



JAPAN'S CAUTIOUS TRANSITION TO A COUNTRY OF IMMIGRATION AND POSSIBLE OPPORTUNITIES FOR TÜRKİYE

JAPONYA'NIN BİR GÖÇ ÜLKESİNE TEMKİNLİ GEÇİŞİ VE TÜRKİYE İÇİN OLASI FIRSATLAR

Kıvılcım ERKAN

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ABSTRACT

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Previously a country closed to the so-called low-skilled foreign workers, Japan introduced new programs aimed at increasing their intake and permanent settlement in an incremental way. Although few studies address these initiatives, the question of why Japan has adopted a convoluted way to the permanent settlement of low-skilled workers has not been illuminated so far. The objective of this paper is to examine the main characteristics of the emerging immigration policy in Japan and the underlying reasons thereof. The paper applied documentary analysis by utilizing publicly available official documents, and secondary literature on the topic. The main findings of the study are that Japan has developed a skills-based perspective which ties expansion of rights and permanent residency to the development of occupational skills. The new immigration policy has resulted from the economic needs of the country, the desire to protect its national image and reputation, and the influence of a negative public perception on the so-called low-skilled/unskilled foreign workers. The final section discusses the possible opportunities that Japan's new immigration policy can bring for Turkey.

ÖZ

Daha önce düşük vasıflı yabancı işçilere kapalı bir ülke olan Japonya, düşük vasıflı yabancı işçi alımını ve kalıcı yerleşimini aşamalı bir şekilde artırmayı amaçlayan yeni programlar uygulamaya koymuştur. Japonya'nın yeni girişimlerini ele alan az sayıda çalışma olmasına rağmen, Japonya'nın düşük vasıflı işçilerin kalıcı yerleşimi konusunda neden dolambaçlı bir yol benimsediği sorusu şimdiye kadar aydınlatılamamıştır. Bu makalenin amacı, Japonya'da ortaya çıkan yeni göç politikası açılımının temel özelliklerini ve bunun altında yatan nedenleri incelemektir. Çalışma, kamuya açık resmi belgeleri ve ikincil kaynakları kullanarak belge analizi uygulamıştır. Çalışmanın temel bulguları, Japonya'nın, göçmen işçilerin haklarının genişletilmesini ve daimî ikametgahı mesleki becerilerin geliştirilmesine bağlayan beceri temelli bir bakış açısı geliştirdiğidir. Yeni göç politikasını ortaya çıkaran başlıca nedenler, ülkenin ekonomik ihtiyaçları, ulusal imaj ve itibarını koruma arzusu ve düşük vasıflı/vasıfsız olarak adlandırılan yabancı işçiler üzerindeki olumsuz kamuoyu algısının etkisidir. Son bölümde Japonya'nın yeni göç politikasının Türkiye için getirebileceği olası fırsatlar tartışılmaktadır.

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Introduction

Increasing international movement has become an important feature of the globalizing world. There are different economic, political, and cultural factors that trigger international migration, such as seeking better employment opportunities, fleeing wars and authoritarian and repressive regimes, or seeking to reunite with family members abroad. Today, highly industrialized countries demand migrant workers from abroad for low- or high-skilled jobs. Japan, on the other hand, has long been categorized as a closed country from the Second World War until 1990 as it did not have a policy of accepting foreign workers or immigrants. With the increase in illegal immigration in the 1980s, Japan amended the Immigration Control and Refugee Recognition Law (hereafter the ICRRL) in response to the growing public concern over the issue (Morita & Sassen, 1994, p. 160). The amendment introduced a new immigration policy with three main features: a “preferential treatment” to foreign nationals with Japanese roots (*Nikkeijin*), employment of foreign nationals with no Japanese roots only in the so-called skilled occupations, and no admission of the so-called low-skilled/unskilled foreign workers on a permanent basis. The 1990 regime represented a partial opening of Japan to immigration, and creating a kinship-based immigration policy which prioritized the admission of co-ethnics (Kondo, 2015, pp. 158-159). In the early 21st century, Japan introduced three new program to increase the number of foreign low-skilled workers which allow for their permanent settlement on condition that they build certain occupational skills. These new initiatives include the new methods to recruit foreign caregivers, the Specialized Skilled Workers Program (SSWP) and the newly established Worker Training System (WTS). All these programs aim to increase the number of the so-called low-skilled workers and allow for permanent settlement in an incremental fashion.

Most of the scholarship on Japan’s immigration policy finds it to be restrictive and attributes such restrictive approach to the dominant national identity conception held by Japanese society. It has been argued that the distinctive Japanese national identity based on a single shared ethnicity and culture evolved from the country’s geographical location as a remote island country and its two-century-long self-imposed isolationist policy during the Tokugawa period. Japanese society in general including the opinion leaders and political and legal elites tend to think that the homogenous society is the main cause of Japan’s high level of economic development, high-quality education, low crime rate, political stability, and harmonious culture; thus, a value that needs to be preserved. Consequently, foreign presence and multiculturalism have been regarded as a threat to the integrity, peace, and order in the society (Arakaki, 2008, pp. 35-43). Such national identity conception also assumes that foreigners are incapable of adapting to Japanese culture, customs, lifestyle and rules (Hatcher & Murakami, 2020). The desire to preserve the homogenous society has been seen as the main reason for the adoption of a *jus sanguinis* (blood ties) -based citizenship policy and assimilationist policy toward resident Koreans (Chung, 2010; Kondo, 2015), low refugee recognition rate (Arakaki, 2008; Flowers, 2009; Yamagata, 2017; Hatcher & Murakami, 2020), and a restrictive immigration policy in general.

Some studies that examine the recent government initiatives on refugee and immigration policy changes confirm the continuous influence of the exclusionary national identity conception. In a study focusing on Japan’s response to the Syrian Refugee Crisis beginning in 2011, Yamagata (2017, p.16) concludes: *While the Japanese government desires to maintain its state identity as a developed nation, it does not want to impair its national identity as a homogenous island nation.* In another study focusing on the causes of Japan’s refusal to open its labor market to foreign caregivers in the late 20th century, Peng (2016, p. 278) observes that *most Japanese citizens are highly ambivalent about opening up the country to immigration, and the idea of immigration and multicultural societies remains disconnected from that of a shared national identity premised on ethnic and cultural homogeneity.*

Few studies go beyond the identity-based explanation. Kalicki (2019) finds inter-bureaucratic rivalry and the fear of worsening public security to be the main reasons of why Japan restricted immigration from Southeast Asia under the 1990 system. Evaluating the Japanese government's initiatives of recruiting foreign caregivers under the Economic Partnership Agreements (EPAs) concluded with Southeast Asian states and the highly skilled workers program, Akashi (2014, p. 192) finds that due to intra-party disagreements Japan is highly unlikely to change its closed-door policy. He observes *What we do see is a number of time-lagged, incremental reactions that may well result in peripheral, local changes of the legal system, but they are not likely to bring about any fundamental changes to the negative stance on immigration as a whole.* Strausz (2019) argues that the lack of interest group pressure in Japan prevents immigration expansion.

Research examining the recent changes in Japan's immigration focusing especially on the introduction of the SSWP is divided on whether Japan is opening up to immigration or maintaining its closed approach. Endoh (2019, p. 347) suggests no change in policy. He finds *...the Japanese state's intent to prune temporary migrants' access to welfare and permanency in order to limit the social costs of their integration. The historical continuity in this style of immigration management may indicate that the Japanese state readily maintains this dualistic, and essentially illiberal, method of temporary labor inclusion and long-term human exclusion, at least for the foreseeable future.* Burgess (2020) agrees that the lack of an integration policy for foreigners is a sign of a closed immigration policy for all types of workers, which stems from the ethnic-based national identity. Such arguments overlook the rising number of permanent residency holders in Japan and the fact that all three new initiatives examined in this paper provide access to permanent residency for unskilled workers and expansion of rights which mark a shift from the earlier policy of not admitting foreign unskilled workers permanently.

