The Immigration Dilemma: trajectories and challenges of highly skilled migration in Japan

by

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Bachelor of International Relations, Ural Federal University, 2014

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Abstract

Japan has long been perceived as a country with restrictive approach to immigration. However, due to staggering demographic changes now the Japanese government faces the dilemma between meeting the needs of the labour market by relying on the influx of migrant workers and addressing the public's general opposition to immigration. Although the Japanese government is still hesitant to openly admit immigration, latest developments of the Japanese immigration law show a gradual shift in approach to the acceptance of foreign workers, which is particularly evident in the case of highly skilled migration. For highly skilled migrants (HSMs) Japan has adopted a more welcoming immigration policy, but the number of HSMs in Japan remains low. This suggests that current immigration policy alone is not enough to guarantee significant inflow of foreign workers and their retention. This research aims to fill the gaps in the existing studies on highly skilled migration in Japan by examining the development and limitations of the Japanese immigration policy and discussing main structural barriers and socio-cultural issues that HSMs face in Japan. Moreover, by analyzing trajectories and challenges of highly skilled migration in Japan the study also sheds light on the wider immigration dilemma that the country is dealing with.

The main focus of this research is the examination of various factors affecting the attractiveness of Japan for highly skilled migration, with particular focus on the role of Japanese work culture among other work-related factors. Data collected through the online survey and interviews with HSMs and representatives of the Japanese HR reveals the impacts of Japanese employment practices and the Japanese work culture on foreign workers. In doing so, this study shows that Japanese work culture influences the experiences and mobility outcomes of HSMs as much as other work-related factors. Most importantly, the results of this research provide an insight into the interrelation of the Japanese work culture with ethnic nationalism and reveal the gap between multiculturalism in policy and in practice.

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List of Abbreviations

APEC	Asia-Pacific Economic Cooperation
DOL	United States Department of Labor
DPJ	Democratic Party of Japan
FRESC	Foreign Residents Support Center
GEBCO	Gender Equality Bureau Cabinet Office
GHQ	General headquarters
GNP	Gross National Product
HR	Human Resources
HSFP	Highly skilled foreign professional
HSM	Highly skilled migrant
HSP	Highly skilled professional
ICESCR	International Covenant on Economics, Social and Cultural Rights
ICMPD	International Centre for Migration Policy Development
ICRRA	Immigration Control and Refugee Recognition Act
ILO	International Labour Organization
IMD	Institute for Management Development
IPSS	The National Institute of Population and Social Security Research
ISA	Immigration Services Agency of Japan
JACAR	Japan Center for Asian Historical Records
JASSO	Japan Student Services Organization
JBF	Japan Business Federation
JCCI	Japan Chamber of Commerce and Industry
JETRO	Japanese External Trade Organization
JILPT	Japan Institute for Labour Policy and Training

JLPT	Japanese-Language Proficiency Test
LDP	Liberal Democratic Party
METI	The Ministry of Economy, Trade and Industry
MEXT	The Ministry of Education, Culture, Sports, Science and Technology
MHLW	The Ministry of Health, Labour and Welfare
MIC	The Ministry of Internal Affairs and Communications
MIPEX	Migrant Integration Policy Index
MOFA	Ministry of foreign Affairs of Japan
MOJ	The Ministry of Justice
OECD	The Organization for Economic Cooperation and Development
OFP	Open for professionals
SCAP	Supreme Commander of Allied Powers
SSW	Specified Skilled Worker
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
US BLS	United States Bureau of Labour Statistics
USND	United Nations Statistics Division
WEF	World Economic Forum
WWII	World War II

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Chapter 1. Introduction

Background of the study

Intensification of international labour migration is one of the main trends brought by the globalization of the world's economy, and around two-thirds of international migrant workers are concentrated in developed countries. However, when it comes to Japan, the country is not usually associated with a popular destination for immigration. On the contrary, Japan is often perceived as a "latecomer to immigration" or a "non-immigration country" (Cornelius, Martin & Hollifield, 1994; Hollifield, Martin & Orrenius, 2014), but in fact, numbers of foreign residents in Japan have been gradually increasing, reaching 2.76 million people by the end of 2021 (Portal Site of Official Statistics of Japan website, 2022), thus the country is more open for migration than it may seem.[1]

Japan is the fastest ageing country in the world and its fertility rate has remained low since the 1990s. The recent demographic change resulted in a decrease in the working-age population and huge gaps in the workforce. One of the ways to fill this gap is to attract labour force from abroad. According to the UN estimates, Japan will need at least 17 million immigrants by 2050 to maintain current population levels, avoid labour shortages, and sustain the pension system (United Nations Population Division, 2001). Due to the aforementioned reasons, the Japanese government is now facing a dilemma between using foreign workers to supplement the domestic workforce and addressing the nationalistic sentiments towards immigration among the Japanese public. This immigration dilemma can be seen through the political debates and the measures regarding immigration. There is no clear national immigration policy, and there is lack of consensus between political actors and governmental agencies on the acceptance of foreign workers. However, there is no denying the fact that since the end of the 20th century, Japan has

[1] The total population of Japan in December 2021 was estimated at 125,470,000 people (Statistics Bureau of Japan, 2022).

been actively accepting highly skilled workers, and even the restrictions on the acceptance of unskilled and semi-skilled workers have been loosened in recent years. Furthermore, although unofficially, Japan has been responding to its internal labour shortages by attracting foreign workers on trainee or student visas for several decades. However, foreign workers are still not considered as "immigrants" and most of them are eligible for only a short-term stay. In other words, the Japanese government is still hesitant to admit immigrants for the purpose of permanent settlement, but demographic and economic challenges increase the importance of rethinking existing policies and developing new ones.

While Japan still has a strict approach to border control for unskilled labour, when it comes to highly skilled migration the situation is significantly different. Japan has taken part in the global competition for highly skilled migrants (HSMs) who are considered resources for revitalization and internationalization. This category of workers receives greater access to permanent residency and other types of preferential treatment in comparison with other visa categories. However, a more welcoming immigration policy seems to be not enough to attract HSMs to Japan as their numbers remain relatively low which raises the question: what are the other factors that influence the inflow of HSMs and their retention? HSMs have been the focus of the Japanese immigration policy since the end of the 20th century and have the highest chances of being officially accepted as "immigrants." Hence, it is worth examining what the approach of the government to highly skilled migration tells us about the wider immigration dilemma in Japan. Moreover, in terms of socio-cultural issues and structural barriers, experiences of HSMs are often representative of the overall experiences of foreign residents in Japan which also provides a rationale for focusing on HSMs in this study.

Having moved to Japan first as a university student, I experienced first-hand the whole process of job-hunting and being employed by a Japanese company. After almost seven years spent in Japan, I have never considered myself an HSM, although technically my visa fell under

this category of foreign workers. This experience prompted me to critically reflect on the Japanese working practices and other factors that influence immigrant workers' mobility. The same background has also played a significant role in my decision to choose highly skilled migration in Japan as the topic of my research as a master's student.

Purpose of Research

This research seeks to fill the gaps in the existing studies on highly skilled migration in Japan by examining the development and limitations of the Japanese immigration policy and, most importantly, analyzing other factors of highly skilled migration such as main structural barriers and socio-cultural issues that HSMs tend to face in Japan. The purpose of this study is to explore the ways in which different factors influence the day-to-day experiences of HSMs and the overall attractiveness of Japan as a destination for highly skilled migration. In addition, this thesis aims to examine the working experiences HSMs by introducing the concept of "Japanese work culture" and examining how it affects them. Finally, this study provides an insight into the immigration dilemma that Japan is facing due to the conflicting influences of the globalization and the revival of ethnic nationalism.

Defining the Research Questions

There are three main research questions for this thesis:

1) How did the approach of the Japanese government to foreign workers change from the post-war period to the present? This study will analyze the development of Japanese immigration law with particular attention to the HSMs-related reforms and define the main issues of the current immigration policy. In doing so, it will provide insight into the dilemma between labour shortage and anti-immigration sentiments in Japan.
2) What are the main factors influencing highly skilled migration in Japan and how do those factors affect the mobility of HSMs in Japan? This thesis examines not only the issues of

the Japanese immigration policy but also other factors that influence the attractiveness of Japan for highly skilled migration, specifically focusing on work-related issues.

3) How does "Japanese work culture" influence the mobility and experiences of HSMs in the Japanese labour market? This study examines the concept of Japanese work culture by exploring its main features through the working experiences of HSMs as well as its interrelation with ethnic nationalism.

Structure of the Thesis

With the purpose of comprehensively examining both pull factors and barriers of highly skilled migration in Japan, this thesis is structured into six chapters. Chapter 1 explains the background for this research and the rationale of topic selection and introduces the purpose of the study and the main research questions. Chapter 2 reviews the literature on the key concepts and studies related to the topic of highly skilled migration in Japan, introducing the theoretical framework of this study. In addition, it summarizes methodological approaches used in the research including the details of the online survey and the interviews conducted during this study. Chapter 3 examines the historical background for the formation of Japanese immigration policy, tracing the main developments and changes in the government's approach to skilled and unskilled migration over time. It also sheds light on the immigration dilemma Japan is currently facing. Chapter 4 provides an overview of highly skilled migration in Japan and the latest trends in Japanese companies' strategies for the recruitment of HSMs. Moreover, it presents the findings of the research on the main issues of the current immigration policy and structural barriers to immigrant attraction and settlement. Chapter 5 is dedicated to the analysis of the HSM's work-related experiences in connection with Japanese work culture. It also traces the link between Japanese work culture and ethnic nationalism. The last chapter recaps the findings of the research, and the thesis concludes by acknowledging the limitations of the study and making recommendations for further research.

Chapter 2. Literature review

This chapter is divided into three sections. The first one introduces three main concepts that underlie this research: immigration, globalization, and ethnic nationalism. This section also dissects the concept of Japanese work culture in relation to ethnic nationalism. The second section focuses on the broader framework of the research, featuring a brief review of the existing studies on highly skilled immigration in Japan and identifying the areas that require further research. Finally, the last section introduces methodological approaches used to collect and analyze data in this research project, stressing the importance of using both quantitative and qualitative data. The literature review and the critical evaluation of existing approaches to the concepts of immigration, globalization, and ethnic nationalism aim to shed light on the connections between those concepts and provide the foundation for the study's theoretical framework. Moreover, the literature review allows to define which factors influencing the highly skilled migration are worth examining and shows the gaps in the existing studies. In addition, it reveals the lack of attention to the role of Japanese work culture and other socio-cultural factors in shaping the experiences of migrant workers, therefore defining the problematic and line of enquiry for the thesis.

2.1. Underlying concepts of the research

Immigration

Before moving on to the analysis of highly skilled migration in Japan, it is necessary to define how this thesis uses the term "immigration." In Japan, the most common definition of an "immigrant" (*imin*, 移民[2]), according to Kodama (2015), is "an individual who enters the country

[2] In Japanese the word *imin* is used both for "immigration" and "immigrant."

on the assumption that they will reside permanently." The Japanese dictionary called *Daijisen*[3] provides a similar definition which is "an individual or a group that moves to another country with the intention to stay permanently." In other words, in the Japanese language, immigration implies the meaning of staying permanently or for a significantly long period. However, this definition is problematic because it divides foreigners coming to Japan into immigrants and temporary workers based on a vague criterion of having an "intention to stay permanently." Kikuko Nagayoshi (2020) expresses the same concern and underlines that such a definition of an immigrant is not helpful in the analysis of the current immigration situation. There are numerous foreign workers who first came to Japan temporarily but eventually stayed for a longer period and became permanent residents or people who after becoming permanent residents continue moving between their home countries and Japan. That is why it is difficult to define at what point the intention to stay permanently turns a temporary worker into an immigrant and for how long one must stay in Japan to be considered an immigrant. This study shares Nagayoshi's concern that this definition is not suitable for the analysis of actual immigrants' experiences in Japan. Instead, this research uses definitions provided by the United Nations Department of Economic and Social Affairs (UN DESA) and the Organization for Economic Cooperation and Development (OECD) that do not consider the intention for permanent stay and focus on the fact of a person moving from their country of origin to another country. According to the OECD, "nationality and place of birth are the two criteria most commonly used to define the 'immigrant' population" (OECD, 2013). The UN defines immigrants as "individuals who live outside their country of origin for a period of one year or more" (UNSD, 1998).

There is a shared opinion among scholars that the Japanese government, especially the ruling party, deliberately avoids using the terms "immigration" and "immigrant" in official

[3] *Daijisen* (大辞泉, "Great fountain of knowledge" or "Great source of words") is a descriptive dictionary that is widely used in Japanese high schools and universities and provides numerous examples of usage and explains delicate differences in the usage of words.

discussions and documents while introducing separate terms including "foreign worker acceptance" (*gaikokujin no ukeire*, 外国人の受け入れ）to avoid discussion on the possible impacts of the increased immigration (Oishi, 2012; Roberts, 2018; Endoh, 2019). There are several terms that are used instead of the term "immigrant" such as "foreign resident" (*zairyū gaikokujin*, 在留外国人) or "foreign worker" (*gaikokujin rōdōsha*, 外国人労働者), and often there is no clear understanding on the differences between their usage.

Having summarized various approaches to the term "immigration," it is necessary to address the term "highly skilled migrant" (HSM) which is central for this study. Such terms as "highly skilled migrants" or "highly skilled workers" are used in numerous works on immigration issues in Japan including those of Oishi (2012, 2014), Akashi (2014), Morita (2017), and Liu-Farrer (2020), but most of the scholars do not question their meaning, origins, or implications. Highly skilled migration has been a widely debated topic since the 1960s, usually in association with the issue of "brain drain" (Docquier, 2014). Considering the amount of attention to the topic, "highly skilled migrant" appears to be a well-defined concept, but this is far from being the case. According to the report of International Centre for Migration Policy Development (ICMPD), to operationalize the concept of "highly skilled" for statistical purposes, the level of educational attainment is often used as a proxy (ICMPD, 2005), but such an approach is not sufficient and leaves substantial gaps in the statistical data.

Weinar and Klekowski von Koppenfels (2020) also state that there is no agreed-upon definition of the term of "highly skilled migrant," and the concept changes depending on various factors such as who sets the boundaries of the definition and on what purpose. According to their conclusions, all HSMs seek to enter a different nation-state from their origin; thus, in order to clarify the definition, it is necessary to take that particular state's immigration policy in consideration. In other words, it is the state that defines what an HSM is. In Japan, this state-driven conceptualization has not been problematized which reveals the widespread indifference

of Japanese society to immigration issues. The term *kōdo jinzai* (高度人材) or highly-skilled personnel is widely used among policy makers, scholars and media, but its meaning can differ depending on the context. In many cases, the term "highly skilled migrant" and its alternatives are simply used in contrast to the terms "unskilled workers" (*mijukuren rōdōsha*, 未熟練労働者) or simple labourers (*tanjun rōdōsha*, 単純労働者) without specifying the visa categories that are implied by this term.

Although there is no official definition for a "highly skilled migrant," Nana Oishi's works on migration issues in Japan provide insight into this term. Among other topics, she has conducted research on the definition of "skilled" and "highly skilled" migration (Oishi, 2014, 2021). Oishi shares the same approach with Liu-Farrer whose works will be discussed later in this chapter and argues that there were originally 13 visa categories that most scholars and policy makers used to define HSMs (Oishi, 2012; Liu-Farrer, 2020). Back in 1990 the Immigration Control and Refugee Recognition Act[4] (hereafter ICRRA) has been revised, creating 14 employment visa categories. 13 of these visas were designated for HSMs, including "professor," "engineer/specialist in humanities/international services," "investor/business manager," "intracompany transferee," "researcher," "instructor," "skilled laborer," "legal and accounting services," "religious activities," "artist," "journalist," "entertainer," and "medical services." Several new categories have been established afterwards, such as "highly skilled professional" in 2015, "nursing carer" in 2016, and "specified skilled worker" in 2019, but the latter two are usually not considered visas for HSMs.

Although for decades the legal definition of HSMs in Japan remained broad, after 2012 it suddenly became much narrower, being limited to only "Highly Skilled Foreign Professionals"

[4] ICRRA is one of the foundations of the Japanese immigration law which regulates the entry into and departure from Japan.

or “Highly Skilled Professionals” (hereafter HSFPs and HSPs).[5] While there is no official definition, the boundaries of this term are set by the points-based system.[6] The Immigration Services Agency (ISA) introduced this system in 2012, and the concept of HSFPs was described as “the quality, unsubstitutable human resources who have a complementary relationship with domestic capital and labor,” and “human resources who are expected to bring innovation to the Japanese industries, to promote the development of specialized/technical labour markets through friendly competition with Japanese people and to increase the efficiency of the Japanese labour markets” (ISA, 2009). This study mainly uses a broader category of HSMs but for the sake of analysis of the Japanese immigration policy it was necessary to provide some background information on HSFP/HSP visa status too.

Liu-Farrer in collaboration with other scholars has conducted research on the social construction of skill, arguing that the notion of “skill” is problematic because the criteria used to measure workers’ chances of entering overseas labour markets are too simplistic. It is often measured by proxies such as education credentials or occupational experience, but “skill categories in operation neither reflect migrants’ actual ability nor their post-migration labour market outcomes” (Liu-Farrer, Yeoh & Baas, 2021, p.2246). Liu-Farrer underlines that “skill” and the idea of the highly or low-skilled migrants is “a concept socially constructed by a constellation of actors in specific local, national, transnational and global contexts” (Liu-Farrer et al., p.2240). Researchers like Nagayoshi, Liu-Farrer, Goto, Morita, and Akashi mostly use the broader definition of the “highly skilled,” which is not limited to only one visa status of HSP, but each of them has their own approach to the term.[7]

[5] “HSFP” is an English version of the Japanese term *kōdo jinzai gaikokujin* (高度人材外国人) that can be literally translated as “highly skilled foreign personnel” or “advanced foreign human resources.” Starting from 2015 the term “Highly Skilled Foreign Professionals” was changed to “Highly Skilled Professionals.”

[6] Japanese name on the points-based system is *kōdojinzai ni taisuru pointosei ni yoru taigū seido* (高度人材外国人に対するポイント制による優遇制度).

[7] For example, Oishi has been using the term “highly skilled” in a broader meaning but has also conducted research on the redefinition of “highly skilled.” Morita sticks to the definition of HSM based on 13 employment visa categories. Nagayoshi does not focus on particular visa categories but underlines that for a long time almost all long-

Having analyzed various approaches to the term "highly skilled," it can be concluded that the lack of uniform definition and clear criteria is a problematic aspect of the existing studies and one of the issues of the current government policy. If there is no clarity on what category of people the term "HSM" refers to, it is doubtful that studies can fully examine the issues of highly skilled migration in Japan. Depending on the approach, this term can be used to create different categorizations of foreign workers. While this thesis adopts a more general approach to the definition of HSMs based on 14 visa statuses[8], including HSP, its object is not limited to the category of HSPs because this term is too narrow and does not include foreign workers with other visa statuses that may as well be considered "highly skilled."

Globalization

This study analyzes the issue of immigration in Japan is analyzed as a process that both causes transformations within Japanese society and is influenced by specific social processes and cultural factors. It is important to critically analyze it, bearing in mind both the influence of the globalized labour market and reinforced national discourse. That is why to form the theoretical framework of this thesis it is crucial to delve into the concept of globalization. This term is used in numerous fields such as economics, political science, sociology, and cultural studies, but it relates to a significant number of other existing concepts such as global capitalism, transnational migration, identity politics and so forth (Eriksen, 2014). Although it originally intended to describe an integration of economies, globalization has evolved to become an all-encompassing phrase to characterize any activity or relationship which extends beyond national borders (Putko, 2006). The term is loosely used in a wide range of contexts, but it is possible to summarize some most common usages.

term foreign workers in Japan could be called HSMs because officially Japan has not been accepting any other groups of workers. Goto simply divides foreign workers into two general categories – "highly skilled" and "unskilled workers," including different visa statuses to the definition of "highly skilled."

[8] The 14 visa statuses include 13 visa statuses that were originally used to define HSMs plus the "Highly Skilled Professional" visa status.

Globalization is often described as “the process of social, political, economic, cultural, and technological integration among countries around the world” (Hodgetts, Luthans & Doh, 2005, p.7). According to Hodgetts, its evidence can be seen in increased levels of trade, capital flows, and labour migration. For this research, the connection between globalization and labour migration is the most important point. Saskia Sassen, one of the first scholars to study the impacts of globalization on movements of labour, in her works focuses on a range of crucial political, economic, and cultural dimensions of globalization. She emphasizes that globalization is more than the formation of global institutions and the growing interdependence of nation-states. Sassen argues that “the global” is partly structured inside “the national” which entails a “denationalizing” of what was historically constructed as national. In other words, globalization also includes the process of inhabiting and reshaping the national from the inside, and it does not mean the disappearance of a nation state but its profound transformation (Sassen, 1998). That is why the research on globalization needs to include detailed studies of multiple national conditions.

A similar opinion is expressed by Hall in his article “Culture, community, nation.” Hall argues that globalization “has not necessarily resulted in the destruction of those specific structures and particularistic attachments and identifications which go with the more localized communities which a homogenizing modernity was supposed to replace” (Hall, 1993, p.353). He illuminates the dynamics between “global” and “national,” underlining that globalization makes nation-states weaker but at the same time makes “local” allegiances and identities within nation-states stronger. An important point that Hall makes is that this situation nationalisms tend to invent “myths of origin playing the highly dangerous game of ‘ethnic cleansing’ ” (Hall, 1993, p.356). Applying this idea to the case of Japan, one can argue that although globalization facilitates the tendency to push Japan towards supranational political, economic, and cultural integration, at the same time it leads to the strengthening of its local identity and national discourses. The increasing flow of immigration and other cross-border movements force Japan

to become more multicultural and diverse, but this process also creates a reverse wave such as the strengthening of nationalism in response to globalization.

Summarizing the ideas expressed by Sassen and Hall, one can argue that the relation between "global" and "national" cannot be simply described as a dichotomy. In Japan the effects of globalization and nationalist desires conflict with each other, simultaneously causing transformations within the Japanese society. The revival of ethnic nationalism, which will be described later in this section, exemplifies a collective reaction against such symptoms of globalization as the increasing inflow of immigrant workers. As the study findings will demonstrate, this conflict between "global" and "national" lies at the heart of the Japanese immigration dilemma.

Ethnic nationalism

This research brings into question the idea that Japan is an ethnically homogeneous society. Ethnic nationalism is one of the most widely researched topics in Japanese studies, and Kevin Doak (2006), studying the history of nationalism in modern Japan, connects it with the Japanese ideology of *minzokushugi* (民族主義). It can be described as a form of nationalism where nation is defined in terms of ethnicity (Smith, 2009). In Japan, the centrepiece of ethno-nationalist discourse[9] is the idea of "racial purity and cultural homogeneity" (Liu-Farrer, 2020). This discourse has emerged out of different social institutions, including the media and politics, and it is based on the view of Japan as a unique, hermetically sealed, and homogenous society where ethnicity, race, and nation are merged (Reischauer & Jansen, 1995). It is also closely related to so-called *Nihojinron* (日本人論) which is translated as "theories of Japaneseness," namely, Japanese cultural uniqueness. Mouer and Sugimoto (1986, p.82) describe the core of *Nihojinron* as "a set of value orientations that the Japanese are supposed to share." One of the

[9] Foucault defines discourse as "practices that systematically form the objects of which they speak" or "the process through which reality comes into being" (Foucault, 1972).

central premises of *Nihonjinron* is that the Japanese are a homogeneous people who constitute a racially unified nation (Burgess, 2010).

