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The nature of 'illegal' migration in Japan and the United Kingdom

*The impact of attitudes towards migrants,
social cohesion and future challenges*

Jotaro Kato, Irina Kuznetsova and John Round

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The nature of 'illegal' migration in Japan and the United Kingdom: the impact of attitudes towards migrants, social cohesion and future challenges'

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Introduction

Japan and the United Kingdom face similar economic challenges, exacerbated by ageing societies, labour shortages and issues around integrating migrants (see Ozgen et al, 2019 in this working paper series for a full overview). While the UK has a longer history of large-scale in migration currently both countries are now accepting similar numbers of migrants per year. According to OECD (2019) statistics, the UK has the third highest number of incoming migrants, 520,000 in 2017, with Japan ranked fourth, with 475,000. For both countries there is an upwards trend in receiving migration and while Japan has a lower total number of migrants (approximately 2.7 millions against an estimated 7.8 million in the UK) similar growth to the UK ensures that its percentage year on year increase is very high.

Comparing the two countries is valuable as it shows how issues in the UK could be replicated in Japan as overall migrant numbers increase. There is much potential for Japan to learn from the experiences of other countries when developing migration policies, and the impact of negative state discourses, as, simply put, the country's economic future depends on the successful socio-economic integration of migrants due to its rapidly ageing society. One of the main barriers to successful socio-economic integration is the discourse which are prominent around migration. In both the United Kingdom and Japan one common discourse is that many migrants reside in the country illegally. Such discourse is used to call for stronger borders and/or a crackdown on migrants living in the country. The role of this working paper is to examine issues around undocumented or so –called illegal migration in both countries as it is through this lens that negative attitudes towards migrants are inflamed, potentially providing barriers to integration, increasing human rights abuses and reducing the potential for the economic benefits of migration.

Undocumented or 'illegal' migration

Governments and the media frequently claim that that most undocumented migration takes place through the initial border crossing, such as people smuggling or the undetected traversing of a border. Thus public discourse views undocumented migrants as individuals who have illegally crossed borders in some way threatening the integrity of the nation state. However, the majority of irregular migration derives from people changing their activity, and/or status, after they have entered the country through formal means. For example, this could be people who have entered the country on a student visa working more than the allowed hours, or those remaining in a country on a marriage visa after the relationship has ended. Recent newspaper reports in the UK have stated that the country has over 1.2 million illegal migrants, despite the fact that it is impossible to ascertain an accurate figure, and the vast majority of news stories are accompanied, as below, by pictures of people entering by illegally by boat or lorry (notwithstanding the picture below shows a boat off a Greek island). Such news stories often, as below, complain that the UK takes a high percentage of the so-called illegal immigrants present within the EU and are based on, at best, guestimates using inaccurate UK government data.

There are 1.2 million illegal immigrants in the UK - a quarter of the entire total in Europe



