FILIPINO IRREGULAR MIGRANTS IN JAPAN

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ABSTRACT

This study explores the specific phenomenon of the outcome and consequences of irregular migration that is immigration detention and/or deportation. The study aims to shed light on the consequences of unauthorized migration from the Philippines and the recipient countries' response which include migration enforcement measures such as arrest, detention and deportation (i.e. Japan's migration control). It attempts to further elucidate on the reasons behind seemingly sustained phenomenon of distressed migrants and their precarious status as the borders of their countries of work destination are governed by strict immigration policies that either sought to facilitate or hinder their entry. The research aims to generate a hypothesis and a conceptual framework to further expand the scope of the study.

The study utilizes an exploratory-descriptive case study research design using multiple cross-case analyses. The research addresses the question of validity through utilization of varied sources of information in terms of data and theory. The research process was accomplished through a modified-grounded instrumental approach (research-before-theory model), using replication sampling instead of the typical population sampling. Reliability of the data gathered was made certain through a pilot study conducted at the earlier phase of the research process. In addition, as a qualitative research employing open-ended in-depth interviews, a combination of data collection techniques validated the methodology including key-informant interviews, direct and participant observations, and document analysis from secondary sources.

The narratives of the respondents reveal that the state's discretionary or selective application of the law appears to be consistent with the current trend in advanced welfare states, as in the case of Japan, which is bent on excluding irregular migrants and not moving forward on extending citizenship rights to the large group of unwanted immigrants. To address this rival explanation, the study also highlights the role of selected non-state entities (NGOs, church-based organizations) and self-help groups in the Philippines and Japan, which becomes a catalyst to ensure protection of migrants' rights serving as "watchmen" to ensure that these are constantly upheld through a negotiated status. As such, in exercising their agency, some of these migrants were able to protect their rights while others unsuccessfully defended their lot and became deportees.

Keywords: Filipinos, Irregular Migration, Japanese Immigration Control, Negotiated Status, Migrants' Organizations

ACKNOWLEDGEMENT

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LIST OF ABBREVIATIONS

Asia Pacific Mission for Migrants (**APMM**)
Asian Development Bank (**ADB**)
Asian People's Friendship Society (**APFS**)
Assistance to Nationals (**ATNs**)
Center for Japanese-Filipino Families (**CJFF**)
Center for Overseas Workers-Davao City (**COW**)
Children's Rights Convention (**CRC**)
Commission on Filipinos Overseas (**CFO**)
Convention on the Elimination of all Forms of Discrimination against Women (**CEDAW**)
Department of Labor and Employment (**DOLE**)
Filipino Migrant Center (**FMC**)
International Council on Human Rights Policy (**ICHRP**)
International Labor Organization (**ILO**)
International Organization for Migration (**IOM**)
Japan's Criminal Procedure Rules (**CPR**)
Japanese-Filipino Children (**JFC**)
Japan-Philippines Economic Partnership Agreement (**JPEPA**)
Ministry of Health, Labor, and Welfare (**MHLW**)
Ministry of Justice (**MOJ**)
Non-Government Organizations (**NGOs**)
Office of the Undersecretary for Migrant Workers Affairs (**OUMWA**)
Office of the United Nations High Commissioner for Human Rights (**UNHCHR**)
Organization for Economic Cooperation and Development (**OECD**)
Overseas Contract Workers (**OCWs**)
Overseas Filipino workers (**OFWs**)
Overseas Workers Welfare Administration (**OWWA**)
Philippine Department of Foreign Affairs (**DFA**)
Philippine National Statistics Office (**NSO**)
Philippine Overseas Employment Administration (**POEA**)
Philippines (**PHL**)
Provisional Release Association of Japan (**PRAJ**)
Technical Education and Skills Development Authority (**TESDA**)
UN Convention on the Elimination of Racial Discrimination (**CERD**)
United Nations Population Fund (**UNFPA**)
UN Economic and Social Council and its Conference on Trade and Development (**UNCTAD**)
US Department of Homeland Security (**DHS**)
US Immigration and Customs Enforcement (**ICE**)
World Trade Organization (**WTO**)

Chapter I

INTRODUCTION

I. Background of the Study

Irregular migration is not a recent phenomenon. It has been a part of a sustained movement of people that includes migrants as the main actors who enter and remain in a country of which they are not citizens in breach of its immigration laws. Other terms for irregular migration are illegal and undocumented migration; while some scholars define it in the following sense: "migrants who enter or remain in a country without authorization, those who are smuggled or trafficked, unsuccessful asylum-seekers and actors who circumvent immigration controls" (e.g. imitation marriages or fake adoptions) (Marshall, 2006, p. 241). The cause of irregular migration is a contentious issue, while its effects are far more multifaceted than of being purely economic or legal concerns.

