotiate wages and improve labor conditions, including addressing issues of discrimination and exploitation. It represents the most vocal actor representing labor in national policy debates.

The rise of globalization and service industrialization has, however, slowed down the influence of labor unions in Japan as a result of the informalization of employment relations (Matsuura, 2023). Unions often lack resources to face neoliberal forces that have penetrated diverse spheres of the society and lack power to access and influence substantially policymaking (Watanabe, 2018). They have been vocal in their opposition to large-scale immigration due to concerns about downward pressure on wages and job security for domestic workers, however their influence is essentially marginal (Chiavacci, 2025).

In short, a cursory review of the “frozen” interests at play in (immigration) policymaking in Japan reflects some apathy from the general public with labor unions and interest groups’ influence being rather marginal due to their lack of resources and access to the centralized government compared

to economic interests. However, it does not mean that the public has no influence at all. Comparatively, economic interests are well entrenched in the governance through formal and informal consultation mechanisms.

## **Historical development and policy legacies: the “1990 system”**

### *Immigration policy: a political product*

Until the 1990s, Japanese economy has developed relatively immune from global pressures by Western states, multinational corporations, and transnational institutions. Japanese bureaucrats and big businesses had resisted the “market deepening” forces that had touched many modern societies in the world. Yet, by the late 1990s, ideas of neoliberalism and global capitalism started to penetrate Japanese political and economic spheres. While the modern immigration institutions in Japan were founded in this context, the origin of immigration institutions began in the period following the WWII.

Many policies, including immigration, were determined by the Allied powers led by the United States after the WWII. In 1947, the Alien Registration Ordinance (Imperial Edict No. 207) was promulgated and enforced, redefining the contours of Japanese citizenship. Notably, it consigned ethnic Koreans (Zainichi) to an alien status. In 1951, the Immigration Control Government Ordinance introduced sixteen categories of status of residence. Following the Peace Treaty of 1952, the Alien Registration Law (Law No. 125 of 1952) was established and the Immigration Control

Government Ordinance became a law. However, it did not have as a purpose the settlement of migrants in the country but it sought to deal with Koreans and Chinese residents in Japan (Kashiwazaki and Akaha, 2006; Zhang, 2020). Immigration was thus not primarily a product of cultural factors related to cultural and ethnic homogeneity and geographical isolation, but a political product of the Cold War (Kamibayashi, 2024).

As a result of international obligations derived from the newly joined Refugee Convention in October 1981 and in a period of relatively high economic growth, Japan introduced the Immigration Control and Refugee Recognition Act in January 1982. The Act conferred the new statuses of residence of “short stay” and “training”. In addition, six new categories were created based on activity (field of work).

### *The beginning of selective immigration policy*

A major development of labour migration policy in Japan revolves around the beginning of selective migration policy, although the country did not acknowledge that it was actually an immigration policy. In 1990, the Immigration Control Law was amended with the consequence of doubling the number of visas available. In particular, important revisions included i) simple migrants workers were prohibited from assuming employment, ii) the entry quota for specialist migrant workers was expanded, and the number of residence categories increased from 18 to 28, iii) a new system for foreign trainees was established, iv) foreigners of Japanese ethnic origin (nikkeijin primarily from Latin America) were granted a right of residence not linked to their

activity (Yashiro, 2011). Despite clearly establishing its position regarding the acceptance of highly skilled workers only (and by extension the ban on low skilled migration), these amendments simultaneously opened several back-doors that de facto served low-skilled migration. Forty years after the war, the law was revised substantially altering the goal of immigration policy from one based on security concerns to one aiming at securing a labor force (Kamibayashi, 2024).

The "first debate" took place from 1986 to around 1994, around the time of the bubble economy. It was framed in terms of the labor market and out of consideration of international obligations, but also in light of concerns regarding the preservation of "racial homogeneity" (Yamanaka, 1993). This first debate was dominated by ministries and was hasty, without sufficient discussions as the social and political environment was very unstable, marked by political scandals (Yamaguchi, 2020; Kamibayashi, 2009).

In the mid-1960s, the Japanese labor market reached a point where additional labor supply was difficult to obtain if higher wages did not follow. Proposals to accept foreign workers started to emerge yet they were rapidly tamed by the solidified principle of not accepting foreign labor (Iguchi, 2012). The 1960s and 1970s were characterized by repeat rejections of proposals to accept foreign labor (Hamaguchi, 2019). The reason is to be found in the political goal of the Liberal Democratic Party (LDP) to achieve full employment, in particular with some concerns for the elderly (Kamibayashi, 2024). The "First Basic Employment Measures Plan" of 1967 clearly emphasized the goal of realizing full employment by utilizing the capabilities of all workers (Hamaguchi, 2016). A severe labour shortage experienced at the end of the high-growth era at the

end of the 1980s altered the situation. Around 1985, labour demand increased in the fields of manufacturing, construction, fisheries and agriculture, and became more prevalent in small and medium enterprises (Yamaguchi, 2020). At the same time, young people were not interested in dirty, dangerous and difficult jobs (Song, 2020). In the absence of clearly defined immigration policy, labour shortages triggered an inflow of people who took on jobs in the country without proper visa, mostly entering as tourists and overstaying their visa (Chiaviacchi, 2012). The rise of irregular immigration propelled numerous public and political debates about immigration and the need for a policy framework.

#### *Fragmentation of actors: defining the costs and benefits*

In the late 1980s, in the face of this influx of foreigners and intensifying debates, some government ministries and research organizations sent delegations to Germany and other European countries to analyze their immigration policies. The conclusions of these delegations suggested that the German model of differential exclusion would best fit Japanese society, as immigration costs would be kept very modest (Yamanaka, 2008). This position has had a critical impact on the subsequent formation of immigration policy. In 1988, the "Foreign Worker Issues Study Group," a private study group of the Director General of the Ministry of Labor's Employment Security Bureau, made recommendations on the challenges and direction of accepting foreign. It suggested maintaining the status quo in light of the potential impact of foreign workers on the employment, the labor market and socio-economic aspects of Japanese workers. However, it also recognized the importance to contribute to international economic and social development through skill transfer (Yamaguchi, 2020; Zhang, 2020). It further mentioned the risks of international criticism if the

program only accepted foreign workers based on the needs of its labor market, thereby pointing to the importance to consider the response of sending country and the international community (Sano 2001). In 1988, the Ministry of Labor (currently the Ministry of Health, Labor, and Welfare) submitted a proposal for the creation of an employment system for foreign nationals, according to which employers that seek to hire foreign workers would need to obtain an employment permit (Hamaguchi, 2019). Ultimately, the project of an employment system did not come to light.

The expansion of high-skilled migration policy did not trigger much resistance. While specialized and technical fields existed before 1990, they were expanded. 10 new residence categories for professionals were added, included what is today defined as the Engineer/Specialist in Humanities/International Services (Akashi, 2010). The most controversial part was whether to accept “simple workers”. Simple workers were associated with the temporary foreign workers that turned out to be permanent immigrant communities in Europe and North America, which left policymakers worried (Yamanaka, 1993). This debate was characterized by the absence of clear positions from the main actors, but also the lack of participation from actors who were concerned by these discussions.

The debate centred around the consequences of an increasing number of foreign workers for the country, but also Japan’s role and duties at the international level (Chiavacci, 2012). It was framed in the context of threat of Japanese culture and ethnic homogeneity (Song, 2020). In particular, the Ministry of Foreign Affairs (MOFA) showed concerns regarding foreign policy and criticisms from the international community. It emphasized the importance for Japan to endorse its responsibility

vis-à-vis the international system, in particular its contribution toward the economic development of less wealthy countries through the training of simple workers. The Ministry of Labor kept a restrictive stance toward opening the borders to simple workers and highlighted the high costs compared to the benefits, in addition to the detrimental consequences on Japanese society. The Ministry of Justice, the primary actor in charge of immigration policy, similarly adopted a restrictive stance toward simple workers. Other ministries took diverse stances: The Economic Planning Agency and the Ministry of Transport (MOT) both were in favour of accepting simple workers, while the Ministry of Construction was against. As for the Ministry of International Trade and Industry (MITI), it did not adopt a clear position regarding the issue.

Notably, the Liberal Democratic Party (LDP) did not take an explicit stance due to internal fractures. Except the Japanese Communist Party that advocated in favour, all other parties manifested ambivalent positions. The Keidanren, the most influential organization representing the economic interests of large firms, was largely absent for most of the debate, publishing a position paper in favour of accepting foreign workers at the end of the debate. The Keizai Doukyuukai, the business association of small and medium enterprises (SME) similarly positioned itself in favour of a more open policy. Labor unions and Japan's employer's association Nikkeiren opposed the admittance of simple workers. The survey conducted by the Cabinet Office unveiled a relative positive stance of the general public towards skilled migration. Less than one in four respondents reported that foreign workers should not be admitted without any high skills, while half of the individuals stated that they were in favour of accepting simple workers under certain conditions. Power relations and politics coloured the debates. The most important clash was found

between the MOL and the MOJ, who, despite having similar policy goals, fought for the control of immigration policy (Chiavacci, 2012, Oishi, 1995).

Out of this complex and power-laded negotiation process, two reforms emerged: the reform of the Immigration Act, and the revision of the foreign trainee program. The consensus centered around making policies more attractive and open for highly skilled workers, while the question of “simple workers”, commonly translated as low skilled workers, remained contentious, requiring “various considerations”. The technical trainee program, under the cover of international contribution, and the nikkeijin visa, under the cover of providing opportunities of Japanese descents to discover their roots, were clearly established to meet the demand of the labour market while officially restricting the migration of the simple labourers.

### *Reactive politics led by the ministries*

A closer picture of the debates that preceded the 1990 reform demonstrates that ministries dominated the debate with different orientations depending on their perspective and constituents. The first step of selective migration policy was led by the bureaucracy, but it is also a reactive one, meaning that ministries attempted to respond to labour shortage in the economy and address the rise of illegal immigration. In developmental states, elite staffed bureaucratic agencies control policymaking and are relatively immune from pressure, so decisions are more likely to be of a further reach taking into account a broad range of interests and taking a societal and long-term perspective. In 1970, the refusal to open the doors to foreign labour was premised on bureaucratic



insulation from politicians and private interests, the same insulation that allowed them to develop effective long-term solutions for greater interests (Bartram, 2005). However, it does not mean that they are unresponsive to employers. The 1990 system perhaps translated the idea that political priorities must be further scrutinized and in particular the political priority to improve labour productivity (Sato, 2019).

In the early 1990s, economic downturn surfaced, and labour shortage intensified. Immigration disappeared from the priorities. However, it re-surfaced in the late 1990s, in the context of economic stagnation and emerging anxiety regarding demographic projections. More specifically, these concerns shed light on potential issues regarding the total dependency ratio and economic growth and re-shaped the debate. Previously, immigration policy was shaped by the idea that immigration was primarily a problem from outside to which Japan had to respond, to one that stemmed directly from national concerns for long-term sustainability and development (Chiaviacci, 2012; Iguchi, 2001). While in the 1990s, labour shortages were due to the segmentation of the labour market, meaning that the young population was more educated and did not want to take on low-skilled jobs, the 2000s were marked by a demographic shift, meaning that the labour force was simply not there. Progressively, the increasing salience of political actors altered the leadership of reforms. Politicians, and in particular, the LDP became increasingly responsive to the demands from the business community who was not satisfied with the 1990 reform (Rehm, 2024a).

## **Conclusion**

This chapter explains the context in which high-skilled and de facto low-skilled migration unfolded after the 1990 reform, and the policy effects emerged and shaped mobilization. The contextualization both in terms of concepts, ideas and institutions allows for a better understanding of the case of Japan that differs from European and North American countries in many dimensions. It also gives credence to the idea that the origin of a policy can exhibit some particular political dynamics that do not necessarily reproduce over time as the policy evolves and expands on the ground along with institutional development and the penetration of market forces into the political sphere.

Contemporary immigration policy in Japan has been shaped by the 1990 system. The analysis of this historical segment hints to the centrality of the bureaucracy that did consider stakeholders' interests, yet its actions were primarily driven by long-term concerns and a collective vision for the nation. In this perspective, politics created policy as the political process determined the nature and direction of public policy. However, policies can shape politics by altering the interests, preferences, and behaviors of individuals, groups, and institutions. This is made possible when policies alter the material or ideational conditions of individuals and groups. In short, the 1990 system altered the interest of stakeholders and the policymaking dynamics thereby potentially creating a space for policy to play a more central role in politics.

This chapter highlights the contingent, conflicting and unstable dynamics that shape immigration policymaking in Japan both in its ideas, actors, and institutions. The cautious approach toward immigration policy put forward by Japan has remained dominant. Japanese immigration policy

lacks a grand design thereby justifying the idea to analyze policies separately to deepen our understanding of immigration policy. This perspective encourages us to think beyond broad categorizations of immigration policy such as restrictive or open as immigration policies have become complex, multifaceted, and even sometimes “clumsy”.