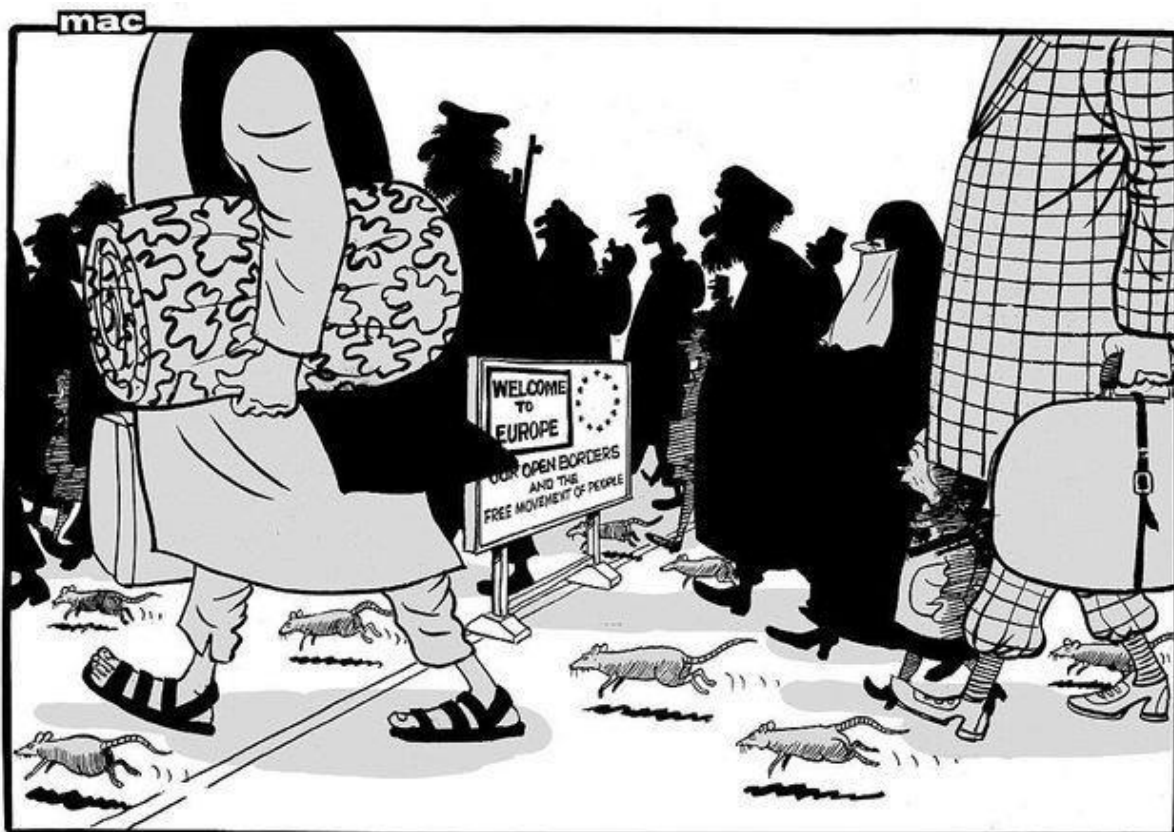
Refugees and migrants calls the attention of a rescue team when approaching the Greek island of Lesbos on a dinghy,

There are distinct parallels with the situation in Japan. In this paper we use the experiences of Vietnamese technical migrants in Japan, who experience debt-orientated migration and/or ethnically based migration brokers, to examine how individuals are unable to obtain refugee status and are thus constructed by the state/media as 'fake refugees'. We show how of mass-media in calling for a hostile environment for migrants while blaming them as 'illegal' leads to the racialisation of such migrants. While the scale of irregular migration differs greatly between the UK and Japan, the paper demonstrates that often the effects of politics and law enforcement towards 'illegal' migration have massive implications for everyday lives of migrants and support xenophobic discourses in society.

'Illegal' migration or a migrant in an irregular situation?

Migration has become one of the core themes in political debates across the globe. It is increasingly not just a divisive point of discussion but is dividing nations, for example how anti-migration rhetoric was used in Brexit debates to motivate 'leavers'. Frequently such rhetoric is not based in any reality but around the constructing the 'illegal' migrant as an object to fear as they are constructed not just only as 'the other' but a violent, criminal, illegal body. No meaningful evidence is ever produced to substantiate such claims (see Round and Kuznetsova, 2016) but once such ideas enter into popular discourse they rapidly become a point around which discourses are constructed. Such 'threats' were

recurrent tropes in the Brexit Leave Campaign. For example, it was repeatedly argued, with no factual basis, that Turkey would soon join the European Union, with its population of, mainly Muslims, of 70 million then able to claim benefits and use the National Health System. The argument also insinuated that the admittance of Turkey to the EU would open up the United Kingdom to unlimited Syrian refugees. The nadir of this was the Daily Mail publishing a cartoon which caricatured Muslims, some with guns, crossing a fictional open EU border. The cartoon also drew extensively on Nazi propaganda, with rats crossing the border and people carrying suitcases (see below and for further discussion see Burrell et al 2019).