This study explores the specific phenomenon of the consequences of irregular migration that is immigration detention and/or deportation. Irregular migration in this context refers to migrants who overstayed and/or those who came to Japan on illegal entry. While numerous studies have focused on irregular migration in general, very few dwell on its repercussions and/or unintended consequences. In the case of Japan, the regularization or the legalization of some migrants' status turns out to be the case due to their special circumstances. Some migrants are able to negotiate their status with the state, as provided for by law, and perhaps inadvertently capitalized on such circumstances even while being held up at an immigration detention facility. They could not have done it all anyway without assistance and some piece of advice, as well as aids and programs offered by some state and non-state actors (Filipinos and Japanese) including lawyers and some immigration personnel educating them of their rights in the process of arguing their cases with the authorities. Unfortunately, those who failed to negotiate their status were eventually sent home.

The discussion above is not a recent trend. As in the case of the *Gastarbeiter* ("guest workers") in Germany in the 1970s, migrants rather choose to extend their stay in their host countries even beyond their expired visas in spite of the government's official policy that temporary migrants must return home after a short stay. In the 1990s, Shimada (1994) had concluded that even with their brief period of stay in a country, some migrants had established their own or had their families back home join them, which consequently increased their numbers in the long run. In the same vein, but as a rather unique case in Japan, migrants who overstayed for a long period have in the process established their own families, despite their "unauthorized status." Some migrants when caught have opted to argue their cases through the courts and surprisingly managed to legalize their status, obtaining in the process, temporary, longer-term or permanent visas; while many others who are unsuccessful in this tedious process ended up in detention centers awaiting for their deportation.

The indispensable role of state and non-state actors in both origin and destination countries should be taken into consideration to have a much clearer picture of this enduring reality. Camacho (2010) discusses how the deployment of overseas Filipino workers (OFWs) abroad has been a policy choice by the Philippine government with its labor export program. It is reflected as a natural response to high levels of unemployment and underemployment, low levels of economic growth, and a budget deficit. Conversely, while countries of origin seem to be making emigration easy, immigration policies in destination countries remain extremely protectionist, as opposed to policies that deregulate trade and capital flows (see also Stasiulis and Bakan, 2003; Moses, 2006; Kaye, 2010).

The United Nations (UN) has estimated that around 30-40 percent of migration flows in Asia take place through irregular channels (ICHRP, 2010). In the case of the Philippines, of the total number of Filipino irregular migrant workers abroad, about 30 percent are in Asia, working mainly in Malaysia, Singapore, South Korea and Japan. Recent reports of the Asia-

Pacific Mission for Migrants (APMM) however reveal that there are still several undocumented cases that involve migrant workers who are stranded in jails and detention facilities, and even some who cannot be located because of the government's lack of effort to monitor their cases and conditions (i.e. consular protection service) and lack of protection from labor rights violation. A number of these migrants are women who are more vulnerable to abuse, rape and violence. However, host countries as a response attempt to curb irregular migration by speeding up the process of detaining and deporting them (see APMM, 2013).

In 2009, the Philippines' Department of Foreign Affairs (DFA) confirmed that more than a thousand OFWs were still languishing in jails and immigration detention centers abroad. DFA reported in July 2004 that 2,856 Filipinos were imprisoned in 56 states with 1,115 in Saudi Arabia alone. At the end of that year, the same office noted that at least 4,775 Filipinos were still suffering in foreign jails, and in this figure, 1,103 were women. Most of them were detained for violation of immigration laws. In 2005, the crackdown in Sabah, Malaysia led to the detention of at least 1,200 Filipinos. Five years later (2009), DFA issued another statement that there were still some 3,000 Filipinos jailed in different countries around the world. This figure has not changed that much since 1998 when records showed that 2,091 Filipinos were in foreign jails for various offenses (see also Kyodo News, 1999).

The report further states that about 70 percent of the detainees had been facing immigration-related charges and would be deported after serving their brief sentences, and the rest were in custody for committing common crimes, including theft and drug trafficking. In the Middle East alone, 62 overseas Filipino workers were detained on drug-related charges in 2009. Of that number, 43, mostly women, were in Riyadh, Saudi Arabia. In 2005, a number of detention centers in Asia had Filipinos jailed including Saudi Arabia (213 Filipinos), Kuwait (47), Singapore (192), Hong Kong (77), and Japan (314). More recently, estimates suggest that the figure is relatively unchanging (Bulatlat, 2005; Esplanada, 2009).