The next chapters analyze the efforts of the Japanese government to attract high skilled workers through a point-based system with limited success, and the massive expansion of the de facto low-skilled trainee program despite the emphasis of non-acceptance of low-skilled workers. Beyond numbers that hint to a restrictive immigration policy, the parallel analysis of these two programs reveals the complex and contingent process through which immigration policy in Japan unravels. My analysis supports the idea that a disaggregation of immigration policy is necessary to better understand the policy process surrounding immigration as there is not a single logic dominating the making of immigration policy in Japan; but most importantly because these two different types of policies shaped political dynamics by creating different ideological divisions and mobilizing groups in different ways— with some overlaps in the institutional and political dynamics.

## **Chapter 4: The policymaking process of the Points-Based Preferential Immigration Treatment for Highly Skilled Foreign Professionals: “Entrepreneurial-Elite Politics”**

### **Introduction**

The efforts of liberal states to attract high-skilled migrants can be explained by a race for competitiveness driven by population ageing or skill production mismatch (Devitt, 2014; Boucher and Cerna, 2021). Japan has started a more skill-selective migration policy in 1990 when it clearly posited a willingness to accept high-skilled foreign workers while remaining closed to low-skilled migration. Up to this date, the principles posited by the “1990s system” have remained firmly established as a policy orientation. Over time, policies were rendered more attractive for high-skilled foreign workers, while the ban on low-skilled migration was kept unchanged. Japan has in fact very open policies for highly skilled migrants. Despite these efforts, numbers of high-skilled workers have remained under expectations. The case of Japan shows that few immigrants are not always the result of restrictive policies (Oishi, 2012).

This chapter focuses on the development of the point-based system for highly skilled professionals implemented in 2012 paying attention to the actors and the distribution of the costs and benefits. Until then, the definition of high skilled migrants was premised on 14 visa categories. To recall, according to Freeman (1995), the costs and benefits of immigration policy are not distributed evenly across society. While the costs typically reflect on society as a whole, benefits are concentrated. Employers are the main actors to collect the profits. According to Freeman, they are the ones more likely to actively lobby to influence immigration policy, creating client politics.

Following a chronological perspective, the chapter first comes back to the elements that have shaped the birth of the point-based system (PBS) for highly skilled foreign professionals (HSFP)

shedding light on the changing environment, relationships between actors, and political priorities. Essentially, the first lines of this project had been traced a decade prior its implementation. The idea that Japan needed to develop more proactive efforts to attract highly skilled workers resonated with the priorities of many elite actors. In light of the fragmentation of the policymaking process, leadership was perhaps what was lacking until structural reforms started to include immigration policy as part of economically oriented policy.

The introduction of the point-based system was stimulated by a gradual coalescence of the elite political goals with the national long-term strategies to promote economic growth and innovation under the leadership of the government. The analysis depicts a situation where client politics materialized in a more complex way as reforms echoed the demands of economic actors but were also driven by the leadership of political executives and grounded in the government's priorities. The policy is characterized by its openness and relative generosity toward labor migrants. Despite the few restrictions and many benefits tied to the PBS, Japan has not reached its objectives in attracting high-skilled migrants. The nature of the policy—targeting high-skilled migrants—is important to understand its features, framing and the small number of actors participating in the debate.

Importantly, the PBS is characterized by the possibility for renewal and ultimately permanent residency. It is also based on general categories in addition to providing migrants with generous rights. These dimensions need to be connected to the macro-policy perspective through which high-skilled migration policy is framed. This perspective is based on the ideational construct of

high-skilled workers who are rarely politicized and grounded in a prospective vision for the country. This “vision” from above creates benefits for actors whose perspectives are driven by international competitiveness and national innovation. The policy is also tied to general categories that are not specific to sectors which shapes the types of mobilization observed. The policy speaks more to actors whose concerns are reflected in the global outlook of the policy.

### **Pro-active efforts to attract high-skilled migrants: toward a national vision**

#### *Reframing the national debate: macro-level concerns*

High-skilled migration policy in Japan is part of a wider national perspective according to which high-skilled migrants are expected to make contributions and add value to the country. Following the 1990 system, the principle to admit high-skilled workers became more vigorously emphasized considering the benefits for the whole nation. The Sixth Basic Employment Measures Plan states that in the future, Japan will seek to accept as many highly skilled foreign workers as possible (Cabinet Office, 1998). The Cabinet reiterated in the “9<sup>th</sup> Employment Measures Basic Plan” of 1999 that the government aimed to “promote more actively the acceptance of foreign workers in professional or technical fields from the standpoint of invigorating and internationalizing the country’s economy and society” (Cabinet Office, 1999). The more proactive stance of the government toward the pursuit of high-skilled migration policy must be understood amidst a changing economic and demographic context.

In the late 1990s, a new debate around immigration emerged, this time framed in the context of demographic anxieties. The debate was based on a tension: on the one hand, the government presented foreign workers as important for the survival and growth of the nation, and on the other hand, the security dimension was emphasized as a threat to the population (Yamamoto, 2005). The

demographic crises that colored the background of political discourses prompted more long-term strategic reflexion regarding the development of immigration policy (Chiaviacci, 2017). From a debate emphasizing the costs of accepting simple workers prior to 1990, the discussions became focused on the benefits of foreign workers for the vitality of the Japanese economy. The framing of the debate was thus altered, reflecting more long-term and macrolevel concerns. This shift demonstrates the importance of a national (re)framing.

In the early 2000s, the debate was shaped by two major factors. First, despite open policies for high-skilled foreign workers, the number of high skilled-migrants in Japan was limited. Second, concerns arising from the population aging started to have more echo in the 2000s, in particular following 2005 which represented a significant year in Japan's demographic history as the population began to shrink in a more noticeable way. Several actors prompted the government to respond to these pressing demographic issues. The mobilization of elite actors including state actors and the Keidanren shed light on the effects of and fears regarding population aging and the declining labor force, stimulating political debates. Finally, a sense of being a laggard in the global competition for talents surfaced among policymakers and industries in the context of decreasing competitiveness, comparative advantages, and innovation (Oishi, 2012). These insights characterized by national and international concerns, rather than pragmatic and direct labor needs, as the primary frames of high-skilled migration shaped the modes of politics as they reflected the concerns of political executives and the Keidanren advocating for policies conducive to corporate growth, national economic development, and industrial innovation.

### *The coalescence of elite-level interests*

#### *Institutions*

While the point-based system was introduced in 2012, policy actors started to treat immigration as an important national priority a decade prior. In 2000, the 21<sup>st</sup> Century Japan Vision Council, a strategic advisory body, was established by the Japanese government. Its purpose was to think through and offer a long-term vision and policy recommendations for Japan's future, particularly as it faced a range of novel social, economic, and international challenges in the 21st century. The final report put forward by the Council pointed to the importance for Japan to develop an “immigration policy” to remain competitive and resilient in the global landscape (Cabinet Office, 2000). Structural reforms based on the promotion of high-skilled foreign workers were adopted in June 2002 at a Cabinet meeting. While it constituted an effort toward a more proactive attraction of skilled workers, it felt short in metamorphosing into a concrete policy (Akashi, 2014).

The 2<sup>nd</sup> Basic Plan for Immigration emphasizes the “smooth acceptance of foreign nationals in response to new domestic and international social needs” (MOJ, 2000, 17). Ministries started to voice similar concerns colored by their own interests and positionality. The Study Group on Foreign Employment Issues established by the Ministry of Health, Labor and Welfare issued a report in 2002 that connected the acceptance of highly skilled workers to the revitalization of the economy and recommended providing them with preferential treatments. The report also interrogates the bearers of the costs of the social integration of foreigners (MHLW, 2002). The Ministry of Justice emphasized the growing need for foreign labor while maintaining a focus on control and deterring illegal migration (MOJ, 2005).

### *Political actors*

Political parties echoed those efforts to consolidate the country’s vitality by attracting high-skilled workers. From 2005-2008, several parties made proposals to reform the immigration policy in



more substantial ways. Most proposals emphasized skills and encouraged a more proactive and open perspective on immigration for high skilled workers. In 2006, the Liberal Democratic Party's Special Committee on Foreign Workers compiled the "Interim Report on Policy for Foreign Workers" that provided concrete guidelines for the revitalization of the economy and society. Notably, it recommended establishing a special residence status for highly skilled workers and extending their period of stay (Akashi, 2009). The Democratic Party of Japan similarly established a policy working group to deal with the issue of foreign workers. Finally, in 2006, the Komeito party, a religious-inspired political force in Japanese politics, published its "Comprehensive Plan for a society with a low birth rate" mentioning that the country "can somehow maintain the domestic labor force by increasing the labor force and improving productivity until around 2015, but after that, the acceptance of foreign workers is expected to become a major political issue" (11). The Alliance of Liberal Democratic Party (LDP) Parliamentarians, led by then Director-General, Hidenao Nakagawa, submitted a bold policy proposal "The Japanese Style Immigration Policy" to the then Prime Minister Yasuo Fukuda. The proposal urged the government to accept 10 million migrants by 2050 (LDP, 2008). It constituted the first proposal from LDP politicians to tackle the issue of immigration, which was supported by the Keidanren (Oishi, 2012).

### *Economic actors*

Economic actors also made their voice heard in the debate. In 2002, the Japan Association of Corporate Executives published "How to Make Japan a Place Where Non-Japanese People Want to Visit, Study, and Work" in which it suggested adopting several measures to attract foreign workers with advanced technology and skills (Japan Association of Corporate Executives 2002). The Keidanren priorities changed over time as novel challenges surfaced and demands for

foreigner workers became louder. In its 2004 report “Recommendations on Accepting Non-Japanese Workers”, the Keidanren mentions exercising greater control over illegal residents to ease anxiety of the Japanese population over immigration issues (Keidanren, 2004). In 2007, it published a second set of recommendations taking into account changes in the social and economic landscape and emphasizing the increasing demand among Japan's domestic industries for highly skilled human resources, in particular technical personnel (Keidanren, 2007). Finally, Keidanren published a report in 2009 urging the government to consider admitting a larger number of foreigners whose skills matched those in demand by the industry and support long-term settlement (Keidanren, 2009).

The calls for the creation of a more attractive system for highly skilled foreign workers was put forward from a variety of state and economic actors reflecting a growing concern regarding the labour market and demographic issues.

Despite numerous debates around foreign workers, no significant reform took place due to fragmented policymaking processes and different perspectives and concerns over immigration issues across the main actors. No clear leadership emerged, pointing to an enduring split between political parties and within parties. Two reforms of limited scope (not targeting highly skilled foreign workers) were implemented from mid- to late 2000s: the introduction of an Economic Partnership Agreement (EPA) for care workers with southeast Asian countries, and restrictions to the entertainer visa (Chiaviacci, 2012). The reforms were incremental and mainly concerned secondary and quasi legislation (Wakisaka and Cordwell, 2021).

In the 2010s, the urgency of the situation prompted the government to consider the long-term settlement of highly skilled workers as a priority, albeit with some caution. In the Fourth Basic Plan for Immigration Control, the MOJ discussed the introduction of the point-based system. It

stated that immigration concerns the people and has some impact on the Japanese industry, public safety, and labor market, and therefore requires a national consensus (MOJ, 2010). The point-based system for highly skilled professionals was introduced in 2012. Compared to the categories that defined highly skilled workers hitherto, the point-based system narrows down the requirements to be considered HSFP, thus creating a privileged category within the “highly skilled”. An individual must obtain a minimum score of 70 points, based on their education level, work experience, annual income, language proficiency, age and some category-specific criteria (Oishi, 2014, 2021).

The embryonic stage of the PBS reflects a lack of leadership despite increasingly aligning interests around the question of highly skilled workers, while being framed in a more macro-level perspective with regard to demographic and economic growth concerns. These observations give credence to the idea that high-skilled migration policy is anchored in elite-driven processes that yet required some political leadership to come into being.

### **The point-based system for highly skilled professionals as part of the government’s structural reform**

#### *Political leadership: the missing link*

At the outset, in terms of contextual background, it is important to be reminded that the Liberal Democratic Party in Japan has been the dominant political party in the country for much of the post-WWII era. However, it was not without interruption. The Democratic Party of Japan (DPJ) held power from 2009 to 2012. Its rule was short-lived, however, due to internal divisions, policy failures, and the aftermath of the 2011 Fukushima nuclear disaster. As a result, the party lost popularity, and the LDP led by Shinzo Abe made a comeback in the 2012 general election. The point-based system for highly skilled professionals was shaped by the Democratic Party of Japan

(DPJ) but was implemented by Abe government as soon as he got back into power, suggesting that political turnover is not a major factor affecting the direction of high-skilled migration in Japan (Wakisaka and Carwell, 2021). The point-based system is a preferential treatment for highly skilled foreign workers, meaning that it grants them more benefits and rights than previous existing categories. The adoption of the PBS can be attributed to several factors that reflect political leadership of the executive power with the endorsement and lobbying of potent economic actors, framed in a more global vision based on competitiveness and growth.