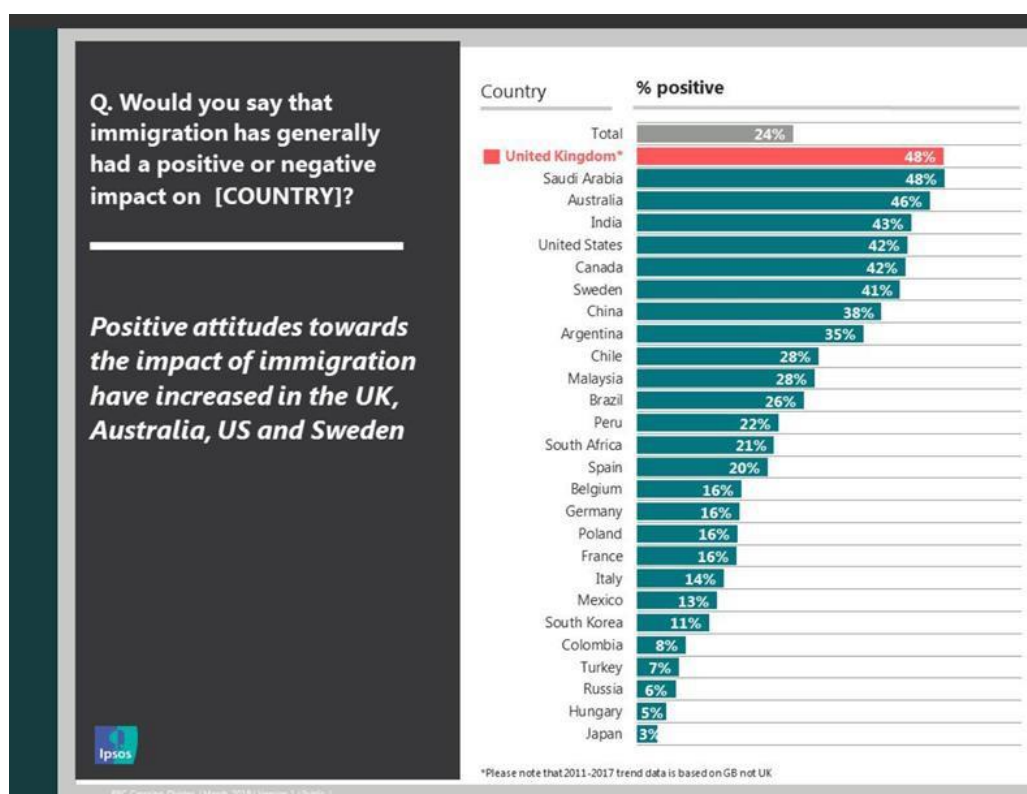
Such antimigrant discourse is not just confined to Brexit debates but is increasingly becoming part of populists' politics in numerous European Union states, in the US, Russia, Japan and other countries (see Wodak 2015, Kuznetsova and Round 2018, Richardson, 2019). Very often the starting point of anti-immigration debates is the question about legality. Migration is thus considered to be a threat because of negative connotations around the term 'illegal', and symbolically each migrant is under suspicion of not having legal rights to live and work in the country of immigration. There is, however, no one definition of illegal migration with the terms irregular or undocumented often argued to be a more accurate representation of migrants' status. The International Organisation of Migration defines irregular immigration as a '*movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.*' (IOM 2011). The Migration data portal (2019), for example, suggests that a migrant in an irregular situation '*may fall within one or more of the following circumstances: he or she may enter the country irregularly, for instance with false documents or without crossing at an official border crossing point; he or she may reside in the country irregularly, for instance, in violation of the terms of an entry*

visa/residence permit; or he or she may be employed in the country irregularly, for instance he or she may have the right to reside but not to take up paid employment in the country’.

Given the above conceptualisation, and given the often ‘hidden’ nature of irregular immigration there is generally ‘*no available data on irregular migration flows globally or regionally*’ (IOM 2017: 306). In the UK, the Home Office, the Government department with responsibility for immigration, admits methods of collecting data about irregular migrants are ‘experimental’ (2016), echoing the claims of academics who state that ‘*it cannot be said with any certainty what size the UK’s irregular migration population actually is*’ (Duvell, Cherti, Lapshyna 2018: 10). In Japan there is a more concerted effort to quantify irregular immigration. As Volmer (2017) showed ‘*the former denoted enemy that is ‘the irregular migrant’ (...) has become re-labelled as ‘the economic migrant’ in 2015/2016 (...) The threshold of this category is even wider and even more ambiguous than the one of ‘irregular migrants’*’ (58). In this working paper we understand ‘irregular’ migration in wide terms as we argue that the effect from the policies aiming to restrict immigration control and law enforcement are deeply intersected with dehumanisation of migrants, refraining their rights to their bodies and political statuses.