"The myth of Japanese homogeneity," as many scholars call it (e.g., Komai, 1992; Onuma, 1993; Oguma, 1995) has attracted a lot of criticism. For instance, Morris-Suzuki (2006) argues that Japan is not as ethnically homogenous as it is often stated, considering the presence of ethnic minorities, such as Koreans and Taiwanese, and the increasing number of foreigners in Japan. Morris-Suzuki also states that Japan's strict immigration policy and border control are more "the products of Cold War politics," rather than of some homogeneous culture and island-nation mentality. Oguma (1995) and Liu-Farrer (2020) also argue that ethnic homogeneity is a post-war myth.

Debito Arudou in his book *Embedded Racism: Japan's Visible Minorities and Racial Discrimination* states that Japan's discourse of "Self" (Japanese) and "Other" ("not Japanese") has been normalized as a part of Japanese "unique culture" and social-order maintenance (Arudou, 2015, p.xix), meaning that foreigners by definition become "not a part of Japan." Such an approach exacerbates the process of exclusion and division into "them" and "us" which is also known as "Othering" (Staszak, 2008; Arudou, 2015). According to Chris Burgess (2007), "Othering" is particularly evident in attitudes and policies toward migration, specifically in the imposition of much stricter immigration controls and the emergence of anti-immigrant movements in many nations.

In the context of contemporary Japan, there is also tension between ethnic nationalism and multiculturalism or "multicultural coexistence" (*tabunka kyōsei*) that the Japanese government has been promoting since the 1990s. Iwabuchi (2015) indicates a striking gap between the initiatives of the Japanese government to promote cultural diversity and international circulation of Japanese media culture and the underdevelopment of its multicultural policy. Firstly, the discussion on multiculturalism in Japan leaves out the actual issues that must be

addressed by the national policy such as fair recognition of cultural differences or antiracism campaigns (Iwabuchi, 2015, p.38). In addition, the initiative of multicultural coexistence has a fundamental flaw in its bipolar conception of "Japanese" and "foreigner." It defines "Japanese" in a homogenizing manner, ignoring the existing cultural and ethnic diversity within Japan, which indicates that the ethno-nationalistic discourse in Japan is still strong (Iwabuchi, 2015). The issue is that the difference is understood as originating outside Japan whereas the difference in Japan—such as the long-term presence of ethnic minorities—is still underrecognized. Secondly, while promotion of the Japanese culture is supposed to encourage international cultural exchange and increase cultural diversity, in reality, it aims to "encourage foreigners to deepen their appreciation of Japanese culture" (Iwabuchi, 2015, p.38). This indicates the tension between the promotion of multiculturalism and de facto preservation of ethnic nationalism.

Japanese work culture is also closely interrelated with the concept of ethnic nationalism. Work culture is a highly nationalized socio-cultural factor which can be considered as one of the manifestations of ethnic nationalism. The term "work culture" itself is not widely used in the existing research. There is no official definition while work culture is generally understood as a set of socially transmitted values, processes, and behaviours that characterize the working environment. However, for this research it is important to trace the connection between Japanese work culture and actual experiences of HSMs, to examine how HSMs perceive it and how they name this collection of values, expectations, and practices that surround them in the workplace. This study approaches "Japanese work culture" not as an existing and fixed entity but rather as a discursive concept that relates to experiences and narratives collectively rendered as so-called "work culture." It does not mean that this concept or the discourse of Japanese work culture is illusory or fake. On the contrary, it constitutes a reality in its own way, affecting social practices and shaping behaviours and values. This research focuses on the practices through which Japanese work culture is experienced and imagined by HSMs in association with Japanese

national culture. Analyzing those practices is one of the main objectives of this study because, judging from the interview and survey results, Japanese work culture significantly influences the experiences of foreign workers and the process of their integration into the workplace. Moreover, this research aims to examine the close interrelation between Japanese work culture and ethnic nationalism, tracing how the latter affects the transformation of Japanese work culture and, consequently, the experiences of HSMs in Japan.

The reason this research does not use one of the more widely used terms like "organizational culture" (e.g., Jung & Takeuchi, 2010; Sakikawa, 2012; Thiele, 2018) or "corporate culture" (e.g., McDonald, 2003; Kurihara, 2009; Dasgupta, 2013; Miroshnik & Basu, 2014; Gagné, 2021) is that the goal of this research is to analyze actual working experiences of HSMs, to look at the practices that Japanese work culture comprises through the eyes of HSMs. The term "work culture" reflects the experiences of the employees' side better than "organizational culture" or "corporate culture" which focus more on the company's side. It is also closer in meaning to such expressions as *shigoto bunka*(仕事文化) or *hatarakikata*（働き方）[10] that many of the interviewees used referring to their experiences.

Returning to the concept of ethnic nationalism, it should be pointed out that globalization and the increasing number of foreign residents in Japan did not lead to the disappearance of national identity and local discourses such as the discourse of Japanese homogeneity. The ethno-nationalist discourse in Japan was not suppressed by those processes but rather strengthened its positions. Although the "myth of ethnic homogeneity" and the idea of polarization between Japan and "others" is highly controversial, the existence of such ethno-nationalistic discourses significantly impacts not only how migrants are perceived in Japan and their acceptance by the society but also the Japanese government's immigration policy. As a part of the theoretical framework this research draws upon the existing studies on immigration, globalization, and

[10] The expressions literally mean "work culture" and "way of working," respectively.

ethnic nationalism to trace the relation between "global" and "national" and analyze how the tensions between them contribute to the immigration dilemma in Japan.

2.2. Existing research on highly skilled migration in Japan

Japanese immigration studies

There is a significant body of research on Japan as a destination of migration, Japanese immigration policy, and issues of acceptance of foreign workers. According to scholars including Bartram (2000), Japan is often characterized as a country with a "closed door" immigration policy or as a "negative case" of immigration with relatively small numbers of foreign workers. Judging from actual figures from governmental statistics, however, the view of Japan as a closed immigration country is no longer valid because the number of non-Japanese residents as of December 2019 reached over 2.9 million people, the highest number ever (Itabashi, 2020).[11] While this number still constituted only 2.3% of the total Japanese population, it is significant enough, considering the restrictive immigration policy and the historically limited number of non-Japanese residents through the mid and late 20th century. A similar idea is expressed by Liu-Farrer (2020) who argues that in fact Japan is not a "negative case" of immigration but rather a newly emerged "immigrant country." It also correlates with the opinion of Nana Oishi (2012) who states that in the case of Japan strict immigration policy applies only to unskilled immigration whereas the policy towards HSMs is more lenient. Several studies (Oishi, 2012; Iguchi, 2016; Liu-Farrer, 2020) conclude that Japan has started to implement different policies to attract highly skilled foreign workers since the 1980s due to a significant labour shortage and as a way to increase the country's competitiveness in the global economy.

[11] The number of non-Japanese residents includes permanent residents, medium- and long-term residents and international students, but excludes short-term residents (3 months or less). The total population of Japan in December 2019 was 126,150,000 people (Statistics Bureau of Japan, 2019).

The position of Japanese government towards immigration in general has been examined by many scholars, highlighting the gap between notions of "immigration" and "acceptance of foreign workers." As mentioned in the previous section, Japanese officials avoid using the term "immigration" when it comes to issues of labour migrants' management. Glenda S.Roberts who has studied prolifically the issues of Japanese immigration policy states that the "taboo surrounding the use of the word '*imin*' " allows to pacify public concern for increasing diversity while "allowing for de facto long-term migration to occur" (Roberts, 2018, p.89). As public opinion informs the policy options available to policymakers, the public attitudes towards immigration in Japan largely define the direction of the immigration policy. In Japan, the majority of the population does not favour a large increase in current immigration levels (Davison & Peng, 2021) which explains the government's hesitation to increase the number of immigrants.

Since the post-war period Japanese government—regardless of whether the conservative or liberal party was ruling—had an official policy stance against imports of "unskilled labour" (Arudou, 2015). Only after the beginning of the 21st century Japan started to loosen the restrictions on the acceptance of unskilled and semi-skilled workers due to chronic labour shortages. However, those workers are still not considered immigrants and in most cases are allowed to stay in Japan only for several years. In other words, Japan is willing to accept the labour force only for a short period of time but is still resistant to admitting immigrants for the purpose of permanent settlement (Arudou, 2015). Toake Endoh (2019) underlines that the Japanese government has only partially loosened the immigration policy to allow certain categories of immigrants—both highly- and lesser-skilled—to work in Japan. He argues that the Japanese state maintains a "dualistic method" of securing temporary labour force and avoiding long-term immigration (Endoh, 2019, p.347). In other words, Japan balances out two imperatives: "to meet the domestic demand for less-skilled labour by importing temporary migrants, and to minimize social costs stemming from immigrants' integration" (Endoh, 2019,

p.326). A similar idea that Japan is still resistant to drastic changes in the country's population composition is expressed by Erin Aeran Chung in her book *Immigration and Citizenship in Japan*. She argues that "the state attempts to control the racial and ethnic makeup of its population through immigration and citizenship policies" by making adjustments to existing and new policies in response to demographic changes (Chung, 2010, p.179). In short, existing studies show the manifestation of the Japanese immigration dilemma in government policies which illustrates how the government has been attempting to both supplement the domestic labour force with foreign workers and avoid public discussion on the impact of the increased immigration flow.

Despite a cautious approach to unskilled or semi-skilled migration, many scholars (e.g., Tsukazaki, 2008; Oishi, 2012; Akashi, 2014, Liu-Farrer, 2020) argue that in the case of HSMs the situation is different. Most researchers agree that Japan has implemented reforms to attract different categories of HSMs, providing opportunities for long-term stay and making it easier for them to apply for permanent residency. However, some scholars express concerns about the current immigration policy because the Japanese government has no consensus on the issue of immigration which makes all measures and reforms superficial and limits their effectiveness (Akashi, 2010, 2014). Akashi analyzes recent immigration policy recommendations and related political discussions. His research allows not only to develop a deeper understanding of the changes in the Japanese immigration system but also to realize the complexity of the immigration issue. According to Akashi (2010), the issue is that even in the case of HSMs the ruling party still chooses a cautious approach to the topic of immigration because of the dilemma between the need for labour force and anti-immigration sentiments among the public. Davison and Peng (2021, p.2581) argue that the main reason for those anti-immigration sentiments is the perception that immigration "threatens the social, cultural, and ethnic identities" of Japanese nationals. Thus, one can argue that ethnic nationalism is embedded in the government's approach to immigration.

The policy toward highly skilled migration is more liberal because it causes less opposition from the society while the Japanese government still avoids openly accepting HSMs as immigrants and dealing with the issues of immigration.

Challenges of highly skilled migration to Japan

Numerous studies have examined the factors influencing the direction of Japanese immigration policy and its flaws; the body of studies on the attractiveness of Japan for HSMs is more limited. Many scholars (e.g., Akashi, 2014; Ishikawa, 2015; Iguchi, 2016) point out that a relatively low number of HSMs in Japan is attributed to multifaceted factors. Doomernik Koslowski, and Thranhardt (2009) argue that a welcoming immigration policy is only one side of the coin, while there are other factors that define the mobility outcomes of HSMs such as cultural issues, educational systems, career perspectives and other social factors. Oishi has also dedicated multiple studies to the question of whether the current Japanese policy on highly skilled migration is successful in attracting HSMs (Oishi, 2012, 2018) and why the number of HSMs in Japan remains small. She argues that there are factors that diminish the effectiveness of a relatively liberal immigration policy. By conducting interviews with HSMs and their potential employers in Japan, Oishi analyzes individual and institutional factors that influence the decision of foreign workers on long-term settlement or whether to come to Japan in the first place. From the employers' point of view, she lists such factors as concern with foreigners' Japanese language skills and high turnover rates. As for the HSMs' side, such factors as dissatisfaction with low starting salaries, integration barriers, Japanese work practices, long working hours, and lack of work-life balance are pointed out (Oishi, 2012). In other words, Oishi's research shows that major obstacles to attracting more HSMs are career-related factors.

Anthony D'Costa in 2008 conducted research on institutional barriers and immigration policies that keep Asian talent away from Japan. He states that "three main reasons for small inflows of high technology professionals are Japanese business practices involving

subcontracting, immigration policies, and socio-cultural factors" (D'Costa, 2008). In his study of 2013 D'Costa examines the reasons why Indian IT professionals preferred working in other countries rather than Japan, analyzing the key challenges and opportunities for Indian immigrants in the Japanese IT industry. He points out such socio-cultural factors that undermine the attractiveness of Japan for foreign workers as language and cultural barriers, specific social and business practices, and the lack of national receptivity towards foreigners as well as affordable international schools to accept foreign students.

Kikuko Nagayoshi also underlines that such factors as poor work-life balance and long working hours discourage HSMs from settling in Japan. Another important point expressed in Nagayoshi's study is that despite the government's plans to attract HSMs to revitalize the Japanese economy and make Japanese companies more globally competitive and diverse, most companies prefer hiring either Japanese or former international students who can speak Japanese and follow Japanese working standards and cultural norms (Nagayoshi, 2020, p.261).

The question why Japan is not attractive enough for HSMs has also been examined by Liang Morita, a sociolinguist who specializes in immigration, discrimination, internationalization, and English language education. In her research, she draws upon the works of Nana Oishi and Anthony D'Costa and analyzes why despite all the incentives offered to HSMs Japan does not attract many of them (Morita, 2017). Morita argues that the main reason for Japan's failure to become a major destination for highly skilled migration is the Japanese exclusionary tendencies. She examines the impact of ethnic nationalism on highly skilled migration from the socio-cultural level, pointing out such factors as poor English language education in Japan, the influence of *Nihonjinron*, general mistrust toward foreigners, inequality between foreigners and the Japanese, and insistence on "doing things the Japanese way" (Morita, 2017).

Limitations of existing studies

Summarizing the existing research, despite the large existing body of work on Japanese immigration law, HSMs remain significantly underrepresented in this field of research. Moreover, there are areas that still require deeper examination both in studies on highly skilled migration in Japan and on Japanese work culture. Most researchers named above agree on the fact that a welcoming immigration policy is not enough to define the attractiveness of a country for highly skilled migration. They do examine socio-cultural and work-related factors influencing highly skilled migration to some extent but not simultaneously. Most importantly, neither of them refers to Japanese work culture in particular as one of work-related factors. This thesis attempts to use the existing research on the challenges of highly skilled migration in Japan to develop those ideas further. Lack of attention to the question of how Japanese work culture influences the experiences of foreign workers shows a gap in how the issue of highly skilled migration in Japan has been researched to date. Moreover, the term "Japanese work culture" itself is greatly underrepresented in the existing research, being either narrowed down to "organizational culture" or undefined at all. This research not only examines Japanese work culture, its main features, and its influence on the attractiveness of Japan for highly skilled migration but also uses this concept as a prism to examine the tensions created by the clash of global and national environments in Japan.

2.3. Methodology

The section introduces methodological approaches used in this study and explains why this thesis utilizes both quantitative and qualitative data. In order to formulate research questions, define the scope of the research, and ensure the consistency of the findings it was crucial for the research to triangulate evidence from multiple sources of information (Yin, 2009). First, the research uses meta-analysis[12] of existing studies on the immigration policy of Japan, highly skilled migration in general, tensions between globalization and ethnic nationalism, pull factors

[12] This research defines "meta-analysis" as "the entire process of collecting, synthesizing, and analyzing research findings from multiple studies in a systematic way" (Shelby & Vaske, 2008).

and barriers of highly skilled migration, and work culture. Content analysis of policy documents, reports, statistics, and other materials provided a more complete picture of the research problem. In particular, the analysis of official statistical data of the Japanese government on foreign workers and various surveys on the topic became one of the foundations of this study. The most valuable sources of information are the Ministries of Japan—in particular, Ministry of Foreign Affairs (MOFA), Ministry of Justice (MOJ), Ministry of Health, Labour and Welfare (MHLW)—and other institutions and organizations such as Japanese External Trade Organization (JETRO), Japan Institute for Labour Policy and Training (JILPT), and the Statistics Bureau of Japan. Using quantitative data allows to reach a higher sample size, process and analyze data more effectively and time-efficiently, and increase the credibility of the findings. Such an approach can be especially useful for understanding the state of highly skilled migration in Japan as it allows to collect data from a much larger group of respondents than an interview and make necessary generalizations, presenting the results in the form of graphs and charts. Another significant part of the research is an online survey conducted by SurveyMonkey among HSMs (42 people in total) who have previous or ongoing experiences in Japan and potential HSMs such as international students. In addition, an open-ended question regarding the concept of Japanese work culture has added an element of qualitative research to the survey and allowed to examine how participants perceive Japanese work culture.

Although this research is based on different kinds of quantitative data, qualitative research methods were also crucial for this study because it sought to understand HSM's perceptions of their working and living experiences in Japan and interpret the meanings of those experiences. As mentioned in the previous sections, in many cases governmental policies and studies on immigration tend to lack a human-based approach that goes beyond settled terms or visa categories and concentrates on actual people and their experiences. That is why the most valuable data in this study is collected through thematic analysis of the interviews with HSMs and their

employers. This study uses semi-structured interviewing method with predetermined questions which provides a general guideline for the interviews but still allows to lead a free-flowing conversation with the participants. All interviews have been conducted online which helped to reach a larger number of participants from different locations and with diverse backgrounds. To achieve a more multifaceted perspective there were three different groups of interviewees: 1)HSMs with experience of working in Japan; 2)Potential HSMs such as international students; and 3)Representatives of Japanese HR with the experience of working with HSMs. The results of the interviews provided insight not only into the working experiences of HSMs and Japanese working practices but also into the concept of Japanese work culture through the eyes of HSMs.

Using qualitative and quantitative data in different phases of the research allowed to identify the issues related to highly skilled migration and gain deeper insight into them. For example, the analysis of existing surveys and statistics was used to define the main issues that deserve attention and create the basis for the interviews which in turn allowed to obtain richer descriptive data on the topic. The combination and comparison of the results obtained through different research methods provided a deeper insight into the current immigration system of Japan and factors influencing the attractiveness of the country for highly skilled migration, including Japanese work culture, and allowed to achieve a broader perspective on the immigration dilemma in Japan.

Chapter 3. Development of immigration law in Japan

This chapter traces back the history of Japanese immigration law and examines how the codification of skilled and unskilled migration changed over time. The historical and social background is crucial for the analysis of the position of the Japanese government—in particular, of the Cabinet and the National Diet—on highly skilled migration and the current state of the Japanese immigration policy. Atsushi Kondo (2015) divides the development of Japanese immigration law into several periods, and this study adopts a similar periodization with special focus on the changes in Japanese immigration policy in the period from 1945 to 2021 as presented in Table 1.[13] Section 3.1 examines the development of immigration law in the Tokugawa period and in the post-war period, while Section 3.2 analyzes the significant changes in immigration policy from the 1980s until the present.

3.1. Historical background of the Japanese immigration law

Japan's approach to international migration can be traced back to the period of *sakoku* or national seclusion (1639-1852) when both nationals and non-nationals were prohibited from entering or leaving the country, except for limited trade relations with China, Korea and the Netherlands. Shogunate's[14] policy of maintaining strict control over external relations (Kitaoka, Eldridge & Leonard, 2018, p.10) intended to prevent external danger, and isolation was one of the foundations of Tokugawa's political system.[15] It was not a policy of total seclusion because some Western trade was still tolerated and foreign relations with neighboring Asian countries were one of Tokugawa government's priorities. However, the most important goal was to eliminate political threat by limiting the influence from the West and the religion it promoted.[16]

[13] For information on Kondo's original periodization see Kondo's article *Migration and law in Japan* (2015).
[14] Shogunate is the feudal military government or *bakufu* of Japan that existed during the Edo period (1603-1868) and was exercised through the *shogun* (military dictator).
[15] This system is also called *bakuhan* system.
[16] Notably, the Tokugawa government attempted to prevent the spread of Christianity in Japan.

Table 1. Chronological development of Japan's migration and law

Period	Key characteristics	Description
1945-1951	Total control over migration under GHQ/SCAP	Strict control over all migration flows under the Supreme Commander of Allied Powers.
1952-1981	Strict immigration control ("52 Regime"[15])	Strict control over immigration even during the period of rapid economic growth.
1982-1989	Transition to less strict immigration control ("82 Regime")	Strict restrictions on immigration are still in place, but labour shortages and the increasing number of unskilled immigrants willing to come to Japan create preconditions for the revision of immigration law.
1990-2018	Paradigm shift in immigration control ("90 Regime")	While maintaining the main principle of not accepting unskilled migration, Japan opens doors for ethnic repatriates (*Nikkeijin*) and trainees/technical interns, securing a source of low-cost labour power. Highly skilled migration becomes an official priority of the immigration policy.
2019 onwards	Reconfiguration of migration policies	Significant shift in Japanese immigration policy. Japan opened its labour market to new categories of migrants, creating "Specified Skilled Worker" visa.

Source: Table created by the author based on Kondo's periodization from "Migration and Law in Japan" (2015).

Relative isolation from foreign influence for two and a half centuries without doubt has played its role in the transformation of Japanese society and the development of immigration law in later periods, but there was no immigration during this period. Although by the early 1800s the Japanese population exceeded 30 million (Gordon, 2003, p.2), it was mainly due to agricultural and economic development and had nothing to do with international migration. In contrast, the period from 1853 to 1945 can be characterized by the opening of the country during the Meiji Restoration[17] and large flows of both emigration from Imperial Japan and colonial immigration (Onuki, 2015). In this period the Japanese government took course towards modernization and centralization with the goal of building a "rich country, strong army" (*fukoku kyōhei*, 富国強兵) (Gordon, 2003, p.70). As one of the steps towards this goal Japan facilitated trade and increased commercial flows with other countries. Cross-border flows of people also intensified but were

[17] Meiji Restoration refers to the restoration of imperial rule and consolidation of the political system under the Emperor of Japan in 1868.

strictly regulated. In this period approximately 777,000 Japanese nationals emigrated to the United States, Latin America and other countries (Kondo, 2015, p.157). At the same time, Japan embarked on colonial expansion, colonizing Taiwan, Karafuto and Kwantung, Korea, and the Pacific Mandated Territories and de facto taking control over Manchuria and North China in the period from the end of 19th century to 1930s (Morris-Suzuki, 1998, p.86). Although there was some migration between Imperial Japan and its colonies, including foreign workers brought to Japan forcefully, apart from that the number of immigrants was very small.

Since the number of voluntary immigrants to Japan in this period remained relatively small, and both the politico-economic system of Japan and geopolitical environment have changed drastically after the end of World War II (WWII), this study focuses on the Japanese immigration policy in the later historical period. Although the two periods in the history of Japanese immigration law described above are important, the most significant decisions and reforms in the legal framework were made after the end of WWII when labour migration became mostly voluntary as seen in what follows.

The post-war period of total control over migration (1945-1951)

It is often assumed that immigration to Japan occurred in two distinct waves: during the colonial period up to 1945 and starting from 1980 (Morris-Suzuki, 2006). However, the period from 1945 to 1980 is in fact not a "blank space" in the history of immigration to Japan. After the defeat in WWII and the occupation by the Allied Powers, the issue of migration consisted of two main aspects – repatriation of Japanese nationals and return of former colonial subjects to their home countries. All migration flows were strictly controlled by the Supreme Commander of Allied Powers (SCAP) during the period from 1945 to 1951 (Douglass & Roberts, 1999). The Allied occupation forces regarded colonial migrants as "displaced persons" and initiated massive repatriation programs to "re-place" them (Morris-Suzuki, 2006, p.127). In other words, as Japan had to relinquish its colonies, it created two massive migration flows. While many former

colonial subjects, including about 1.5 million Koreans (Kondo, 2015), returned to their countries during this period, there was still a significant number of non-Japanese residents, like Koreans and Taiwanese, who remained in Japan. As for the repatriation of Japanese overseas military personnel and civilians, more than six million Japanese are estimated to have returned to Japan (JACAR, 2021). There was a special procedure established by SCAP to return Japanese nationals to their homeland, but it also served as a route for undocumented migration from former colonies. Since Japanese repatriates still possessed Japanese nationality, they were not counted in the statistics as immigrants but significantly contributed to the Japanese labour market. At the same time, most of the immigrants from former colonies were undocumented, making it impossible to provide accurate statistics on immigration in that period (Morris-Suzuki, 2006).