First, the Council for Promoting Highly Skilled Migration was established in 2009. It was part of a response of the government to the country's demographic challenges, including a shrinking and aging population, as well as part of an effort to enhance Japan's innovation and competitiveness in a global economy. Importantly, the Council highlighted the need for Japan to attract highly skilled migrants for the sake of the country's economic growth and innovation (Oishi, 2014). It also specified the definition of highly skilled migrants as: 1) Those who are in a complementary relationship with domestic labor force and capital, and cannot substitute them; 2) Those who are expected to promote the development of the professional and technical labor market by working hard with Japanese workers and improving the overall efficiency of the Japanese labor market; 3) Those who bring innovation to Japanese industries (Oishi, 2014, 429; Council for Promoting Highly Skilled Migration, 2009). The definition identifies several parameters to define highly skilled work but does not rely on specific occupations, sectors, or salary requirements (Oishi, 2014).

Second, the 4<sup>th</sup> Basic Plan for Immigration Control implemented in 2009 discusses possible responses to a serious decline in the population as a result of a falling birth rate and aging society. It mentions the introduction of a preferential system based on a point-based system for highly qualified foreign resources (MOJ, 2009). In 2010, the New Growth Strategy was launched by the

DPJ including the objective to “Fostering Global Talents and Increasing Acceptance of Highly Skilled Personnel” (Cabinet Office, 2010). In this context, it mentioned the introduction of the point system with the aim to double the number of highly skilled professionals. The 2011 Policy on Regulatory and Institutional Reform states that the government will consider allowing highly skilled foreign personnel to accompany themselves or their spouse's parents in addition to their spouses and children” in order to make policies more attractive for them (Cabinet Office, 2011).

Third, focusing events can have great impacts on propelling an issue on top of the agenda. Following the Great Earthquake in March 2011, many highly skilled migrants and international students permanently left Japan, creating a sense of urgency (Oishi, 2012; MOJ, 2011).

Finally, after his re-election in December 2012, Abe’s government launched the “Abenomics” based on the stimulation of fiscal and monetary policy, and structural reforms. The use foreign workers was framed in the context of the latter. The strategy did not consider much the use of low-skilled workers but focused on a global and competitive outlook.

While several elements lie in the background of the implementation of the PBS, the macro-perspective emphasized by policy documents and institutions are conspicuous. The PBS is less tied to some urgent labor shortages but endorses more of a global and long-term perspective. It is also closely connected to political leadership.

### *Policy features*

Based on the definition of highly skilled workers developed by the Council for Promoting Highly Skilled Migration and discussions involving various ministries and stakeholders including the Keidanren and the Japan Trade Union Federation (Oishi, 2014), the point system was introduced. The “Point-based preferential Immigration Treatment for Highly Skilled Foreign Professionals”

aims to “promote more acceptance of highly skilled professionals who have advanced abilities since foreign national are expected to contribute to economic growth and creation of new demand and employment in Japan” (MOJ, 2013). It highlights the contributions of highly skilled foreign professionals and thus the diffused benefits of the policy.

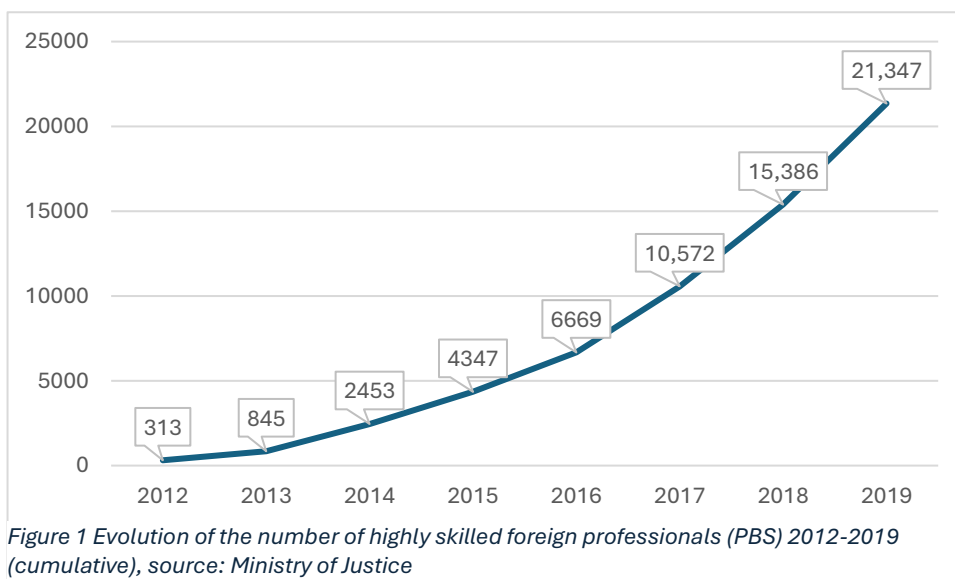
More specifically, the new immigration scheme establishes three visa categories: 1. Advanced academic research activities, 2. Advanced specialized/technical activities, 3. Advanced business management activities. They must hold a job offer as a *sine qua non* condition. Permanent residency is not granted at the time of acceptance but is an option available upon certain conditions. The HSFP visa is typically for five years, and the holder may bring their family. Benefits include fast-track permanent residency and spouse work visa. The visa is thus assorted with several important benefits as to render the policy attractive. The PBS introduced a new vision on immigration by treating highly skilled migrants as potential immigrants (Wakisaka and Cardwell, 2021). The “non-specificity” of the program is a distinct feature of highly skilled migration in Japan and potentially limits the mobilization of specific industries. Furthermore, as highly skilled migration is anchored in international and linked to rather “abstract” concerns regarding demographics, it mainly speaks to the interest of big businesses corporations that adopt a more global outlook with regard to competitiveness and economic growth.

### **Economically driven policies: pursuing numbers**

#### *Policy reforms*

The macro-level perspective and the elite-driven policy processes are further reflected in subsequent policy reforms. Under the impulse of the Abenomics, the Industrial Competitiveness Council (ICC) established in 2013, a key advisory body chaired by former Prime Minister Abe and

composed of business leaders and scholars discussed moves forward in terms of growth strategy. High skilled migration was part of the agenda. In the administration's 2013 strategy paper "Japan is Back", the promotion of high-skilled migration was put forward, notably by evoking the revision of the points based preferential immigration treatment for highly skilled foreign professionals (Cabinet Office, 2013). Some revisions were made to the point system, this time considering the needs of small and medium enterprises that had less appeal to highly skilled workers (Oishi, 2014). In December 2013, the government officially announced revisions made to the points system pertaining to the relaxation of requirements to ease the certification requirements and expand preferential treatment. Most notably, the possibility to be granted permanence residence after one year was introduced and the minimum salary threshold was considerably lowered for "advanced specialised/technical activities" and "advanced business management activities" amounting for less than the national average income. For the category of "advanced academic research activities", there is no minimum income requirement anymore. These changes marked the introduction of double standards between high skilled foreign workers and high skilled local workers.



Oishi (2014) hypothesizes that the adoption of double standards can be explained by the pressure that bureaucrats face in shaping a system that effectively attracts highly skilled professionals as part of the Abenomics and the “Japan Revitalization Agenda”. To meet the goals stated in the latter, a broadening of “highly skilled” workers was necessary. In 2012 and 2013 respectively, only 313 and 532 individuals became respectively certified as highly skilled foreign professionals under the point-based system.

In 2014, Hiroya Masuda, the former governor of Iwate and former Minister of Internal Affairs and Communication released his book “Disappearance of Regional Areas” (Matsuda, 2014a) presenting the dramatic situation unravelling in 896 town and villages that would soon disappear due to a declining population, as well as a policy paper (Matsuda, 2014b). These publications in addition to regional governments’ call for more political and financial autonomy to better respond to local socio-economic needs also participated in raising awareness and triggered a sense of urgency to tackle the questions of population decline and labor shortages (Oishi, 2021).

In 2014, the government implemented the revisions to the Immigration Control and Refugee Act differentiating between HSFP I and HSFP II visas along with some minor amendments that gave more flexibility to skilled migrant categories. The first one is granted to foreign workers that pass the point screening system. The second one is a progression of the former and allows highly skilled workers to stay in Japan as long as they hold a highly skilled job. It is similar to permanent residency except that visa holders cannot remain in Japan after retirement (application for permanent residency is possible under certain conditions) (Oishi, 2014). Other important changes relate to the merging of the category of “specialist in humanities and international services” and “engineer” into the same category to facilitate moving across different types of job, and the



replacement of the “investor and manager” visa with a “manager” visa in 2017. Over time, the number of individuals under the HSFP visa increased. The reason advanced to explain the increase is that the policy revisions made it easier to get certified.

These reforms manifested the ambition of the Japanese government to play a more active role in the development of immigration policy (Wakisaka and Cordwell, 2021). The introduction of the PBS in Japan has been an important step in the skilled migration history of Japan, however its success is mitigated. Beyond policy design issues, structural barriers stand as chief barriers to explain the lack of success of the point-system (Oishi 2014; Morita, 2023; Kwon, 2019; Holbrow and Nagoyashi, 2018; Green, 2014). In particular, given the specificities of Japanese business culture based on seniority, salary threshold stood as an important challenge (Oishi, 2014). Added to that is the unstable legal status of immigrants which produces a high turn-over rate and further decreases their chances for career advancement. Micro-structural discrimination is also observed. Some Japanese firms have adopted informal practices to limit opportunities for career advancement of foreign workers (Kwon, 2019; Holbrow and Nagoyashi, 2018).

The size of the PBS remained marginal compared to what the government envisaged. As the policy is not based on labor shortages but is “pursuing numbers”, the benefits and costs of the policy are relatively untouched. Combined to the non-politicization of high-skilled migration, high-skilled migration policymaking remains driven from above.

*Retention rather than attraction*

Due to this stability and the small size of the migration pool, political executives and the Keidanren remain the chief actors driving policy discussions and developments. Despite the proactive efforts of the government to attract high-skilled migrants, numbers have remained below expectations serving primarily foreign professionals already in the country rather than attracting new highly skilled migrant workers (Ministry of Justice, 2022). According to the revitalization strategies 2014 and 2016 respectively, the goal of the policy was to certify 5000 highly skilled foreign professionals by the end of 2017 and 10,000 highly skilled foreign professionals by the end of 2020. On paper, these goals are almost met. However, a closer analysis demonstrates that despite a total increase in the number of highly skilled migrants under the point-based system, the system has attracted very few migrants from abroad. Most of them are individuals who changed their status of residence from another employment visa. In other words, they entered the country with a different visa. Rather than attracting, the PBS has served a purpose of retaining high skilled foreign workers.

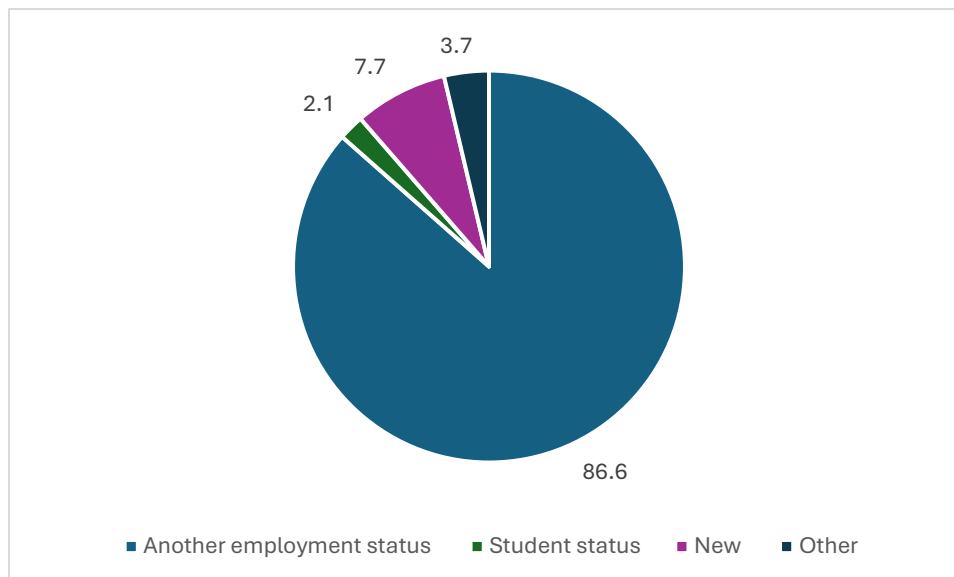


Figure 2 Previous resident status of highly skilled professionals (PBS) in 2017 (source: Ministry of Interior Affairs and Communication, 2019)

In 2015, a new type of residence status with an unlimited period of stay was created (Kantei, 2015). In the prolongation of Abenomics and reforms on working style, the government also stipulated in 2016 that a new system for Highly Skilled foreign professionals will be created based on the evaluation of performance rather than working hours (Kantei, 2015).