Racism and immigration in Japan and the UK

As the below table shows there is a wide variation in public opinion in Japan and the UK about whether migrants have had a positive impact in the respective countries. Both figures much be treated with caution as the UK data might be influenced by Brexit with people thinking that migration would be reduced and the relatively small number of migrants in Japan might mean that the general population would not have considered their impact. What is telling though is, and even though the UK figure was held up as a positive, is that at best less than 50% of people think that immigration has a positive impact, with the average figure 24%. On the other hand the figure for Japan is just 3% highlighting that the vast majority of the population hold at best indifferent views about immigration. We argue herein that these opinions are, at least in part, shaped by the relentlessly negative portrayal of migrants and constant connection of immigration to illegality.



Japan: racism underpinning a migration policy?

In Japan, as Park (2017: 78) shows, immigration policy began by prohibiting Koreans from migrating to Japan and was fueled by racism, which stemmed from a widely held view that saw Koreans as dangerous':

'Japan's immigration control system was racist at its roots; it labelled ethnic minorities living in the country as aliens, denied them the freedom to enter their country of nationality, and categorised them as 'deportable'. (...) Without some recognition of the impact of Japan's colonial rule, racism in Japanese society is set to continue indefinitely. (ibid: 78)

In 2012 the Japanese government revised the immigration control law which aimed to abolish the 60-year-old alien registration system, and introduce a 'Residency Management System'. Foreign residents received an electronic Residence Card (zairyū kādo) which is integrated 'into the local government residence database allowing the state to keep a closer check on foreigners in Japan as they move house or change job' (Morris-Suzuki 2015: 80). Such reform resulted in 'the drawing of a sharper and deeper line between 'desirable' foreigners in Japan (particularly immigrants with high levels of technical skill, etc.) whose lives will generally be made easier by the reforms, and those who are either deemed 'undesirable' or who are to be kept at the very outer circle of the system' (Morris-Suzuki 2015: 81).

A recent survey of 4252 foreign residents across Japan evidenced that 'nearly a third of foreigners living in Japan say they have experienced derogatory remarks because of their ethno-national origin, while about 40% have suffered housing discrimination' (Guardian 2017). At the same time, despite that the government introducing the notion of a 'hate speech' (Heito Supiichi), racism is not considered to an issue in the political agenda. As Kawai (2015) notes it is generally viewed as a 'foreign issue' that has

little relevance to Japanese society. They (ibid, 42) use the term of 'obscured racism' which '*in Japan has its own specificity, although it has similarities with its Euro-American counterparts such as cultural racism and colour-blind racism*'.

The lack of recognition of racism results in the absence of collective strategies and visions to challenge racism, that for example, has been highlighted by Kitayama in a study of racism in Japanese schools (2018). The term of 'hate speech' was 'virtually nonexistent before early 2013' (Asahina 2019). It is no surprise, therefore, that hate speech towards immigrants is in evidence in Japan. Among the recent examples were the false rumors that that Koreans in Japan would be classified as 'overstayers' after 9 July, and that they would be deported. Some people called for the Immigration Bureau to expel Koreans from Japan (Park 2017). The right wing group Zaitokukai founded in 2007 has more than 16000 members and 33 branches in Japan and organizes around 350 anti migration rallies per year (Asahina 2019).

In 2016, new law "Hate Speech Countermeasures Act" was enacted asking national and local government to work on eliminating hate speech. However, 42.6% of Japanese citizens did not understand what hate speech is according to the survey conducted by Cabinet Office (1738 respondents). In addition, this law did not include items which prohibit hate speech because there a counter-argument was made around "freedom of speech" in the parliament. Several local cities have made ordinances which determine the rules about how they allow local residents to use their facilities. Where a proposed rally is likely to feature hate speech, it should be difficult for that group to use local facilities. However, hate speech especially toward Korean residents still continues because Hate Speech Countermeasures Act do not include enforcement measures.