During the occupation period Japan did not officially accept any labour migrants. Any cross-border movement, especially between Japan and Korea, was strictly prohibited without the permission of the SCAP, and this approach set the tone for the border control policies in subsequent years. Repatriated Japanese citizens filled in the gaps in the work force that appeared after former colonial subjects left Japan, while undocumented immigrants engaged in low-wage jobs (Morris-Suzuki, 2006). In the immediate postwar period, the main goal of SCAP was to eliminate imperial legacies from political, economic, and social systems of the Japanese mainland. The immigration policy and border control were supposed to prevent any unauthorized cross-border movement and by no means to attract any foreign labour force, especially in the context of the Japanese population growth exceeding the economic growth in the post-war period (Honda, 1957).

The approach to migration was largely influenced by the concerns of the US occupation authorities for communist infiltration and subversion (Hollifield & Sharpe, 2017). The Japanese government adopted and reinforced the idea that migration is a security and cultural matter, assuming that foreigners are potential disruptors of social security and public safety. The myth

of Japanese ethnic homogeneity also became dominant only in the postwar decades. According to Lie (2001, p.125) the collapse of the empire led to radical reduction of ethnic diversity in Japan which prepared the fundamental social context for the dominance of monoethnic ideology. The idea of social homogeneity was reinforced by the US and Japanese authorities to facilitate the process of nation-building and to reach "political consolidation of democracy after the WWII" (Hollifield & Sharpe, 2017, p.386). The same idea is supported by Oguma (1995) who speculates that the homogeneous nation theory (*tan'itsu minzokuron*, 単一民族論) regained its domination in the postwar period because it was useful in enabling Japan to protect itself after the defeat in the WWII. The tendency of Japan's reluctance to import labour nowadays is related to the ideas and institutions created by the US-influenced Japanese authorities in the immediate postwar period. In other words, the specific character of postwar immigration and the official response to it have shaped Japan's migration control policies in ways that continue to have a profound impact to the present day (Morris-Suzuki, 2006).

Period of strict immigration control (1952-1981)

The next phase in the development of Japanese immigration law started in 1952 when the Japanese government regained control over immigration policy with the end of occupation. Migration control functions were transferred from the Ministry of Foreign Affairs (MOFA) to an Immigration Control Bureau located within the Ministry of Justice (MOJ) (Morris-Suzuki, 2006). Iguchi (2012) describes the Japanese immigration control system as an Anglo-Saxon type because it was heavily influenced by US immigration laws during the period of occupation and had numerous elements similar to the immigration systems of the US and many European countries. Iguchi explains that the status of residence in Japan was similar to the visa status of non-immigrants in the US, and the migration policy incorporated elements from the continental European system[18] such as the function of municipalities to implement "integration policy" for

[18] Examples of the European system are the immigration policies in Germany, the Netherlands, and France.

foreign residents (Iguchi, 2012, p.1049). The same idea is supported by Chung (2010) who states that the Immigration Control Order of 1951 and all further policies regarding foreigners in Japan were based on the American model which set specific immigration quotas based on country of origin and a German-style citizenship model[19].

The Immigration Control Order that in 1952 was renamed to Immigration Control Act created the framework for Japanese immigration policy in this period. Kondo describes this immigration control system as "52 Regime" and characterizes this period by its "exclusion, discrimination and assimilation policy" (Kondo, 2015, p.157). One of the vivid examples is that in 1952 former colonized populations[20] who remained in Japan were registered as "aliens" in the postwar period, losing their Japanese nationality.

Despite the rapid economic growth in Japan between 1955 and 1973, Japan was not largely dependent on foreign workers, unlike the US and many European countries (Hollifield, 1992). At the beginning of the 1960s Japan's GNP grew at an average annual rate of 9% and by the end of that decade Japanese economy became the third largest in the world in terms of size of the GNP (O'Bryan, 2007). Although in many European countries postwar economic growth led to the gradual creation of migrant states, it was not the case for Japan. The Japanese government did not rely on foreign labour due to a range of reasons, including the availability of domestic labour force at that time. Growing demand for labour was satisfied by massive domestic migration from rural to industrial areas, and lack of workers was compensated by the high level of automation in industry and long working hours (Mori, 1997). Kondo (2015) states that the decision not to rely on foreign workers was influenced by the general opposition of the Japanese society to immigration due to the strengthened myth of Japanese homogeneity. Another opinion is that back then Japan did not yet have the necessary links with countries that were potential

[19] Until recently German citizenship policies were based mainly on the principle of jus sanguinis—"right of blood"—by which citizenship is determined by the nationality or ethnicity of the parents.
[20] Former colonized populations include ethnic Koreans and Taiwanese.

sources of immigrant workers, and it complicated the formation of international migration flows (Sassen, 2007, p.70).

It cannot be denied that there were foreign workers, including undocumented immigrants, who contributed to the development of Japanese economy, but they were not viewed as "guest workers" and their number in relation to the total size of the workforce was far too small to talk about Japan's dependence on foreign labour (Moris-Suzuki, 2006). Although there is no data available on all the migrants (documented and undocumented) who entered Japan between 1946 and the late 1970s, according to the statistics of Japanese National Institute of Population and Social Security Research, in 1960 the percentage of all foreign residents was only 0.62% of the total population of Japan (IPSS, 2014).

In 1967 Japan's First Basic Employment Measures Plan was adopted, stating that Japan still had not realized the potential of domestic labour power and would not accept foreign workers (Suzuki, 2005). The same approach was confirmed by the Second (1973) and the Third (1976) Basic Employment Measures Plans. During this period there was no active discussion on the distinction between skilled and unskilled workers because the general idea was not to accept labour immigrants at all. However, according to the statistics of the Japanese government, there was a small number of foreigners who were legally residing in Japan as skilled workers. For example, in 1974 there were only 660 foreign workers, residing in Japan for research or teaching, and only 413 so-called "skilled workers" (*jyukuren rōdōsha*, 熟練労働者) such as chefs or bakers (e-Stat, 1974). The description of "skilled workers" specifically underlined that Japan was not accepting unskilled workers, demonstrating that a significant difference in approach to skilled and unskilled migration already existed.

The period from 1952 to 1981 played an important role in terms of further strengthening of nationalism and the myth of Japanese homogeneity. Lie (2001) argues that the emergence of nationalism was especially evident after the 1960s; the rise of nationalism in this period was

associated with Japan's economic growth and peaceful prosperity which was directly opposed to the situation in past imperial, multiethnic, and militarist Japan. In other words, the discourse of Japanese homogeneity ignored the existence of minority populations in Japan. Like in the post-war years the idea of ethnic homogeneity was linked to that of stability and was considered one of the reasons of Japan's successful economic development.[21] It has also been credited by different actors—politicians, scholars, media—with Japan's low crime rate and egalitarian social structure (Brody, 2002). That is why the myth of homogeneity became so entrenched in the Japanese society and was widely believed to be one of its major features. According to Lie, the belief in monoethnicity was a part of new postwar nationalism that emerged in the 1960s and celebrated "economic recovery and corporate capitalism" (Lie, 2001, p.133). It gained popularity thanks to the public's satisfaction with rapid economic growth and increased level of everyday life. Moreover, new postwar nationalism took root in the political system because the conservative Liberal Democratic Party (LDP) was promoting the "genuine national culture and national homogeneity" (Lie, 2001, p.55) to gain necessary support, unite the country and achieve the goal of high economic growth and preserving stability. Promotion of a monoethnic and peaceful Japan in contradistinction to multiethnic and militarist Japan found support in the Japanese public. Promotion of ethnic homogeneity on the governmental level affected the way how the issue of immigration or admission of "outsiders" was going to be confronted in the following years. In that period both Japanese government and the public have been hostile to the idea of immigration, rejecting those outside the ethnic community (Brody, 2002).

3.2. Japanese immigration policy after the 1980s

Transition to less strict immigration control (1982-1989)

[21] The idea of ethnic homogeneity was linked to that of stability especially through *Nihonjinron* scholarship and the statements of Japanese officials. For example, in the 1980s, Prime Minister Nakasone in one of his speeches connected the Japanese postwar economic growth to the "harmony" of a homogenous society (Brody, 2002).

At the end of the 1970s, the strict approach to any kind of immigration slowly began to change. Japan ratified the International Covenant on Economics, Social and Cultural Rights (ICESCR) in 1979 and the Refugee Convention in 1981 (MOFA, 2022) which symbolized the transition to a new period in the development of Japanese immigration law. From the latter half of the 1970s, due to a series of war conflicts and political instability in Southeast Asia,[22] numerous refugees fled to different countries including Japan. Although the idea of accepting refugees caused fierce opposition from the public, demonstrating the racial and cultural exclusionism, massive criticism from abroad, especially from G7 summit member states, forced the government to start admitting refugees as permanent residents (Havens, 1990). Arakaki (2016, p.18) argues that Japan's decision to implement the international refugee regime was affected by "interest convergence between external forces and internal desires" rather than by refugee protection concerns. In other words, the Japanese government wanted to avoid further international criticism and to strengthen relations with its partners (Havens, 1990, p.168) and eventually used the international pressure to Japan's advantage as a means of changing the national policy. Significant changes in the immigration law were caused by a range of different reasons such as international pressure, desire to maintain close relations with the US and other partners, need to solve the issue of the legal status of Indo-Chinese refugees living in Japan, and to demonstrate Japan's commitment to humanitarian cooperation.

Kondo (2015, p.158) connects the beginning of a new "82 Regime" with the enforcement of the new ICRRA in 1982 and characterizes it by the "equality and internationalization" policy. During this period, the general approach to immigration remained very strict but there were improvements in terms of acceptance of refugees and rights of foreign residents. Ratification of international conventions mentioned above meant that Japan had to provide equal treatment to all foreign residents. It led to the removal of Japanese nationality restrictions in many areas,

[22] Unstable social and political conditions in the Indo-Chinese region after the fall of Saigon in1975 led to a huge exodus of refugees from Vietnam, Laos and Cambodia (Yamagata, 2021)

including social security, welfare, pension system, and public housing (Hollifield & Sharpe, 2017). Liberalization of the nationality and family registration laws in 1984 also became another significant step towards the improvement of foreign residents' position in Japan. [23]

One of the factors that stimulated the transition to less strict immigration control was the increasing shortage of unskilled labour. While the official policy of the Japanese government allowed only the acceptance of skilled labour, the emergence of Japan's bubble economy[24] in the late 1980s increased the need for cheap unskilled labour (Sharpe, 2014). Labour shortages were mainly caused by the unwillingness of Japanese to take up so-called 3K jobs (*kitsui, kitanai, kiken*)[25] due to low wages and low prestige (Lie, 2001). At the same time, the number of undocumented immigrants from Asia increased while the number of Asian workers and *Nikkeijin*[26] who considered Japan a major destination of labour migration was higher than ever due to the economic decline in the Middle East and Latin America. In other words, severe labour shortages and the increasing number of unskilled workers willing to come to Japan created the preconditions for further adjustment of Japanese immigration law.

However, the transition was complicated by the necessity to maintain the government's official stance of not accepting unskilled workers and the ideology of Japanese ethnical homogeneity. Unskilled workers were seen by some policy makers and a certain part of the Japanese public as a threat to social order (Kashiwazaki, 2000; Sharpe, 2014), thus, the government had to approach this issue very cautiously. The revision of policy on acceptance of foreign workers started in 1988 based on the Sixth Basic Employment Measures Plan (Suzuki,

[23] In 1984 Japan's Nationality Act was amended, allowing to determine citizenship not only by patrilineal jus sanguinis principle but also by matrilineal jus sanguinis. It also eliminated the assimilative naturalization procedure of "Japanese name only" clause from the administrative guideline on naturalization, allowing naturalized citizens to have foreign names (Kondo, 2016).

[24] "Bubble economy" refers to the swift rise in Japan's asset prices—especially stocks and real estate—around 1985 and their continued growth until 1990 (Shiratsuka, 2003).

[25] In English 3K jobs are equivalent to "3D jobs": difficult, dirty, and dangerous.

[26] The term "Nikkeijin" literally means people of Japanese descent. It includes both Japanese who previously emigrated from Japan and their descendants. Most of Nikkeijin who came back to Japan were from South America, in particular from Brazil (De Carvalho, 2002).

2005). It stated that Japan should accept as many foreign workers with technical skills as possible, but carefully examine the acceptance of so-called unskilled labour. It is the point where one of the current issues of Japanese immigration policy appeared. Foreign workers were divided into two categories of skilled and unskilled, but no clear criteria for the distinction between the two were given.

The paradigm shift in immigration control (1990 - 2018)

The new ICRRA was enforced in 1990 and represented a political compromise, allowing both to meet the demand in labour force and to avoid radical changes in immigration control and massive opposition from the public. This indicates that the emergence of the Japanese immigration dilemma has already began in this period. Visa categories were reorganized to facilitate the border control of HSMs, but ICRRA confirmed the principle of not accepting unskilled labour and introduced new sanctions for illegal employment (Kashiwazaki & Akaha, 2006). Despite the official stance of not accepting unskilled workers, since the early 1990s, the government created several new routes for foreign workers to enter Japan. Firstly, *Nikkeijin* were allowed to officially work in Japan based on their Japanese "blood descent" or ethnicity (Sharpe, 2014). Some researchers argue that the willingness of the ruling LDP to maintain the idea of Japanese ethnic homogeneity made *Nikkeijin* an especially attractive option (Tsuda, 1999) because they were thought to have higher chances of assimilation in the Japanese society. Secondly, a program for trainees and technical interns from Asian countries has been created. While trainees and technical interns were not officially recognized as workers, the program became the de facto "side door" for unskilled workers to legally enter Japan (Iguchi, 2012) and provided Japanese labour market with cheap labour force. Thirdly, as Kondo (2015, p.158) argues, there was also "a back door" for irregular migrants from South Korea, the Philippines, China, and so forth, who entered Japan on other types of visas and stayed for work purposes.

With the implementation of new ICRRA visa requirements for students were also facilitated as a part of a plan to internationalize Japan's higher education and increase the number of international students (Chiavacci, 2012). These changes resulted in an increase of both university students and pre-college students attending language schools. Having permission to work, international students also became a source of cheap labour force. On the other hand, student migration can be considered a pathway to highly skilled migration. By providing a larger number of international students with opportunities for education and further employment, Japan aimed to create another route for potential HSMs, but the percentage of students staying in Japan for employment after graduation remains at 31.1% (JASSO, 2018).

Due to the significantly increased number of foreign residents with different visa statuses, one of the important goals of the "90 Regime" was to implement a more elaborated integration policy based on the promotion of "settlement and intercultural living-together" (Kondo, 2015, p.159). This includes a Model Plan for the Promotion of Intercultural Cohesion (*tabunka kyōsei*, 多文化共生), created by the Ministry of Internal Affairs and Communication (MIC) in 2006, and many initiatives of local governments in the same field. However, many scholars (e.g., Oishi, 2012; Ishikawa, 2015) argue that those measures were insufficient, and the Japanese government failed to carry out an effective policy of social integration of foreign residents.

This phase in the development of Japanese immigration policy is rich for changes in the immigration control system. Although most of the existing research is dedicated to the significant inflow of trainees, technical interns, students, marriage partners, and *Nikkeijin*, this thesis will focus on the laws and policies that consider HSMs to illuminate the new approach to highly skilled migration taken since the 1990s. The government has expressed its willingness to attract HSMs even before the beginning of the 1990s, notably, in the Sixth Employment Policy Basic Plan which stated that Japan must accept "as many highly skilled foreigners as possible" (Ministry of Labor, 1988). However, it is only after the 1990s that this topic arose in discussion

as Japan slowly began implementing active measures to attract foreign talent to develop the competitiveness of the economy. The plan to attract more foreign workers was considered in the Ninth Employment Policy Basic Plan of 1999, stressing that Japan "must actively promote the acceptance of highly skilled foreigners" (MHLW, 1999) and in the MOJ's Second Basic Plan for Immigration Control in 2000 (MOJ, 2000).

Despite the plan of the Japanese government to attract HSMs, their number remained very small, less than 150,000 people in 2000 (E-Stat, 2000). It is one of the reasons why, as Oishi (2014, p.369) states, in the early 2000s, Japanese government decided to change the approach to highly skilled migration from laissez-faire to more active measures. Among other reasons, Oishi highlights increasing shortages in skilled workers, growing competition with other Asian countries, and concerns about the long-term impact of continuing population aging. The size of the Japanese workforce already started declining since 1996 and in 2008 the total population started shrinking which attracted even more attention to this issue from policymakers and business leaders. The decline of the working-age population could pose great threat to the social security system, including medical care and pensions, and in the worst-case scenario cause the collapse of the Japanese economy. Hollifield and Sharpe (2017) called this situation a "liberal paradox," referring to economic need for openness pitted against political and legal pressures for closure. While originally the idea of ethnic homogeneity was associated with stability and prosperity, in the 21st century foreign workers became a key to maintaining Japan's economy, encouraging a more open approach to immigration. Judging from the changes in the Japanese immigration policy described earlier in this chapter, the transition to a more open policy did not happen overnight, but demographic and economic challenges since the 2000s forced the Japanese government to address the issue of labour shortage by attracting immigrants.

In 2008, LDP submitted a proposal for a reform of the Japanese immigration policy, which focused on the principle of human resource development (Oishi, 2012). This proposal

highlighted the importance of attracting more international students and young professionals and proposed measures for their successful integration into Japanese society. It also suggested "accepting 10 million migrants by 2050" (Oishi, 2012, p.1083). The proposal was never implemented due to objections from the conservative members of the government that raised concerns about public security and social integration of numerous foreigners. At the same time, the initiative was supported by the Japan Business Federation[27] as a necessary measure to secure economic growth and long-term sustainability (JBF, 2008) and changed the tone of immigration debates in Japan.

The same approach was adopted by the Democratic Party of Japan (DPJ)[28] when it came to power in 2009. Some of its members supported the idea of accepting 10 million migrants and expressed a positive stance toward immigration policy (Akashi, 2014). Although the debate on immigration was becoming more positive, eventually during the rule of DPJ from 2009 to 2012 not much policy making on the topic of migration was undertaken. In 2009, the number of HSMs in Japan remained one of the smallest among industrialized countries, comprising only 1% of the labour force (OECD, 2008). In addition to the sluggish increase in HSMs, the increasing pressure of Japanese demographic issues led to the publication of a report by the MOJ to stress that Japan must "be more aggressive" in attracting HSMs (MOJ, 2009). The New Growth Strategy of 2010 became a culmination of those policy trends, jumpstarting the most open immigration policy Japan has ever had. Among other goals, it promoted revitalization of the Japanese economy, development of "superior human resources," and improvement of education and research environment (Cabinet Office, 2010). The government set a goal to double the number of HSMs and increase the number of foreign students to 300,000 in the following decade. During the APEC

[27] *Nippon Keizai-dantai Rengōkai* (日本経済団体連合会) or "Keidanren" is the most powerful business organization in Japan.

[28] DPJ was a Japanese political party that was founded to challenge the long-dominant LDP and existed from 1996 to 2016. The party's views tended to be progressive and centrist or centre-left, seeking more open markets and aiming to establish Japan's international relations in the spirit of self-reliance and mutual coexistence (DPJ, 1998).

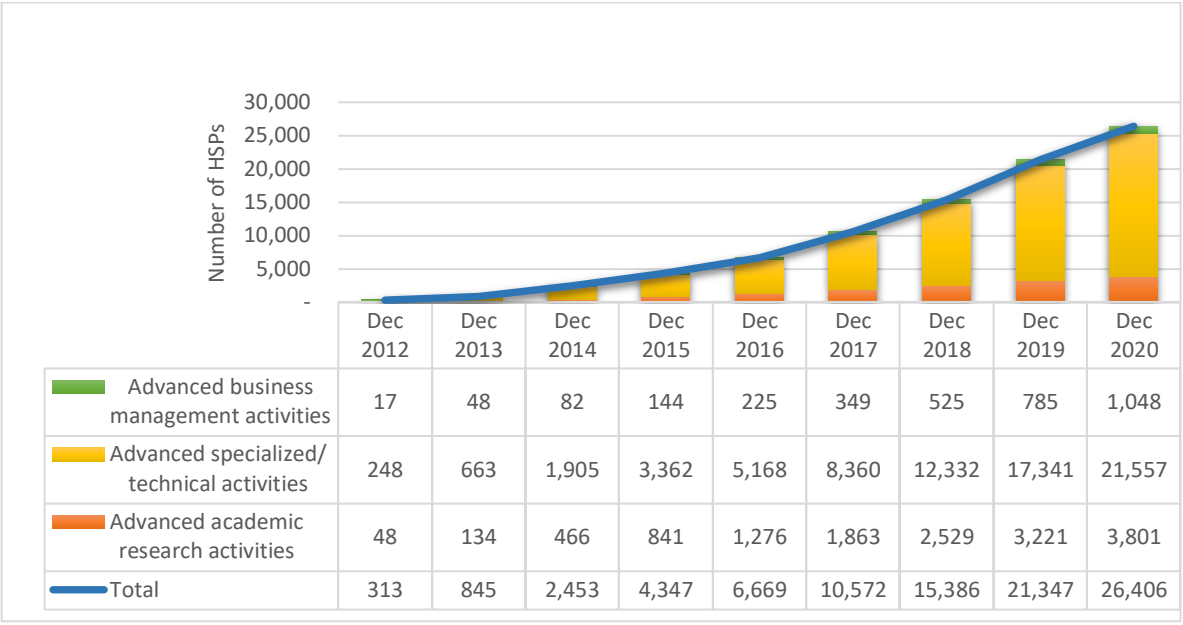
Summit in 2010, Prime Minister Kan announced the plan to "open up Japan much more freely in terms of trade and the flows of people, goods, and finance" and later in 2011 announced that Japan is moving towards "the Third Opening"[29] or the most significant liberalization of Japanese trade and flows of people since 1854 (Kan, 2011).

In terms of highly skilled migration, one of the turning points of Japan's policy was the introduction of the points-based system in 2012. It is a system that uses the mechanism of "points" to promote the entry of foreign nationals recognized as "highly skilled foreign professionals" by giving them preferential treatment in matters of immigration control and residency management (Cabinet Office, 2017). It was implemented when DPJ still was a ruling party, but the initiative was supported by LDP that came to power again at the end of 2012. The new Prime Minister Shinzo Abe launched a set of economic policies called "Abenomics" which aimed to revive Japanese economy and boost Japan's competitiveness on the global arena, thus, highly skilled migration became one of its key agenda items.