In 2016, the Keidanren published a summary of the Fundamental Approach to Facilitating Employment of Workers from Overseas in which it recommended that employment should be facilitated for highly skilled professionals. They mention that policy should be made more attractive for highly skilled foreign professionals through for instance the creation of a Japanese Green Card and the relaxation of conditions for permanent residency. In addition, they emphasize the need to cultivate and promote multiculturalism (Keidanren, 2016). The Japan Revitalization Strategy 2016 discussed the creation of a “Japanese Green Card for Highly Skilled Foreign Professionals” aiming to reduce the period of stay to gain permanent residency (Kantei, 2016). Promoting the idea of a “Fourth Industrial Revolution”, the strategy identifies attracting highly skilled foreign professionals as an important effort to revitalize the economy.

Efforts led by the Prime Minister, the Minister of State for Economic and Fiscal Policy, the Minister of Justice and the Minister of Economy, Trade and Industry to promote awareness of the PBS was also made to actively increase the number of highly skilled foreign professionals (Kantei, 2017). In 2017 a fast-track permanent residency for highly skilled workers was introduced. In the Future Investment Strategy 2017 and 2018, initiatives and efforts to promote information about these new reforms are discussed (Kantei, 2017, 2018). The marathon to attract more highly skilled foreign workers continues, led by the elites.

## Discussion

### *“Entrepreneurial-elite politics”*

High-skilled policy development has been shaped by changing government priorities amidst uncertainties regarding the future of the economy and demographic concerns. A synergy of objectives and priorities among the elites transpires from the analysis. Highly skilled migration politics is characterized by a gradual acknowledgment of the importance to actively attract highly skilled migrants from a macro-policy perspective that is shared by the political and economic elites. However, due to the ideational and institutional fragmented nature of immigration policymaking in Japan, policy entrepreneurship has been an important driving force.

From a discourse emphasizing the costs of simple laborers, political and economic actors have emphasized the diffused benefits that high skilled migration could bring to Japan while pointing to the diffused costs if no action was being taken, that is population decline and labor shortages — which can impact the economy of Japan in the long-term. It is suggested that this situation creates a rather stable politics pertaining to highly skilled migrants driven by a vision grounded in international competitiveness and prosperity. This framing combined to a prospective vision translated into the mobilization of actors whose perspective goes beyond immediate pragmatic concerns. This discourse de facto frames highly skilled migration as a pursuit of number that is rather abstract, grounded in globalization.

Developmental states typically embrace a model of economic development in which the government plays a central and active role in guiding economic growth. Japan experienced a period of stagnation and slowdown of the economy from the 1990s to the 2000s, known as the "Lost Decade". The following years were marked by some growing awareness and anxiety regarding the

long-term prosperity of the country. When Abe returned to power in 2012, he introduced a set of strategic policies to revitalize the economy, including a focus on high skilled migration. His program, known as Abenomics, can be framed as a response to the challenges Japan faced in the 21st century. Although many political and economic actors insisted on the need to promote high skilled migration since the early 2000s, the government, under the leadership of former PM Abe, took the lead in the implementation of the policy and its revisions, thereby demonstrating that the emphasis on diffused benefits (or diffused costs in the context of inertia) can be a significant driver of political action. Political leadership was necessary, yet it is hard to disentangle it from the potent interests and demand from other political actors and the Keidanren that advocated for policy reforms.

The analysis reflects a more complex situation than the clientelistic politics emphasized by Freeman. It is obvious that the calls for more open policies from powerful economic actors stimulated policy discussions, but highly skilled migration also became increasingly embedded within the structural reform in which the government embarked. The benefits were at the same time concentrated (business actors) and diffused (Japan's long-term growth) while the costs became rather absent from political discourses (which can also be connected to the marginal number of migrants coming through the PBS). De facto, the PBS did not alter dramatically the domestic situation due to most certified highly skilled foreign professionals being already in the country, thereby mitigating the risks of altering the distribution of the costs and benefits.

*Policy linkages with size and specificity*

The focus on high-skilled migration through the creation of the point-based system and its subsequent revisions cannot be disconnected from the nature of high-skilled migration that is shaped by global competition and attraction of “numbers” that are always under expectations. In the case of Japan, failures related to the attraction and retention of workers seems to be a salient issue in the context of low wages, a rigid working culture, and the lack of work-life balance (Morita, 2017).

The attraction of highly skilled workers is rooted in ideas of competitiveness and globalization of the economy, thus is not directly related to a specific industry (perhaps with the exception of IT). Highly skilled professionals are defined broadly based on general categories, compared to low-skilled migration programs, precisely to make them flexible and attractive as long as the requirement to hold a job offer is fulfilled. Highly skilled migrants also enjoy expanding rights and benefits in an effort to render Japan an appealing destination for them, mitigating the risks of social costs which could potentially mobilize stakeholders. The costs of high skilled migration are never strongly emphasized as demographic anxiety became the primary lens through which it was apprehended.

To be sure, ideational constructions and framing of highly skilled migrants contribute to explaining the lack of politicization of this category of foreign workers, however, the nature of the categories in terms of numbers and the “non-specificity” of the policy also provide some explanations to why policymaking is primarily driven by the elites.

## **Chapter 5: The politics of de facto low-skilled workers: “Client-based Interest Group Politics”**

### **Introduction**

Despite the emphasis on high skilled migration and the multiple barriers for entry for low-skilled workers, a gradual opening of “side doors” and “back doors” has been observed across liberal democracies. This feature is especially noticeable in countries that have historically expressed some reluctance to officially accept low-skilled migrants (Wright and Clibborn, 2018). Japan is no exception. The country has refused to create low-skilled pathways for labor migration but conceded several side doors. Wright and Clibborn (2018) contend that low-skilled migration is essentially the result of “institutional stasis”, meaning that although some policy options are unviable, their creation is driven by powerful stakeholders, resulting in de facto policy developments rather than intended ones. This chapter takes this idea further by dissecting a de facto low-skilled worker migration policy. Not to be mistaken, these side doors can be relatively permissive such as the visa for Japanese descents established in 1990 that has few restrictions, but they can also be tied to restrictive regulations as in the case for the trainee program. This chapter explores the chronological development of the trainee program, namely the Technical Intern Trainee Program (TITP) introduced in 1993, paying particular to the forces that have sparked policy reforms. The analysis of actors, but also the nature of their demands in relation to the features of the policy, and power relations, unveils the multidimensionality of policies. Due to the complexification of policies, it is not enough to simply consider actors without dissecting their demands. In that sense, Freeman’s assumptions need to be revised to adapt to contemporary immigration policy and politics.

The Technical Intern Trainee Program has infamously become one of the most popular supply for low-skilled foreign labor in Japan. Over time and with the rapid extension of the program, several problems surfaced stimulating policy reforms. The poor working and living conditions of trainees lead to desertion and illegal stays on top of human rights abuse which grew as political issues to be addressed in the 2000s. The presence of channels of information and international human rights institutions added some voices to frame the situation. At the same time, labor shortages in a number of industries led to the expansion of the program following lobbying efforts. In a Freemanian perspective, both the expansion of the program and the growing social problems can be captured through the framework of expanding concentrated benefits and increasing visible social costs.

The analysis suggests that the nature of the costs and benefits are important to understand mobilization. These costs and benefits are connected to the different dimensions that have come to define the policy, thereby providing an explanation to why low-skilled migration policymaking is different than high-skilled migration policymaking. The politics of low-skilled migration policymaking can be characterized by “clientelist-based interest politics” meaning that it is based on the demand of the industry yet at the same time is shaped by interest group politics. This mode of politics is not necessarily antagonistic. As policies are multidimensional, actors can mobilize around a specific policy dimension. While these dimensions are ultimately connected, they do not imply that one mode of politics will displace another one. It can give rise to some more hybrid or complex forms of politics than what Freeman envisaged.



## **The path toward the Technical Intern Trainee Program**

### *The first steps of the trainee program stimulated by local forces*

Japan started accepting trainees in the early 19<sup>th</sup>, with a rapid expansion noticeable around 1965, a time where the world began to internationalize, and companies started to expand overseas. Japanese companies with branches overseas offered their subsidiaries the possibility to acquire training and skills in their Japan-based company with the expectation that employees would export them to their home country once the training is over (Fukuyama, 2023). In the mid-1960s, the Japanese labor market reached a point where additional labor supply was difficult to obtain if higher wages did not follow. Proposals to accept foreign workers started to emerge, yet they were rapidly tamed by the political power that sought to realize a full-employment society (MHLW, 1966). The reference material of the First Basic Plan for Employment Measures approved by the Cabinet Decision in 1967 mentions the issues of foreign workers stating that, at present, there is no need to accept foreign workers (Takaya, 2022).

In 1981, the Immigration Act was revised introducing a new status of residence “4-1-6-2” meant for people who entered Japan to acquire specialized skills, called technical trainees (Kamibayashi, 2009). Companies started to accept trainees on an individual basis (Oshima, 2024). Officially, the use of trainee was limited to large firms that had factories overseas. These foreign trainees constituted a first group grounded in networks of multinationals and characterized by the clear goal of transferring skills and technology through human resources development. However, in some localities, small and medium companies suffering from labor shortage began independent and innovative efforts to take advantage of this initiative based on loopholes in the law, notably through the establishment of joint ventures (Kamibayashi, 2015). Small business associations were gradually able to accept trainees presumably by negotiations with the Ministry of Justice through

local members of the parliament (Tanaka, 2018; Kamibayashi, 2009). In parallel, local governments started to become more and more interested in securing labor force in the form of foreign trainees. The scope of these initiative was still limited, however. This status was especially beneficial as training allowance could be paid in lieu of a real wage (Iguchi, 2002; Oishi, 1997). It was later used as a pioneered model and deployed as a national initiative (Kamibayashi, 2018).

### *The multiplication of initiatives*

In 1988, the Ministry of Labor proposed an “Employment Permit System” based on the recommendation of its Foreign Workers Issues Study Group. Importantly, it was proposed that the control of the demand and supply for foreign workers would be done through employers. However, the Ministry of Justice strongly opposed this initiative, presumably due to concerns regarding the control over immigration matters (Hamaguchi, 2007). The same year, the report on the Directions and Issues for Accepting Foreign Workers submitted during a private meeting at the Ministry of Labor's Employment Security Bureau emphasized that considering the impact of unskilled migration on employment, the labor market and the socio-economic dimensions of Japan, the current stance (of non-accepting low-skilled workers) should be kept firm. However, it also mentioned that in terms of international contributions, the acceptance of international students and trainees should be expanded (Zhang, 2020). The 6th Basic Plan for Employment Measures emphasizes the need to address illegal employment of foreigners (Cabinet, 1988) putting forward a security frame around labor migration and reflecting a cautious approach.

The Tokyo Chamber of Commerce and Industry submitted in December 1989 a "Proposal for the Establishment of a New System for Accepting Foreign Nationals and Transferring Skills through Practical Training" aiming at training unskilled workers. The proposal mentioned that labor laws would apply to foreign workers and that they would be treated as Japanese workers (Fukuyama

2023). In the face of labor shortages in small and medium enterprises, the National Federation of Small Business Associations called the government to expand the scope of policies regarding the acceptance of foreign workers. The Japan Federation of Construction Contractors Associations demanded more flexibility in the acceptance of skilled workers from China and Korea (Tanaka, 2018). The idea that expanding pathways for foreign workers was necessary resonated more and more strongly, and ministries started to make proposals. The Economic Planning Agency and the Ministry of Foreign Affairs both endorsed the idea that a relaxation of policy was necessary regarding simple workers and trainees. Facing the failure of its employment permit system, the Ministry of Labor began considering a revision of the training system to meet its objectives (Tanaka, 2018).

### **The birth of the Technical Intern Trainee program**

#### *The introduction of the TITP*

The 1990 system was established anchoring in law the principle of not accepting unskilled workers while consolidating the intern training program to transfer skills to workers from developing countries through the clarifications of standards for the acceptance of trainees. It was stimulated by the rise of foreigners staying illegally in Japan. The reform also introduced the criminalization of illegal employment. Importantly, the 1990 revision of the Immigration Act did not grant trainee a status of workers but provided them with an independent status of residence as “trainee” meant for activities to acquire skills, techniques, or knowledge under the condition of being accepted by a public or private institution in Japan. They were therefore not protected by labor laws. Shortly following the establishment of the 1990 system came a partial relaxation of the trainee system. The Ministry of Justice issued a notice “Partial Relaxation of Examination Standards for Training”

in August 1990 to allow group-supervised acceptance in addition to individual companies, thereby responding to the calls from small and medium-sized enterprises that suffered from labor shortages (Kamibayashi, 2009; Sano, 2001). Trainee could stay for a period of a year and a limit on the number of trainees that a company could accept was decided. SMEs could accept trainees by organizing themselves into groups as to increase their appeal to trainees and effectively compete with large firms (Kamibayashi, 2018). The unspoken goal was to meet labor demands while retaining a strict control over the borders and a restrictive narrative on low-skilled migration. After the 1990 amendment, political actors started to play a more prominent role in the policymaking process.