Societal Responses toward Migrants and Refugees in Japan

Asahi Shimbun, the second largest newspaper agency in Japan, conducted an opinion poll to 2020 randomly selected persons asking questions about refugees and migrants in 2017 and 2018. Questions in opinion polls were a bit different 2017 and 2018. In 2017, Asahi Shimbun conducted opinion polls with the question "*Should Japan welcome more refugees or migrants?*" Respondents needed to show their attitudes with the number of 1 (highly welcomed) to 7 (strongly not welcomed). Positive responses (The number 1 to 3) amounted to 18% of responses. Some 32% percent of respondents responded with a score of 4, which might be considered an indifferent response. Nearly half (49 percent) were against accepting refugees and migrants.

This result reflect the attitude of Japanese government. Prime Minister Shinzo Abe gave speech at United Nations in September 2015 as below.

I would say that before accepting immigrants or refugees, we need to have more activities by women, elderly people and we must raise our birth rate. There are many things that we should do before accepting immigrants.

Here the terms "immigrants" and "refugees" are conflated, but it was clear Japan did not want to accept refugees after Syrian civil war. Such attitudes were echoed in the media and gained global attention when Hasumi, a comic writer, published manga based on a photo of a girl at a refugee settlement in Lebanon taken by documentary photographer Jonathan Hyams.



The Japanese caption accompanying the manga translates as

I want to live a safe and clean life, have a gourmet meal, go out freely, wear pretty things and luxuriate. I want to live my life the way I want without a care in the world — all at the expense of someone else. I have an idea. Why don't I become a refugee?

Her manga was immediately criticized by Hyams and the civil society of Japan, but it also gained support within Japan.

In February 2018, the Prime Minister and Cabinet started to discuss revising the Immigration Control Act to receive specified skilled workers for several area which face severe shortage of work force such as construction and care giving. Japan had ostensibly accepted foreigners as labor. However, this discussion was the first time that the idea of accepting foreign labor was officially tabled. It is widely broadcasted with Asahi Shimbun asking respondents (2020 persons randomly selected) “government will expand acceptance of foreign workers after revising law. Do you agree with expanding acceptance of foreign workers or not?” 45% agreed but 4% did not. By comparing the two opinion polls it is clear that Japanese citizens were more prepared ‘allow’ foreign workers to stay temporarily to fill in the shortage of labor force but they did not want refugees or migrants to live long term in Japan. The difference in attitudes about temporary labour migrants and permanent migration can be related to ideas of ‘chaos and crisis’ often put forward by the state as justification for the continuing securitisation

of migration policy, and are 'tied intimately to geographical assertions of sovereign power' Mountz and Hiemstra (2014: 383).

In recent years irregular migrants have become an easy target for mass-media both in Japan and in the UK. In Japan, since 2018 the mass-media discourse which portrait Vietnamese migrants as criminals has increased markedly. For instance, the headline of Mainichi News on April 12th 2018 stated, '*Crime of foreigner, Vietnamese are the most. 40 percent of detection are shoplifting.*' Yet such data is incorrect as in fact most of crimes committed by Vietnamese are linked not with shoplifting or anti-social behaviour but with violation of immigration law.

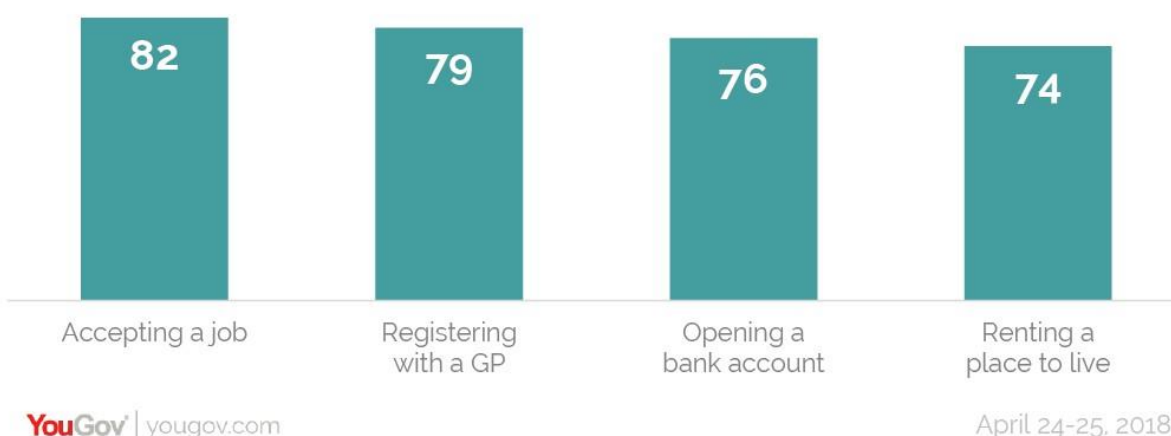
United Kingdom: colonial legacies in migration policy?