Roberts (2018) agrees that the recent government initiatives will contribute to the rise of the permanent settlement of foreign workers in Japan. Song (2020) also thinks that the SSWP marks a shift in the previous policy for three main reasons labor shortage, strong business demand for foreign workers, and political leadership. While both of these researches provide important insights, they fail to address why the Japanese government adopts such a convoluted and inconspicuous approach to the immigration of unskilled workers. In other words, why the new policy is based on an incremental expansion of rights paralleling an increase in occupational skills, rather than an unconditional full opening given the presence of severe labor shortage and strong business demands to that effect. The present study aims to address this issue which seems to have been overlooked by the previous research.

The findings of the research suggest that all the newly introduced programs mark a fundamental shift in the earlier policy of non-admission of the so-called unskilled/low-skilled workers on a permanent basis. They provide access to permanent residency to foreign workers with dissimilar cultures and ethnic origins in a convoluted and inconspicuous fashion. Consequently, the ethnic based approach is weakened paving way to a more liberal approach. Although labor shortage and saving the international image of Japan have been the main factors leading to the immigration policy change, negative public perception of the so-called unskilled/low-skilled foreign workers have forced the government to adopt fragmented, obscure, and intricate methods of making foreigners a permanent feature of Japanese society. The Japanese government tries to resolve the tension between the domestic economic needs on one hand and the negative public perception of unskilled foreign workers on the other by adopting a skills-based immigration approach. The negative public perception of unskilled foreign workers is likely to perpetuate the official denial that Japan is turning into a country of immigration, despite an increase in the number of permanent residency holders in the country.

The paper proceeds in the following way. The first section provides a literature review and states the main research question, which is followed by an overview of the situation of foreign residents in Japan since the amendment of the ICRRL in 1990. Next, the immigration policy change happening in the past decade is explained in detail with a focus on three main developments. Finally, the reasons for policy change are examined in the last section. The research utilizes reports, data, minutes of meetings published by the Japanese bureaucracy, newspaper articles written in both Japanese and English and records of statements made at the Japanese Diet (national parliament).

The Situation of Foreign Residents in Japan (1990-2015)

As mentioned in the introduction part the 1990 immigration policy had three main features: the privileged treatment of co-ethnics, admission of skilled foreign workers, and non-admission of the so-called unskilled/low-skilled workers on a permanent basis. The descendants of the former Japanese emigrants to South American countries (mainly to Brazil and Peru), known as the *Nikkeijin*, were allowed to benefit from a newly created long-term residency. There were no restrictions imposed on their economic activities and they were allowed to bring family members (Yamanaka, 2003, p. 133). In addition, the amended law designated fourteen occupations¹

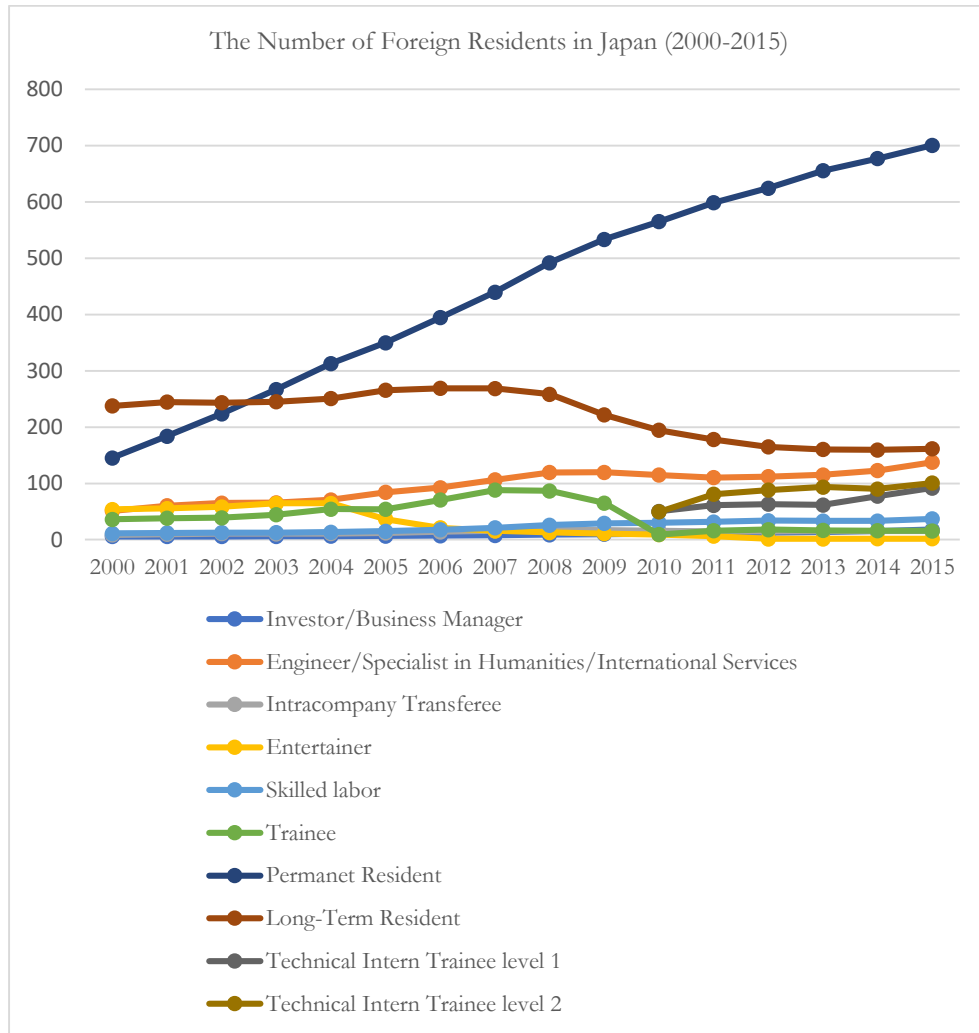
¹ The 14 occupations: entertainer, specialist in humanities and international service, intra-company transferee, engineers, instructors, professors, skilled labor, religious activities, researcher, investor and business manager, artist, journalist, legal and accounting service, medical service.

as requiring technical and specialized knowledge, in other words, skilled work (Kondo, 2008, p. 5). Foreigners other than the Nikkeijin were only allowed to work in these designated skilled jobs. Access to permanent residency was granted after ten years of continuous stay. Apart from that, no foreigners were to be admitted to the so-called low-skilled/unskilled occupations with an access to permanent residency.

The problem of labor shortage in the so-called unskilled/low-skilled workers was partially solved with the employment of the Nikkeijin. In addition, foreign trainees and international students became other sources of low-cost labor (Yamanaka, 1993). The establishment of a trainee residency was a new feature of the 1990 law. The original Trainee System was officially launched in 1993 to train foreigners from developing countries in Japanese manufacturing skills who would later utilize those skills to contribute to the development of their home countries once they return. The government stated that the program was not a means to solve the labor shortage but to enhance development cooperation (Kamibayashi C. , 2009). However, with the amendments to the Immigration Law in 2009, a new system was created, the Technical Intern Training System under which migrant workers were given labor status thereby falling within the scope of labor law (Kamibayashi C. , 2018).

The TITP gradually came to be known as a temporary migrant worker program that is used to mitigate labor shortage. The TITP was based on the curtailment of three rights of the migrant workers, as in other types of temporary migrant workers programs. The rotation principle allowed the migrant workers to stay for a determined period and included no right to permanent residency or switch to another type of residency. The migrant workers could work for a maximum of five years and then return to their home countries, followed by the recruitment of a new group of foreign migrants. The rotation principle aimed to prevent the settlement of migrants in Japan. Second, the prohibition to change employer, which aimed to help the domestic employer to recover the costs of training the migrants. Third, the no right to bring family aimed to minimize the cost of education, healthcare, and other integration-related costs for the state. The economic interests of the Japanese society and state were protected through a limitation of the rights of the migrant workers (Kamibayashi C. , 2021, pp. 197-207).