The Third Provisional Council for Administrative Reform Promotion, an advisory body to the Prime Minister, issued a resolution on December 12, 1991, supporting the creation of a system aiming to contribute to the transfer of skills to “developing countries” through providing training and technical skill and technology experience in Japan that will be useful for their socio-economic development and employment prospects in their home country (Zhang, 2020). Report by the Study Group on the Impact of Foreign Workers (1991) mentioned the risks of international criticism in the case where the acceptance of foreigners would be based on the convenience for its economy and labor market (Sano, 2001). The JITCO (Japan International Trainee and Skills Cooperation Organization) was set up in 1991. It constituted the organization that assessed skill level and provided support to trainees and participating companies and organizations. It was established under the joint supervision of the Ministry of Justice, the Ministry of Labor (now the Ministry of Health, Labor, and Work), and the Ministry of Foreign Affairs (MOFA), and the Ministry of International Trade and Industry (currently the Ministry of Economy, Trade and Industry). The LDP’s Special Committee to Study the Foreign Worker Problem proposed the extension of the

trainee system of one year following a skill test. These initiatives were pushed by the party's constituents, that is the business community, eventually leading to the creation of the TITP in 1993 (Rehm, 2024a).

The Technical Intern Training Program (TITP) was created in 1993 based on the "Basic Framework of the Technical Intern Training Program" developed at the Inter-Ministerial Conference on Foreign Worker Issues (Fukuyama, 2023). At the origin of the program, 17 occupations and 30 tasks in the manufacturing and construction industries were included. The same year, the MOJ issued the "Guidelines for Immigration Control Treatment of the Technical Intern Training Program" and the MOL announced the "Basic Policy for the Management of the Technical Intern Training Program Promotion Project" by notification to substantiate the program (Fukuyama, 2023).

The TITP can be considered as an extension of the old foreign trainee program. Trainees can proceed to the technical internship after they complete one year of off-the-job training and on-the-job training, and then successfully passing a skill evaluation examination. To account for the years of training, the status goes from Basic Level 1 Skill Test to Level 3 Trade Skills Test. Notably, during the first year of stay in Japan, the status of residence was "trainee", and once the trainee passed the basic level 2 trade skills test, they could move to status of residence "designated activities (technical intern)". In short, in 1993, the TITP was one-year of internship and one year of technical training under the "designated activity" status of residence. Technical training was extended to two years in 1997, stimulated by the voices from the industry and sending countries arguing that the time limitation hampered the consistent development of skills (Fukuyama, 2023; Kamibayashi, 2015), but also as the investment costs in terms of time and money needed to be profitable for employers (Kamibayashi, 2009).

*“Client politics” in a cautious approach*

First, the TITP was significantly driven by client politics, meaning that the demands from the industry acted as an important impetus. Some linkages can be connected to the 1990 that did not sufficiently address the demand of economic actors. Simultaneously, it also constituted a way for the MOJ to address issues of illegal migration by creating additional legal pathways. Second, the enactment of revisions through notification avoided the need for the revisions to go through parliamentary debates and exhibits the flexibility of the program. It can be understood as an effort from the MOJ to respond to the demand from the industry without generating public debates while reducing the number of illegal migrants (Kamibayashi, 2009). Since trainees and technical interns are tied to a specific company, they represented an attractive source of labor compared to the Nikkeijin, for instance, who were able to change jobs. The number of trainees rose exponentially, and the number of industry associations increased. In 1999, the number of occupations eligible under the TITP reached 55 (Kamibayashi, 2009). The expansion of the program was, however, accompanied by rising problems due to poor working conditions, low wages and the lack of freedom regarding labor mobility (Oshima, 2024).

Institutional changes are also to be noticed. In 1999, the Economic strategy council established in August 1998 as an advisory body directly under Prime Minister brought up the revision of the “Strategy for Revitalizing the Japanese Economy” pointing to the need to extend the period of stay of technical intern training program in order to address the declining birth rate (Economic Strategy Council, 1999). As mentioned in the previous chapter, demographic concerns began to be part of the picture.

Despite these insights, the principle of not admitting low-skilled workers remained deeply ingrained. In the “9<sup>th</sup> Employment Measures Basic Plan” (1999), the Cabinet promoted high-

skilled migration while considered that “concerning the acceptance of so- called simple workers, it can be expected to have a tremendous effect on the Japanese economy, society and national life, beginning with problems related to the domestic labour market. In addition, it would have a significant impact on both the foreign workers themselves and their countries. Therefore, the Government must cope with this issue with thorough deliberation based on a consensus among the Japanese people” (Cabinet Office, 1999). Emphasizing the effects or social and economic costs of “simple workers”, a cautious approach was reiterated toward low-skilled workers.

### **Early 2000s: awakening voices in a changing context**

Since the 1990s, the institutional context and surrounding politics regarding foreign workers has evolved. First, demographic realities hit hard the political agenda, and a sense of urgency manifested in the political discussions. Second, a series of political reforms have consolidated the power of the Prime Minister and provided more space to the local level. Third, the business community started to become more vocal and unified in demanding the expansion of the scope of acceptance of trainees and interns.

#### *Increasing salience*

This period is marked by a massive increase of the TITP, both in terms of number of trainees and industries covered by the scheme (Kamibayashi, 2009). The rise in popularity of the trainee program can be explained by its design that makes interns and trainees a cheap and reliable source of labor and by the growing awareness around the program on the part of sending states. It also coincides with an increasing number of technical interns fleeing their employment places and illegally overstaying their visas. In the late 1990s and early 2000s, foreigners in Japan started to become a more salient political issue and recommendations regarding the reform of the TITP

coming from a diversity of actors started to flourish abundantly. Issues of exploitation, violence, and abuses surfaced leading foreign trainees to sometimes contact the police, the Labor Standards Inspection Office or local residents, making their living and working conditions more visible to the community (Fukuyama, 2023). The media started to report these issues, and it became a recurrent topic of discussion in Diet meetings and government committees (Fukuyama, 2023). By the early 2000, civil society groups and local governments were trying to launch a national debate on the failure of immigration policy (Milly, 2014). At the same time, runaways and disappearances of foreign trainees led to the fear that these people will turn out into criminals and threaten the safety of Japanese people (Sano, 2001). As of January 1999, the number of runaways had reached 3,323 (Sano, 2001). These elements are reflected in the 2<sup>nd</sup> Basic Plan for Immigration Control of 2000 focusing on the employment of high-skilled professionals while insisting on the need to pay attention to employment conditions of trainees (MOJ, 2000).

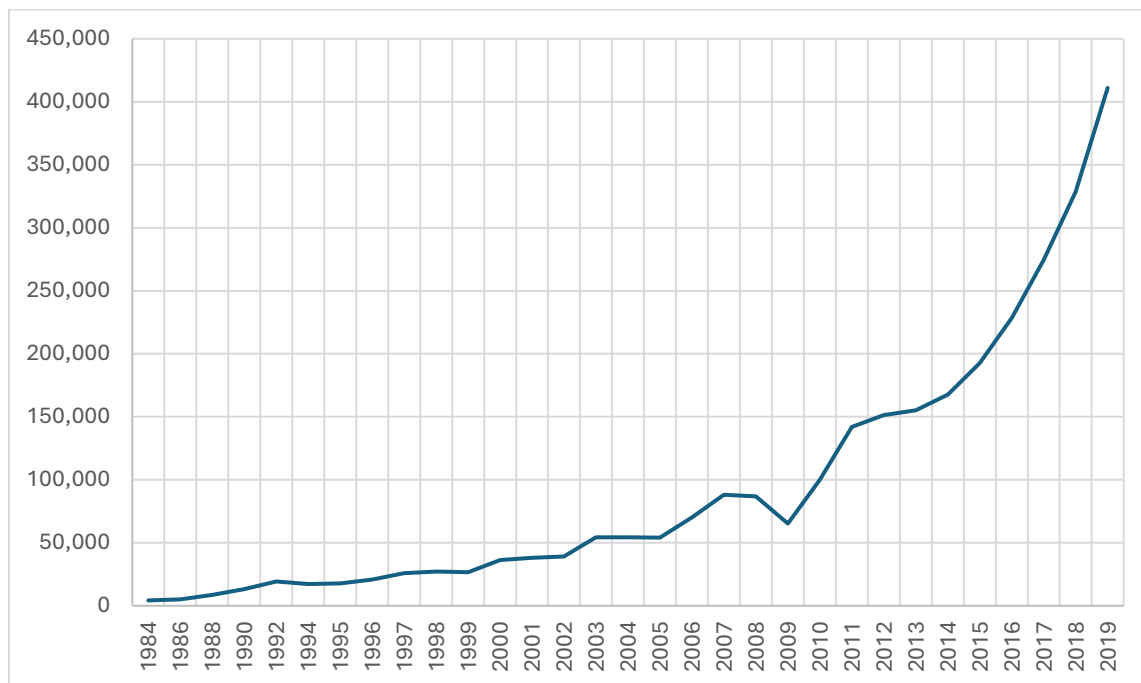


Figure 3 Trend in the number of registered individuals under "technical intern trainees" (status of residence), 1984-2019 (source: statistics from the MOJ)



### *Institutional development and state actors*

In the 2000s, a series of political reforms consolidated the power of the Prime Minister. Early 2000s, the Council for Regulatory Reform and Privatization was established as an advisory body to the PM. Its goals were to address the novel needs that had emerged and to facilitate the implementation of important structural reforms to tackle economic stagnation and improve the global competitiveness of Japan. The council was chaired by the vice chairman of the Keidanren, and other members were academics and business leaders. In its multiple reports published in March 2005, December 2005, and December 2006, it made the recommendations to maintain the TITP with some revisions to address the low wages and poor conditions (Tanaka, 2018). Following these reports, several ministries started to set up working groups to consider the revisions of the program.

In 2006, the Ministry of Justice organized a "Project Team on the Future Acceptance of Foreign Nationals" and compiled an interim report on the "Future Acceptance of Foreign Nationals" that supported the reorganization of the current training and technical internship system while promoting the acceptance of intermediate skilled workers (MOJ, 2006). In 2007, the METI's Study Group on Training and Technical Intern Training pointed to the growing popularity of the program on the one hand, and the rise of fraudulent activity on the other, and urged to improve the protection of the trainees. It also recommended expanding the eligible occupations under the program (METI, 2007). A study group of the MHLW published a report in 2004 analyzing the current state of employment and its management. It mentioned a lack of proper labor law enforcement on the part of the employers while pointing to the issue of foreign workers not enrolled in social insurance or changing jobs repeatedly (MHLW, 2004).

### *Business community*

In the meantime, the business community started to advocate with a more unified voice calling toward the relaxation and acceptance of foreign workers who are not professional or technical workers. It also gained more access and influence over the policy-making process due to its participation in several advisory bodies to the PM. The Keidanren has advocated more forcefully for opening the doors to low-skilled workers since the 2000s, marking a turning point from its focus on accepting high-skilled foreign professionals. In particular, the argument of population decline was put forward (Song, 2020). The Keidanren also emphasized the respect of human rights and the dignity of foreign workers. It further proposed the acceptance of workers in fields of labor shortages including nursing and care workers. A 2004 report mentioned that the acceptance of foreign workers will become more important in the future, which had to be done through labor market testing, the establishment of bilateral agreements, and the revision of residence statuses (Keidanren, 2004). In March 2005, the Committee on Industrial Affairs and Employment of the Keidanren published a report on “Major issues and future policies in the Third Basic Plan for Immigration Control” (Keidanren, 2005) in which it recommended the revision of the TITP notably including the possibility to re-train interns, the expansion of eligible occupations and the creation of a new residence status.

### *Labor*

Since the early 2000s, the Japanese Trade Union Confederation (Rengo) became more vocal advocating against the relaxation of borders for unskilled workers, while being careful to admitting a limited number of high-skilled workers. It also emphasized the need to increase the protection and working conditions of foreign trainees (Song, 2020). The Trade Union Confederation published a report “The Union's National Response to FTA/EPA” in 2004 in which it opposed the

active acceptance of simple workers due to their effect on the national employment and working conditions. The Japan Metal Workers' Union (JMWU) published a report "Thoughts on the Problem of Accepting Foreign Workers as Skilled Workers in Manufacturing Sites" in April 2006 and proposed to come back to the original purpose of the program, that is the transfer of skills, and make revisions accordingly (JMWU, 2006).