In the UK, numerous studies on postcolonial migration demonstrate issues regarding discrimination and racism towards British Asians (see for example Dwyer 2000), Irish migrants (Walter 2001), and Caribbean migrants (Chamberlain 1997, Phillips and Potter 2006). Hopkins et al. (2017: 936) argue that religion in the British context becomes racialized to the extent that 'stereotypes about Islam and Muslims have become interchangeable with debates about race, ethnicity, and belonging'. Since the 1990s, in the UK as Erel, Murji, and Nahaboo (2016: 1339) stress, "*the linkage between race and migration (...) has shifted from a focus on postcolonial migrants to focus on newer groups, while migration within the European Union has also altered the discussion of racism and migration*'. As Tereshchenko et al (2019) highlight racism towards EU migrants, especially those from Romania and Poland, has increased due to the hostile migration environment supported by politicians and mass-media (see also McGuire, 2019).

In the UK, Theresa May, as Home Secretary, in 2013 introduced an immigration bill to '*create a really hostile environment for illegal migrants*'. The bill restricted rights of people who have lack of ID documents or permission to work or live in the UK in terms of banking, housing etc with a view to making life so difficult for irregular migrants that they leave the UK and the additional goal of preventing the UK becoming a magnet for migrants as was alleged by the Government. Without achieving its initial goal – to deter immigration, the hostile environment instead resulted in widespread deportations including those UK residents who were part of the so-called Windrush generation, individuals who had been invited to come and live and work in the UK in the 1950s and 1960s when they were subjects of the British Commonwealth. EU nationals and their families were under attack even before referendum with May's speech at the Conservative party conference in 2015, incorrectly arguing that '*Free movement rules don't just mean European nationals have the right to reside in Britain, they now mean anybody who has married a European can come here almost without condition*' (Stone 2016). According to government polls, see table below, such discourses were widely supported.

Britons overwhelmingly support the "hostile environment" policy

And do you think everyone should or should not have to show documents proving their right to live in Britain when doing the following? %



At the same time attempts were made to get 'illegal' migrants to hand themselves into the Home Office for deportation before they were arrested and potentially detained. Policies and an infamous campaign that saw vans driving around British streets with the caption pictured below promoted the very public use of the term illegal and featured inaccurate data about the number of arrests 'in your area'. Eventually following outcry by pro-migrant groups the van campaign was stopped as it was claimed to be generating cleavages between migrant and host populations.



<https://www.bbc.co.uk/news/uk-politics-24624383>

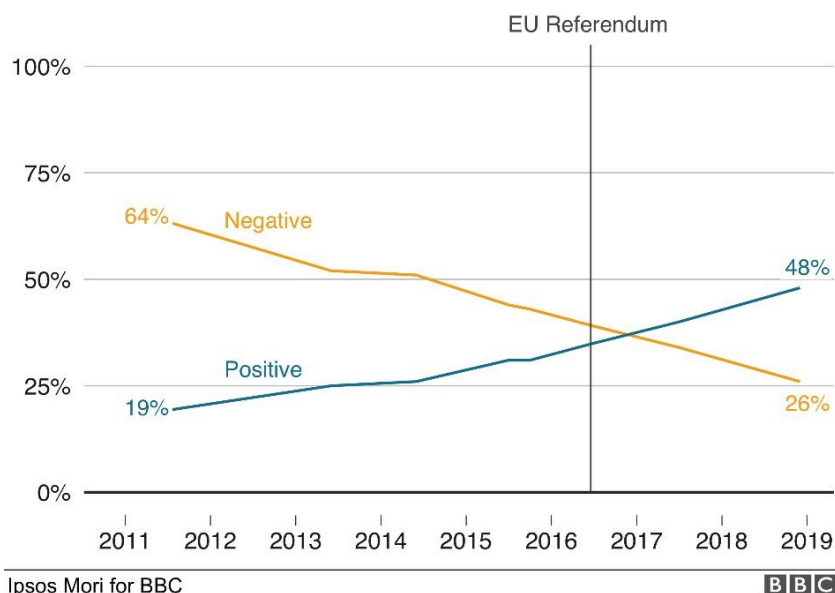
In 2016 the UK held a referendum on membership of the European Union which was widely expected to result in the UK remaining. Following a marginal decision to the incidence of hate crime increased