Since the amendment of the ICCRL in 1990, the number of foreign residents has been growing in Japan. The policy outlined in the 1990 amendment aimed at attracting foreigners with Japanese roots and skilled workers in selected fields of occupation. However, the majority of foreign residents in Japan were the so-called unskilled workers: the trainees and the Nikkeijin. The vast majority of the long-term residency holders are the Nikkeijin who are known to be employed in electronics and automotive manufacturing. The Graph 1 shows the number of foreign residents in the categories of trainee (and later technical intern trainee, levels 1 and 2), long-term residents, and skilled workers (those working in jobs that require specialized and technical knowledge including engineers/specialists in humanities and international services, intra-company transferee, skilled labor, investor/business manager, and entertainer). Here, it is important to note that the entertainer visa has encompassed artists, dancers, and sex workers leading to the criticism that the visa is not a type of skilled work.



Graph 1. The Number of Foreign Residents in Japan in Different Residency Categories 2000-2015.

Note: The graph was created by using the data provided in Immigration Control White Papers published by the Ministry of Justice of Japan (MOJJ).

Immigration Policy Opening in the Past Decade

In the past decade, the Japanese government introduced new programs to increase the number of foreign workers, openly stated as a measure to reduce labor shortage. First, three new ways to recruit foreign caregivers were introduced. Second, the Specified Skilled Workers Program was launched in 2019. Finally, the TITP was revamped through the newly established Worker Training System (WTS). The puzzling aspect of these new developments is the fragmented nature of policies and how in each program access to permanent residency is granted in an inconspicuous and convoluted way as a result of the improvement in occupational and linguistic skills of the migrant worker and the continued utility of the migrant worker for the Japanese economy.

Specified Skilled Worker Program (SSWP)

The first major development is the establishment of the Specified Skilled Worker Program (SSWP) in 2019. The Immigration Law was revised to establish the new residency types: specified skilled worker levels 1 and 2. Under SSWP, foreign workers can be recruited in seventeen sectors: caregiving, building cleaning, industrial product manufacturing, construction, shipbuilding and marine industry, automobile maintenance, aviation, lodging, agriculture, fishing, food and beverage manufacturing, food service, forestry, timber industry, motor

transportation, and railroads. The first twelve sectors are open to recruitment at both levels but the last four are only open to recruitment through level 1. Those recruited with level 1 can be hired on a one-year contract for a maximum of five years. They are expected to know Japanese to carry out daily communication but are not allowed to bring family. In the above-mentioned first twelve sectors, workers can transfer to level 2 from level 1, if they pass the required professional skills test. They are then allowed to stay for an unlimited period. Also, they can bring family if they meet certain conditions. There is also a path to switch to a specified skilled worker from a technical intern trainee status (technical intern trainees who are level 2 can switch to SSWP level 1 without any tests or additional conditions) (MOJJ, 2024).

The number of specified skilled workers is increasing steadily. Currently, Japan recruits specialized skilled workers from sixteen Asian countries through bilateral agreements. In 2024, there will be about two hundred forty-five thousand foreign-specified skilled workers. The top five sectors with the highest number of migrant workers are food and beverage manufacturing, machinery and electronics manufacturing, caregiving, construction, and agriculture (MOJJ, 2024).

The SSWP tries to protect the migrant workers' rights and the Japanese economy from a sudden influx of low-cost labor. Unlike in the TTTP, in the SSWP workers can change jobs within the same job category or between job categories where the commonality of skill level is confirmed by testing, which can be interpreted as a positive development in the improvement of working conditions for foreign workers. The placement of an upper limit on the number of migrant workers to be admitted in each sector (except for construction and caregiving), and the requirement of equal pay to Japanese and foreign workers are measures to protect the local economy.

New Methods to Recruit Foreign Caregivers

Caregiving was not considered to be a skilled occupation before, under the 1990 immigration policy, nor it had been open to foreign people. Japan started to recruit foreign caregivers and nurses from three Southeast Asian countries in 2010 under Economic Partnership Agreements (Indonesia, the Philippines, and Vietnam), however, the arrangement was included in the agreements at the request of the government of the Philippines in exchange for tax reduction on imports from Japan (Hosono, 2011). Japan conceded to protect its commercial interests. The government of Japan stated that the recruitment of foreign caregivers with an upper limit of three hundred annually from each country was not regarded as a solution for labor shortage but as a way of enhancing international cooperation. This policy changed when the government decided to increase foreign caregivers through three new ways. Caregiving was included in the TTTP program. Second, the Immigration Law was amended to include a new caregiver residency as skilled work requiring technical and specialized knowledge. Finally, the caregiver occupation was also included in the above-mentioned SSWP.

Apart from the TTTP program, all programs are open to permanent residency if the applicant acquires the required professional and linguistic skills. The migrant workers in the TTTP can switch to SSWP which means they can have access to permanent residency in a convoluted and inconspicuous way. Access to permanent residency and other rights, such as family reunification and change of employer, for a migrant caregiver, depends on the improved occupational and linguistic skills. There were slightly more than forty thousand caregivers in Japan in 2022 (MHWLJ, 2022).

Worker Training System (WTS)

The Act for Partial Revision of the Immigration Control and Refugee Recognition Act and the Act on the Proper Implementation of Technical Intern Training for Foreign Nationals and the Protection of Technical Intern Trainees were put into effect in June 2024, establishing the WTS. The new system replaces the Technical Intern Training System to train foreign labor in Japanese language, culture, and specialized skills so that they can contribute to Japanese society in the long term and alleviate the labor shortage. The system is very similar to the SSWP in the way it ties permanent residency to increased skills. After receiving a three-year training, the migrant workers can move up to technical intern trainee levels 1 and 2, respectively, and then gain access to an indefinite period of stay. The migrant workers will be selected from foreign countries through bilateral agreements and they will be given the right to change employers under certain conditions (MHWLJ and ISAJ, 2023). As the program is new, the full-scale recruitment has not started yet.

The Reasons for the Recent Immigration Policy Change

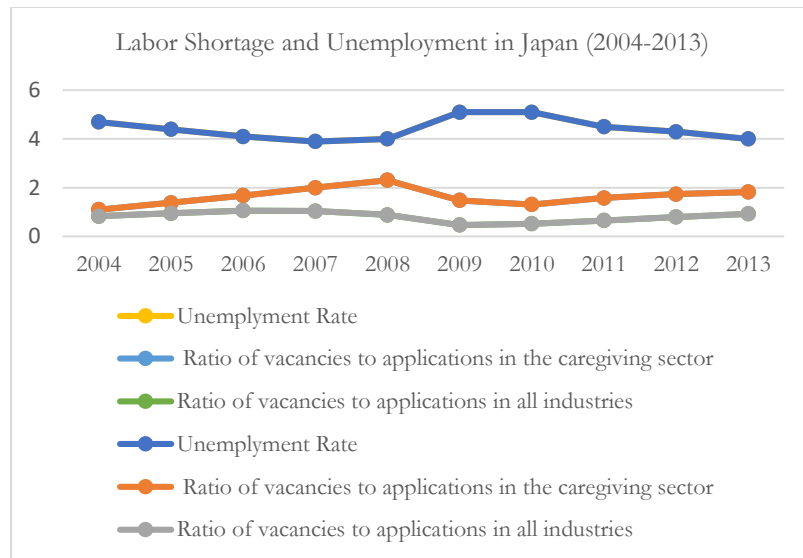
Economic Needs (Labor Shortage)

There have been major labor shortages at various times in post-war Japan, which have led to a partial immigration opening. Graph 2 shows the unemployment rate and the labor shortage as measured by the ratio of job vacancies to applications between the years 2004 and 2013.

The government cannot solve the labor shortage by simply increasing wages as this would cause an increase in the prices of goods and services. The public caregiving system provides a good example of the dilemma besetting the Japanese government. In traditional Japanese culture, elderly care is a role of the female members of the families. With the increased participation of females in the labor force and changing outlook on elderly care, elderly people have been increasingly entrusted to professional care homes (Vogt, 2018). The Japanese state introduced public long-term care insurance in 2000 to provide affordable and professional caregiving to the Japanese elderly and relieve the burden on Japanese families. However, the caregiver job is one of the lowest-paid and most difficult occupations despite the advancement in robot technology.