As mentioned in chapter 2, the goal of the points-based system was to narrow down the definition of "highly skilled" and to attract foreign workers with advanced abilities since they were expected to contribute to economic growth. Despite unprecedented preferential treatment in terms of immigration control, permanent residency, and permission to work for the accompanying spouse, at first the requirements of the points-based system were too strict, and only 313 individuals were able to qualify as HSFPs in 2012 (MOJ, 2021b). The system was revised in 2013, relaxing the requirements and implementing additional privileges for HSFPs. It resulted in an increase in the number of applicants and in subsequent years this number continued to grow, reaching 26,406 people in 2020 (Figure 1). Japanese government aimed to increase this number to 40,000 people by the end of 2022 (Cabinet Office, 2020), but by June 2022 the total

[29] "First opening" refers to the opening of Japan to foreign trade in 1854 and further Meiji restoration, while the "second opening" refers to the democratization of Japan after WWII and reestablishment of foreign relations.

Figure 1. Number of people certified as HSPs according to points-based system (2012-2020)



	Dec 2012	Dec 2013	Dec 2014	Dec 2015	Dec 2016	Dec 2017	Dec 2018	Dec 2019	Dec 2020
Advanced business management activities	17	48	82	144	225	349	525	785	1,048
Advanced specialized/ technical activities	248	663	1,905	3,362	5,168	8,360	12,332	17,341	21,557
Advanced academic research activities	48	134	466	841	1,276	1,863	2,529	3,221	3,801
Total	313	845	2,453	4,347	6,669	10,572	15,386	21,347	26,406

Source: Immigration Services Agency of Japan, Ministry of Justice, 2021

number of approved candidates was only 34,726, and the actual number of foreign residents with this visa status was only 17,199 people.

In addition to the implementation of the points-based system, in 2014 the government also revised ICRRA again to introduce more changes in its policies for all skilled migrants. New ICRRA established two visa categories for HSFPs, "HSFP I" and "HSFP II," and changed some of the existing visa categories for skilled migrants, providing them with more freedom in job choices and facilitating overall skilled migration (Oishi, 2014).[30] The intensity of reforms and the speed of decision-making in this period illustrates how pressing is the issue of attracting more skilled workers.

Reconfiguration of migration policies (2018 ~)

Active reforms in the sphere of highly skilled migration did contribute to the growing number of foreign residents in Japan, which in 2018 reached the level of 2.7 million (MOJ, 2019).

[30] "Engineer" and "Specialist in humanities and international services" visa categories were combined into one. "Investor and manager" visa was substituted with a new "manager" visa. In April 2015 "HSFP I" and "HSFP II" were substituted by new visa categories of "Highly Skilled Professional (i)" and "Highly Skilled Professional (ii).

However, their number still makes up only 2% of the total population of Japan, and Japan's demographic problems and lack of workforce are a matter of pressing concern more than ever. 2018 became a year of another significant shift in Japanese immigration policy. The Japanese government announced that it would open its labour market to new categories of migrants, including those without tertiary education (MOJ, 2019). The new category of "Specified Skilled Workers" (hereafter SSWs) was created to supplement labour shortages in several industrial fields where it is difficult to secure human resources (MOJ, 2019).

The system was established for the acceptance of "work-ready foreign nationals" (MOJ, 2020) with certain skills and experience in one of 14 occupational sectors, including agriculture, construction, food service industry, and elder care. This reform redrew the boundaries between "unskilled" and "skilled" because the occupational sectors mentioned above used to be considered "unskilled" and "semiskilled" in previous migration schemes (Oishi, 2020, p.2253). Moreover, SSWs engaging in work requiring proficient skills in such fields as construction industry or shipbuilding and ship machinery industry received significant privileges, including no five-year limit for their stay and the opportunity to be accompanied by family members (MOJ, 2020). It is one of the most drastic changes in Japanese immigration policy because it contradicts the long-existing principle of accepting only "skilled migrants with a bachelor's degree temporarily and restricting their permanent settlement" (Oishi, 2020, p.2254). Many scholars, including Eiji Oguma, agree that this reform was introduced not to change Japanese society, making it more multinational and culturally diverse, but to sustain it, filling the gaps in the Japanese labour market, which is another evidence of the government's approach to the immigration dilemma.

Discussion on immigration in Japan before the beginning of the 2020s was mostly focused on the acceptance of low-skilled and semi-skilled workers and the implementation of the SSW visa, leaving the task of attracting more HSMs pushed into the background. Since the

implementation and revision of points-based system for HSPs, there were no significant measures taken at the governmental level to stimulate the inflow of HSMs. Acute labour shortages have shifted the LDP's attention to SSWs, placing them at the center of political discourses and overshadowing the need for HSMs. Despite the emphasis placed by the LDP on attraction of HSMs for several decades, de-facto foreigners entering Japan through alternative migration routes such as trainees significantly outnumber HSMs. In several years the same may become true for SSWs too if the program on their employment in Japan succeeds in attracting the planned number of SSWs.

Notwithstanding the lack of new immigration policies for HSMs, the LDP and various government agencies and ministries did make effort to create a more inclusive environment for foreigners. Most of latest governmental policies related to HSMs aimed at improving their living and working environment and making Japan a major destination of highly skilled migration. LDP recognized that Japan is in competition with other states to attract HSMs (Wakisaka, 2021) and realized that just providing a more welcoming immigration policy is not enough and it is necessary to actively attract HSMs. Considering the small numbers of HSMs in Japan, especially after the COVID-19 pandemic, measures taken to make Japan more attractive for foreign talent are going to be particularly important. However, as this section has examined, even though the LDP and relevant ministries have implemented measures to attract more HSMs in the 2020s, Japan still lacks a solid national policy directed on the improvement of country's attractiveness for global talent.

In 2020, the Japanese government revised the policy of "Comprehensive Measures for Acceptance and Coexistence of Foreign nationals" to address the challenges of "multicultural coexistence" and develop more effective measures to attract foreign talent (MOJ, 2021a). The impact of the pandemic on the number of international students and foreign workers in Japan was considered one of the factors during the revision of this policy. According to the revised version,

a rapid increase in the number of foreign nationals visiting Japan was expected after the end of the pandemic. Hence, the revised policy suggested that both the ruling party and all related ministries make efforts to create "a society where Japanese nationals and foreign nationals are able to live safely and comfortably together" (MOJ, 2021a). This policy is an important step towards creating a better environment for foreign residents in Japan and eventually creating a well-rounded integration policy, but at this point it does not represent a solution to the range of problems that foreign residents have to deal with (Dasgupta, 2019).

In 2020, there was a range of measures taken to broaden the opportunities of international students as potential HSMs and to promote Japanese language education to foreign nationals. For example, foreign nationals with the status of residence of "Student" were given a chance to change their status of residence to "Business Manager" if they planned to start up a business in Japan (OECD, 2022). This measure should be considered in the context that student migration is a potential pathway to highly skilled migration. Since the beginning of the COVID-19 pandemic, the number of international students in Japan has decreased significantly which makes measures to attract them one of important tasks of the governmental policies after 2020.[31] In the same year, the "Basic Policy for the Comprehensive and Effective Implementation of Measures to Promote Japanese Language Education" was approved. This policy aims to promote Japanese language education for foreigners residing in Japan by working with local governments and improving language learning materials. The discussion on the importance of the Japanese language promotion intensified after 2020 in the context of expected inflow of foreign residents after the end of the pandemic. The importance of Japanese language education lies in cultural accessibility through the language, deepening the understanding of Japan, facilitating the integration of foreigners to Japanese society, and strengthening the friendship with other countries (MOFA,

[31] For example, JASSO's survey showed that the number international students at Japanese universities, language schools, and other educational institutions has decreased by 13.3%, to 242,444 as of May 2021, compared to the previous year, and by 22%, compared to the peak of 312,214 students in 2019 (JASSO, 2021).

2021). From another perspective, promotion of Japanese language education can be interpreted as a manifestation of strengthening ethno-nationalistic discourse in response to globalization and the increasing ethnic diversity in Japan. Even back in the 2000s the Council on the National Language has underlined "the importance of multilingualism in this English-dominant world" and since then of the percentage of foreigners living in Japan has increased from 1.26% in 2000 to 2.3% of the population in 2020 (Statista Research Department, 2023). In this sense, promotion of Japanese language education can be considered not only as a measure to facilitate integration of foreign residents to the Japanese society but also as an attempt to avoid diversity and encourage the assimilation of immigrants.

One of the most significant policy developments of 2020 was the "Follow-up on the Growth Strategy" of the Cabinet of Japan. This document aimed to improve the living and working environment for HSMs and set several goals to increase Japan's global competitiveness, including promotion of HSP program and employment of foreign students. The strategy mentioned such measures as preparing the ground for "urgent acceptance of foreign asset managers, enhancing corporate governance, and reviewing custom practices of Japanese companies" (The Cabinet, 2020a). In addition, it promised to formulate teaching materials to promote continued activity of foreign workers after employment (The Cabinet, 2020a). As for international students, to provide them with consistent support for employment in Japan, it was decided to strengthen cooperation between universities and the Employment Security Bureau (Hello Work) (The Cabinet, 2020a). In addition, it promised to promote effective communication between Japanese employees and foreign workers and to provide consultation services for foreign nationals in relation to internships and job opportunities through the Foreign Residents Support Center (The Cabinet, 2020a). All those measures reflect the intention of the Japanese government to prepare the environment for the acceptance of a bigger number of foreign workers and to make the country more attractive for HSMs.

It is important to underline that the Growth Strategy made emphasis on the necessity to enhance the environment on the employers' side. There has been a range of measures taken by different ministries and governmental agencies in accordance with the Growth Strategy. For example, in 2020 the joint secretariat of three ministries—The Ministry of Economy, Trade and Industry (METI), the Ministry of Education, Culture, Sports, Science and Technology (MEXT), and the Ministry of Health, Labour and Welfare (MHLW)—created a series of educational videos titled "Encouraging Japanese and Foreign Employees to Think about Miscommunication in Workplaces" and a "Handbook for Dialog-based Learning Using Educational Videos" (METI, 2020). The goal was to make the communication between Japanese and foreign employees more effective. Moreover, a "Handbook for the Employment of International Students and Empowerment after Hiring" was created to assist Japanese companies with clarification of difficulties they tend to face, create more opportunities for the employment of international students, and ensure their empowerment after hiring (METI, 2020).

The same direction of policies can be seen in the "Action Plan of the Growth Strategy" of 2021. For example, it encourages to promote diversity in Japanese companies, including the appointment of women, non-Japanese, and mid-career hires. The goal is to strengthen the growth potential of Japanese companies and encourage them to become more diverse and inclusive for different groups of workers (The Cabinet, 2021). This measure is supposed to expand opportunities for both Japanese nationals and foreigners who studied abroad, worked for international organizations, and experienced different cultures.

As this section demonstrates, in the beginning of the 2020s, the Japanese government prioritized the policies to promote multicultural coexistence and increase the attractiveness of Japan for foreign residents. However, those measures lack focus on HSMs and do not address many actual issues that foreign residents face which will be discussed in the next chapter. Moreover, separate measures are not enough to compensate for the absence of full-fledged

nation-wide policy and eventually the responsibility for changing the living and working environment of foreign residents is placed on the private sector and local governments. That is why the next chapter analyzes trajectories of highly skilled migration in Japan, examining the position of Japanese companies on the acceptance HSMs and the current challenges of highly skilled migration in Japan.

Chapter 4: Latest trajectories and challenges of highly skilled migration in Japan

As stated in the previous chapter, the 2010s were a period of active reforms in the sphere of highly skilled migration and the number of foreign residents in Japan was growing rapidly. However, the COVID-19 pandemic has brought new challenges for all kinds of cross-border movement, including highly skilled migration, and affected the human flow patterns around the world. The first section provides the overview of highly skilled migration in Japan in the 2020s. Considering that the position of Japanese private sector towards recruitment of HSMs is one of factors influencing the future of highly skilled migration in Japan, in this section I will also analyze changing strategies of Japanese companies towards acceptance of foreign workers. In the second section, I will proceed to examine the issues of the current immigration policy. Finally, the third section is dedicated to the main structural barriers that HSMs are facing.

4.1. Trajectories of highly skilled migration in Japan in the 2020s

An overview of highly skilled migration in Japan

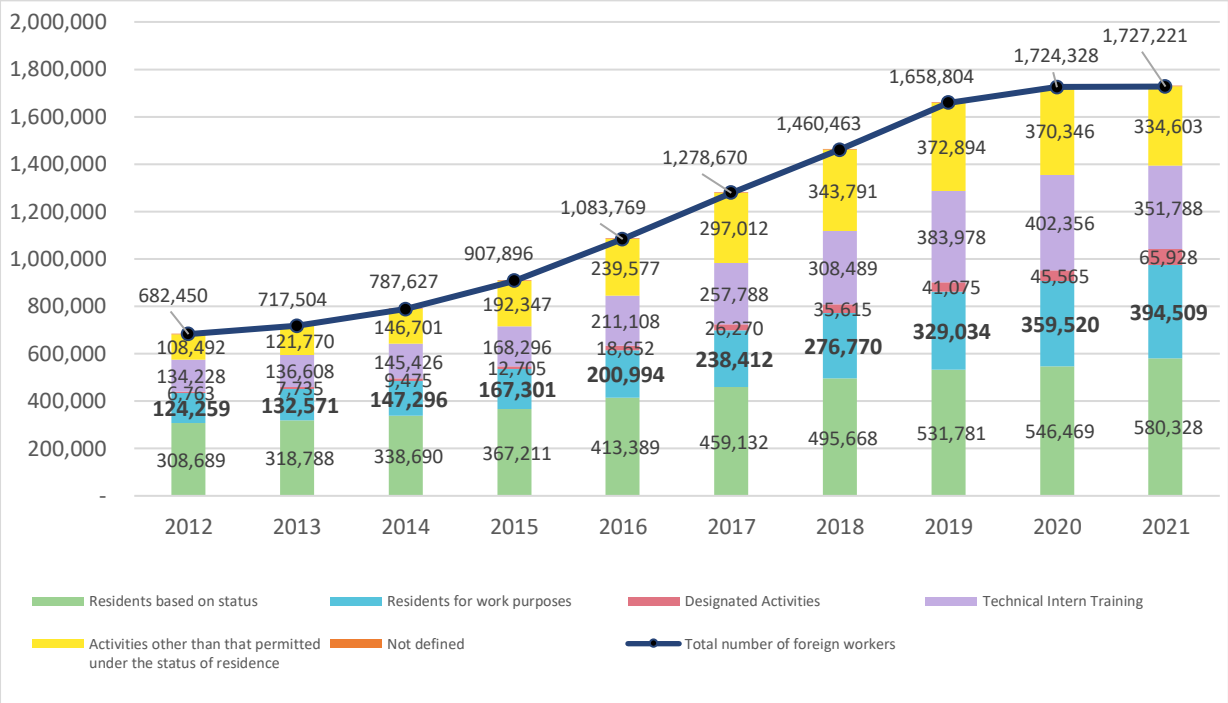
Although the total number of foreign residents in Japan has been constantly increasing up to 2019, the COVID-19 pandemic has played a significant role in changing this tendency and resulted in the temporary decrease of number of foreign residents. [32] According to the statistical data of the ISA of Japan, the total number of mid- to long-term foreign residents[33] as of the end of June 2021 was 2,823,565 people which is 63,551 people less than by the end of 2020 and 109,572 people less than by the end of 2019. Meanwhile, the data published by the MHLW every October shows that the number of foreign workers still continues to increase despite the sharp decline in the growth rate during the years of 2020 and 2021 (MHLW, 2021). As these statistics

[32] The reasons for that were mainly such measures as implementation of entry restrictions for foreign nationals and suspension of visa validity which were first implemented in 2020 to prevent the spread of COVID-19

[33] The data excludes short-term residents (less than 3 months). Medium- and long-term residents are those living in Japan for more than 3 months, excluding "Diplomats," "Officials" and "Special Permanent Residents" (特別永住者, *tokubetsu eijūsha*), and those without a status of residence.

include only foreign workers who were legally registered by the System for the Notification of employment status of foreigners,[34] they tend to differ from the data of ISA on the numbers of foreign residents; therefore, it is plausible that the actual numbers of foreign workers are higher than the numbers mentioned in the MHLW's statistics. As shown in Figure 2, the category of "(foreign) residents for work purposes"[35] has contributed the most to the increase in number of foreign workers in 2021 along with the category of "residents based on status." The category "residents for work purposes" encompasses all work visas, including the "Specified skilled worker."[36] As of October 2021, their number reached 394,509 people which made up more

Figure 2. Number of foreign workers in Japan (2012-2021)



Source: Based on the data of the Ministry of Health, Labour and Welfare[37] (2021).

[34] The System for the Notification of employment status of foreigners (*gaikokujin koyōjyōkyō no todokeseido*, 外国人雇用状況の届出制度) was created by the MHLW to register foreign workers. It excludes "Diplomats," "Officials" and "Special Permanent Residents."

[35] The original name of this category is "status of residence in professional and technical fields" (*senmonteki・gijyutsuteki bunya no zairyū kikaku*, 専門的・技術的分野の在留資格), but in the English version of the statistics it is translated as "Residents for work purposes."

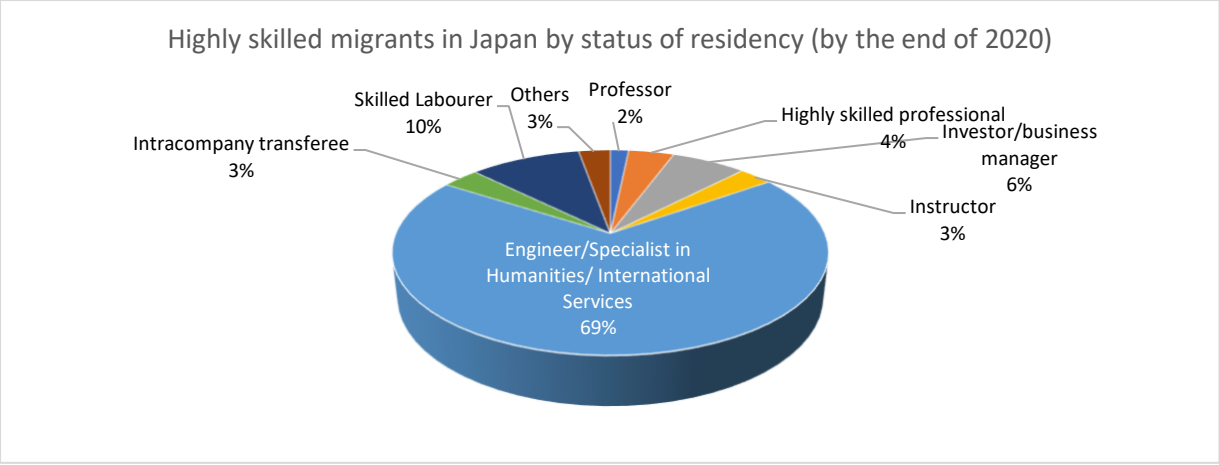
[36] Work visas include "Engineer/Specialist in Humanities/ International Services," "Highly Skilled Professional," "Professor," "Investor/business manager," "Intracompany transferee", "Researcher," "Instructor," "Skilled laborer," "Legal and accounting services," "Religious activities," "Artist," "Journalist," "Entertainer," "Medical services," "Nursing carer," and "Specified skilled worker."

[37] "Residents based on status" include permanent residents, *nikkeijin*, spouses of Japanese nationals etc. "Designated activities" refer to foreign nationals who enter Japan as personal help employed by diplomats, foreign nationals who

than 63% of all new foreign workers in 2021.[38] Despite the increase in the number of residents for work purposes and in the total number of foreign workers, after 2020 there was no increase in the number of HSMs after 2020. Since the inflow migration patterns differed significantly depending on visa categories, it is necessary to analyze more statistical data to create a more accurate picture of highly skilled migration in Japan in 2020 and 2021.

This research adopts a more general approach to the definition of HSMs which includes not only HSPs, but also other visa types.[39] By the end of 2020 the total number of HSMs was 411,537 people and, as seen in Figure 3, 69% of them had the visa status of "Engineers/Specialists in Humanities/International Services," 10% were "Skilled labourers," 6% were "Investors/business managers", and only 4% were working as "Highly skilled professionals." These figures show that foreign workers with the "Engineer/Specialist in Humanities/ International Services" status of residence are the most representative category of HSMs. While HSPs have been the focus of LDP's attention since the implementation of points-based system, this group is still too small to be considered the core of highly skilled migration to Japan. Looking

Figure 3: Highly skilled migrants in Japan by status of residence (2020)



Source: Based on the data of the Immigration Services Agency (Ministry of Justice) for December 2020.

enter Japan for a working holiday or paid internships, foreign students who graduated without getting a job offer etc. The category "Activities other than that permitted under the status of residence" mostly includes foreign students who work part-time (max. 28 hours a week).

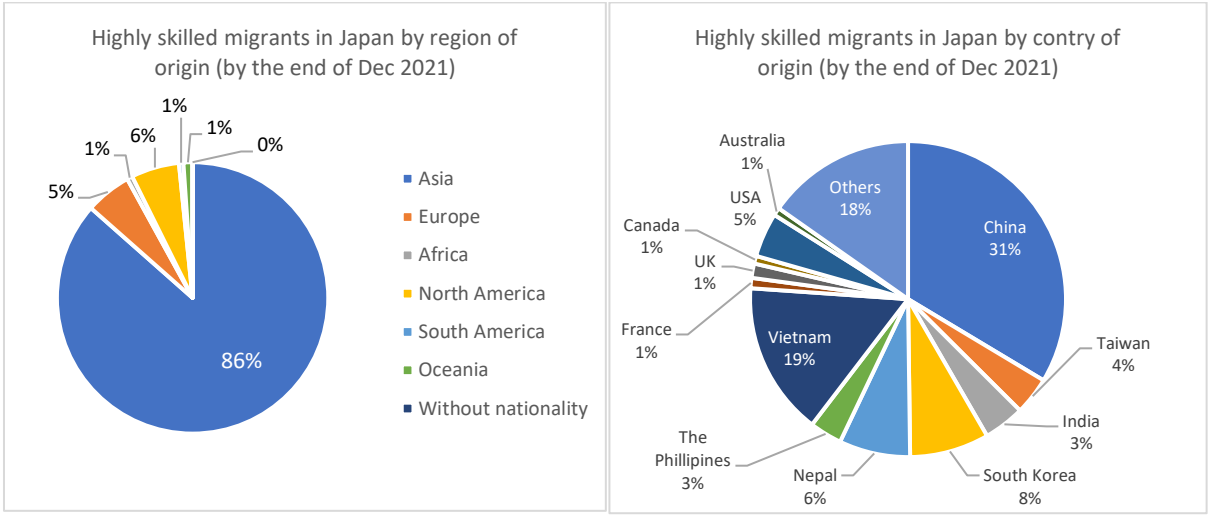
[38] The number of foreign workers in 2021 increased by 34,989 people, including 22,330 SSWs.

[39] The definition of HSMs is based on 14 visa categories mentioned in chapter 2.

closely at the changes in numbers for residents with "Engineer/Specialist in Humanities/ International Services" visa status, their numbers decreased from 283,380 people in December of 2020 to 274,740 people in December of 2021 (MOJ, 2021b). As for HSPs, during the same period their number decreased from 16,554 to 15,735 people (MOJ, 2021b). The latest statistical data shows that the number of people approved for the HSP visa continued increasing from 26,406 people in December of 2020 to 31,451 people in December of 2021 (MOJ, 2022), but comparison with the data on foreign workers with this status of residence makes it clear that the actual numbers of HSMs with this status of residence are much lower. In general, by the end of 2021 the number of HSMs decreased to 358,465 people. Although depending on the source of information the numbers differ, even according to the broader definition that includes more visa statuses, by the end of 2021 the proportion of HSMs in Japan remained very small, composing less than 13% of Japan's 2.76 million foreign residents. It once again proves that during the research on highly skilled migration in Japan it is necessary to go beyond the frames of HSP visa and focus on a broader category of HSMs.