### *Right-based advocacy*

The Koizumi government (2001-2006) initiated structural reforms following the idea of market-based efficiency and productivity while attempting to lower government deficits, opening some space for local governments and civil society organizations to address immigration issues and migrant support. Proposals and insights became to some extent considered in proposal by political parties. In particular, factions that had strong ties to the regions with a significant number of populations became more receptive to these local voices (Milly, 2014).

Advocacy at the national level is driven by Ijūren and its affiliated groups who are in touch with the realities on the ground. Throughout the 2000s, they regularly engaged in informal discussions with the MOJ and MOL officials separately to pressure them to address the failures of the system. Advocates insisted on the need for an independent agency responsible for the program in lieu of the joint coordination between ministries (Milly, 2014). The Tokyo Japanese Bar Associations (Ichiben) released an opinion paper on the TITP in March 2009. They recommended abolishing the program due to the numerous abuses and designing a system that guarantees human rights. Until such a system is designed, they argued for the need of labor laws to apply to trainees and for the consolidation of the supervision and oversight mechanisms (Ichiben, 2009). They referred to the United Nations Human Rights Committee's report (2008) and the US report of human trafficking. International organizations such as United Nations Human Rights Committee and the

Committee on the Elimination of Human Rights Discrimination pointed to some lacunae in Japan's treatment of foreign workers (Yamaguchi, 2020). The US State Department's Trafficking in Persons Report 2007 discussed debt slavery and violations of international law in the context of the TITP (US Department of States, 2007). The Federation of Bar Associations is a national umbrella organization that represents all the regional and local bar associations in Japan. It released in 2009 an opinion on the TITP emphasizing the poor working conditions and human rights violations and recommended addressing the issues (Federation of Bar Associations, 2009). Gradually, local governments and civil society attempted to give more visibility to the needs of irregular migrants, trainees and work interns, and the Nikkeijin. Grassroot organizations actively lobbied national officials advocating for their labor rights and a better monitoring of employers' conduct (Milly, 2014).

### **The 2009 reform: *International reputation and social costs of rights abuse***

2007 marked a peak year for the debates on the TITP. The Employment Measures Act, which seeks to promote workforce stability, incorporated for the first time in its 2007 revision a provision on foreign workers (Kamibayashi, 2018) demonstrating how immigration slowly transpired within the country's employment policies. The MHWL, the METI, and the MOJ discussed with the Keidanren the revisions to visa regulations. The MHWL proposed to treat interns as workers. The METI sought to preserve the system and increase inspections as it argued that the benefits of the program were much stronger than its externalities. The MOJ recommended abolishing the TITP and replacing it by an explicit guest-worker program of three years.

The Keidanren positioned itself in favor of increasing diversity into the Japanese society and corporations, in order to promote innovation and growth. It also emphasized the importance of more labor rights and the creation of a stable working environment. In March 2007, the Keidanren reiterated the need to revise the trainee system in order to increase the benefits for employers (Keidanren, 2007). In September 2007, it issued a separate policy statement focused on the trainee system mentioning the US report on Trafficking in Person 2007.

The MHWL and the METI similarly issued a statement in the same direction following recommendations from the Council on Economic and Social Policy. By 2008, international pressure to reform the trainee system was at its peak (Milly, 2014). Advocates increasingly became consulted as experts witness due to their knowledge of the situation on the ground. Although they were not formally included in the governance, CSOs have contributed to knowledge production through cooperation with local governments and foreign consulates, gradually bringing issues to the national agenda. Ijuren has also been invited to testify for committee deliberation in the Diet in 2009 (Milly, 2014).

Following many abuses and critiques, the Immigration Act was revised in 2009. Visas of residence were amended. Specifically, a status for foreign trainees replaced the one under “designated activity”. The “technical intern training” residence status was created which allowed interns to become subject to labor laws. The new legislation guaranteed a minimum wage based on the relevant prefecture. It also replaced the one-year foreign trainee program and two-year TITP scheme, with the TITP 1 and 2 (Kamibayashi, 2015). Simply put, following a two-month training period, they could obtain the TITP1 status and be subject to labor law. To move up to the next status, trainees must pass a skill test at testing institutions certified by the MHLW. While this

reform consolidated the legal protections of trainees and prevented some abuses, it did not completely stop their occurrence.

Due to economic downturn, problems related to the TITP went under the radar as the number of technical intern trainees decreased. After the Fukushima disaster, the Keidanren requested the review of the TITP by extending the length of the program to cope with the aftermath of the earthquake and to facilitate the recovery of affected companies, in particular SMEs (Keidanren, 2011). From 2014, the number started to increase again exponentially, re-establishing the issue in the political agenda (Fukuyama, 2023).

### **The stimulation of Abenomics and the 2017 reform**

During the period 2014-2018, migration policy reforms became more clearly embedded in an economically driven logic and part of the Abenomics. Immigration became increasingly grounded in local needs. While the official discourse had long emphasized the detrimental consequences of unskilled migration on the Japanese social order, Abe focused on the urgency of labor shortages and demographic considerations to facilitate the admission of foreign labor. The scandalization of public opinion and medias regarding violations unveiled by the Labor Inspection Office in the context of the TITP escalated to the administrative authorities (Kamibayashi, 2018).

Demands by local governments to tackle issues of regional revitalization found an echo. In 2015, a new cabinet minister position was created for the Promotion of Overcoming Population Decline and Vitalizing Local Economy in Japan (Oishi, 2021). The Act on National Strategic Special Zones (NSSZ) passed in 2013, and revised in 2015, provided more leverage to prefectural and municipal governments to take some initiatives to stimulate the local economy based on targeted action. The

re-training program was made possible by the special measures implemented in 2015 for construction and shipbuilding workers (Kamibayashi, 2018).

### *Voices around the reform of the program*

The Keidanren requested the expansion of the program regarding the training period but also in terms of eligible occupations (Fukuyama, 2023). The extension of the TITP was requested from the Keidanren in 2013, the Osaka Chamber of Commerce and Industry in its "Request for Measures for Small and Medium-sized Enterprises in FY2014" and the Japan Federation of Small and Medium Enterprises (MOJ, 2013).

As a proceeding of the Sixth Immigration Control Policy Council (2014), the subcommittee on the Foreign Acceptance System published the "Results of the Review Conference on the Direction of the Revision of the Technical Intern Training Program" along with the "Revised Japan Revitalization Strategy 2014". In the "The revised Japan Revitalization Strategy 2014: Challenges for the Future" (Kantei, 2014), the declining population, low birth rate and aging population are connected to labor shortages and labor productivity. The propositions include the utilization of foreign resources through the expansion of the technical intern trainee program and the strengthening of the management and the supervision system. The Joint Expert Panel of the Ministry of Justice and the Ministry of Health, Labor and Welfare on the Review of the Technical Intern Training Program compiled a report "Results of the Review of the Technical Intern Training Program" in June 2014 that proposed to extend the training period and increase the quotas (MOJ, 2015).

Taking a radical stance, the Japan Federation of Bar Associations demanded the abolishment of the program (JFBA, 2011). In 2013, Rengo called for the revision of the program to make the

regulations more stringent (MOJ, 2013). In 2014, during the Sixth Immigration Policy Council, Rengo called for the optimization of the program through its realignment with its original purpose. It drew from voices from the field and the 2013 US report on human trafficking (Rengo, 2014). In 2017, Rengo reiterated its positions to support the admission of highly skilled workers while remaining cautious regarding the admission of other types of workers (Song, 2020).

### *The expansion of the program and reactions*

In light of the criticisms, The Ministry of Justice and the Ministry of Health, Labour and Welfare published reports on human rights “2014 Action Plan to Combat Trafficking in Persons”, the “Ministerial Council on Crime Prevention and Countermeasures” and the “Action Plan to Combat Trafficking in Persons”. Based on these reports, the Act on the Proper Implementation of Technical Intern Training for Foreign Nationals and Protection of Technical Intern Trainees was submitted to the Diet as a Cabinet bill in March 2015 (Fukuyama, 2023). It was passed by the Diet in November 2016 and came into effect in November 2017. The Act established the Organization for Technical Intern Training (OTIT) as an oversight institution for the TITP system. It aims at protecting the human rights of intern trainees by incorporating penalties and specifying prohibited acts. It also came with the introduction of a new scheme, TITP3. Under this new scheme, employers who respected the conditions of the previous contract could qualify to extend the TITP for a fourth and fifth year. Foreign trainees are trained to acquire specific skills while their minimum wage is the same as Japanese workers in the prefecture. The MHLW started counting interns as foreign workers in their official statistics. These statuses continued to be assorted to some limitations regarding job mobility, residency, and job type. Supervisory organizations ensure the smooth integration of foreign workers in Japan both on the administrative and social sides.

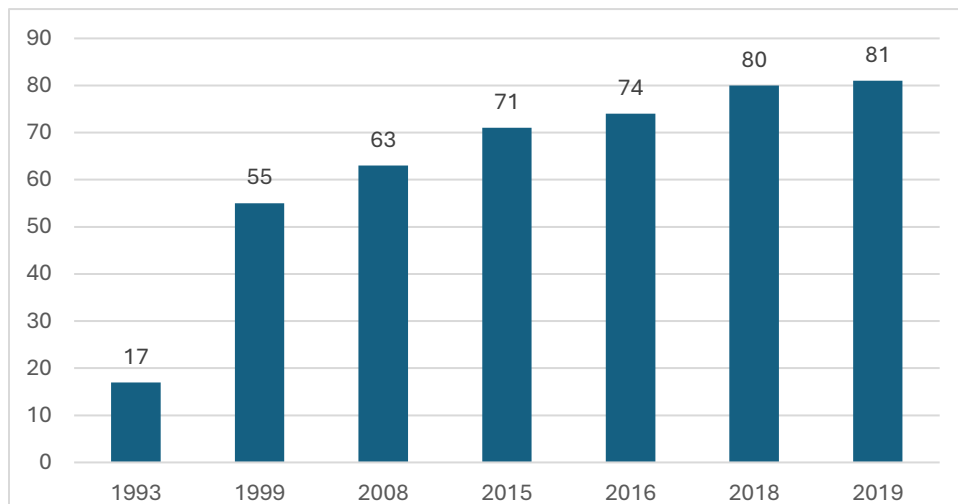


## Discussion

Based on the idea of expanded concentrated benefits and social costs, this chapter builds on Freeman to provide a more fine-grained perspective on the dynamics surrounding the policy process. It came back to the development of the TITP program paying attention to the interests and power relations that have shaped the subsequent revisions of the program. It also considers the institutional and contextual developments that have occurred in the background.

Compared to high-skilled migration, low-skilled migration policymaking is grounded in more pragmatic considerations. The nature of low-skilled migration differs from high-skilled migration in that we are not “pursuing numbers” but “controlling number”. Accordingly, the TITP in Japan was design to be flexible, with limited rights and duration, and to be specific to some industries (this is more connected to the nature of low-skilled work).

Since 1990, the immigration policy process surrounding the TITP started to incorporate the influences from a broader set of actors. More specifically, the development of the program followed two major but distinct paths. On the one hand, economic actors pushed for the expansion of the program given its flexibility. Over time, the scope of the TITP has expanded encompassing more occupations and industries (figure 4). When the system was established in 1993, 17 occupations were eligible in the manufacturing and construction sector. In 1999, 55 occupations were eligible. As of April 2016, this had expanded to 74 occupations in a growing number of sectors (JILPT, 2016). In February 2020, there were 82 occupations (JITCO, 2020). The expansion of eligible occupations is typically made by government notifications and ministerial orders, demonstrating the flexibility of the program. Although the visa application is a lengthy process, applications are rarely denied (OECD, 2024) making it an attractive option for employers.



*Figure 4 The evolution of the number of occupations eligible under the TITP*

Because the program is specific to industries and dependent on the Ministry of Health, Labour and Welfare (MHLW) and the Ministry of Justice, it makes it easier for specific industrial lobbies to mobilize. In addition, the Keidanren, a powerful political actor, has regularly advocated for the revision of the program as its constitutive interests became more and more tied to the TITP.

The rapid expansion of the program and its politicization have been mutually reinforcing. The growing number of trainees and interns has been accompanied by rising grassroots and international voices demanding the consolidation of rights and conditions. This echoes the second direction of reforms that focused on strengthening the program in terms of rights, monitoring, and accountability. Importantly, the Keidanren and some government actors similarly endorsed a position emphasizing the need to strengthen the legal framework surrounding the TITP. There is not necessarily an antagonism in the positions endorsed by actors, however. In short, the diversity of actors and voices that have participated in the debate can be attributed to the specific dimensions of the policy that created concentrated economic benefits (that became tangible as the program

unfolded thereby attracting more industries), while its restrictive dimensions generated diffused social costs that became increasingly visible as the program expanded in size and scope.