Labor shortage in the caregiving sector has become one of the most serious social problems in Japan threatening the future of the social security system, especially the sustainability of the public long-term care system, one of the cornerstones of the Japanese welfare state. The public-long term care insurance is financed by taxes, insurance premiums, and service fees paid by the users. The service fees are determined by the government and revised every three years. The government cannot easily raise wages as this would increase the cost of caregiving services for utilizers of the system. Taxes and insurance premiums cannot be easily raised either. 55% of the cost of the insurance is financed by taxes, and another 33% by the insurance premiums paid by the people aged between 40 and 65, who do not currently utilize the system yet (MHLWJ, 2022). Consequently, recruiting foreign workers willing to work for lower wages has been the preferred solution.

Economic needs alone are not the determining factor of the form and shape of immigration policy. They do not account for why Japan adopts a convoluted way to grant permanent residency, for example. Neither can they explain why Japan tries to expand the rights of migrant workers at the expense of increasing costs for the state. As a result, economic factors are necessary but not sufficient to explain the recent immigration policy change in Japan.



Graph 2: Unemployment Rate and Labor Shortage in Japan in Caregiving and Other Industries 2004- 2013

Note: Source (MHLWJ, 2014)

Saving the International Image of Japan

The TITP has given Japan a negative reputation due to rights violations of migrant workers. The issue has been raised by the United States, the United Nations' Human Rights Treaty Committees, and even by Japan's nongovernmental organizations and the Ministry of Justice. The Committee to examine the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, in a report on Japan in December 2014 noted that the TITP system involved human trafficking of girls and women for forced labor and sexual exploitation. The Civil Liberties Committee examining the implementation status of the International Covenant on Civil and Political Rights noted in a report on Japan in November 2022 that human trafficking with the purpose of forced labor incidents continued to exist within the TITP system (MOFAJ, 2022).

In the annual reports on human trafficking around the world prepared by the US State Department's "Trafficking in Persons Surveillance and Response Division", Japan was placed on the Tier 2 Watchlist in 2004, 2018, and 2019 (MOFAJ, 2022). There were serious allegations of labor and human rights violations in the 2022 report on Japan including that the program was not fulfilling its original purpose of teaching skills to migrant workers, the occurrence of human rights violations in the form of restrictions on movement and communication, removal of passports, threats of deportation and harm to family members, physical violence, poor living conditions, and wage seizures, and labor and sexual exploitation (US State Department, 2022, pp: 314-316).

Japanese politicians have been vocal about the international criticism of the TITP system. Diet member Jin Matsubara raised the following criticism and questions against the government in a session of the House of Representatives in November 2023: *The 2011 Trafficking in Persons Report published by the US government states of Japan, Foreign-based and domestic traffickers continued to exploit the government-run Technical Intern Training System to exploit foreign workers. Despite continuing reports of forced labor of migrant workers in Japan under the technical internship program, again the authorities did not actively recognize a single trafficking case or victim under the technical internship program. ... We believe that this harsh criticism from other countries regarding the current technical internship system should be taken seriously, especially considering that the other country is our ally, the United States and that we are also at a time when we must strengthen our unity with countries in the international community that respect human rights, especially that country.* (Matsubara Jin, 2021)

Matsubara mentioned the importance of human rights for the US, the main ally of Japan, and recommended a fundamental revision of the TITP system because of human rights violations that tarnished the international image of Japan. The MOJJ has conducted its surveys against the allegations of rights violations within the TITP system. For example, the MOJJ detected that more than two hundred organizations engaging in *wrongful acts* in the implementation of TITP (MOJJ, 2018). Another report from the Ministry of Foreign Affairs of Japan (MOFAJ) stated the disappearance of more than seven thousand trainees from their workplaces in 2021 due to exploitative or abusive conditions or suspected human trafficking (MOFAJ, 2022).

The MOJJ regards the SSWP system as a continuation of the TITP system but with improved rights for foreign workers. The right to choose an employer and the rule of equal pay between Japanese and foreign workers are considered to be the important first steps for rights improvements. The Ministerial Conference on the Reception and Coexistence of Foreign Human Resources gatherer experts started their meetings in November 2022, to review the systems of TITP and the SSWP. The expert group released its final report in November 2023. The report mentioned that "there is a serious shortage of labor in Japan, especially in rural areas and in small, medium, and micro enterprises, and that foreign nationals have become the bearers of Japan's economy and society." (MOJJ 2023, pp: 1-2) The migrant workers coming through the technical intern trainee system were vulnerable to rights violations and the report emphasized the protection of the human rights of migrant workers as one of the main goals in the establishment of a new system to replace the TITP.

Continued allegations of forced labor can damage Japanese commercial interests in the long run as developed countries, such as the members of the European Union are contemplating curbing forced/slave labor around the world by introducing import restrictions on goods suspected to have been produced by forced labor. The above-mentioned report of the expert group mentioned Japan's international obligation to promote the respect for human rights by businesses based on the *UN's Guiding Principles on Business and Human Rights*, the international framework on business and human rights, that was unanimously endorsed by the UN Human Rights Council in 2011 was mentioned. Thus, the expert group recommended a new Worker Training System that could both address Japan's economic needs on one hand and ensure respect for human rights of migrants on the other in

line with international obligations (MOJJ 2023, pp: 1-3). Furthermore, the Japanese government published the *Guidelines for Respecting Human Rights in Responsible Supply Chains, etc.* in 2022 in which businesses were called to respect the rights of technical intern trainees and examples of malpractices were listed (MTEIJ, 2022).

Negative Public Perception of the So-called Foreign Unskilled Workers

There is a generally accepted distinction between high-skilled and low-skilled labor in economics and immigration literature. Sometimes the term medium-skilled is used to refer to in between categories. In Japan, the so-called low-skilled/unskilled occupations are often referred to as simple labor (*tanjyun roudousha*). The term simple labor refers to work that is relatively easy to undertake and involves repeating a certain number of predetermined tasks. Such tasks do not require specialized skills, and in many cases, workers do not need education or specific skills or experience to perform them. Construction work, cashiers, supermarket staff, cleaning staff, taxi drivers, factory workers, and waiting in restaurants are typical simple jobs. Japanese society tends to have a negative view of foreign unskilled workers.

The roots of the negative perception are unclear. Chiavacci (2012, pp. 35-39) demonstrated that most of the bureaucratic and societal actors were against admitting the so-called simple labor in the public debates before the revision of the Immigration law in 1990. The regular public opinion surveys conducted by the Japan's Cabinet Office in 1990, 2000, and 2004 show that the majority of the respondents are either against admitting foreign labor for simple jobs, or agree to admit them temporarily. The three main reasons behind negative perception are public safety, the negative impact on the Japanese economy, and fear of inter-community problems that might arise from the migrant workers' inability to adapt to Japanese society and culture.

In the 1990 survey, for example, the majority of the respondents (56%) agreed to the admission of foreign workers for simple jobs only if certain restrictions were put in place including a temporary period of employment, no right to bring family, and no right to change switch to a different type of occupation. Those who disagreed with the admission of foreign workers for simple jobs (14%) selected the deterioration of public safety, the loss of jobs by the Japanese in case of a future economic recession, and the outbreak of problems in local communities as the main reasons (Government of Japan, 1990).

The surveys conducted in 2000 and 2004 revealed consistently similar results. In the 2004 survey, a majority showed a reluctance to admit skilled foreign labor (reaching 65 %) with the main reasons of rejection being public safety concerns and prioritizing the utilization of Japanese females and elderly first. Those who agreed to admit simple foreign labor in case of continued labor shortage desired setting restrictions of temporary employment and the costs of social security and education to be borne by the domestic employers, thus revealing concern for the costs of foreign workers for the Japanese economy and society (Government of Japan, 2004).