markedly and remains raised beyond pre-referendum levels to this day. More than 6,000 racist hate crimes were reported to the National Police Chiefs Council in the four weeks after the results of the referendum. Some 51% of incidents were directly linked to the referendum with the most commonly involved phrases including “Go Home” (seventy-four stories), “Leave” (eighty stories), “f** off” (forty-five stories) (Komaromi (2016). In August 2016 a Polish migrant died after a brutal attack for the speaking his native language in the street (Komaromi 2016). Polls demonstrate that ‘British people make clear distinctions between immigrants based on their country of origin. Just 10% of a 2017 sample (surveyed online) said that no Australians should be allowed to come and live in Britain compared to 37% saying that no Nigerians should be allowed. In between are France (similar to Australia) Poland (more middling), and Romania and Pakistan (more similar to Nigeria)’ (The Migration Observatory 2018). Research on immigration enforcement operations against irregular migrants showed that the groups who were most frequently targeted were migrants from Pakistan and Turkey, with Australians and Ukrainians least affected (Duvell, Cherti, Lapshyna 2018)

There is some hope that even despite the anti-migration rhetoric employed in the Brexit debates that attitudes to migration are changing for the positive in the UK. The table below suggests that post referendum attitudes towards immigration have improved. This might be because of the arguments put forward by pro-remain groups on the multitude of positive impacts that migrants have had within the UK, and the need for migrant labour to sustain the economy. Certainly the remain campaign have highlighted concerns about labour shortages and the media now regularly report how these impact on health services given 40,000 nursing vacancies and in agriculture with reports of potatoes and strawberries rotting in the fields because of a lack of migrant workers to pick them.

Attitudes to immigration have changed

"Would you say immigration has generally had a positive or negative impact on the UK?"



Conclusion

The above discussions indicate how discourses around migration in both the UK and Japan are predominately negative at political and population level. Such discourses, it is argued, develop from

the standpoints that the respective governments have taken when constructing policy, and then gets translated into anti-immigration media discourses.

Given the parallels between UK and Japan especially with regard to discourse around so-called illegality there are prospects for the comparative research about the everyday experiences of migrants, their tactics and relations with those who have power and with the state in general. The conceptual framework of postcolonialism and racism provides an important insights into the construction of the societal responses to immigration. This is supported via discourses, law, institutional practices, labour relations and also embedded into the urban space. Cities have always been built on migration, attracting people from other places with the possibility of new opportunities and lives. Today, cities are the main destination for both international and internal migrants both in Global South and Global North. With transnational and internal mobility key issues of the day, cities are critical spaces in which emigration, immigration and migration policies are debated. There is also a gap in knowledge about how cities adapt to new migratory realities in terms of developing immigration policies, and requirements to enact immigration controls that are placed by central governments on local urban authorities.

There is relatively little research available on the diverse pathways that see migrants move into irregular status, especially on how changes in Government legislation impacts upon certain groups, and why/how decisions are made to move into irregularity. Furthermore, there is even less research on how migrants, in both the UK and Japan, cope on an everyday level with the move into irregularity, be this the experience of work, accessing health care, issues with law enforcement and family relations. Also, more knowledge is needed about the impacts of irregularity on mobility as often irregular migrants are unable to travel internationally, and have their mobility comprised internally as they use the city in different ways to formal migrants in order to avoid 'detection'. It is beneficial to conceptualise irregular migrants' agency in terms of (self-)integration to allow us to account for both practices through which they actively become political subjects as well as those that precisely constitute a deliberate refusal to do so.

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