The policy process is dominating by an effort to meet employers' short-term interests. Economic actors pushed the expansion of the program. This pressure was particularly evident in the expansion of occupations and job categories over time, leading to concessions in a scheme that initially sought to pursue a different purpose, that is skill and knowledge transfer. Discrepancies started to emerge as some occupations that are hard to "transfer" started to be incorporated into the program, such as horticulture which can considerably vary depending on climate and geography. This expansion was made possible by the flexibility of the program and effectively mirror client politics as described by Freeman (1995).

In parallel, the social costs tied to restrictive working conditions became apparent, reported by the media and grassroots organizations. These organized groups based on a shared interest or issue mobilized to influence the policy process. Although more marginalized from the policymaking, their sustained lobbying on top of international voices denouncing the abuses occurring under the TITP illuminated the importance to strengthen the oversight mechanisms and consolidate the rights of interns. These issues were taken up and reiterated by powerful economic actors. It is possible that the social costs impacted the reputation of the program which could potentially create economic costs for those actors.

Importantly, the economic and non-economic interests did not necessarily conflict with each other, but rather they emphasized different dimensions of the program. This configuration generates a

politics that combines client politics with interest group politics, what I call “client-based interest politics”, as it created costs of different nature. In other words, the TITP program created concentrated economic benefit and diffused social costs leading to a hybrid form of politics combining both elements of client politics in the expansion of the program and interest group politics in its design.

## **Chapter 6: Migration policy and modes of politics in Japan: “entrepreneurial-elite politics” vs “clientelist-based interest politics”**

### **Introduction**

The literature has illuminated the multiple elements that interact and come into play in immigration policymaking. However, there is limited knowledge about whether different immigration streams or migration types are associated with different modes of politics. This thesis has explored this question by disaggregating immigration policy in Japan —focusing on a policy targeting highly skilled workers and a side-door policy that has become a de facto low-skilled worker migration policy. The empirical chapters have examined the linkages between the type of migration, policy features and mobilization.

Freeman (1995) contended that immigration policymaking is characterized by “client politics” since immigration generates diffused costs and concentrated benefits. Immigration policy and policymaking may, however, have gone through important changes in the last decades, requiring an adaptation of the framework. Immigration policy has moved away from a coherent grand design manifesting, at times, some divergent impulses. This research complexifies assumptions about immigration policy in Japan while specifying and revising Freeman’s original postulates. The contributions are thus theoretical and empirical.

High-skilled migration policy and low-skilled migration policy originate in sticky assumptions about the workers that they target. The flows are distinct —prospectively too little and reactively too large, respectively— affecting their size. In Japan, highly skilled migration policy has been discussed in the context of macro-policies focused on a long-term vision driven by national competitiveness and innovation, whereas low-skilled migration has been tied to pragmatic and short-term local needs. These perspectives are reflected in several policy dimensions that create

different costs and benefits for actors and shape mobilization. In short, this research connects the different features and characteristics of two types of migration policies, contending that despite some similarities — explained by them being situated in the same institutional and ideational context—, we can disentangle two modes of politics.

The first part discusses the empirical findings and expands on the concepts introduced to discuss immigration policy's modes of politics, that is “entrepreneurial- elite politics” and “clientelist-based interest politics”. The disaggregation of immigration policy and the in-depth analysis of the two programs targeting different foreign worker categories and their unfolding over time indicate that the two programs present similarities as their creation and development took place in the same political setting. However, policy dynamics stimulated by a variety of actors, can be connected to the different dimensions of the policy, which shaped the distribution of costs and benefits. Ultimately, these policy differences translated into different—yet to some extent, intersecting—modes of politics that nonetheless appear more complex than what Freeman posited.

Second, the chapter explores further the linkages between policy and politics developed in this project. Revisiting each dimension (duration, flexibility, specificity, rights and size) along which policies differ, it offers some insights as to how they can affect the mobilization of actors.

Third, this chapter expands on the idea of costs and benefits pertaining to immigration policy illuminating the importance to differentiate costs according to their nature. These insights are connected to the complexification of immigration policies that confer different rights and benefits to different types of migrants and that encourage different policy designs depending on the skills of the workers they are targeting.

## **The modes of politics of high-skilled and low-skilled migration in Japan**

First, exploring the idea that high-skilled migration policymaking and low-skilled policymaking can potentially be driven by different modes of politics needs some rationale. This research has explained how high-skilled and low-skilled migration differ in their ideational constructs. These constructs shape policy features. In turn, these policy features generate different costs and benefits. Migration policy types also need to be distinguished according to their political framing as policy cannot be taken away from the context and environment in which they operate. Issues pertaining to foreign workers are not always politicized and they are not politicized the same way depending on the framing employed by the political leadership.

More precisely, this research suggests that high-skilled migration policy is framed through a macro-policy perspective while low-skilled migration is captured through a sectorial and a narrower perspective based on pragmatic needs. The framing of policies is closely connected to ideational constructs of high skilled and low skilled workers. The different politicization of these two categories of migrants shaped policy approaches and policy designs. While high skilled migration policy provides generous rights and benefits and few restrictions for renewal, it is also general, meaning that it is based on broad categories. The low-skilled program discussed in this project constitutes a side-door policy for labor migration. Compared to high skilled migration policy, it is tied to restrictive conditions and rights, yet it is also specific to some industries and flexible.

These differences affect the mobilization of actors in distinct ways. Highly skilled migration primarily attracts the interest of big business actors concerned with macro-economic policy and the domestic productivity and growth of the country. Low-skilled migration is based on more pragmatic needs and labor shortages and is tied to industrial specific interests. The nature of the

flows matters to understand how policy constructs the costs and benefits, and by extension, alter mobilization.

*The politics of the point-based system for highly skilled foreign professionals: “entrepreneurial-elite politics”*

The idea of expansion of high skilled migration policy finds its roots in many proposals and reports of elite actors including ministers, political parties, and the Keidanren since the beginning of the 21<sup>st</sup> century. The idea that Japan needed more skilled foreign workers did not necessarily rise as a contentious issue among the elites. However, the fragmented characteristics of the policymaking process made policy reforms laborious. The reframing of labor migration as part of a new political agenda provided the impetus for the implementation of the point-based system for highly skilled foreign professionals under the leadership of the former PM Abe.

The under-politicization of the policy can be explained by the type of foreign workers that it targeted. Both ideational constructions of high skilled workers and the emphasis on the diffused benefits that such a policy represented participated in evading discussions about the costs. In this sense, the policy created concentrated benefits for economic actors but also diffused benefits for society as demographic issues started to become more pressing. In parallel, diffused costs were rather invisible.

Policy developments can be understood as stemming from a synergy between the elites and the coalescence of their policy and political goals. These elements need to be linked back to the non-specificity of the policy explaining why the elites continue to be the major actors driving policy development.



Despite the generosity of the PBS, the first few years failed to attract a significant number of highly skilled foreign professionals (for a plethora of reasons that are not necessarily rooted in policy design). To meet its goals and promote more actively the acceptance of high skilled workers, the government quickly revised the policy lowering the requirements and thresholds. On paper, this strategy proved effective as the number of certified high skilled workers under the PBS increased. However, a closer look at the statistics reveals that more than 85% of them were already working in Japan under a different employment resident status. As such, the policy had more of a retention effect rather than an attraction one. In this sense, the government pursued a “policy of numbers”, yet the factual numbers of new highly skilled foreign workers did not substantially increase.

High skilled migration is typically defined by an effort to create flows greater than there currently is and a proactive approach to attract qualified individuals. The conditions tied to these policies are generally generous in order to effectively compete in the global race for talents. In the context of Japan, despite the permissive conditions and generous rights, the “lack of number” did not substantially alter the costs and benefits distribution.

*The politics of the technical intern trainee program: “clientelist-based interest politics”*

The Japanese Technical Internship Program (TIP) was introduced in 1993 with the official goal of promoting technological transfer to developing countries. As the program expanded, several problems surfaced. Combined with a sense of urgency triggered by demographic projections, political attention became increasingly directed to issues of immigration and facilitated the inclusion of more diverse stakeholders on the discussion (Milly, 2014). In particular, it is suggested

that compared to high-skilled migration policymaking, the nature of the de facto low-skilled migration shaped the politics that surrounds it.

The limited rights and many restrictions assorted with the TITP, and more generally low-skilled migration policy, and the growing number of trainees created the conditions for abuse and misconducts leading to a politicization of the policy. In parallel, the specificity of the program that targets specific occupations and its flexibility led more industrial actors to be involved in the process to address labor shortages. The juxtaposition of these factors created a bi-dimensional, but not necessarily confrontational, advocacy.

On the one hand, the business community called for the expansion of the program, and on the other hand, another set of actors demanded more regulations and attention to the rights of trainees. The constant tractions between the expansion of the program and the strengthening of regulations are apparent in the reforms that, while driven by the elites, reflect the concerns of a diversity of stakeholders in their substance. The number of eligible sectors and occupations gradually increased. The reforms of the program suggest that it was aimed at responding to the demand for labor of different sectors while not waking up the fears of public opinion regarding immigration (Kamibayashi, 2015; Hamaguchi, 2019).

At the same time, glocal forces were important to policy reforms. In addition to NGOs (Ijuren) and labor unions denouncing abuses in the system, foreign pressure (*gaiatsu*) and media reports acted as important stimulus for policy development, thereby making social costs more visible. As a major economic actor concerned with national and international policy developments, the Keidanren, with more and more ties to the TITP due to the program expansion, has become more vocal over the years pushing for the expansion of the framework and its consolidation in terms of working conditions (thus endorsing the initiatives originally brought up by local communities).

Reforms have been piecemealed and incremental due to the political and bureaucratic fragmentation.

Over time, the framing of the TITP embraced greater concerns regarding national economic strategies (multiplication of concentrated benefits), national labor needs and international relations, leading to a more active role of the Cabinet in the policy reforms. This collaboration ensured that TITP reforms addressed both domestic labor needs and international concerns about worker rights and program integrity. The expansion and gradual politicization of the TITP program facilitated a resonance of social costs from the local level up to the international level (reputation) which ultimately reached the political power. It would be a simplification to discuss client politics in this complex situation, in particular as the analysis has endorsed a dynamics approach to the politics of immigration policy. The situation is perhaps best described by the idea of “clientelist-based interest politics” to seize more accurately the idea that the TITP was developed as a respond to the demand of the industry in its expansion, yet it also responded to the calls of interest groups to strengthen the legal framework related to the rights of labor migrants.

### **Policy dimensions and politics**

According to Bartram (2005), the developmental state theory explains why the bureaucracy in developmental states are less likely to respond to employers’ demand. He notes that the insulation of the rational bureaucracy from political and private interests allows for the pursuit of general interests in a long-term perspective. However, this claim neglects the transformation of costs and benefits that may result following the acceptance of foreign workers. It does not sufficiently consider either the alignment of the goals and benefits that can arise as a result of the definition of

novel priorities. Moreover, institutions are not immutable. Policy development has certainly been constrained by policy legacies emphasizing the admission of high-skilled migrants and restricting low-skilled migration. However, the growing complexity of immigration policy requires a more nuanced analysis through its disaggregation. Most skilled labor migration reforms do not dismantle, or reverse programmatic policy choices, which is perceived as, and often is, costly, in particular as institutions become more mature (Pierson, 2000). Contemporary skilled migration policymaking is more about modifying existing legal framework or adding “layers” to an already established system, thus corresponding more to fine-tuning rather than overhauling existing migration regimes as it has been the case in the post-WWII decades (Cerna, 2016). In this perspective, the mobilization of actors is not necessarily confrontational, such as in the case where they focus on some specific policy dimensions.

### *Duration*

In Japan, the construction of the employment system has been achieved in the context of a strong internal labour market, what Thelen and Kume (1999) referred to as “segmentalism”. Upon hiring fresh graduates, an intensive process of skill training is established encompassing job rotation, off-the-job training courses and in-house training centers and vocational schools (Busemeyer and Trampusch, 2011). The Japanese model is premised on an implicit exchange of human capital investment and employment security to all regular employees for their dedication and skill formation (Moriguchi, 2014). This system relies on a number of incentives to reduce the probability that a worker will leave such as seniority wage and an internal career ladder. It is also dependent on a certain amount of employers’ coordination (Thelen and Kume, 1999). While globalization and neo-liberalization of the economy have certainly transformed traditional employment practices, the core of these practices, related to firm-centered skill formation and investment in employees’

skill development, persisted due to the maturity of the institutions (Seung-Yoon Lee and Nahm, 2024).