HSMs come from different socio-cultural backgrounds, and by analyzing the data on their nationality it is possible to define the geographical frame of highly skilled migration in Japan. It also allows to trace the main migration patterns that shape the particular demographic characteristics of HSMs in Japan. There is no official data that exclusively deals with the category of HSMs but according to the latest statistics of MOJ (2022) on all statuses of residence, by the end of 2021 about 86% of all HSMs were originally from Asia. As seen in Figure 4, the majority of HSMs are from China (31%), followed by Vietnam (19%), South Korea (8%), Nepal (6%), Taiwan (4%), and India (3%). Europe and North America accounted for only 5% and 6% of all highly skilled migrants respectively, with most of them coming from the USA (5% of total). Japan attracts more foreign workers from neighbouring Asian countries due to geographical proximity, cultural and linguistic affinities (Liu-Farrer, 2020) but in general Japan is not the

Figure 4. Highly skilled migrants in Japan by region of origin and country of origin (by the end of Dec 2021)



Source: Based on the data of the Immigration Services Agency (Ministry of Justice) for December 2021

major destination for highly skilled migration.

Even having a relatively welcoming immigration policy for HSMs, Japan lacks competitiveness in terms of attractiveness for global talent. According to *The Global Competitiveness Report* of 2019, Japan was ranked 82nd of 141 countries for the "ease of hiring foreign labour." World Talent Ranking of the Institute for Management Development (IMD) also indicated that in 2021 Japan was only 39th of 64 world economies in attractiveness for world talent. The ranking is based on the scores for 3 factors: "Investment," "Appeal" and "Readiness."[40] Japan's rank for the factor of "Appeal" was the highest, 27th out of 64 countries, indicating that attracting and retaining talents was one of the priorities of Japanese companies, but the numbers of HSMs remain low (IMD, 2021). For "Readiness" Japan was ranked only 48th, showing such issues as lack of international experience, competent senior managers, and language skills (IMD, 2021). Considering the overall ranking, Japan lags behind in comparison with other Asian economies as China, Taiwan, Singapore, Hong Kong, Malaysia, and South Korea.

[40] "Investment" factor considers the investment in and development of home-grown talent. The factor of "Appeal" evaluates the extent to which a country taps into the overseas talent pool. The "Readiness" factor refers to the availability of skills and competencies in the talent pool (The Global Competitiveness Report, 2019).

Position of Japanese companies towards employment of HSMs

The success or failure of the initiative to attract more foreign workers does not depend solely on the immigration policy and institutional characteristics of the immigration system. There are multiple non-policy factors like hiring policies and personnel practices of Japanese companies, efforts of local governments, and employment support for universities. No matter what efforts the Japanese government makes to attract foreign talent those measures cannot be sufficiently effective without the cooperation of Japanese business sector. While the reasons behind the Japanese government's plan to attract more HSMs are to develop the competitiveness of the Japanese economy and fill the gaps in the labour market, actual practices of Japanese companies do not fully correlate with the government initiatives, and many businesses are not ready for active recruitment of HSMs.

First, undeniable labour shortages force many companies to consider hiring foreigners as an option. Even with the impact of COVID-19, the average unemployment rate in Japan was only 2.6% in 2022 (Statistics Bureau of Japan, 2023). It is only 0.4% higher than in 2018 and 2019, the same level as in 2017, and lower than in any year from 2000 to 2016 (Statistics Bureau of Japan, 2023). Considering the working-age population shrinkage, the labour shortages are expected to be exacerbated over the coming years. Many large companies—Rakuten, Mercari, Fast Retailing Co. (Uniqlo), Panasonic, SoftBank, Itochu, Foster Electric Company, Nissan Motor, Ajinomoto, Daikin Industries, Honda, Dentsu and so forth—have been promoting the acceptance of HSMs as a part of the initiative to bring global perspective and diversity to the Japanese business sector. Japanese companies expect foreign workers with advanced knowledge and skills to play an active role in further expansion of their business overseas and implementation of innovations through research and development. Influenced by the trend of globalization, many Japanese companies are expanding their operations abroad, diversifying their products and marketing strategies. Due to the domestic population crisis, Japanese economy

has very limited growth opportunities and labour market is suffering from the lack of human resources. As a result, a larger number of Japanese companies is now considering recruitment of HSMs to support their global business and keep up with the competition on foreign markets.

According to the survey conducted in 2021 by DISCO Inc, a company engaging in international recruitment and career development, the most common reasons for the Japanese companies to hire HSMs are "to secure excellent human resources," to revitalize the company, including the impact on Japanese employees, and to use the strengths of foreigners such as "international way of thinking" (DISCO, 2021). It is worth noting that many companies expect that hiring foreigners may have a positive impact not only on their business but also on their Japanese employees. In addition, especially in business sectors related to science and technology, many companies expressed the desire to hire HSMs because their needs cannot be fully satisfied by hiring new graduates in Japan. Furthermore, more than 80% of companies expected that in future, the number of foreigners they recruit would probably increase (DISCO, 2021). From the perspective of globalization and diversity, many companies think that the recruitment of HSMs is indispensable for further corporate growth.

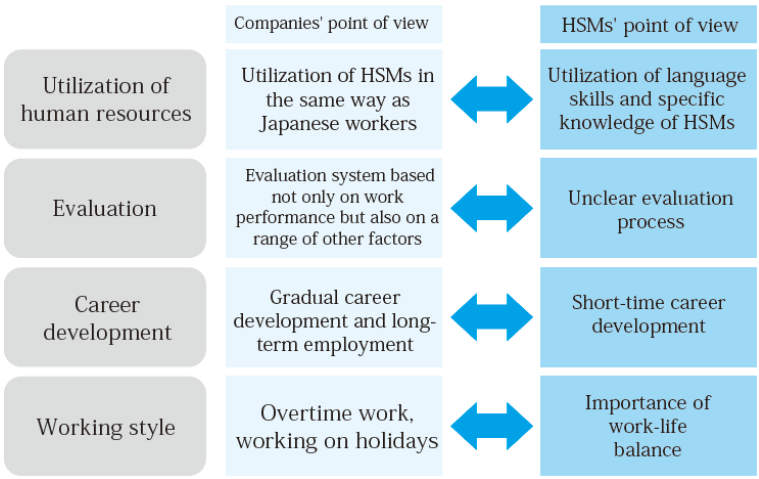
Although the number of companies that are willing to hire foreigners is increasing, at this point it is too early to say that most of Japanese companies are actively supporting the government's initiative. According to the survey of the Japan Chamber of Commerce and Industry (JCCI) in 2021, 49.9% of the companies[41] answered that they lacked manpower, which is an increase of 13.5 points from the previous year's survey (36.4%) (JCCI, 2021). In the same survey, 25.6% of companies responded that they have already started hiring foreign workers. Even considering the influence of COVID-19 pandemic it was an increase by 2.1 points from the previous year's survey. A total of 21.3% of companies answered that they "planned to accept foreign workers" or "were considering hiring foreign workers." Small and medium-sized

[41] The survey was conducted among 2,939 small and middle-sized companies.

companies are even more affected by the labour shortages in Japan than larger companies, but they are not always able to provide necessary support and attractive job offers to attract HSMs. Having more opportunities for the recruitment of HSMs, large companies tend to have bigger numbers of foreign workers, but the level of HSMs' desirability among smaller companies is just as high. Although both large and small/medium-sized companies have demand for HSMs, there are factors that prevent recruitment of foreign workers from becoming a common practice.

Despite potential advantages of hiring HSMs, there are several reasons why many Japanese companies are still being cautious with their recruitment. As it can be seen from Figure 5, often the main reason is the gap in the expectations between the employer and employee sides. For example, Japanese companies are often characterized by the system of simultaneous recruitment of new graduates, long-term or lifetime employment, and seniority (Akashi, 2010). Despite the changes in the economic and social environment, those core features have not disappeared after the beginning of economic recession in the 1990s but rather remained as an integral part of the Japanese society. While the hiring party demands a long-term commitment from the worker, according to the survey conducted among foreign workers in Japan, 28% of them leave jobs within the first year (Aimsoul, 2021). There is no new comparative data on the turnover of Japanese and foreign workers but, according to the latest data of MHLW from 2006,

Figure 5. Gap between expectations of Japanese companies and HSMs



Source: Based on the report of Fujitsu Research Institute for MHLW (2013).

the turnover rate of Japanese workers was 16.2%, while for foreign workers it was 44.5% (MHLW, 2007). In other words, from the perspective of an employer hiring foreign workers implies a risk of failure to securing long-term employees and wasting investments for human resources.

In 2017, Mynavi Corporation, one of the leading executive search companies in Japan, conducted a survey among Japanese companies to define their main concerns about the recruitment of international students. The most common answer (58.3%) was that companies are not prepared to accept foreigners (Mynavi, 2017). For example, many of them expressed concerns that their domestic employees and HSMs would experience difficulties in working together due to cultural differences and language barrier, and that the companies would not be able to provide foreign workers with sufficient support in various aspects such as everyday life, Japanese language, and visa applications. Other popular reasons include lack of experience in the recruitment of foreigners (38.3%), absence of plans to expand overseas (36.2%), scarcity of international students with sufficient level of Japanese language proficiency (26.4%), difficulties with identifying most promising students, and reluctance to deal with visa procedures (Mynavi, 2017). All in all, although surveyed companies expressed interest in hiring foreign workers, lack of knowledge on the specifics of their recruitment and expected difficulties with organizational matters served as barriers to putting their interest into action. Moreover, as Morita (2017) argues, most Japanese companies are willing to accept foreign workers only on their own terms while they are not prepared to modify Japanese-style management practices to suit non-Japanese employees. In other words, they insist on doing things “the Japanese way” (Morita, 2017) and would prefer HSMs who are more likely to accept existing practices.

Given the small number of HSMs in Japanese companies and the concerns mentioned above, the fact of labour shortages alone is not enough for a company to actively promote hiring of foreigners. When it comes to the recruitment of foreign workers, the idea of cultural

differences plays a significant role in the decision making of Japanese companies. It can both be an obstacle and the very reason for hiring HSMs, depending on the goals of the employer side. It is possible to distinguish some common recruitment patterns within the Japanese companies that hire HSMs. The first pattern is hiring foreigners because the job can be equally done by either a foreigner or a Japanese person. Those are usually technical jobs or jobs that require a specific set of skills, such as engineering or IT. Those jobs are often either done in English or require specific technical knowledge rather than high level of Japanese language proficiency. In this case cultural differences and language barrier are overshadowed by the specific skills that the employer side requires. The second pattern can be characterized by hiring foreigners specifically because of their cultural and linguistic background, for example, in such fields as translation or international trade. This pattern heavily contrasts with the previous example because foreigners are being hired because of their different background and because they can make a unique contribution to the company's business. The last pattern is hiring foreign workers that can perform on the same level with Japanese and are able to do things "the Japanese way." Such pattern can relate to any kind of job and HSMs are being hired according to the same criteria as Japanese nationals. Unlike the previous two patterns, in this case companies hire foreigners not because of their specific technical knowledge, language abilities or way of thinking, but because foreigners, mostly international students, go through the same process of job-hunting like Japanese students and can perform on the same level with them. This usually requires high level of Japanese language proficiency, sufficient general knowledge to pass the recruitment exams, and communication skills necessary for the participation in group discussions and interviews. In other words, those are HSMs whose recruitment does not necessary compel the Japanese companies to deal with the issue of cultural differences. HSMs that are being recruited in this way have the same requirements and treatment as Japanese nationals. Rather than adjusting their human resource management, companies select HSMs who are already familiar with Japanese society, culture,

and language and are therefore more likely to adapt to Japanese-style management and working practices.

Although all three patterns mentioned above describe possible motivations of Japanese companies to hire foreign workers, the number of companies that recruit HSMs remains limited. Although the success of the government's plan to attract more HSMs will largely depend on the actions and further strategies of Japanese companies, the study revealed that most of them are not ready to actively participate in the initiative.

4.2. Issues of the current immigration policy

The history of Japanese immigration policy suggests that Japan underwent a drastic transition from non-acceptance of any kind of immigration to opening doors for a wide range of foreign residents. However, Japan's current immigration policy still has many issues that may jeopardize its effectiveness. In what follows, I will discuss remaining issues such as unwillingness of the government to officially adopt an immigration policy, lack of consensus between political actors and governmental agencies, and vague boundaries between the definitions of "unskilled," "skilled" and "highly skilled."

The taboo on "immigration policy"

Firstly, the issue of Japanese immigration policy is that officially it does not even exist. As mentioned in chapter 2, the term "immigration policy" is not officially used by the Japanese government. Despite active measures for attracting more foreign workers, in official and public discussion this policy is usually addressed as "*gaikokujin no ukeire*" (acceptance of foreigners). The Japanese term for "immigration control" is "*shutsu-nyūkoku kanri*," but literally it means "Control of Entrance and Exit" (Roberts, 2018, p.99). In 2014, former Premier Minister Shinzo Abe specifically underlined that measures like implementation of technical intern and trainee program should not be misunderstood as immigration policy. In 2016, the Committee of LDP issued a statement, declaring that they would "do away with the very concept of unskilled labor

and pave the way for the acceptance of all foreigners but immigrants" (Roberts, 2018, p.97). The Committee defined "immigrants" as "those who have no set length of stay at the time of entering the country" or "those who at the time of entering have a right for permanent stay" (LDP, 2016). In relation to the introduction of SSW visa LDP followed the same approach, announcing that the government was not intended to adopt immigration policy and was going to accept foreign workers only for a limited period ("*Nyūkanhō kaiseian wo kakugi kettei*," 2018). Using this logic, foreigners who enter Japan for working purposes and have a set length of stay are not immigrants, even if they can potentially apply for permanent residency. In other words, foreign workers are presented merely as temporary labour force, not as potential permanent residents. Thus, Japan can continue being a country without immigration no matter how many foreign workers enter the country.

Reluctance to use the term "immigration" can be explained as an attempt to avoid public discontent and not to raise the question of the long-term effects of accepting more foreigners. It is one of the ways the officials deal with the immigration dilemma. By assuring the public that Japan will not become an immigrant-receiving country, it is possible to avoid significant public opposition while using foreign labour force. According to the studies of public attitudes towards immigration in Japan, the majority of the population does not welcome a large increase in current immigration levels (Davison & Peng, 2021). The point is that the word "immigration" has a negative connotation for Japanese nationals which creates a gap in attitude to foreigners as immigrants and as workers. The younger generation is more open to accepting foreigners, but the major part of the electorate is formed by the older generation that is more distrustful towards immigration.[42] The lingering belief in ethnic homogeneity affects the perception of foreigners and facilitates concerns with public safety, creating anti-immigration sentiments. One of the

[42] For example, during the 2017 lower house election the age of a median voter who actually voted was 59, and it is estimated that the percentage of the elderly population among eligible voters will increase to 33% in 2025 and 40% by 2050 (Takao, 2022).

concerns expressed by Japanese nationals is that "an influx of immigrants would lead to the loss of Japanese culture, conceptualized as core Japanese values" (Davison & Peng, 2021, p.11). Considering this background, the perception of foreigners as a temporary feature rather than a permanent part of the society allows to limit the negative response from the society.

As Roberts (2018, p.89) argues, "naming is a very important way that states use to regulate people's entrance to and exit from the nation and to describe what it is they are allowed to do while resident." However, hiding immigration behind the "acceptance of temporary workers" camouflage may be effective short-term but it diverts attention from the long-term issues. Most of the policies are concentrated on the attraction of foreign workers and do not pay enough attention to what comes after, such as immigrants' welfare and their proper transition to Japanese society. Without a full-fledged immigration policy there is a risk that as the number of foreign residents increases the public opposition becomes stronger, no matter how the related policy is called.

Lack of consensus and cooperation within the government

Previous research on Japanese immigration policies suggests that there is lack of consensus between different political actors and sectionalism between the government agencies (Akashi, 2010). Opinions on acceptance of foreign workers split even within the government and it is possible to trace the lack of consent not only between but also within political parties through numerous contradicting policy recommendations over the years and reactions they cause. For example, when LDP proposed to de facto open the door for unskilled foreign workers in 2018, the decision not only met significant opposition from other parties but also raised concerns with conservatives within the LDP itself (Endoh, 2019, p. 330).

Another problem is that different policy facets and aspects of foreign workers' life are managed by different ministries. There were suggestions to create one centralized institution[43] to

[43] An idea of creating *iminchō* (Immigration Agency) was presented by Dr. Yamawaki Keizo during the 6th Panel on Immigration Control in 2014.

manage all aspects of immigration policy but as the government continues to deny the very existence of an immigration policy no concrete actions have been taken. The MOJ has been handling immigration control for many years, but it does not have enough expertise to develop an effective system of social integration (Oishi, 2020). To create a comprehensive immigration policy more coordination between such ministries as MOJ, MHLW, MIAC, and MEXT is necessary.

Lack of cooperation between the governmental actors can also be seen in the integration policies for foreign residents. In recent years Japan attempted to develop the environment to accept foreign nationals by implementing new strategies, but the issue is that local governments are more actively engaged in addressing the needs of foreign residents and promoting multicultural coexistence whereas the central government's involvement in those measures is moderate. Lack of a national policy to support all categories of foreign workers and their families during their stay in Japan also testifies to the lack of cooperation between central and local governments.

The ambiguity of boundaries between "unskilled", "skilled" and "highly skilled"

The history of Japan's immigration law reveals that the distinction between "unskilled", "skilled" and "highly skilled" workers is highly ambiguous. There were several sudden shifts in definitions that make Japanese immigration policy look inconsistent and complicate its analysis. As mentioned in chapter 2, "skill" is a socially constructed concept which is heavily influenced by national and global contexts (Liu-Farrer et al., 2021, p.2240). Same people can fall under different categories of workers depending on the policy trends in different periods. Foreign workers who in the 1990s were considered "highly skilled" may not qualify for this status in 2021. At the same time, foreign workers who were treated as "unskilled" for decades after 2019 received an opportunity to officially enter Japan as "skilled workers." Moreover, the term

"unskilled worker," which was central to Japanese immigration policy for many years, was claimed by the LDP to be inappropriate since 2016 (LDP, 2016).

Adjustments of definitions provide an insight into the Japanese immigration dilemma and expose the root of the problem: a gap between the goals of Japanese immigration policy and the needs of the Japanese labour market. While immigration policy makes accent on HSMs as on the most desirable category of foreign workers, the need for so-called "unskilled" workers on the Japanese labour market has continued to grow. HSMs are in need in any country and are much easier for the public to accept as members of society because they can contribute to the economy and are unlikely to negatively affect social order from the public's perspective. At the same time, Japan experiences the most severe labour shortages in such sectors as agriculture, construction, and elderly care. Those types of jobs for decades were considered "unskilled," and the acceptance of such foreign workers causes much more resentment among the society. The ambiguity of the concept of skill enables policymakers "to manoeuvre the existing institutional constraints" (Oishi, 2021, p.2253), de facto accepting unskilled workers.

As for the redefinition of the term "highly skilled," it was partly a result of concerns that the original definition was too broad. MHLW (2011) states that it was done to "differentiate between those who are in high demand in the global knowledge economy and those who are not," and to specifically promote the migration of the former. However, the new definition made this category too narrow, automatically downranking all foreign workers from traditionally used 13 visa categories to "skilled workers." It raises the question of whether the creation of a small privileged group of HSPs is beneficial for the goal of attracting more foreign talent. Another question is how foreign workers who do not qualify as "highly skilled" according to the points-based system will be treated from now on. The majority of skilled workers is left out of the focus of government policies which concentrate either on the relatively small group of most competitive and globally desired highly skilled workers or on foreign workers who were

previously considered unskilled. Even with looser requirements for HSPs by the end of 2020 they comprised only 0.9 % of total foreign residents.[44] Although the implementation of a points-based system can be considered an appealing point for HSMs, the new distinction between "highly skilled" and "skilled" can lower the chances to attract a substantial number of foreign workers, if Japanese policymakers overconcentrate on the former group.

4.3. Structural barriers to immigrant attraction and settlement

Apart from the immigration system and work environment, structural barriers play an important role in the attraction and retainment of HSMs in Japan. Those are the issues that impact the day-to-day lives of all immigrants and largely define the attractiveness of Japan for highly skilled migration in particular. Whereas the national-level policy prioritizes the immigration control, dictating who is eligible to enter the country, while the aspects of welfare and citizenship which facilitate the integration of immigrants into the host society often stay secondary.

The Japanese government provides HSMs and other categories of immigrants with socioeconomic rights as access to national healthcare insurance for residents who stay longer than three months, social security, and childcare subsidy. The package of rights is not as substantial as, for example, in Sweden, Canada or Australia but Japan shows better results than Turkey and some EU countries (Hollifield & Sharpe, 2017). Meanwhile, legal paths and institutional frameworks for permanent settlement in Japan have several weaknesses. Many institutions and administrative procedures—from education and employment system to pension and tax system—often fail to deal with the needs of foreign residents (Liu-Farrer, 2020). Those are the issues that are often overlooked by national immigration policies but can affect the very basis of an immigrant's everyday life. In the same way with the working environment, such

[44] The number is calculated based on the statistics of Immigration Services Agency of Japan.

structural barriers influence the mobility outcomes of both foreign residents who are already in Japan and those who consider Japan as a destination of migration.

Permanent residency and citizenship

First, one of the major issues concerns the process of obtaining permanent residency or citizenship. In principle, to qualify for permanent residency one must stay in Japan continuously for ten years or more (MOJ, 2022). It is a long period as it is, but it also means that a person must avoid losing institutional affiliation—such as in situation of unemployment—and continue maintaining their legal status for 10 years. Depending on the status of residency individuals can have drastically different experiences. For instance, those with HSP visa can apply for permanent residency after three years. "Particularly skilled" HSMs—who scored more than 80 points according to the points-based system—are eligible to apply after just one year of activities under the HSP visa (MOJ, 2019). However, HSPs make up only 4% of all HSMs which means that other 96% of them must endure a much more complex process.

Moreover, the overall benefits of permanent residency in comparison with various types of working visas are too limited to serve as major way to attract HSMs. In Japan permanent residents do not have any political rights and education or housing subsidies (Oishi, 2014), which will be mentioned in detail later in this chapter. Those benefits are available only for Japanese citizens, but in the case of Japan option of naturalization is also not very appealing. One of the general conditions for naturalization is that a person must have been domiciled in Japan for five years or more consecutively and must have had a valid status of residence throughout the prescribed period (MOJ, 2022). HSMs have good chances to be approved for citizenship, but the issue is that Japan does not recognize dual citizenship for individuals over 22 years old. As most of HSMs would prefer to maintain their own citizenship, undergoing the process of naturalization in Japan is not an attractive option.

Pension system

Another significant barrier for highly skilled migration is the pension system. Everyone from 20 years old to under 60 years old is obliged to join the pension system, including foreign residents (Japan Pension Service, 2022). The system may be beneficial for those who plan to stay in Japan permanently but for those who leave after several years there are certain difficulties. One must contribute to the pension fund for at least 10 years before they can draw benefits, and pension contributions are automatically deducted from each employee's salary (Japan Pension Service, 2022), but for those who decide to leave Japan pension rights are not always portable.