The survey conducted in 2000 gave a special focus on foreign workers for caregiving. The public opinion about foreign workers in the caregiving sector seems to be slightly different. The majority (48.3%) of the respondents did not want the employment of foreign caregivers. The top four main reasons behind the negative answer were: Japanese communication skills are necessary for caregiving (69.5%); caregiving requires an understanding of the domestic system and lifestyle (58%); specialized knowledge and skills are necessary for caregiving (38.3%) and accepting foreigners will deprive Japanese of employment opportunities (18.3%) (Government of Japan, 2000).

Similar concerns have been voiced by bureaucratic and societal actors. In a report published by the Ministry of Health, Labor and Welfare (MHLWJ) in July 2002, six main reasons were stated behind the cautious approach to admitting foreign labor for simple jobs:

1. the possibility of reducing job opportunities for other workers,
2. the creation of a dual structure in the labor market,
3. causing delays in the transformation of the industrial structure, etc., by hindering efforts to improve employment management and labor productivity,
4. possibility of later unemployment problems due to economic fluctuations,
5. new social costs and burdens,
6. the impact on the sending country and the foreign worker himself/herself is significant (MHLWJ, 2002, pp: 17-18).

The Ministry of Justice stated the following in the Third Basic Plan for Immigration Control released in March 2005: *...in light of the declining birthrate and other factors, the government has announced a policy of “steadily considering” the acceptance of foreign workers in fields that are not currently regarded as professional or technical fields, while taking into account the need to maintain Japan's economic vitality and standard of living, public awareness, and the state of Japan's economy and society. In doing so, it is necessary not only to consider the industrial fields to be newly considered and the requirements for acceptance, such as Japanese language proficiency, but also to give due consideration to the positive and negative impacts of such acceptance on Japanese industry and people's lives, including the impact on domestic security, the impact on the domestic labor market, and the impact on industrial development and structural transformation.* (MOJJ, 2005). The negative perception of unskilled/low-skilled foreign labor is prevalent in the caregiving sector as well, various societal actors were concerned that the image of caregiving jobs would deteriorate if foreign workers with no occupational and linguistic skills would fill the jobs in Japan.

There have been a few proposals to open up the country for all kinds of workers including simple labor in the 2000s. One came from an expert group headed by Taro Kono, the former Senior Vice Minister of Justice (2005-2006), which recommended admitting foreign workers for medium-skills. Another major proposal came from a group within the Liberal Democratic Party of Japan, the dominant party that remained in power for the most of the post-war period. The group headed by Hidenao Nakagawa suggested the admittance of foreign workers and training them within Japan in the necessary skills (Chiavacci, 2012, pp. 41-42). The Japanese government's new initiatives (with caregivers, SSWP, and TWS) are in line with these suggestions. The pressure of labor shortages on the one hand and the widespread negative perception of unskilled foreign workers on the other have led the Japanese government to formulate a middle ground. The new skills-based immigration policy both enhances the rights of foreign workers and allows them to obtain permanent residence, on the conditions that they improve their occupational skills and find continuous employment.

Possible Implications for Türkiye

Türkiye and Japan have had amicable relations throughout history. Both societies have a positive perception of the other and there has not been any major disputes between the two countries. Indeed, the two countries are seeking ways to improve bilateral cooperation. Immigration can be one important area for that purpose. Japan's new immigration policies create many opportunities for Türkiye. However, before these opportunities can be utilized, the issue of Turkish asylum seekers in Japan needs to be resolved to strengthen mutual trust between the two countries. There has been a growing number of Turkish citizens coming from the Southeastern provinces seeking asylum in Japan. The majority of the refugee applications have been turned down and the judicial review perpetuate the administrative decisions. Several Japanese courts have repeatedly found that there had been no persecution of the applicants in Türkiye. Although this had been the general state view, starting from the 2000s Japanese authorities have been granting provisional stay for humanitarian grounds due to pressure from civil society and international organizations such as the United Nations High Commissioner for Refugees (Hirotaka, 2020).

Some of these asylum-seekers are associated with terrorist organizations. Although there are no official data, the entire number of Turkish asylum seekers in Japan are estimated to be around two thousand people. Most of the asylum-seekers do not have work permits consequently are forced to work illegally until their applications are processed. They are put in a precarious situation with no access to health care education and legal employment and so on (Wilson, Saito, Funakoshi, & Miyazaki, 2016). The asylum seekers issue the potential of damaging bilateral relations; for example, Japan has been contemplating to abolish the visa free travel arrangement for Turkish citizens, which can negatively affect business relations. From the Japanese government standpoint, Turkish authorities refuse to re-admit the rejected asylum-seekers, from Turkish authorities' standpoint, the Japanese government grants stay because of international pressure not of the truth of persecution allegations. The issue can be resolved in a way that will satisfy all parties: the asylum-seekers, the Turkish government and the Japanese government. The solution is opening the legal channels for emigration from Turkey to Japan through the SSWP and TES. Currently, Türkiye is not included in the countries from which Japan recruits workers. Indeed, Turkey and Iran were cited as the two countries where Japan would refrain from taking migrant workers due to asylum applications (Yorulmaz, 2019). As the government of Japan has opened access to permanent settlement now it is time for Türkiye to take advantage.

Another avenue for cooperation can be migrant integration. In the past decade Turkey has admitted a large number of asylum seekers from the Middle East and Japan opened up to the so-called low-skilled workers. Both countries will have to tackle with the issue of social adaptation and integration. Indeed, Turkey has accumulated a lot of experiences in multicultural education, for example. Japan and Türkiye should share information and collaborate on developing joint programs that will benefit both sides.

Conclusion

Entering the 21st century, significant changes in Japan's immigration policy have led to new debates in the academic literature. The most important of these changes are the programs for the admission of foreign elderly care professionals, the newly created special skills visa, and the introduction of a new program to replace the existing temporary migrant worker program. These three programs aim to increase the number of low-skilled workers and provide some rights such as permanent residence and the right to bring family members with them. In this respect, it is a departure from the 1990 system, which prohibited permanent residence and such rights for low-skilled workers.

Academic studies analyzing these new developments have been divided. Some studies see these developments as a continuation of the old closed or semi-open approach, as Japan has kept access to permanent residence difficult and has refrained from investing in integration policies that would facilitate foreigners' integration into Japanese society. Other studies have emphasized the increasing number of foreign permanent residents in Japan and the open access to permanent residence in new programs, noting that Japan has taken important steps towards becoming a country of immigration.

However, an important issue that previous studies have overlooked is why the Japanese government has made permanent residence for low-skilled workers obscure, convoluted and incremental. If the aim was to prevent low-skilled workers from settling in Japan, the previous method of temporary migrant recruitment would have been maintained. On the other hand, Japan does not provide unconditional settlement. The immigration new policy is skills-based, meaning that it facilitates access to permanent residence and other rights for workers who improve their professional and language skills over time. Foreign workers who are permanently employed and deemed beneficial to the Japanese economy are allowed to become a permanent part of Japanese society. We can say that not only the needs of the Japanese economy but also some other factors have played a role here.

The research question of the study was why Japan's skill-based immigration policy to increase the number of foreign workers as incremental and complicates the permanence of immigrants. This is an important and original question that has not been elucidated in previous literature. The main finding of the study is that Japan has produced a gradualist approach as it tries to balance its economic needs with its international reputation and the public's negative perception of low-skilled workers.

In Japan, which has been emphasizing the recruitment of skilled foreign workers since 1990, the main sectors with labor shortages rely on low-skilled labor. In the past decade, labor shortages have been evident in almost every sector. On the one hand, the unemployment rate has been falling and the ratio of vacancies to applications has been growing. In the elderly care sector, the labor shortage is even more acute. It does not seem possible to address the labor shortage through wage increases, as this would lead to an increase in the price of commercial goods and services and would negatively affect the quality of life of Japanese society. As a result, the Japanese government is dependent on foreign workers to fill the labor shortage. However, instead of addressing this labor shortage with temporary migrant workers as in the past, it has opted for programs that allow for permanent residence over time. There are two reasons for this.