Compared to the logic of the labor market, immigration policy in Japan presents some gaps that can explain its expansionist dynamics. Immigration policy in Japan has historically prioritized specialized skills that were lacking in Japan (Hashimoto, 2017; Nagayoshi and Kihara, 2023). However, there are tensions between the labour market and immigration policy in particular regarding the duration of visas. On the one hand, highly skilled migrants are not tied to a particular employer, thus are free to change jobs, and their visa are renewable. An issue for employers is the potential labour mobility that can arise because of these visas. On the other hand, TITP workers hold visas that are tied to employers and generally comprise a time limitation. As a result, it can lead to some “waste” of the skills obtained in Japan. For employers, the costs to invest in training needs to have some positive returns. The push for extension of the TITP can be connected to its restrictive dimensions related to time limitation.

### *Flexibility*

Menz (2009) discusses the rise of managed migration that refers to the pragmatic paradigm through which migration is conceived. The contemporary system to govern migration is characterized by its flexibility exemplified by the rise of temporary migration schemes. This feature is particularly important to explain the mobilization of actors in the context of the TITP. Most of the revisions have taken place through public notifications, thus did not need to go through parliamentary debates. This promotes flexibility to adapt policies to the labor market needs and its fluctuation, thus make gains more likely, thereby potentially stimulating the mobilization of actors.

### *Specificity*

The PBS relies on broad categories to promote flexibility as long as a job offer is held, thereby providing considerable leverage to employers (or intermediary organizations) to assess and recruit skilled workers. By contrast, the TITP is based on occupations in specific industries. The nature of the program makes it easier for economic actors to push for their specific interests to be considered in the policy design and make the gains more concrete. In this sense, the specificity of the program facilitates mobilization since the concentrated benefits are more tangible.

### *Rights and size*

While it is true that immigration policy in Japan primarily serves industrial policies and macroeconomic goals, Japan cannot ignore the importance of rights to attract labor migrants. As Chung et al (2024) mentioned, Japan may not be prioritizing equality and individual rights, but these are important features considering the transnational dimension of migration. Paradoxically, in both cases, rights of different nature expanded. High-skilled migration policy in Japan deals with hypothetical and small flows so HSFP were granted more individual rights to make policies more attractive. These policy stimulations came from the elites. In the case of the TITP, the driving forces for rights consolidation came from below (and to some extent international pressure). This mobilization in part stemmed from the growing issues tied to the poor working conditions and the restrictive rights of program as the TITP expanded in size. The size thus mattered in making the pitfalls of the program visible, and by extension, fostering mobilization of social actors and spilling over the demands of others.

## **Revisiting the costs and benefits of immigration**

### *How to measure the costs and benefits of labor migration?*

A key revision of Freeman's framework centers around the idea that the nature of costs and benefits matter to understand mobilization. Mobilization and the costs and benefits are to be connected to the different policy dimensions described above. Labor migration fundamentally alters the economy of a polity by opening the door to free riding, meaning utilizing educated migrants trained in foreign educational systems who can substitute to locally trained workers. In other words, labor migration represents a cheaper short-term source of skills for employers, thereby reducing their incentives to invest in domestic skill training (Ruhs and Anderson, 2010).

The empirical economic literature provides mixed results regarding the outcome of immigration on labor market opportunities for native workers, in particular, due to the different scope of research designs. Some early studies observed little effects of immigrants on the labor market (Friedberg and Hunt, 1995; Smith and Edmonston, 1997). Borjas (2006), in contrast, finds that immigration reduces the wage and labor supply of competing native workers, yet the extent depends on whether the labor market is defined at the local or national level. Ottaviano and Peri (2012) contend that immigrants and native workers are imperfect substitutes and conclude that immigration has rather a positive effect on the wages of domestic workers. In France, Ortega & Verduro (2014) point to a positive impact of immigration on natives' wages and employment, even at the regional level.

In general, the effects of immigration on the labor market are rather modest, and there are differences across sectors, types of workers, countries, geographical areas, and depending on if we discuss low or middle-income native workers (Böhme and Kups, 2017). In short, the impacts of immigration on the labor market are diverse and contextual, and perhaps more importantly, contingent.

Studies on the more macro-level transformations of the labor market that an inflow of migrants generate are rare. Because migrant workers are more likely to accept lower wages, conditions, and “dull, dangerous and dirty” work (Piore, 1979), it can reduce the incentives for employers to alter their practices to attract native workers in those jobs.

#### *Contemporary costs and benefits of immigration*

While the literature has attempted to capture the material benefits and costs of immigration, there are also immaterial costs and benefits. The immaterial benefits of immigration include increasing cultural richness, diversity, perspectives, and ideas, fostering innovation, creativity, dynamism. As the case of Japan demonstrates, the immaterial costs can be human rights violation and abuses, or cultural threats. These immaterial costs and benefits are less tangible and more contested than the material ones as they often depend on the conceptualization of basic concepts such as culture or society, normative ideas about what is desirable and the paths to achieve those ideals.

These reasons perhaps explain why the scholarship focuses on the costs and benefits that we can “measure” or capture with more certainty and objectivity. In this project, I preferred the term of “social costs” to specify their reach and scope. As the case of Japan shows the nature of the costs and benefits can matter in driving mobilization.



The dichotomy between high-skilled and low-skilled workers is in part premised on assumptions about their respective integration and assimilation potential, and their net contributions to the host society. More specifically, it is assumed that high-skilled migration incurs more benefits than costs whereas the intake of low-skilled migrants has presumably higher costs than benefits. Furthermore, hiring low-skilled workers is often connected to the idea that it deters employers to invest in training and innovation. Politically, public attitudes reflect a conspicuous preference for skilled workers for integration reasons or based on the belief that skilled workers will represent less of a fiscal and social burden for the host society (Parsons et al., 2014). In fact, the analysis shows that when discussing the costs and benefits of immigration on the host country, political discourses are often general and abstract. As such the costs and benefits of immigration typically exists first and foremost in the imagination of a nation.

The framing of costs and benefits and their “ranking” depends on the positionality of actors and institutions, making some of them more or less salient and fluctuating over economic conditions, contexts, and priorities. A more dynamic perspective on immigration policy and policymaking suggests that costs and benefits can be altered through the unfolding of a policy over time. A historical approach to the development of policy points to the importance of the economic context and the political leadership embedded in institutional settings to understand interests and their salience.

## Discussion

### *Argument and contributions*

To be sure, high-skilled and low-skilled migration politics in Japan present some similarities due to institutional configurations and power relations and influences surrounding the policymaking process. The increasing importance of political actors is similar in both cases due to the institutional context in which policy is made. In both cases, the analysis points to the importance of the leadership of the political executives acting in synergy with powerful business organizations. What is different is the involvement of the number of actors due to some differences at the level of policy features and framing, derived from the nature of the policy —and by extension the category of workers they target.

The analysis suggests that the policy features that are tied to the nature of the flow they govern matter to seize the contemporary politics of immigration. Importantly, the goal of this research was not to identify the exact cause underlying the difference between the PBS and the TITP, as the policy process is not a rational exercise. However, by dissecting two policies targeting different migrant workers, it advances some hypotheses as to why policies can create different types of politics. Building on key and comprehensive insights and taking into account the contemporary features of immigration policy, two important concepts have been developed to account for the modes of politics in the Japanese context.

This research has argued that high skilled migration policymaking can be captured through “entrepreneurial-elite politics” according to which the political elite drive policy discussions and development following more macro-level perspective and goals. De facto low-skilled migration is driven by “client-based interest group politics”, meaning that policy developments reflect some

clientelist pressure while considering demands from social actors that go beyond economic rationale. Importantly, big businesses and the elites are part of the discussion, but the pragmatic vision and frame upon which they draw are substantially distinct from high skilled migration policymaking.

These two modes of politics are tied to the policy features of the two types of policy studied that create costs and benefits for a diversity of actors. Regarding high skilled migration policy, the “abstraction” of this grand policy creates potential economic benefits for actors that share a more global vision for the nation based on competitiveness and innovation. The limited extent of the policy, its generality, and its stability in terms of size are not able to create an incentive for more actors to mobilize. The costs are rather invisible due to the lack of politicization and small scope of the program. For low skilled migration, the concentrated economic benefits tied to the specificity and flexibility of the program contributed to create incentives for more actors to request the expansion of the program and ultimately created a dependence that consolidated mobilization for the expansion of the program (time extension). In parallel, the growing popularity of the program shed some light on abuses and malfunctions occurring due to limited rights and restrictive conditions. Interest groups mobilized to denounce the social costs associated with the policy.

The ideational component of policy cannot be ignored when discussing high skilled and low skilled workers. The contingency and instability of these concepts is salient when studying immigration policy in a comparative or longitudinal perspective. However, some dimensions of these categories are sticky, in particular as they are connected to the value of the nature of the work. Policies have their roots in ideational constructs that are not totally rational. These constructs are highly political as they have consequences that are not only human, but as they shape policy features. This thesis has identified several dimensions upon which high-skilled and low-skilled migration policy

differ— duration, size, flexibility, specificity, and rights. These features are to be connected to the nature of the policy, but they also exist within a political environment and are tied to a specific framing.

By linking ideational and institutional features to the study of interest, this research is an attempt to build upon the rich comparative literature on immigration policy and politics while contributing to expanding knowledge on a relatively underexplored case. By disaggregating immigration policy into two distinct policy types, it has also answered some recent calls to pay more attention to the policy mix or avoid treating immigration policy as a coherent whole.

### *Limitations*

This research has primarily considered primary sources and secondary sources. A first limitation is that some government documents or policy discussions are difficult to obtain, especially in a country like Japan where certain governmental data or internal deliberations are not publicly available, potentially impacting the depth and comprehensiveness of the analysis. Furthermore, this research has focused on two policies, which may not provide a comprehensive overview of the dynamics of the entire immigration policy landscape, and can limit the reach of the findings. Finally, since no interviews were conducted, there was no direct engagement with key stakeholders involved in the policy process. This means that some valuable insights or perspectives that could have deepened the understanding of these policies and the policymaking process could not be accessed.

### *Ways forward*

While this research has considered the PBS and the TITP programs until 2020, several important reforms have taken place in the subsequent years. On December 8, 2018, Japan introduced a new regulation amending the *Immigration Control and Refugee Recognition Act* and the *Ministry of Justice Establishment Act*, essentially creating two new visa status types for low-skilled and semi-skilled foreign workers in 14 occupational sectors facing labor shortages including eldercare, food services, agriculture, the shipbuilding industry, fishery, food industry services, and construction. As of December 2022, 73.6% of those holding the SSW (i) are former TITP trainees, while 26% mostly come through the SSW test route (Yamaguchi, 2024), suggesting that the SSW de facto serves as an extension of the TITP. While the TITP was not originally meant to become a pathway for immigration, it gradually transformed as a springboard with the advent of the SSW.

The fact that the SSW includes a pathway for technical interns suggests that the former has become an upgraded status of residence for technical interns, regardless of intentions. Skills developed under the TITP are effectively being transferred, but the recipient is Japan, not “developing countries”, through the SSW (Roberts& Fujita, 2023). As criticisms of the TITP found more and more echo, the Japanese government passed a new regulation in June 2024 to dismantle TITP while phasing in a new system (“training and employment (*ikusei shūrō*) program”) by 2027 that does not have as a primarily objective the transfer of skills, but employment. The duration of the program is 3 years, after which they can switch to the SSW. Workers’ rights are also enhanced. An alignment of occupations between the new program and the SSW has been envisaged.

Regarding highly skilled workers, the government has recently (April 2023) introduced two new visa categories to stimulate numbers: Japan System for Special Highly Skilled Professionals (J-

Skip) and the Future Creation Individual Visa (J-Find) Visa. The J-Skip Visa is assorted to benefits such as eligibility to apply for permanent residency after a one year in Japan or eligibility for the spouse to obtain a visa to work full-time. J-FIND visa allows graduates from top universities to come to Japan to look for a job.

These developments can be interpreted as a gradual acknowledgment of immigration realities in Japan, but they also support the main arguments of this research with some nuances. High skilled migration policy continues to be driven by the elites with a strong leadership from politicians and the pursuit of numbers through the multiplication of initiatives that remain based on general categories. SSW appears more to be a hybrid policy presenting migrants as “skilled workers”, albeit them being de facto low and middle-skilled workers. A preliminary analysis suggests that political entrepreneurship of former PM Abe was central to the passage of the policy but ultimately exhibited a yield to external pressures —business interests and labor market needs— as this shift was not part of Abe’s economic strategy (Chiavacci, 2025).

It is important to bear in mind that modes of politics are not stable nor predictable, in particular as “skills” is a highly contingent and malleable concept. This research has effectively demonstrated that multiple logics of migration governance coexist, and that immigration policy is more unstable, contingent, and fragmented than current frameworks allow for, encouraging the scholarship to adopt a more disaggregated approach to its study. As Freeman noticed, it is probable that modes of politics unfold differently across countries and time. It is also likely that new types of politics are created and will continue to be. By providing clearer dimensions upon which policy can differ and impact the mobilization of actors, this project offers some stones that will need to be polished through their assessment in other contexts, but also over time in the Japanese context.

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