There are provisions such as "Social Security Agreement" and "Lump-sum Withdrawal" to overcome those disadvantages for foreigners. The social security agreement is a system that is designated to transfer foreign workers' social security contributions to their home countries (Oishi, 2014). It also allows one to receive pension in Japan or their home country by adding up the pension enrollment periods in both countries to prevent insurance premiums from being discarded. If one stays in Japan for less than 5 years, it is enough to join only the pension system in one's home country. Otherwise, a foreign resident only needs to join Japanese pension system (Japan Pension Service, 2022). The problem is that to be eligible for this system, the foreigner's home country must have a social security agreement with Japan. As of February 2022, Japan has signed agreements only with 23 different countries, 21 of which are currently in effect (Japan Pension Service, 2022). Importantly, that list does not include China which is one of the largest sources of HSMs in Japan. Under the current situation those who are not covered by social security agreements will not be able to transfer their pension entitlements to their home countries or any other destinations. If they leave Japan, they will receive only a small part of their payments as a lump-sum reimbursement.

Lump-sum reimbursement is a system aiming to overcome the disadvantages for foreigners regarding pensions but with another approach. It allows a foreign resident who

participated in any Japanese pension system—Employees' Pension or National Pension—to receive a certain part of their contributions back after leaving Japan. This is an alternative option for those HSMs whose countries do not have social security agreements with Japan. However, the disadvantage of this system lies in the fact that the amount of lump-sum withdrawal payment is less than the total sum of payments made during one's stay. Another issue is that the procedure itself is complicated and has a number of conditions, including not having an address in Japan anymore, thus, the submission of the necessary documents to the Japan Pension Service often requires assistance of someone residing in Japan. In addition, the lump-sum withdrawal must be claimed within two years from the date on which the insured status is lost. In other words, there are certain ways for foreign residents to avoid losing their insurance premiums or future pension benefits, but the system has its flaws and can significantly influence one's decision on staying in Japan or leaving.

Another distinguishing feature of the Japanese pension system is that the premium paid by the working generation is paid to the current elderly. Hence, for the system to be sustainable mutual support between generations is crucial. Due to the quickly ageing and shrinking Japanese population, to maintain the level of benefits both workers and employers must pay higher premiums. Considering the current state of Japanese pension system, many HSMs are concerned not only with the amounts for premiums they must pay but also with the fact that eventually they may not receive any pension benefits if the system collapses.

Tax system

Tax system is another structural barrier for HSMs. According to the classification of the MOF (Table 2), all taxpayers in Japan are divided into 3 categories—permanent residents, non-permanent residents, and non-residents—that define the taxable income (Table 3). For example,

Table 2. Classification of taxpayers in Japan.

Resident	Permanent Resident	Foreigners who have Japanese nationality or who have an address and residence in Japan for at least 5 years, for the past 10 years.
	Non-permanent Resident	Foreigners who do not have a Japanese nationality, Foreigners with a total of 5 years or less who have had and address and residence in the past 10 years, Foreigners who are not "non- residents."
Non-Resident		Foreigners who do not have an address in Japan or who do not have a residence in Japan for more than 1 year.

Source: Based on the pamphlet published by the Japanese Ministry of Finance (2021).

if an HSM stays in Japan for more than five years, within the tax system they are considered a "permanent resident." The reason for concern is that if a foreign worker resides in Japan for more than five years, they must pay taxes not only on income generated in Japan but also on their overseas properties and assets (Oishi, 2012). There is also an issue of double tax payment that some foreign workers face if they have any overseas income. In that case, they must pay taxes to both their home country and Japan. To solve this issue, a "Tax Treaty" has been established between the countries that allows to deduct the amount of income tax paid in one's home country from the Japanese income tax (MOF, 2022). However, as of April 2022, there were 82 tax related conventions between Japan and other countries, of which only 69 allow the elimination of double taxation (MOF, 2022). In other words, HSMs from countries that do not have a tax treaty with Japan will still have to pay double tax.

Although changes in tax system show the intent of the LDP to make Japan a major destination for HSMs, Japan's International Tax Competitiveness Index (ITCI)[45] remains

Table 3. Classification of the taxable income depending on the residence status.

Resident	Permanent Resident	All income generated in Japan and overseas is taxable. →Taxes are applied on all income regardless if those are domestic payments.
	Non-permanent resident	Taxation for income generated in Japan, income generated overseas but paid in Japan and income sent from overseas to Japan. →Except for overseas income taxes paid overseas, all are taxed.
Non-resident		The income is taxable if it is generated in Japan

Source: Based on the pamphlet published by the Japanese Ministry of Finance (2021).

[45] The International Tax Competitiveness Index is counted by The Tax Foundation and seeks to measure the extent to which a country's tax system adheres to two important aspects of tax policy: competitiveness and neutrality.

relatively low. The index measures the competitiveness the OECD countries' tax systems in terms of individual taxes, tax burdens on business investment, and property taxes (The Tax Foundation, 2021). Japan scored 24th out of 36 OECD countries in overall ranking, one place worse than in 2020, and 21st in the individual taxes ranking, so there are still a lot of improvements to be made.

Issues of children's education

For many HSMs the integration of their family members into the Japanese society and children's education are the crucial factors defining their decisions on further mobility. According to the Migrant Integration Policy Index (MIPEX), which reviews integration policies in 56 countries across five continents, in 2019 Japan ranked 33rd for education and was evaluated as "slightly unfavourable." Due to a small number of foreign pupils, Japan has very limited options for affordable international education and has issues with implementation of intercultural education throughout the curriculum (MIPEX, 2019). Since very few Japanese companies provide tuition subsidies for schools, in most cases HSMs have to place their children in Japanese public schools that often lack diversity, multicultural education, and targeted support for immigrant children. Moreover, a child's Japanese language fluency can become a significant obstacle in maintaining school performance and passing the entrance examinations to Japanese high schools. It can significantly reduce children's opportunities for higher education and further career development. Many HSMs are also concerned that Japanese education implies "the risk of trapping children into a monocultural and monolingual environment" (Oishi, 2012) that might negatively affect their competitiveness in the global environment. Considering that Japanese education system has other issues such as racism and bullying, children's education can become a major reason for HSMs not to settle in Japan and to raise their children in a more multicultural environment.

Influence of structural barriers on HSMs' mobility

In summary, Japan must overcome a range of challenges to become an attractive destination for foreign workers and immigrants in general. Immigration policies, even quite welcoming ones, alone cannot secure sufficient inflow of HSMs to Japan. Currently there is a gap between the official stance of the government to attract more HSMs and the lack of measures to eliminate legal and structural barriers of highly skilled migration. It is crucial that Japanese government together with related ministries and local governments pay more attention to the policies on integration, improvement of pension and tax systems, promotion of international education, and issues of human rights and discrimination. While Japan has made significant progress in terms of facilitation of border control for HSMs, their mobility outcomes are to a great extent determined by the structural barriers that impact their everyday lives and by their working environment. The next chapter turns to the influence of the working environment and in particular Japanese work culture on the experiences of HSMs in Japan.

Chapter 5. Japanese work culture: reinforced ethnic nationalism in the age of globalization

No matter how open the immigration policy is, it alone cannot guarantee significant inflow of foreign workers and their retention, especially when it comes to HSMs. Previous chapters provided insights into the development of the Japanese immigration policy and its flaws and defined main structural barriers for highly skilled migration. Those factors undoubtedly play a significant role in the mobility outcomes of HSMs, but the influence of working environment and work-related factors also should not be underestimated. Job opportunities are one of the main pull factors of immigration which significantly increases the importance of work-related issues for the mobility of HSMs. Adjustment to a new working and living environment is closely related to cultural differences and specific features of employment systems. It is a major factor that affects the likelihood of foreign workers' settlement in a host country (Yorozu, 2022). As indicated by several studies (e.g., Yorozu, 2022; Peltokorpi & Froese, 2009; Herman & Tetrick, 2009), foreign workers tend to consider Japan's distinctive cultural characteristics in workplaces or "Japanese work culture" as one of the main obstacles to work adjustment and settlement.

This chapter examines the pull factors and discouraging aspects of HSM's working environment. Most importantly, it sheds light on the concept of Japanese work culture by analyzing the working practices that it comprises through the eyes of HSMs. Finally, it examines how the ironical reinforcement of ethnic nationalism in the age of globalization affects the transformation of Japanese work culture and how ethnic nationalism manifests itself through it.

5.1. Japanese work culture and employment practices through the eyes of HSMs

As mentioned in chapter 2, an online survey and interviews were conducted to gather the reflexive commentary of foreign workers on the Japanese working practices, analyze HSMs'

working experiences and their influence on attractiveness of Japan for highly skilled migration.[46] Another major goal was to trace how Japanese work culture manifests through those practices and how HSMs perceive it. To achieve a more multifaceted perspective, the interviews were conducted with three different groups, namely HSMs with the experience of working in Japan, potential HSMs such as international students, and representatives of Japanese HR with the experience of working with HSMs. Conducting narrative-based qualitative research, I will examine actual experiences of HSMs in Japan and the meanings associated with those experiences. This section summarizes the results of the online survey and the interviews, attempting to answer the question how the work experiences of HSMs influence their mobility in the long run. While there were multiple experiences mentioned by the interviewees and survey participants, this study divides them into four main categories: Japanese work culture, specifics of the employment system, evaluation system and growth opportunities, and workplace relationships and unwritten rules.

Japanese work culture

"Work culture" can be described as a combination of all working practices, rules and norms that are supposed to shape the behaviour of the workers. However, this research does not approach Japanese work culture as a fixed entity. Instead of asking the question of what Japanese work culture is, this study examines it through the common practices of Japanese companies and experiences of HSMs. The Japanese work culture is not independent from the national culture that largely influences the ways of management in workplace, the prevailing norms, and the values of the employees (Ralston, Holt & Terpstra, 1997).

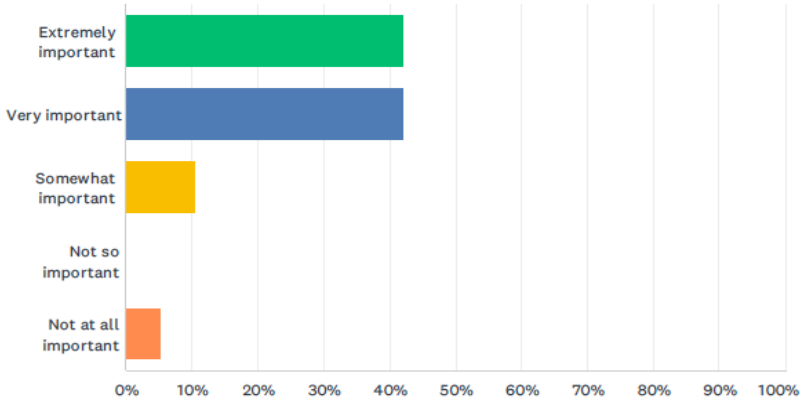
One of the main questions that HSMs were asked during the interviews was how they define "Japanese work culture." Although some participants could not provide a clear definition, all of them agreed that it does exist in some form. Participants generally referred to the factors

[46] For the full list of questions from the online survey see Appendix 1. For the interview questions see Appendix 2.

that influenced their experiences as *nihon no shigoto bunka*（日本の仕事文化） or *nihonjin no hatarakikata*（日本人の働き方）.[47] One participant described Japanese work culture as a "combination of all practices in a particular workplace that could be characterized by the fact that a workplace is situated in Japan and by the usage of Japanese as a primary language of communication." Another participant, an anthropologist with a long experience of working in Japan, described Japanese work culture as being built upon "a scaffolding of rules and regulations, both written and unwritten, that must be followed not so much with the final goal in mind, but for the preservation of harmony called *wa* (和)." As for the survey, 84.22% of responders have answered that Japanese work culture is either "very important" or "extremely important" as a factor influencing the adaptation of HSMs to the life in Japan (Figure 6).

This research supports the idea that work culture is based on a complicated set of rules, but it is more than just an abstract norm that regulates the behaviours of the employees. It is reflected in all working practices and is transmitted between the employees through those practices. Although depending on a particular working environment common practices and work culture in general may differ, it is possible to define some common patterns as seen in what follows.

Figure 6. The importance of Japanese work culture in the adaptation of HSMs to the life in Japan.



Source: based on the results of an online survey conducted by the researcher in 2021-2022.

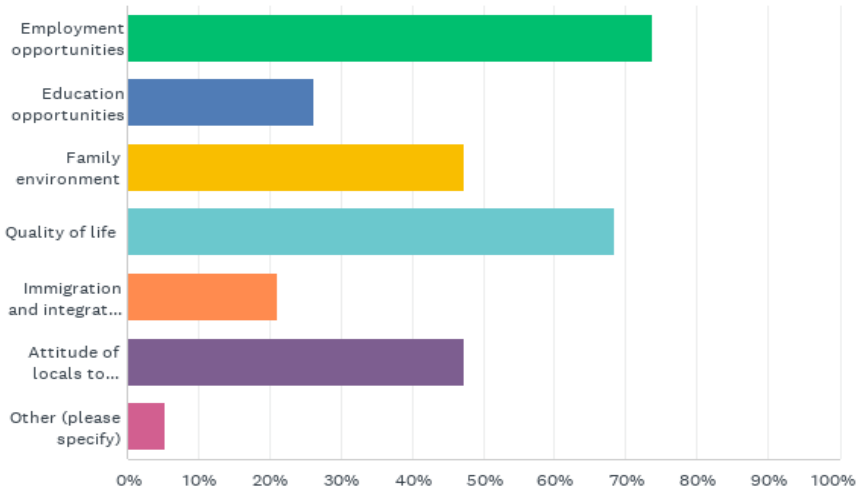
[47] The meanings are literally "Japanese work culture" and "Japanese way of working."

Specifics of employment system

Specifics of the employment system—from career opportunities and job-hunting process to security of employment and training programs—have direct impact on the experiences of foreign workers. First, during the online survey the participants were asked what makes a country attractive for immigration (Figure 7) and why they chose Japan as a work destination (Figure 8) to compare the significance of different factors. As the results have shown, although about 73% of participants answered that employment opportunities define the attractiveness of a country for highly skilled migration (Figure 7), only 21% of them chose career opportunities as a major factor in their decision to work in Japan. Hence, employment opportunities are definitely one of the pull factors for immigration, but in the case of Japan other factors such as quality of life or personal interest in Japanese language and culture have greater significance for HSMs.

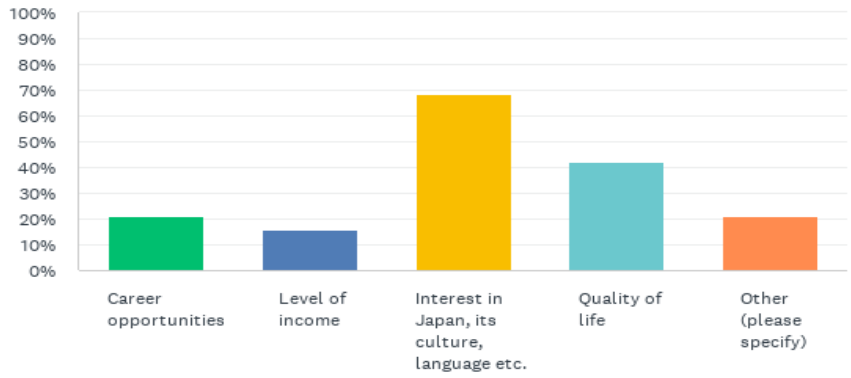
Analyzing the employment opportunities for foreign workers in Japan, several factors should be considered. The lack of labour force and eagerness of some Japanese companies to hire foreign workers are the indication that the Japanese labour market is currently offering significant employment opportunities for HSMs. Moreover, some interviewees mentioned that

Figure 7. The most important factors influencing the attractiveness of a country for immigration (not specific to Japan).



Source: based on the results of an online survey conducted by the researcher in 2021-2022.

Figure 8. Reasons for choosing Japan as a work destination.



Source: based on the results of an online survey conducted by the researcher in 2021-2022.

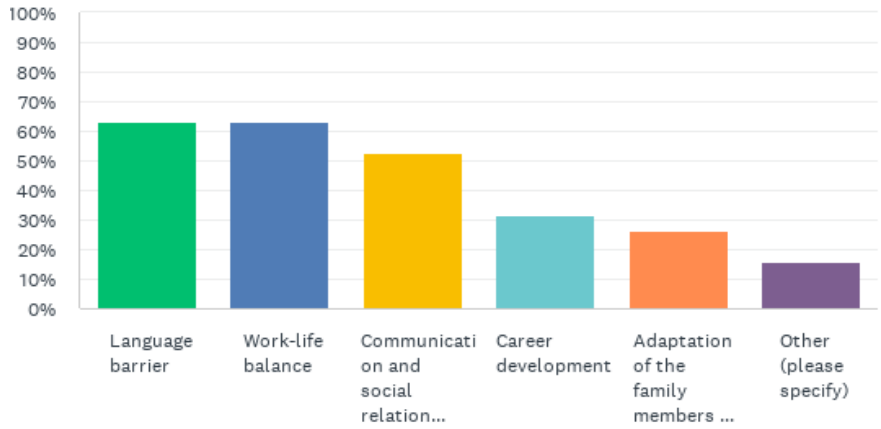
significant employment opportunities for HSMs. Moreover, some interviewees mentioned that one of the reasons they decided to work in Japan was the lack of job opportunities in their home countries. "With my bachelor's degree in Oriental studies I could not find a well-paid job back in my home country," commented an interviewee from Russia. Another reason is that Japan's job market for fresh graduates has relatively low requirements in terms of specific education, practical skills and work experience. This specific feature of the job market allows fresh graduates to choose a job in almost any field which significantly expands their opportunities. This phenomenon is also called "*potensharu saiyō*" (ポテンシャル採用) or "potential-based recruitment," meaning that companies hire employees not for their current work-ready skills but for the potential to successfully grow after joining the company (JASSO, 2022). This point was also underlined by several interviewees who first studied in Japan and then were able to choose a career path not connected to their fields of studies.

There are several factors that can affect the employment opportunities of HSMs. 63% of survey responders indicated language barrier as a challenge of working in Japan (Figure 9). All interviewees with experience of working in Japan have the level of Japanese language proficiency that allows them to avoid language-related issues at work. For example, an interviewee from Sweden described her experience in the following way: "It took some time to get used to specific vocabulary and business Japanese but now I don't feel like there is any

language barrier." At the same time, interviewed students expressed concerns about the language barrier and its impact on their chances of finding a job in Japan. According to JASSO (2022), more than 90% of Japanese companies expect potential employees to be at the N1 level of the Japanese-Language Proficiency Test (JLPT)[48] and do not require English skills at all, while only a small number of companies are willing to hire English speaking foreigners with the N2 level of JLPT. While most companies require a high level of Japanese language proficiency, there are positions that do not have this requirement, especially when it comes to positions that require specific technical skills. Thus, language barrier does significantly limit the employment opportunities of foreign workers in Japan but not completely, as there are limited options for those without a high level of Japanese proficiency.

Another factor that can influence foreign worker's success in finding employment is the very process of job hunting. The recruitment process in Japan is unique and often unfamiliar to foreigners without previous experience of working in Japan. Thus, the question to be answered is: how do the specifics of the recruitment system in Japan influence the process of job hunting

Figure 9. Main challenges of working in Japan.



Source: based on the results of an online survey conducted by the researcher in 2021-2022.

[48] N1 and N2 levels of JLPT are the most difficult ones and measure the level of understanding of Japanese used in a broad range of scenes in everyday life. One must be able to understand Japanese used in various daily situations, from sophisticated headlines to coherent conversations at natural speed, and be able to freely express oneself in the language casually as well as formally. A level of N1 means that one's reading and listening skills are almost fluent (from the Official Worldwide Japanese-Language Proficiency Test Website).

for foreign workers? Most interviewees agreed that the process of job hunting which in Japan is called "*shūshoku katsudo*" (就職活動) or shortly "*shūkatsu"* (就活) is a big obstacle that foreigners have to overcome to be able to work in Japan. Five interviewees referred to *shūkatsu* as to *"*the worst experience in their lives." While the rules have loosened to a certain degree in the latest years, the specifics of job-hunting schedule and requirements that candidates must meet make job hunting in Japan a unique experience. *Shūkatsu* is a highly structured system and overcomes the meaning of just "job hunting" because it encompasses "the broad range of activities that high school, undergraduate and postgraduate students in Japan engage before graduation for the purpose of finding employment" (Asano-Cavanagh & Farese, 2019).

One of the main features of job hunting in Japan is the simultaneous job hunting and simultaneous recruitment of new graduates. It applies mainly to new graduates, but usually applicants must undergo a year-long series of recruitment activities and mass screening in accordance with the same schedule. For example, for the employment of graduates scheduled in 2023, the acceptance of application forms started on March 1st, 2022 (JASSO 2022). Every year companies start recruitment activities according to a similar schedule, and successful applicants usually join companies in April of the subsequent year.[49] The fact that the whole process must be done in accordance with a specific schedule can complicate job hunting for HSMs, especially if they apply from abroad or have a limited period of stay. In the case of mid-career recruitment, usually there is no strict timeline, but the number of available positions is drastically smaller than for new graduates.

Furthermore, job hunting usually requires candidates to undergo a series of activities and tests before they are allowed to participate in actual job interviews. This process includes internships and briefing sessions organized by the potential employers, sending application forms

[49] For example, if job hunting starts on March 1st, 2022, a successful candidate will join the company in April of 2023.

and resumes, and taking aptitude tests. Only after successful completion of all those stages one is finally eligible for a series of job interviews. Interviewees that were planning to or have already gone through this process mentioned that job hunting in Japan, especially on the same terms with Japanese candidates, is "stressful and demanding." [50] Inability to pass all the stages significantly lowers the chances of foreign workers to land a job. For instance, one of interviewees shared that she applied to more than 30 companies but eventually had only three interviews, not being able to get enough points during exams. As for the employer's side, most HR representatives who participated in interviews stated that by making foreigners undergo the same procedures as Japanese candidates it is possible to define whether a foreign worker can perform on a relatively similar level with natives.

Since the Japanese business sector has been increasingly attracting HSMs, now there are opportunities for foreigners to apply for jobs from abroad or to skip the long process of conventional job hunting by participating in career forums or job fairs conducted overseas or in the main cities of Tokyo and Osaka. With the increase in Japanese companies venturing into foreign markets, the interest of these companies in foreign workers has continued to grow. According to the data of the MHLW (2021), the number of organizations that hire foreign workers in 2020 increased by 10.2% compared to the previous year. Moreover, as the number of Japanese companies trying to "internationalize" by hiring foreign workers has been increasing, there has been an increasing need for more recruitment channels. Indeed, there has been a surge in the number of career forums and job-hunting seminars conducted for international students in Japan and potential candidates overseas. For example, two interviewees from Thailand shared their stories of going to a job fair organized in Thailand and being able to participate in a job interview on site and receive a job offer without needing to go through the process of job hunting.

[50] For instance, foreigners must take same exams as Japanese-natives and participate in group discussions in Japanese.

An interviewee from Switzerland had a similar experience, succeeding in finding a job from abroad by using a popular platform for job hunting called "*GaijinPot*." [51]

Furthermore, due to the spread of COVID-19 pandemic, Japanese job-hunting process has undergone certain changes. The pandemic and related containment measures had a severe impact on the employment level, earnings, and labour market mobility especially in contact-intensive services sectors (Schmittmann & Kotera, 2022), creating a less favorable job market for both Japanese nationals and HSMs. However, there were also some positive outcomes. The pandemic has unveiled the urgent need to reform the traditional employment system and increase employment opportunities and productivity. Such measures as increased control over excessive overtime, promotion of flexible working and recruiting styles, shifting the focus from working hours to output and so forth (Schmittmann & Kotera, 2022) have fueled the process of Japanese labour market becoming more flexible and attractive for all kinds of workers. An increasing number of job fairs and seminars began to be conducted online, and many companies adopted the online selection process (Nakao, 2021). Capitalizing on online platforms makes the process easier for foreigners residing in Japan and provides better opportunities to those who search for a job from abroad. In short, the process of job hunting can be a discouraging factor for potential HSMs, but due to the plan to review the traditional Japanese recruiting system and the effects of COVID-19 pandemic the process of job hunting is transforming and becoming less challenging for HSMs.