First, the temporary migrant worker program (the technical intern training program), which has been in existence since 1993, has become notorious for human rights violations and has been strongly criticized by the United Nations Commissions on the Implementation of Human Rights Treaties and the United States. These rights violations include serious issues such as human trafficking, forced labor, sexual exploitation, and confiscation of foreigners' identity documents. Today, some Western countries, such as the member states of the European Union, are considering regulations to limit the trade in goods produced through human rights violations such as forced labor. In this context, Japan's maintenance of the technical intern training system damages the country's image and reputation. International criticism has been mentioned in reports written by

the Japanese Ministry of Justice and debates in the Japanese Parliament, and the political and legal elite considers essential to introduce a new immigration program different from the old practices.

On the other hand, there is a negative perception of so-called low-skilled or unskilled foreign workers in Japanese society. In the literature on economics and migration studies, there is a distinction between low and high-skilled workers, but there are some who find the term low-skilled pejorative and negative. In Japanese, low-skilled workers are also called simple workers. The sources of the negative perception of low-skilled workers are unclear, but in general, it is difficult for Japanese society to accept foreigners who have no qualifications and who do not benefit Japanese society and economy. Surveys conducted at different times by the Japanese government's cabinet office and reports issued by bureaucratic actors (such as the Ministry of Justice, the Ministry of Health, Labor and Welfare) clarify the content of this perception.

The underlying reasons why Japanese society does not want low-skilled workers to settle in Japan are: the fear that in a future economic crisis, unemployment will increase and foreigners and Japanese will become unemployed, foreigners will become dependent on the social security system, integration programs and policies are costly, and adaptation to Japanese society is difficult. These reasons can be considered as nationalism, but this negative perception is influenced by material factors such as cost of admitting foreigners and economic interest rather than ethnicity or race. In this context, economic needs, negative public perception and the concern to maintain a respectable position in the international community, i.e. to preserve the image of the country, led the Japanese government to develop a new immigration policy. The resulting skills-based selective immigration policy aims to increase the number of foreign workers in low-skilled sectors, while making their access to certain rights such as permanent residence contingent on a number of conditions, such as an increase in professional and language skills and a sustained contribution to the Japanese economy. The friendly relations between Japan and Turkey can lead to their cooperation in the field of migration. Turkey can join the newly established programs and send workers to Japan. In addition, as the foreign populations are growing in both countries, they can cooperate in the field of migrant integration.

Recommendations

This research focused on the characteristics of the emerging new immigration policy for low-skilled workers in Japan and sketched some ideas on how Turkey can benefit from it. It put forward the ideas that Turkey can join the SSWP and WTS, the two new systems to recruit foreign workers. Additionally, Turkey and Japan can exchange ideas and develop joint projects on migrant worker integration into host societies. Future policy oriented research therefore should focus on how to materialize such cooperation.

Bibliography

- Akashi, J. (2014). New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors? *Contemporary Japan*, 26(2), 175-196.
- Arakaki, O. (2008). *Refugee Law and Practice in Japan*. Hampshire: Ashgate.
- Burgess, C. (2020). Keeping the Door Closed: The 2018 Revisions to the Immigration Control Act as a Continuation of Japan's 'No Immigration' Principle. *Japanese Studies*, 20(1).
- Chiavacci, D. (2012). Japan in the 'Global War for Talent': Changing Concepts of Valuable Foreign Workers and Their Consequences. *Asien The German Journal on Contemporary Asia* 124, 27-47.
- Chung, E. A. (2010). *Immigration and Citizenship in Japan*. New York: Cambridge University Press.
- Endoh, T. (2019). The Politics of Japan's Immigration and Alien Residence Control. *Asian and Pacific Migration Journal*, 28(3), 324-352. doi:10.1177/0117196819873733
- Flowers, P. (2009). *Refugees, Women, and Weapons: International Norm Adoption and Compliance in Japan*. Stanford: Stanford University Press
- Government of Japan. (1990). *Gaikokujin Rondousha Mondai ni Kansuru Seron Chousa [Public Opinion Poll on Foreign Workers Issue]*. Tokyo: Cabinet Office, Government of Japan. Retrieved May 11, 2024, from <https://survey.gov-online.go.jp/h02/H02-11-02-21.html>

- Government of Japan. (2000). *Gaikokujin Roudousha Mondai ni Kansuru Seron Chousa [Public Opinion Poll on Foreign Workers Issue]*. Tokyo: Cabinet Office, Government of Japan. Retrieved June 4, 2024, from <https://survey.gov-online.go.jp/h12/gaikoku/2-4.html>
- Government of Japan. (2004). *Gaikokujin Roudousha no Ukeire ni Kansuru Seron Chousa [Public Opinion Poll on the Acceptance of Foreign Workers]*. Tokyo: Cabinet Office, Government of Japan. Retrieved May 15, 2024, from <https://survey.gov-online.go.jp/h16/h16-foreignerworker/2-2.html>
- Hatcher , P., & Murakami, A. (2020). The politics of exclusion: embedded racism and Japan's pilot refugee resettlement programme. *Race & Class* 62, no.1, 60-77.
- Hirota, F. (2020). When public opinion drives national asylum policymaking: The case of Kurdish asylum seekers in Japan. *Asia and the Pacific Policy Studies*, 7, 204-216.
- Hosono, Y. (2011). Nihon Firipin Keizai Renkei Kyoutei wo Tsujita Kango-shi Kaigo-shi Ukeire Koushou Katei [Negotiation Process for Acceptance of Nurse Care Workers through the Japan-Philippines Economic Partnership Agreement]. *Yokohama Kokusai Shakai Kagaku Kenkyu* 15, no.6, 67-89.
- Kalicki, K. (2019). Security Fears and Bureaucratic Rivalry. *Comparative Politics* 51, no.4, 603-623.
- Kamibayashi, C. (2009). Ichiteki Gaikokujin Roudou sha Ukeire Seido no Teichaku Katei: Gaikokujin Ginou Jisshuu Seido (The Process of Establishment of the Temporary Foreign Worker Acceptance System: Focusing on the Technical Internship Program for Foreign Nationals). *Shakai Shirin* 56, no.1, 39-63.
- Kamibayashi, C. (2018, May). *Gaikokujin Ginou Jisshuu Seidou no Dai Ni no Tenkiten: 2016 nen no Ginou Jisshuu Hou wo Chuushin ni (The Second Turning Point of the Foreign Technical Internship System: Focusing on the Technical Internship Law of 2016)*. Retrieved from Rengou Souken Repouto: <https://www.rengosoken.or.jp/dio/dio337-2.pdf>
- Kamibayashi, C. (2021). *Gaikokujin Roudousha Ukeire to Nihon Shakai (Admission of Foreign Workers and the Japanese Society)*. Tokyo: Tokyo University Press.
- Koizumi, K. (1992). Refugee Policy Formation in Japan: Developments and Implications. *Journal of Refugee Studies* 5, no.2, 123-135.
- Kondo, A. (2015). Migration and Law in Japan. *Asia & the Pacific Policy Studies*, 2(1), 155-168. doi:doi:10.1002/app5.67
- Matsubara Jin. (2021). *Gaikokujin Ginou Jisshusei ni Taisuru Jinken Shingai Shitsumon Shuushou [Questionnaire on Human Rights Violations against Foreign Technical Intern Trainees]*. Tokyo: The Diet of Japan, House of Representatives, The 206th Congress. Retrieved June 1, 2024, from https://www.shugiin.go.jp/internet/itdb_shitsumon.nsf/html/shitsumon/a206005.htm
- MHLWJ. (2002). *Gaikokujin Roudousha Ukeire no Minaoshi no hitsuyousei [Necessity of reviewing the system for accepting foreign workers]*. Tokyo: Ministry of Health, Labor and Welfare of Japan. Retrieved June 3, 2024, from <https://www.mhlw.go.jp/topics/2002/07/dl/tp0711-1n2.pdf>
- MHLWJ. (2014, Haziran 4). *Kaigo Jinzai no Kakubo ni Tsuite*. Retrieved Eylül 1, 2022, from Ministry of Health Labor and Welfare of Japan: <https://www.mhlw.go.jp/file/05-Shingikai-12201000-Shakaiengokyo-kushougai-hoken-fukushibu-Kikakuka/0000047617.pdf>
- MHLWJ. (2022, Ağustos 10). *The Long-term care Insurance System*. Retrieved from Ministry of Health Labor and Welfare of Japan: <https://www.mhlw.go.jp/english/topics/elderly/care/2.html>
- MHLWJ. (2022). *Kaigo Bunya ni Okeru Gaikokujin Ukeire no Jisseki nado [The Achievements of Acceptance of Foreign Nationals in the Field of Nursing Care]*. Tokyo: Ministry of Health, Labor and Welfare of Japan. Retrieved May 17, 2024, from <https://www.mhlw.go.jp/content/12000000/001090473.pdf>
- MHLWJ and ISAJ. (2023). *Outline of Employment for Skill Development Program*. Tokyo: Ministry of Health, Labor and Welfare of Japan and Immigration Services Agency of Japan. Retrieved May 13, 2024, from <https://www.moj.go.jp/isa/content/001421922.pdf>
- MOFAJ. (2022). *Ginou Jisshu Seido ni Kansuru Kokusaiteki Shiteki ni Tsuite [About International Remarks on the Technical Internship System]*. Tokyo: Ministry of Foreign Affairs of Japan. Retrieved May 12, 2024, from

- <https://www.moj.go.jp/isa/content/001385807.pdf>
- MOJJ. (2005). *Dai San ji Shutsunyu Koku Kanri Kihon Keikaku [The Third Basic Plan for Immigration Control]*. Tokyo: Ministry of Justice. Retrieved May 30, 2024, from https://www.moj.go.jp/isa/policies/policies/nyukan_nyukan35.html
- MOJJ. (2018). *Ginou Jishuu Seido no Genjyou Fusei Kouji to Shisou [Current State of the Technical Intern Trainee System: Misconduct and Disappearance]*. Tokyo: Ministry of Justice of Japan. Retrieved May 10, 2024, from https://www.meti.go.jp/policy/mono_info_service/mono/fiber/ginoujishshukyougikai/180323/4_moj-genjyou.pdf
- MOJJ. (2023). *Ginou Jishu Seido Oyobi Tokutei Ginou Seido no Arikata ni Kansuru Yuushikisha Kaigi Saishuu Houkoku [Expert Council on the Technical Intern Trainee System and the Specified Skill System, Final Report]*. Tokyo: Ministry of Justice of Japan. Retrieved March 30, 2024, from <https://www.moj.go.jp/isa/content/001407013.pdf>
- MOJJ. (2024). *Gaikoku Jinzai Ukeire oyobi Kyousei Shakai Jitsugen ni Muketa Torikumi [Initiatives for Acceptance of Foreign Human Resources and Realization of a Symbiotic Society]*. Tokyo: Ministry of Justice of Japan, Immigration Services Agency. Retrieved from <https://www.moj.go.jp/isa/content/001335263.pdf>
- MTEIJ. (2022). *Sekinin Aru Sapurai Chein Nado ni Okeru Jinken Sonchou no Tame ni Gaidorain [the "Guidelines for Respecting Human Rights in Responsible Supply Chains, etc."]*. Tokyo: Ministry of Trade, Economy and Industry of Japan. Retrieved May 20, 2024, from <https://www.meti.go.jp/press/2022/09/20220913003/20220913003-a.pdf>
- Morita, K., & Sassen, S. (1994). The New Illegal Immigration in Japan, 1980-1992. *The International Migration Review* 28, no.1, 153-163.
- Strausz, M. (2019). *Help Not Wanted: Immigration Politics in Japan*. New York: State University of New York Press.
- Song, J. (2020, Aralık). The Political Dynamics of Japan's Immigration Policies during the Abe Government. *Pacific Focus*, XXXV(3), 613-640.
- Ogawa, N. (2011). Population Aging and Immigration in Japan. *Asia and Pacific Migration Journal*, 20(2), 133-167.
- Peng, I. (2016, March). Testing the Limits of Welfare State Change: The Slow-moving Immigration Policy Reform in Japan. *Social Policy and Administration*, 50(2), 278-295. doi:10.1111/spol.12215
- Roberts, G. S. (2018). An Immigration Policy by Any Other Name: Semantics of Immigration to Japan. *Social Science Japan Journal*, 21(1), 89-102.
- US State Department. (2022). *Trafficking in Persons Report June 2022*. Washington D.C.: US State Department. Retrieved June 15, 2024, from <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf>
- Vogt, G. (2007). Closed Doors, Open Doors, Doors Wide Shut? Migration Politics In Japan. *Japan Aktuell*, 5, 3-30.
- Vogt, G. (2018). *Population Aging and International Health-Caregiver Migration to Japan*. Cham, Switzerland: Springer.
- Wilson, T., Saito, M., Funakoshi, M., & Miyazaki, A. (2016, August 8). *Banned from working, asylum seekers are building Japan's roads and sewers*. Retrieved May 18, 2024, from Reuters: <https://www.reuters.com/investigates/special-report/japan-kurds/>
- Yamagata, A. (2017). Conflicting Japanese Responses to the Syrian Refugee Crisis. *The Asia Pacific Journal Japan Focus*, 15(24), 1-29. Retrieved from <https://ro.uow.edu.au/cgi/viewcontent.cgi?article=4519&context=lhapapers>
- Yamanaka, K. (1993). New Immigration and Unskilled Foreign Workers in Japan. *Pacific Affairs*, 66(1), 72-90. doi:<https://doi.org/10.2307/2760016>
- Yamanaka, K. (2003). 'I will go home, but when?': labor migration and circular diaspora formation by Japanese Brazilians in Japan. In M. Douglass, & G. S. Roberts, *Japan and Global Migration: Foreign Workers and the Advent of a Multicultural Society* (pp. 123-153). Honolulu: University of Hawai'i Press.

- Yamazaki, T. (2006, Şubat). Kango Kaigo Bunya ni Okeru Gaikokujin Roudousha no Ukeire Mondai (The Problems of Receiving Foreign Workers in the Fields of Nurses and Elderly Care). *Refransu*, 4-24.
- Yorulmaz, I. (2019, February 6). *Jařonya yabancı işçi almında Türkiye'ye neden yasak koymayı düşünüyor? (Why is Japan planning to ban Turkey from hiring foreign workers?)*. Retrieved June 10, 2024, from BBC News Türkçe: <https://www.bbc.com/turkce/haberler-dunya-47139339>

GENİŞLETİLMİŞ ÖZET

Japonya'nın göç politikasını inceleyen akademik çalışmaların üzerinde durduğu temel sorun Japonya'nın uluslararası göçe açılıp açılmayacağı meselesi olmuştur. Önceki çalışmalarda benimsenen yaygın görüş etnisiteye dayalı milli kimlik anlayışının kapalı bir politikaya neden olduğu yönündedir. İkinci Dünya Savaşından 1990'a kadar olan dönemde yabancı işçi ve göçmen kabul etme gibi bir politikası olmayan Japonya, 1990'da Japon kökenli yabancıların koşulsuz kabulüne dayalı bir politika oluşturmuş, Japon kökenli olmayan yabancıların ise sadece vasıflı işlerde çalıştırılmasına müsaade etmiştir. Buna ek olarak stajyer yetiştirme adı altında geçici göçmen işçi çalıştırılmasına müsaade edip işgücü eksikliğini gidermeye çalışmıştır. Ancak stajyer işçilerin ikamet süreleri sınırlandırılmış ve kalıcı oturma erişimleri yasaklanmıştır. 1990'da göç ile ilgili yasanın değiştirilmesi suretiyle gelişen bu üç boyutlu politika önceki literatürde 'yarı açılma' olarak değerlendirilmiştir.