Among specific features of the Japanese employment system the interviewees also pointed out the lifetime employment system or *shūshin koyō* (終身雇用). It has long been considered one of the main features of the Japanese employment. Under this employment system, the employees had a high level of job security, which in return required them to show strong loyalty to their organization (Yorozu, 2022). During the last couple of decades, the rate of lifetime

[51] The literal translation is "pot of foreigners." More information can be found at https://gaijinpot.com/.

employment has been decreasing, as many companies have been "reducing their core, and expanding their periphery labour force" (Ono, 2010, p.23). However, this concept is far from completely disappearing, especially when it comes to full-time workers at the cores of large companies that still honour lifetime employment (Ono, 2010).

While a few interviewees described lifetime employment as "a guaranty of stability," larger number of participants expressed an opinion that lifetime employment system nowadays causes more negative effects than it has advantages. They expressed concerns that such model of employment does not fit their career plans and several people mentioned that they felt stressed because of this gap in the expectations between their employers and themselves. For example, "I was not ready to dedicate my whole life to the company but could not share those feelings with my coworkers," commented one of the male interviewees. This correlates with Nagayoshi's opinion that mismatch between requirements of Japanese companies and expectations of foreign workers can affect the numbers of latter in Japan (Nagayoshi, 2020).

As for the requirement of high-level of commitment to one's job, most interviewees highlighted it as a common feature of Japanese work culture. Due to the strong identification of the employees with their companies and a high level of commitment, Japanese employees are apt to act in the best interests of their organization rather than in their individual interests (Sakikawa, 2012). In the studies of Japanese work ethics and employment system organizational commitment is often described as the bond that an individual shares with the organization and that makes it difficult for the employee to go elsewhere (Yata, 2009). Indeed, one of the representatives of HR has mentioned that they expect a certain level of commitment from the employees and hope that they will with the company long-term because of the substantial resources used for their training.

Chaudhuri and Oba (2016) in their study on the commitments of Japanese employees stated that psychological dependency of Japanese workers on their companies emerges from their

intimate dependent relationships with the society and the nation. According to their research, it is closely connected with the Japanese culture of *on* (恩) and *giri* (義理) (Chaudhuri & Oba, 2016). *On* refers to an obligation to pay back the debt to someone, while *giri* describes a socially expected obligation to return the favour. Both concepts may contribute to the work commitment of Japanese employees, but the same can hardly be said about foreign workers. The number of interviewees was not big enough to make a generalization, but the results support the hypothesis that foreign workers do not have the same level of loyalty to their companies as Japanese nationals. For instance, a manager in the hospitality industry from Switzerland has commented: "I can't say that I feel loyal to my company, I like my job, but I am going to stay as long as the salary and the working environment meet my needs." "I try not to discuss future plans with my colleagues because I don't want them to judge my intention to look for a better-paid job," said another interviewee from Thailand referring to the pressure for commitment to the company. As Erez and Earley (1993) pointed out, the perception of working practices depends on the cultural values and norms of the employees since they interpret the meaning of various practices in relation to their own well-being. Thus, the HSMs interpret the Japanese working practices based on their own cultural background and cannot be expected to express the same level of commitment to their companies as Japanese nationals.

In terms of commitment, the biggest issue that every interviewee from both the group of experienced HSMs and the potential ones have raised is the lack of "work-life balance." [52] Similar picture can be seen from the results of the online survey because 63.16% of participants indicated work-life balance as one of the challenges of working in Japan (Figure 9). This may be one of the main negative factors for the HSMs because Japan is "infamous for its extremely long working hours" (Oishi, 2012). Although officially working hours are not specifically long and,

[52] The term has been used by the majority of interviewees in the sense of ability to manage both personal and professional responsibilities with adequate time for rest and leisure.

in principle, should not exceed 40 hours per week or eight hours per day (JETRO, 2022), most workers tend to do overtime work. For instance, according to a government survey, almost 25% of Japanese companies require employees to work more than 80 hours of overtime a month (MHLW, 2016). Although overtime work implies an increased rate of wages, in many cases workers cannot properly report their overtime or be paid for it. An interviewee from the US shared his experience of working more than 60 overtime hours a month and struggling to report even a half of those hours because "none of the colleagues reported full overtime hours."

Although the common reason for workers to work overtime is the lack of manpower and as a result the excessive amount of workload, there are other reasons quite specific to Japan. The study conducted by Nagai in 2010 revealed that an important reason for Japanese workers to stay at work longer is the so-called "*taiki jikan"* (待機時間) or "waiting time." This means the time that workers end up spending at work after finishing their daily tasks because there are concerned with the reaction of other employees that are working overtime. In comparison with the UK and Germany the waiting time in Japan in 2010 was 2.7 times longer (Nagai, 2010). The waiting time was raised by the interviewees as a reason for their frustration at work. Several people from both European and Asian countries mentioned that they could not logically explain what made them come to the office earlier than the working day starts or to stay at their workplaces even after finishing their daily tasks. Some of them mentioned that "the general atmosphere" of their workplaces made it hard to leave earlier than their Japanese colleagues. Many interviewees described it as "the Japanese way of working." Another point mentioned by a large number of interviewees was that they felt obliged not only to commit to their jobs but also to participate in the corporate events, including drinking parties, sacrificing their private lives. The situation may differ depending on the particular organization, but one can argue that in Japan commitment to a company often implies not just the commitment to the job itself and to the company' values but

also the involvement in corporate events and after-hours socializing with coworkers, which may be a burden for HSMs.

Similar situation as with long working hours can be seen with paid vacation days. According to an online survey conducted by Expedia in 2018, for the third year in a row Japan had the lowest acquisition rate of paid holidays among 19 countries, with workers on average taking only 50% of available paid holidays. Moreover, 58% of Japanese respondents "felt guilty" for taking paid leave (Nikkei Asia, 2018). The main reasons for workers not to take enough days-off were the shortage of workers, desire to save enough paid vacation days in case of emergency, and the fear of looking not motivated enough (Nikkei Asia, 2018). Interviews' responses reflect the same attitudes towards the Japanese leave management system. A female respondent from Russia mentioned that since her company did not provide sick leaves, she restrained herself from taking paid holidays to be able to take care of her children in case they get sick. Another male interviewee from China has explained that he felt hesitant to take consecutive paid holidays because he did not want his colleagues to take the burden of his duties and did not want to be "judged for taking a long holiday."

One of the positive characteristics of the Japanese employment system named by almost all interviewed HSMs was the availability of solid on-the-job training programs. According to the data of MHLW (2019), in 2019, 66.2% of Japanese companies offered their employees on-the-job training and 76.0% of companies offered off-the-job training. As most companies still prefer hiring new graduates, the training system plays an especially important part in the process of new employees' preparation for their roles in the companies. Japanese companies are still ready to pay the cost of their employees' development on the understanding that their employees will remain in the company for a long period and contribute to the profits.

All levels of employees from new recruits to managers are offered training opportunities throughout their stay in an organization (Yorozu, 2022). Extensive training programs allow

employees with no relevant experience to gain necessary skills and adjust to the specific working practices of a company. The interview findings have shown that international students who were planning to search for a job in Japan considered availability of training programs as an advantage of working in a Japanese company and were hoping that on-the-job training would help them to adjust to the working environment better. An interviewee from Sweden shared that her company had specific training programs not only for foreign workers but also for Japanese employees on communication with foreign colleagues and customers. Other respondents also talked about participating in free seminars and advanced training provided by their employers. However, judging from the interview findings, bigger companies have more resources to provide their employees with training programs, and some interviewees wished there were more training programs for HSMs. As of 2020, only 10.6% of companies had special training programs for foreign workers, and most of them did not provide any special treatment for their foreign employees (JILPT, 2020).

All representatives of HR who participated in the interviews agreed that training programs are an essential part of their employment system and that usually training programs are the same for both Japanese and foreign employees. Several HR interviewees expressed the same idea that the purpose of training is not only to help employees to develop necessary skills but also to let them understand "how things are done" in the company. Moreover, they have agreed that sufficient training programs are especially important for foreign employees who may not be used to "the Japanese way of working".[53] Considering this, a training system not only provides employees with new skills and knowledge but also teaches them norms of behaviour that can be referred to as work culture.

Evaluation system and growth opportunities

[53] "会社の秩序"(*kaisha no chitsujo*) and "日本の働き方" (*nihon no hatarakikata*) are the quotations from the interviews, interpreted by the author as "how the things are done in the company" and "the Japanese way of working."

One of common assumptions is that HSMs are driven by higher salary levels. Indeed, the remuneration level does influence the attractiveness of a country for highly skilled migration to a certain degree, but in the case of Japan it cannot be considered a significant pull factor. Japan is in a weak position in terms of remuneration levels because of its "relatively low salaries for young professionals" (Oishi, 2012). For instance, in August of 2022 Doda, one of Japan's biggest job portals, published survey results indicating that an average salary of an IT engineer in Japan in 2021 was around 4.38 million JPY or 39,878 USD [54] (Doda, 2022). In comparison, the average salary for a similar position in the US was about 136,230 USD (US BLS, 2021).

Opinions of the interviewees on the income level in Japan were divided depending on their home countries' economic size and remuneration levels. Many interviewees admitted that though their level of income was sufficient to maintain a good level of life in Japan and was higher than the average income in their home countries, in comparison with many developed countries salaries in Japan were relatively low. Moreover, none of the respondents answered that the salary was the most important factor of their decision to work in Japan. Same conclusion can be made from the survey results, where only 15.79% of participants indicated level of income as a reason for choosing Japan as a work destination (Figure 8). Thus, in terms of renumeration levels, Japan is losing the competition with other developed countries, and salary cannot be called a significant pull factor for highly skilled migration.

In the meanwhile, dissatisfaction with the evaluation system in general is one of the factors with a negative impact on highly skilled migration to Japan. First, such aspect of the Japanese employment system as so-called seniority-based system or *nenkō jyoretsu* (年功序列) was described negatively by more than a half of the interviewees. *Nenkō jyoretsu* refers to a system in which employees are assigned positions and salary increases according to their age and the number of years they have worked for the company (JASSO, 2023). It is closely connected

[54] The number was calculated using an average USD-JPY exchange rate for 2021.

with the lifetime employment system and, as the evaluation is based on the number of years spent in the company, it does not reflect employees' actual achievements (Yorozu, 2022).

The HR representatives admitted that the elements of the seniority-based system still exist as a basis for promotion and pay-increase but argued that many companies have been trying to change into performance-based evaluation system and adjust their HR practices to the new realities of the labour market. At the same time, they underlined the positive effects of the seniority-based system such as motivation for the employees to stay in the same company longer for promotion. Moreover, all interviewed HR representatives agreed the achievements of employees also increase their chances for promotion and can influence their annual bonuses.

For many HSMs such process of evaluation and decision-making in promotion does not seem transparent. Several interviewees expressed frustration that their achievements were not evaluated properly and that their only chance to achieve a desired position in the company was to work there long enough. More than a half of the interviewed HSMs stated that they had troubles understanding their companies' evaluation criteria. The most common comments were that the evaluation criteria were not clear, and that evaluation was often based on personal preferences of the manager, years spent in the company, and on the working hours rather than on actual achievements. A perfect illustration for that is a comment from an interviewee working in a trading company. In the months when he was most struggling with his job, working long hours and still not showing good results in terms of sales he was praised by the management for working hard much more than in the months when the sales results were successful, and he did not have to work overtime. It shows that some Japanese companies prioritize the effort and time put into work over the actual achievements and high productivity.

Another aspect criticized by HSMs was the reward system or motivation methods used by Japanese companies. One of the interviewees expressed frustration that "a sufficient amount of motivation is supposed to be drawn from the feeling of appreciation and respect from the

colleagues," rather than from increase in payment or other forms of remuneration. Interviewees mentioned having troubles finding motivation for work because the results were not directly affecting their payment. For example, an interviewee from Sweden commented that she did not consider being told "*konkai wa yoku ganbatta ne*" (今回はよく頑張ったね)[55] as a sufficient award for her hard work on a project that took several months. Although evaluation systems and individual experiences of HSMs vary depending on an organization, judging from the results of the interviews lack of transparency in the evaluation process does affect the overall level of HSMs' satisfaction with their jobs.

The next factor influencing HSM's level of satisfaction with their job can be summarized as growth opportunities. There is a common stereotype that foreign workers tend to be in a disadvantageous position when it comes to promotion and career growth in Japanese companies, but it is not quite accurate. Indeed, according to some scholars, Japanese companies may have longer paths for promotion[56], but it applies to all employees regardless their nationality. The main issue is that promotion evaluation is usually conducted in Japanese which may put foreign workers at disadvantage as they must compete with Japanese nationals. However, results of the interviews with Japanese HR representatives indicate that if HSMs have a sufficient level of Japanese language proficiency and are planning on staying at their workplaces long-term, they usually have same opportunities for promotion as their Japanese colleagues. Quoting one of the interviewed HR representatives, regardless of job type or nationality, "opportunities for promotion are periodically provided to all employees." Three of the five HR representatives interviewed stated that many HSMs "probably do not stay in one company long enough" to get a promotion. They also stressed that "at Japanese companies it is common to select managers from among the employees, rather than to hire someone from the outside," because their own

[55] The phrase can be translated into English as "You did well this time."
[56] During the first years of work employees with the same educational background receive similar wages and are promoted in a similar pattern, and roughly after 10-15 years of experience qualifications and specific skills gain more influence on promotion decisions (Holzhausen, 2000)

employees already have the necessary knowledge about the company and its work culture. Thus, foreign workers should also have a chance of promotion as well.

With the abolition of the lifetime employment system and weakening of the seniority system, some changes have been made to the promotion system, so that the employees are assessed based on their experience and performance, rather than on seniority or status (Kurihara, 2009). However, the criteria remain vague, and those practices are not widespread enough. All those factors have been linked to low employee satisfaction and motivation (Nakamura, 2006). Results of the interviews also indicate that for HSMs seniority-based system, slow process of promotion, lack of clarity in evaluation system, and accent on appreciation rather than on material forms of reward can certainly be among discouraging factors.

Workplace relationships and unwritten rules

There were several characteristics of the relationships between employees in Japanese companies that became evident through the conducted interviews. The participants described the management style in Japanese companies as hierarchical, leader-centered and based on tight communication and reporting system. Interviewees mentioned that the leaders in their companies were often seen as "parent figures," taking full responsibility for the actions of their subordinates and always having the last word in any decision-making process. Paternalistic leadership and "family-like" relationships in Japanese companies contribute to the creation of strong bonds between employees and their management (Thiele, 2018). In return for commitment and loyalty the management cares about and protects its employees. Two representatives of HR described it as a "traditional structure of the Japanese companies" while also mentioning that lately this structure is undergoing transformation as many companies are trying to implement new management styles.

As for the relationships between employees, a sales manager from India described them as "more than just coworkers, almost like family" and commented that it was one of the

manifestations of Japanese work culture. Another interviewee from South Africa called the atmosphere at his company "family-like," stressing the importance of teamwork. Judging from the interviews, the evaluation of the "family-like" relationships and management system was mostly positive because they created special bonds between employees and limited their personal responsibility for the actions taken. An interesting comment was made by an employee of a trading company who stated: "Once you have received an approval from your superior to proceed with an action, the responsibility for the result transfers from you to your superior, and in case of a failure you will not have to deal with the consequences alone." A negative effect of such leadership style was highlighted by some of the interviewees too. The final decision of the leader not always takes into consideration the opinions of the subordinates and can devalue all the preparation work done and create extra workload, which often affects the overall productivity.

The specifics of communication between the employees can also be seen through different practices aimed at timely reporting one's actions to the superiors, for example, the practice of *hōrensō*（報連相）.[57] It is a continual communication process between superiors, subordinates, and colleagues. According to the interviewed HR representatives, *hōrensō* is the basis of business communication in Japan. None of the interviewed international students knew about this practice, while almost every HSM with experience of working in Japan highlighted it as one of the common features of Japanese work culture. Numerous participants commented that *hōrensō* was useful to ensure effective communication within the company, but the demanded level of reporting often took a significant part of an employee's working time and limited the freedom of decision-making. "It took me some time to get used to seeking advice rather than taking my own initiative to solve a problem or make a decision", shared an employee of a trading

[57] 報連相（*hōrensō*）- an abbreviation constructed from the words 報告（*hōkoku*, report）, 連絡（*renraku*, contact）and 相談（*sōdan*, consultation）, meaning that the employees must provide reports, keep the lines of communication open, and ask for guidance or advice.

company. Indeed, in a Japanese business context proper *hōrensō* and collective decision-making are often rated more highly than personal resourcefulness.

As the Japanese seek to avoid disagreements within the group, communication plays a crucial role in achieving and maintaining group consensus (Thiele, 2018). As it has been stated by an interviewee from South Korea, one of the important features of Japanese work culture was the tradition of *nemawashi* (根回し)[58], in which the employees come together to seek a group consensus prior to arriving at an official decision. The HR representatives agreed on the importance of *nemawashi* and commented that Japanese work culture allows companies "to maintain harmony and the employees to work as a team." While a couple of the interviewed international students specifically named bonds between employees as one of attractive points of Japanese companies, experienced foreign workers mostly stated that it is a double-edged sword. The relationships with colleagues tend to become too complicated and demanding, crossing the boundary between work and private life.

Interviewees also mentioned the influence of the strong hierarchy between the members of an organization on the relationships in the workplace. The issue of hierarchical relationships or "*jōge kankei*" (上下関係) was mentioned by both the HSMs with experience of working in Japan and those who were only planning to search for a job there. Of course, any organization has a certain level of hierarchy, and this factor influences Japanese employees as well, but for foreign workers deciphering the rules of this system is a much bigger challenge. Hierarchy may be called one of the most important aspects of Japanese work culture because it determines the character of interactions between the employees. The interviewees mentioned that existence of hierarchical relationships within an organization complicated the creation of close connections between the employees. For instance, a participant from Russia had an experience of talking to

[58] It is translated as "backroom deal, behind-the-scenes work". Usually refers to a round of prior consultations with people before decision making to make consensus.

the same-age colleague who had a longer experience of working in the company and being lectured by him for using too informal speech. For her it was hard to understand "the borderline between being friendly and being professional." Indeed, other interviewees were also frustrated that they cannot become close with their older colleagues due to the necessity to respect their status and high level of politeness required. In the same way, an interviewee from an apparel company struggled with finding the right timing to transit from polite to casual speech in a way it does not offend his colleagues. Another interviewee "felt a wall" between her and her colleagues because her younger colleagues were using a very polite speech style towards her, and she was supposed to use the same speech style while talking with her older colleagues and superiors. Hendry (2016) concludes that "more polite and formal language can express social distance and an unwillingness for intimacy," while getting rid of the formalities can be a way of making gestures of friendship. He also draws upon Moya Johnston's work on differences in politeness between English and Japanese, suggesting that politeness in Japan is important for maintaining harmony, providing psychological space, and establishing boundaries essential for human relationships (Hendry, 2016). Moreover, as many communications are indirect and non-verbal, together with the complicated rules of politeness for many HSMs it can make the process of building relationships in the workplace even harder.

Another work-related factor that this research focuses on is the issue of inequality. Many scholars (e.g., Oishi, Morita, Liu-Farrer, Arudou) have contributed to the research on racism and inequality in Japan that foreign workers tend to face. The issue of differentiation and separation of peoples within Japan became acute well before the significant inflow of foreign workers to Japan. Research on discrimination in Japan tends to focus on such minorities as *Zainichi* Koreans,[59] Chinese "Oldcomers,"[60] Ainu, and Okinawans, but Japanese discourses of ethnic

[59] *Zainichi* (在日) literally means "in Japan" and in this case refers to ethnic Korean permanent residents of Japan.
[60] In Japanese the term "oldcomers" is used for immigrants who arrived in Japan before 1945 (Le Bali, 2005).

homogeneity and division on "self" ("Japanese") and "other" ("not Japanese") (Arudou, 2015) influence the experiences of HSMs in Japan just as much. Most of the interviewees agreed that even though they did not openly face racism on a daily basis they still did not feel as a part of Japanese society or noticed some manifestations of inequality. Several people expressed the same opinion that no matter how long they live in Japan and how fluent they become in Japanese, they are always going to be viewed as "*Gaijin*" (外人). This correlates with Arudou's (2015) statement that *Gaijin* are treated in Japan as "foreign" or "not a part of Japan," regardless of their nationality, language ability or level of integration to the Japanese society. Indeed, as long as the myth of ethnic homogeneity and the discourse of "otherness" continue to exist, the division between foreigners and Japanese will continue to affect the experiences of foreign workers. This thesis will dig deeper into the effects of the ethno-nationalistic discourse on highly skilled migration in the next section.

There are also other examples of inequality at the HSMs' workplaces. Even in bigger companies it is possible to notice the concentration of foreign workers in particular occupational categories (Tsukasaki, 2008) which suggests that companies take a different approach to allocation of duties for their foreign employees and tend to create separate career tracks for them. As an example, a male interviewee from France stated that the reason for him to leave the company he worked at for almost five years was the inability to change his career path. His management insisted on assigning him translation-related tasks and projects connected with European countries, ignoring his wishes and attempts to pursue a different direction of work. From the responses of the Japanese HR representatives, it became clear that in most cases companies tend to use foreigners' specific skills and advantages which can potentially influence their career paths. Even those who entered Japanese companies through the same job-hunting process as Japanese employees often find themselves not having the same freedom of choice in terms of career development.

Another manifestation of inequality that HSMs tend to face is the lack of diversity at their workplaces. With a few rare exceptions of large multinational companies, most Japanese companies and educational institutions have a very low number of foreigner employees. For example, according to the survey of the JILPT (2020), only 41.2% of companies have been hiring foreigners as full-time employees. While it is a significant increase from 15.8% in 2009 (JILPT, 2009), the numbers remain relatively low. As of 2019, 59.8% of companies that participated in MHLW's survey (2019) had less than thirty foreign employees. Those numbers are much lower for HSMs and, judging from the results of the interviews, many HSMs find themselves being a minority within their workplaces. An issue of inequality is not limited to the difference in treatment between foreigners and the Japanese. The lack of gender equality in Japanese companies and the society in general has discouraged many HSM women from working in Japan. Many female interviewees stated that the proportion of female employees at their companies was very small, and the number of women on the top of the corporate ladder was even smaller. According to the data of the Gender Equality Bureau Cabinet Office (2018), as of 2018 only 4.1% of board seats at Japanese companies were held by women. The situation is similar with managerial positions, where women occupy only 11.2% of section managers seats and 6.6% of division managers seats (GEBCO, 2018). Those numbers support the general picture of gender inequality at Japanese companies. Although the existing research suggests that foreign female workers may have less institutional limitations and barriers at workplaces than Japanese women, the level of gender inequality that they face is still quite high (Holbrow & Nagayoshi, 2018). For instance, female HSMs' earnings do not increase with age as much as male employees' earnings do (Holbrow & Nagayoshi, 2018). In 2021 Japan was ranked 120th out of 156 countries in the Global Gender Gap Report[61] (World Economic Forum, 2022), which is the lowest level among developed countries. OECD's survey also reveals that the wage gap between men and women in

[61] This report focuses on disparities between women and men across countries and among other things shows that women in Japan have less economic opportunities than men.