21. yüzyıla girerken Japonya'nın göç politikasında gerçekleşen önemli değişiklikler akademik literatürde yeni tartışmaların doğmasına neden olmuştur. Bu değişikliklerden en önemlileri yabancı yaşlı bakım uzman kabulüne yönelik programlar, yeni oluşturulan özel beceriler vizesi ve var olan geçici göçmen işçi programının yerine yeni bir program getirilmesidir. Bu üç programda düşük vasıflı işçilerin sayılarının artırılmasını amaçlarken kalıcı oturma ve aile üyelerini beraberinde getirme gibi bazı haklarının tanınmasını da sağlamaktadır. Bu açıdan bakıldığında düşük vasıflı işçilere kalıcı oturma ve bu tip hakları yasaklayan 1990 sisteminden bir sapma görülmektedir.

Bu yenilikleri inceleyen akademik çalışmalar ikiye bölünmüştür. Bir kısım çalışmalar bu gelişmeleri eski kapalı veya yarı açık yaklaşımın devamı olarak görmektedir çünkü Japonya kalıcı oturma erişimi zor tutmuş ve yabancıların Japon toplumuna uyumunu kolaylaştıracak entegrasyon politikalarına yatırım yapmaktan kaçınmıştır. Diğer kısım çalışmalar ise Japonya'da artış gösteren kalıcı oturma sahibi yabancıların sayısındaki artışa ve yeni programlarda kalıcı oturma erişiminin açık tutulmasına vurgu yaparak Japonya'nın göçmen ülkesi olma yönünde önemli adımlar attığını kaydetmiştir.

Ancak önceki çalışmaların göz ardı ettiği önemli bir mesele Japon hükümetinin düşük vasıflı işçilere yönelik kalıcı oturma neden üstü kapalı ve karmaşık bir hale getirdiğidir. Eğer amaç düşük vasıflı işçilerin Japonya'ya yerleşmesini engellemek olsaydı geçmişteki geçici göçmen işçi alım yöntemi sürdürülürdü. Yeni politika beceriye dayalıdır, yani zaman içinde mesleki ve dil becerilerini geliştiren işçilerin kalıcı oturma ve diğer haklara erişimi kolaylaştırmaktadır. Japon ekonomisi açısından faydalı görülen ve sürekli istihdam edilen yabancı işçilerin Japon toplumunun kalıcı bir parçası olmasının önü açılmıştır.

Çalışmanın araştırma sorusu Japonya'nın yabancı işçilerin sayısını artırmaya yönelik geliştirdiği beceriye dayalı göç politikasının göçmenlerin kalıcılığını neden kademeli ve karmaşıklaştırdığıdır. Bu önceki literatürde aydınlığa kavuşturulmamış önemli ve orijinal bir soru teşkil etmektedir. Araştırmanın temel bulgusu Japonya'nın ekonomik ihtiyaçları uluslararası itibarı ve kamuoyunun düşük vasıflı işçilere yönelik olumsuz algısını dengelemeye çalıştığı için kademeli bir yaklaşım ürettiği yönündedir.

1990'dan beridir vasıflı yabancı işçi alımına önem veren Japonya'da işgücü eksikliği yaşanan başlıca sektörler düşük vasıflı işgücüne dayanmaktadır. Geçtiğimiz on yılda işgücü eksikliği hemen hemen her sektörde kendini göstermektedir. Bir yandan işsizlik oranı düşmekte diğer yandan açık iş pozisyonlarının başvurulara oranı giderek büyümektedir. Yaşlı bakım sektöründe işgücü eksikliği daha da fazladır. Ücret artışı yoluyla işgücü eksikliğini gidermek mümkün görünmemektedir çünkü bu ticari malların ve hizmetlerin ücretlerinde bir artışa sebep olacak ve Japon toplumunun yaşam kalitesini olumsuz etkileyecektir. Neticede Japon hükümeti işgücü eksikliğini gidermek için yabancı işçilere muhtaçtır. Öte yandan geçmişteki gibi bu işgücü eksikliğini geçici göçmen işçilerle gidermek yerine zaman içinde kalıcı oturma elde edilmesine müsaade eden programları tercih etmiştir. Bunun iki nedeni vardır.

Birincisi, 1993'den beridir varlığını sürdüren geçici göçmen işçi programı (teknik stajyer yetiştirme programı) insan hakları ihlalleriyle ün kazanmış, Birleşmiş Milletlerin İnsan Hakları Anlaşmalarının uygulanmasıyla görevli komisyonlar ve ABD tarafından şiddetle eleştirilmiştir. Söz konusu hak ihlalleri insan kaçakçılığı, zorla çalıştırma, cinsel istismar, yabancıların kimlik belgelerine el konulması gibi ciddi konulardır. Günümüzde Avrupa Birliği üye ülkeleri gibi bazı Batılı ülkeler zorla çalıştırma gibi bir takım insan hakları ihlalleriyle üretilen malların ticaretine sınırlama getirmeye yönelik düzenlemeler yapmayı düşünmektedir. Bu bağlamda Japonya'nın stajyer sistemini sürdürmesi ülke imajı ve itibarını zedelemektedir. Japonya Adalet Bakanlığı'nın yazdığı raporlarda ve

Japon Meclisi'ndeki tartışmalarda uluslararası eleştirilerin bahsi geçmekte olup eski uygulamalardan farklı yeni bir göçmen programının başlatılması elzem görülmüştür.

Diğer taraftan Japon toplumunda sözde düşük vasıflı veya vasıfsız yabancı işçilere yönelik olumsuz bir algı söz konusudur. Ekonomi ve Göç çalışmaları literatüründe düşük ve yüksek vasıflı işçi ayrımı yapılmakla beraber düşük vasıflı ifadesinin aşağılayıcı ve olumsuz bulanlar da vardır. Japonca'da düşük vasıflı işçilere basit işçi de denilmektedir. Basit işçilere yönelik olumsuz algının kaynakları belli değildir ancak genel anlamda hiçbir vasfı olmayan ve Japon toplumuna ve ekonomisine fayda sağlamayan yabancıların Japon toplumunda kabul görmesi zordur. Japon hükümeti kabine ofisi tarafından farklı zamanlarda yürütülen anketler, bürokratik aktörlerin (Adalet Bakanlığı, Sağlık, Çalışma ve Refah Bakanlığı gibi) çıkardıkları raporlarda bu algıyı içeriği açıklığa kavuşturulmaktadır. Japon toplumunun düşük vasıflı işçilerin Japonya'ya yerleşmesini istememelerinin altında yatan nedenler: ileride oluşabilecek bir ekonomik krizde işsizliğin artması ile beraber yabancıların ve Japonların işsiz kalması korkusu ve yabancıların sosyal güvenlik sistemine bağımlı hale gelmeleri, entegrasyon programları ve politikalarının maliyetli olması, Japon toplumuna uyumun zor olması gibi sebeplerdir. Bu sebepler milliyetçilik olarak değerlendirilebilir, fakat bu olumsuz algıda etnisite veya ırktan ziyade maliyet ve ekonomik çıkar gibi maddi faktörler etkilidir.

İşte bu çerçevede, ekonomik ihtiyaçlar, olumsuz kamuoyu algısı ve uluslararası toplumda saygıdeğer bir konuma sahip olma kaygısı yani ülke imajı koruma gayeleri Japon hükümetini yeni göç politikasını geliştirmiştir. Ortaya çıkan beceriye dayalı seçici göçmen politikası düşük vasıflı sayılabilecek sektörlerde yabancı işçilerin sayılarının artırılmasını hedeflerken onların kalıcı oturma gibi birtakım haklara erişimini mesleki ve dil becerilerindeki artış ve Japon ekonomisine devamlı katkı gibi birtakım koşullara bağlamaktadır. Japonya ve Türkiye arasındaki dostane ilişkiler göç alanında işbirliğine yol açabilir. Türkiye yeni oluşturulan programlara katılabilir ve Japonya'ya işçi gönderebilir. Ayrıca, her iki ülkede de yabancı nüfus artmaktan olduğundan, göçmen entegrasyonu alanında işbirliği yapabilirler. Bu nedenle gelecekteki politika odaklı araştırmalar, bu tür bir işbirliğinin nasıl somutlaştırılacağına odaklanmalıdır.