Japan in 2021 was 22.1% which is much higher than the average level of OECD. The wage gap is only one of the manifestations of gender inequality in Japanese organizations, and Oishi's research (2012) shows that because of this "notorious gender inequality" not many female HSMs are interested in working for Japanese organizations.

The interview results suggest that prevailing gender inequality in Japanese work culture does not necessarily discourage female HSMs from moving to Japan for job purposes but negatively affects their experiences at workplace. Female interviewees with experience of working in Japan had not experienced any open gender discrimination but felt that their gender affected the types of tasks they were assigned. For example, one female employee stated that she had not been assigned any long-term projects because she was married and planning to have children in the close future. A couple of female HSMs shared the same experience of being asked to handle dealings with older male clients because those would be "more condescending" towards them. For several interviewees gender inequality was the main reason for stress at the workplace and one of the reasons they eventually left Japan. Although the results of the interviews cannot be generalized to the entire population of HSMs in Japan, they are significant enough to illustrate the influence of gender inequality issue on the experiences of female HSMs.

Furthermore, as the proportion of HSMs in the total workforce remains very small, to a certain extent they are in a disadvantageous position. In the context of Japanese companies, being a minority means that HSMs are supposed to adjust to the socio-cultural norms of the majority, including Japanese work culture. Morita in her research (2017) calls it "the insistence on doing things the Japanese way." Although the Japanese government has been promoting multicultural coexistence since the end of 20th century, on practice it is not about social integration of foreign residents and creating a multicultural community where all minorities have equal rights. The goal is rather to maintain the integrity of the Japanese community and ensure that foreigners have enough information about Japanese customs and norms of behaviour to not "disrupt the

traditional patterns of Japanese life" (Nagy, 2012). While integration is a type of acculturation strategy in which immigrants have regular contact with host nationals but maintain their original cultural identity (Berry, 1997), in Japan foreign workers are supposed to adapt to the host society and become "similar" to the majority by "adopting their culture, values and behaviors" (Omanovićh & Langley, 2021, p.2). In other words, the form of adaptation that is required of foreign workers from this perspective is rather the assimilation than integration.

Insistence on "traditional ways of doing things" was a recurring theme in the interviews with HSMs. However, "traditions" can also be considered as a discursive concept, "invented" to inculcate certain practices or values (Hobsbawm & Ranger, 1983). Both Japanese workers and HSMs constitute a narrative of experiences by associating them with "Japanese work culture." Despite the process of globalization and changing tendencies at the labour market, many Japanese companies still adopt the "traditional" ways of the recruitment process and working practices (JASSO, 2021). HSMs must adjust to the existing systems and unwritten rules which poses another challenge for highly skilled migration. According to Hiroshi Ono's research, Japan often lacks flexibility and there is usually "only one way to do things" (Ono, 2018). The rigidity of Japanese working practices became even more evident during the COVID-19 pandemic. Ono (2022) refers to the pandemic as to a "blessing in disguise" since it exposed a lot of criticized aspects of the Japanese work culture, including lack of flexibility. After several years of pandemic remote working become quite widespread across the country, which encourages companies to take steps towards accommodating more diverse working styles. This may be the solution for a range of work-related issues and a way to transform Japanese work culture, making Japan a more attractive destination for highly skilled migration.

5.2. Japanese work culture through the prism of ethnic nationalism

As mentioned in chapter 2, globalization not only pushes Japanese society towards becoming more multicultural and diverse but also leads to the strengthening of the culturalist account of national identity and nationalist discourse. Drawing upon Sassen's and Hall's observation on the relationship between "global" and "national," I argue that Japan's ethno-nationalist discourse was rather reinforced in the context of globalization. While an increasing inflow of foreign workers to Japan causes certain transformations within the Japanese society, among other effects increasing its diversity, it also paradoxically contributes to the reinforcement of nationalist discourse, exacerbating the issues of inequality and discrimination. Judging from one of the latest surveys of International Labour Organization (ILO) and UN Women (2020), significant proportion of the Japanese public has negative perceptions about migrant workers. The study also found that a significant minority of the public "tends to believe that migrant workers are a threat to the country's culture and heritage" and think that "migrant workers do commit more crimes" (ILO, 2020), although there is little evidence to back up those claims. In other words, the prevalence of ethno-nationalist discourse significantly influences public attitudes towards migrant workers. It rests on false but deep-rooted beliefs in ethnic homogeneity of the Japanese society and its cultural superiority. According to John Lie (2001), even nowadays the belief in a monocultural and homogenic Japan is still being cherished.

The contribution of Eiji Oguma to the studies on the myth of ethnic homogeneity and Japanese self-images has already been mentioned in chapter 2, and this research attempts to develop Oguma's ideas further by examining the connection between ethnic nationalism and Japanese work culture. In his book *Tanitsu Minzoku Shinwa no Kigen*, Oguma (1995) concludes that there is a relationship between the development of Japanese self-images and the position of Japan in the international arena. In particular, he states that ethnic nationalism and the myth of ethnic homogeneity become stronger when Japan's international status is weak while multiculturalism and idea of a multi-ethic nation become dominant when Japan's position is

strong. Using this logic, nowadays, when Japan is facing serious demographic and economic issues, the reinforcement of ethnic nationalism can be expected. Indeed, the process of change and the inflow of foreign workers challenges both the myth of Japanese homogeneity and the collective Japanese self-consciousness, fueling the strengthening of ethnic nationalism.

This research argues that Japanese work culture is shaped by the interplay of globalization and reinforced ethnic nationalism. While global tendencies encourage Japanese organizations and the society in general to revise the traditional work culture and implement new practices, the strengthening of ethic nationalism delays this process and prevents significant changes from happening. This can be illustrated by the continuing adherence to well-established practices and by the insistence on doing things "the Japanese way." Many interviewees stated that while working in Japan the path of least resistance was to "accept Japanese work culture" and "follow the existing rules and do not question them." Several people have shared their experiences of attempting to suggest new methods or working practices and being told that "it is not the way things are done" in their companies. That is also one of the reasons why most Japanese companies are interested in hiring HSMs that can fit the existing employment terms and working practices rather than modifying them to suit the foreign workers (Morita, 2018). In other words, through the discursive concept of Japanese work culture ethnic nationalism dictates the conditions for foreign workers' acceptance in Japan.

Furthermore, insistence on doing things "the Japanese way" compromises the diversity of the workforce and delays the transformation of the work culture. This tendency contradicts the very reasons for hiring foreign workers that have been mentioned in chapter 4 such as revitalizing the company, increasing diversity, and using the strengths of the HSMs such as "international way of thinking." Despite the seeming willingness of the Japanese companies to attract more foreign workers, de-facto they are trying to turn them "into Japanese salarymen" (Liu-Farrer, 2020). This is an illustration of a gap between the actual working practices and multicultural

policies promoted by the government and spurred by the needs of the business sector. The effects of the growing consensus on the importance of diversity and multiculturalism are still quite superficial and not sufficient to quickly and drastically change the working practices permeated by the influence of ethnic nationalism.

It is also worth noting that the ethno-nationalistic discourse exacerbates the division between Japanese and "Others" which can be seen through experiences of the HSMs and how they are treated in their workplaces. Judging from the interviews with HR representatives, Japanese themselves promote the idea that Japanese culture—and in this case work culture—is special and "may be difficult for the foreigners to understand." Furthermore, an interviewee from Russia pointed out that even after years of working in the same company and with fluent Japanese she still felt as a "*gaijin*"[62] among her Japanese colleagues. In other words, existence of the ethno-nationalistic discourse and the fact that people are being evaluated based on their ethnicity significantly influence how foreign workers are perceived in their organizations and in the society in general. As Liu-Farrer (2020) states, "Japan's discourses of Japaneseness" also affect the way foreigners feel about their migration experiences as well as their identity." Despite the increasing number of foreign residents in Japan, their numbers and especially the number of HSMs remain very limited, thus, they are often treated as "outsiders," regardless their nationality, Japanese language proficiency or level of acculturation.

In the current situation—when there is a pressing need for Japan to diversify the Japanese workforce to be internationally competitive and to make the country more attractive for highly skilled migration—the reinforcement of ethnic nationalism and its influence on the Japanese work culture are significantly undermining Japan's chances for success. Thus, the ethno-nationalist discourse is one of the barriers for immigration to Japan, creating an invisible wall separating "Japanese" from "Others."

[62] *Gaijin*（外人）is a Japanese word for foreigners and non-Japanese citizens. Arudou (2015) calls it a "racialized epithet for outsider or foreigner."

Chapter 6. Conclusion

Findings of this study

This research attempted to fill the gaps in the existing studies on highly skilled migration in Japan, focusing on the Japanese immigration policy and other factors that influence the attractiveness of Japan for highly skilled migration. The goal was to analyze main structural barriers and socio-cultural issues that HSMs tend to face in Japan, specifically concentrating on to the role of Japanese work culture. This chapter summarizes the findings of the research, reflecting on the limitations of this study and presenting suggestions for further research.

The first research objective was to analyze the development of Japanese immigration policy from the post-war period to the present and examine how the approach to the acceptance of foreign workers changed during that period. The research concluded that since the post-war period Japan underwent a transition from strict limitation of any kind of immigration to acceptance of a wide range of foreign residents. Most importantly, the study traced the formation of the Japanese immigration dilemma between the necessity to address demographic and economic issues and the need to appease the anti-immigration sentiments. The discrepancy between the official stance of the government towards labour migration and the needs of Japanese economy and labour market became evident in the 1980s, but at the beginning of the 21st century tensions between effects of globalization and reinforced ethnic nationalism in Japan contributed to further rooting of the immigration dilemma in Japanese policy-making on migration. The study has revealed that Japanese domestic market is faced with a choice between taking advantage of globalized markets and accepting more foreign workers or addressing nationalist antipathy against them.

Another significant finding of this study is that there is a close correlation between the needs of the Japanese economy and the changes in approach to labour migration. Hence, there are multiple scenarios for further development of the Japanese immigration policy. Currently the

Japanese government keeps avoiding the official discussion on immigration and continues to maneuver the existing institutional constraints. By supplementing the domestic labour force with temporary foreign workers, Japanese policy makers avoid drastic changes in the immigration control and maintain the official principle of not accepting immigrants. Although increasing pressure of Japanese demographic issues has already resulted in a significant shift in Japanese immigration policy in latest years, it is yet unclear whether those issues—namely population aging and decline of the working-age population—together with the escalating global competition for talent eventually coerce the Japanese government to officially accept immigrants rather than temporary foreign workers as a way to maintain the economy. At this point, strengthening of nationalism and lingering belief in ethnic homogeneity prevent it from happening by raising concerns with public safety, creating anti-immigration sentiments, and affecting the direction of the immigration policy in general.

The second objective of this study was to define the main challenges for highly skilled migration in Japan. This study has indicated that despite numerous reforms over the latest decades Japan is still not a major destination of highly skilled migration due to its low attractiveness for global talent, even in comparison with other major Asian economies. Although active measures to attract highly skilled workers to Japan contributed to the increased inflow of HSMs, their success was very limited due to the government's reluctance to admit the fact of Japan de facto becoming a new immigrant state and to deal with the long-term effects of immigration. This research has also shown that there are multiple factors apart from the immigration policy itself that define the attractiveness of a country for highly skilled migration.

Firstly, the governmental initiative to increase the number of HSMs is not sufficiently supported by the Japanese business sector. While the trend of globalization and lack of human resources encourage the Japanese business sector to consider recruitment of HSMs and bring in

global perspective and more diversity, at this point many of Japanese companies are not ready to actively participate in this initiative.

Secondly, the study has examined major structural barriers of highly skilled migration, concluding that they play an important role in the attraction and retainment of all kinds of immigrants, but HSMs in particular. One could argue that for Japan to become more attractive for global talent it is crucial for Japanese government to focus not only on facilitation of border control but also on the elimination of legal and structural barriers of highly skilled migration. Cooperation between the central government, related ministries, and local governments should allow to expand the focus of the immigration policy, addressing the welfare and citizenship aspects.

Moreover, this study examined the work-related issues that HSMs tend to face, and the results indicate that the influence of working environment and work-related factors on their mobility outcomes should not be underestimated. Drawing upon the narrative-based qualitative approach allowed to supplement the document-based analysis. Current findings summarized in chapter 5 suggest that despite different cultural and social backgrounds there were similar patterns in the HSMs' experiences when it comes to the Japanese working environment. It can be concluded that those experiences influence the mobility outcomes of HSMs as much as the immigration policy or structural barriers mentioned earlier. Moreover, the analysis of the work-related factors revealed their close connection with the concept of Japanese work culture.

The last research objective of this thesis was to define how Japanese work culture influences the experiences of HSMs and their mobility outcomes. To provide a deeper insight into the concept of Japanese work culture this research examined it through the prism of ethnic nationalism. Based on the results of the conducted interviews and the online survey, this study drew a conclusion that Japanese work culture is a discursive concept used by both foreign workers and Japanese natives to describe their experiences in connection with the Japanese

national culture. It is reflected in all working practices and transmitted between the workers through those practices.

This study argues that Japanese work culture is affected by both globalization and reinforced ethnic nationalism in the opposite ways. It is another manifestation of the immigration dilemma, since globalization encourages the transformation of Japanese work culture, whereas the ethno-nationalistic discourse hinders this process. Considering a pressing need for Japan to increase the competitiveness of its economy and attract more HSMs, reinforcement of ethnic nationalism and its influence on Japanese work culture can be considered a significant obstacle on the way to this goal. In other words, the ethno-nationalist discourse and therefore Japanese work culture are one of the factors that negatively affect the attractiveness of Japan for highly skilled migration.

It can be concluded that there can be differences in its manifestation depending on a case, but Japanese work culture is not limited to a certain workplace or occupation. It is indeed undergoing the transformation under the influence of the changing labour market and the facets of globalization, but due to such factors as the reinforcement of ethnic nationalism in Japan the scale of this transformation is still limited. Most importantly, Japanese work culture is reflected in all working practices and undoubtedly influences the experiences of foreign workers in Japan, often negatively affecting their mobility outcomes.

Significance of this study

This thesis contributes to the gap in existing studies on highly skilled migration in Japan in the following respects:

1) This study has found that despite the large existing body of work on the Japanese immigration law and immigration to Japan HSMs remain significantly underrepresented in this field of research. It is also true for the period after the 1990s that was particularly important in terms of the development of the Japanese immigration law. This research attempted to contribute

towards narrowing this knowledge gap by concentrating on the developments in immigration law that relate to HSMs, and measures taken to attract foreign talent to Japan. This study also drew attention to the ambiguity of boundaries between "unskilled," "skilled" and "highly skilled" workers in the case of Japan. Moreover, this thesis attempted to examine bigger issues such as Japan's immigration dilemma on the interception of globalization and reinforcement of ethnic nationalism by tracing the changing priorities of the Japanese government in terms of immigration policy and providing an insight into the interrelation between the needs of the Japanese economy and developments of the Japanese immigration law.

2) Few scholars have simultaneously examined the influence of multiple factors on the attractiveness of Japan for highly skilled migration. This research has examined not only the development and limitations of the Japanese immigration policy but also main structural barriers and socio-cultural issues that HSMs tend to face in Japan. Furthermore, very few studies have taken into consideration work-related issues as one of the key factors that affect the migrant workers' mobility outcomes. In particular, the data collected from the interviews and the online survey allowed to examining work-related factors through the actual experiences of HSMs in Japan.

3) To the researcher's knowledge, the concept of Japanese work culture has not been examined properly by the existing body of research. This study provided an insight into the concept of Japanese work culture, using the data collected during the online survey and a series of interviews, and examined its role in the mobility outcomes of HSMs.

Limitations of the study

Firstly, this thesis focused mainly on HSMs, a relatively small group of foreign workers in Japan, which in a way limited the scope of the research questions. By expanding the research beyond this category of foreign residents it could be possible to address broader immigrant-related issues in Japan.

Secondly, many of the findings in this research were based on the data that has been collected through the online survey and the interviews, but the total number of the participants was relatively small. Conducting a more extensive fieldwork and collecting more data would allow to strengthen the analysis and make the findings more convincing. Moreover, it is hard to judge whether the conclusions made based on the results of the interviews were free of any biases because of the human equation.

Finally, due to the space limitations this thesis could not address all related aspects that influence the mobility outcomes of HSMs and the attractiveness of Japan for highly skilled migration. To achieve deeper understanding of the issue further examination of social integration policies, family-related factors, perception of foreigners in Japan, discrimination and other socio-cultural factors is necessary.

Suggestions for further research

There are multiple possible directions for further studies. First, further research can go beyond the boundaries of the HSM's category and address broader issues of labour migration to Japan. It is worth examining the changes in the Japanese government's policy toward different types of workers, especially those categories that are crucial for the economy sectors that suffer from most severe labour shortages.

In addition, while this research has addressed the shift in approach to the acceptance of foreign workers from the principle of securing temporary workers to that of attracting potential long-term residents, it is possible to focus closer on the changing role of labour migrants in Japan in the last decades. For example, future research could continue to examine the instrumentality of immigrant workers in the management of the Japanese demographic crisis, paying special attention to their dual role as a source of economic production and social reproduction.

Another option is to address closer the influence of COVID-19 pandemic on the lives of various categories of foreign residents in Japan. Future studies could investigate the impact of

the pandemic and the governmental response to it on the employment opportunities and social protection of migrant workers in Japan, analyzing how those changes affected their mobility outcomes.

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Appendix 1.

Questions of the online survey for experienced and potential highly skilled workers.

Group 1: Highly skilled workers with the experience of living and working in Japan.

Group 2: People, who are considering going to Japan on highly skilled professional visa, including international students.

※Some questions are automatically skipped depending on the answers of the participants.

1) Do you currently live in Japan?
   a. Yes
   b. No
   c. Other (please specify)

2) Are you currently staying in Japan on a working visa?
   d. Yes
   e. No, but I have such experience
   f. No, but I am planning to
   g. Other (please specify)

3) What is/was your visa category?
   a. Highly skilled professional
   b. One of the following: professor, engineer/specialist in humanities/international services, investor/business manager, intracompany transferee, researcher, instructor, skilled laborer, legal and accounting services, religious activities, artist, journalist, entertainer, medical services
   c. Student
   d. Other (please specify)

4) What is the visa category you are going to apply for?
   a. Highly skilled professional

b. One of the following: professor, engineer/specialist in humanities/international services, investor/business manager, intracompany transferee, researcher, instructor, skilled laborer, legal and accounting services, religious activities, artist, journalist, entertainer, medical services

c. Student

d. Other (please specify)

5) For how long have you been working in Japan?

a. Less than a year

b. 1-2 years

c. 3-5 years

d. More than 5 years

6) For how long would you like to work in Japan?

a. Less than a year

b. 1-2 years

c. 3-5 years

d. More than 5 years

7) What is/was/will be your field of work in Japan?

Answer:

8) Do you have experience of applying for/ would you like to try applying for a visa category, called “highly skilled professional”?

a. Yes, I have such experience

b. Yes, I would like to apply for “highly skilled professional” visa

c. No, it is too difficult

d. No, I have never heard about it

e. No, I am not interested in it

f. Not sure

9) Did you have any difficulties with obtaining your visa as a highly skilled professional? If yes, please specify them. You may choose more than 1 answer.

a. Paperwork and application process
b. Meeting all the criteria (getting enough points according to the points-based system)
c. Finding necessary information
d. I didn't have any particular difficulties
e. Other (please specify)

10) What difficulties do you expect in obtaining the highly skilled professional visa? You can choose more than 1 answer.

a. Paperwork and application process
b. Meeting all the criteria (getting enough points according to the points-based system)
c. Finding necessary information
d. I didn't have any particular difficulties
e. Other (please specify)

11) What influenced your decision to work in Japan the most? You can choose more than 1 answer.

a. Career opportunities
b. Level of income
c. Interest in Japan, its culture, language etc.
d. Quality of life
e. Other (please specify)

12) Do you think Japan is an attractive destination for attractive to highly skilled professionals?

a. Yes

b. No

c. Other (please specify)

13) What do you think are the challenges of working in Japan? You can choose more than 1 answer.

a. Language barrier

b. Work-life balance

c. Communication and social relationships in the workplace

d. Career development

e. Adaptation of the family members to the environment

f. Other (please specify)

14) How would you describe “Japanese work culture”? How do you understand this term?

※ For example, work culture can be described as a combination of all social practices and experiences that take place during the working process or a combination of all rules and norms, that are supposed to shape the behaviour of the workers. You may use any other definition.

Answer:

15) How important is the factor of Japanese work culture in the adaptation to life in Japan?

a. Extremely important

b. Very important

c. Somewhat important

d. Not so important

e. Not at all important

16) Have you ever considered becoming a permanent resident in Japan?

a. Yes, I have (including those participants who are already permanent residents)

b. No, I haven’t

c. Other (please specify)

17) What, in your opinion, are the most important factors, that influence the attractiveness of a country for immigration?

a. Employment opportunities

b. Education opportunities

c. Family environment

d. Quality of life

e. Immigration and integration policies

f. Attitude of locals to immigrants/foreign workers

g. Other (please specify)

18) Do you give your consent for the use of survey data in future research?

a. Yes

b. No

Appendix 2.

Questions for the interviews with highly skilled workers and their employers.

Group 1: Highly skilled workers with the experience of living and working in Japan.

1) Please, tell me about your experience of working in Japan. In what field and for how long have you been working in Japan?
2) What influenced your decision to work in Japan the most?
3) Did you have any difficulties with obtaining your working visa?
4) Have you heard about "highly skilled professional" visa? What do you know about it?
5) Have you ever considered applying for this visa category and why?
6) What did you like most about your working environment and job conditions?
7) Do you think Japan is an attractive destination for highly skilled workers? What are the advantages of working in Japan as a highly skilled worker?
8) What do you think are the challenges of working in Japan?
9) Do you think that such thing as "Japanese work culture" exists? If yes, how do you understand it?
10) Do you think that Japanese work culture is a significant factor in the adaptation to life in Japan?
11) (For those people who are still working In Japan) Are you planning to stay in Japan for a longer period or do you consider any other options?
12) (For those people, who consider staying in Japan for a longer period) Have you ever considered becoming a permanent resident?
13) What changes could make it easier for the foreigners to live and work in Japan?

Group 2: People, who are considering going to Japan on a working visa, including international students.

1) Are you currently in Japan as an international student or are you only considering going to Japan?
2) In what sphere would you like to work?
3) What do you think are the advantages of working in Japan? What influenced your decision to work in Japan the most?
4) What visa category are you going to apply for?
5) What do you know about the "highly skilled professional" visa category?
6) Do you think that obtaining a visa as a highly skilled professional is difficult? If yes, please explain why.
7) What do you expect to be the challenges of working in Japan? Is there anything in particular that you are worried about?
8) Do you think that such thing as "Japanese work culture exists"? If yes, how do you imagine it?
9) After changing your visa status are you planning to stay in Japan for a couple of years or for a longer period?
10) Can you imagine yourself staying in Japan as a permanent resident?

Group 3: Representatives of human resources from different Japanese companies with experience of working with highly skilled foreign workers.

1) Please, tell me about your experience of working with foreign workers.
2) Are there many foreign workers in your company? How many of them have the visa status of "highly skilled professional"?

3) Is your company searching for more foreign specialists? If yes, what are the main reasons?
4) Did you find the paperwork and the procedures necessary for foreign employee's visa application difficult?
5) What do you think are the difficulties that foreign workers may face while working in Japan?
6) What do you think are the challenges that an employer may face hiring a foreign worker?
7) Do you think that such thing as "Japanese work culture"? If yes, how do you imagine it?