In 2011, three Filipinos were convicted of drug trafficking in China and were sentenced to death, while many others are still detained for serious criminal charges. In 2013, China executed a Filipina accused and convicted of drug trafficking.

Nevertheless, despite its stringent policy pronouncements over admitting foreign workers, Japan is still an active destination country for regular and irregular migrants alike. Until 2004, most would-be migrants were from Southeast Asia, especially the Philippines, and many were women migrants, who entered Japan either through an entertainer's visa (*Kougyou Sasyou*) or on tourist visas and then later engaged in entertainment-related jobs illegally (Piper, 2004). Recent anecdotal reports suggest that most detained OFWs were incarcerated primarily due to overstaying, expired visas or because of illegal entry. In addition, a growing number of women from the Philippines are engaging in marriage migration, including the phenomenon of mail-order brides; while many others enter Japan through sham marriages or fake partnerships just to get through the legal impediments (see also Suzuki, 2002 and Asis, 2008a).

The Labor Migration Policy of the Philippines

We must take note that Filipinos' decision to migrate abroad is not solely driven by pure individualistic, familial, economic or financial reasons. As a matter of policy, the role of the Philippine government in systematically facilitating labor migration has been historically significant. Labor migration in the Philippines started as a stopgap measure during the Marcos administration. The Labor Code of 1974 served as a template for this program, which has been sustained and developed by the succeeding governments of Aquino, Ramos, Estrada and towards the present, intensifying the labor export program. In fact, the previous administration of Macapagal-Arroyo openly acknowledged that the economy could not absorb returning migrant workers. The institutionalization is clearly seen in the policy measures by the government as several agencies are involved in the labor migration program

such as the Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA), the Technical Education and Skills Development Authority (TESDA), the Commission on Filipinos Overseas (CFO), and the DFA. POEA and OWWA are both under the Department of Labor and Employment (DOLE). These agencies are mandated to look after the interests and welfare of migrant workers and Filipino emigrants abroad (Tyner, 2009; POEA, 2012).

Undeniably, overseas workers keep the economy of their country of origin on the go, serving as a fallback when things go wrong in the local economy, which is particularly true in the case of the Philippines. The government hails Filipino migrant workers as the country's modern-day national heroes since they are contributing positively to the stagnant economy back home through the remittances they send to their families and/or relatives. However, the latest international financial crisis seems to contradict this conventional notion. *Migrante* International, a leading mass-based migrant organization in the Philippines with chapters all over the world, describes the contribution of migrants to the economy as "artificial" given that their relatively higher purchasing power is only temporary, very much dependent on maintaining a regular employment abroad (Bulatlat, 2005). Unsurprisingly, as Asis (2008a) discussed, this type of "negative development" at the household level does not yield any of the significant "multiplier effects" economists had forecasted, such that the spending from remittances fails to achieve any "trickle down" effect. In any case, the lack of economic opportunities in the Philippines and the government's policies of encouraging migration, not to mention the burgeoning migration industry of recruitment agencies, have developed a "culture of migration" among Filipinos. As a matter of fact, apart from the 8 to 10 million already in the "Filipino Diaspora", many of those who are still at home are also thinking of migrating abroad. The institutionalization of migration and the subsequent internalization

among Filipino youths for sojourning outside their country has resulted in cyclical and/or chain migration, which tantamount to working perpetually abroad.

Japan's Migration Control Policies

Japan, as in many East Asian countries, has wrestled with the impacts brought about by the globalization of labor migration. Historically, Japan was not a destination country for migrant workers. In fact, it was a country of emigration until the 1970s, as clearly shown by the Japanese *diaspora* in Latin American countries and in the US. Up till now, the question of decreasing labor supply was not a huge issue amongst destination countries. As in the case of Japan, which is facing its below-replacement fertility level, decreasing birth rates, and an aging population, the question has again become tenable. As suggested by theories on migration and demography, the industrialized countries and welfare states are hesitant to open their borders for labor migrants but will unavoidably "require substantial immigration" later (Marshall, 2006; Vogt, 2007). Henceforth, while developing countries such as the Philippines are experiencing a sustained high population growth and thus producing a huge pool of labor source for labor receiving countries, it is highly inevitable that industrialized countries such as Japan will demand workers and even settlers from them.

However, since post-World War II, there was not a clear immigration policy in Japan. Arguably, what Japan had was an "alien policy" – a foreigners' (*gaijin*) entry control policy, since in the first place they only needed temporary migrant workers and not permanent immigrants. In fact, registered foreigners only accounted for 1.7% of the total population of Japan (2,186,121 in 2009) (Ministry of Justice, 2010). Subsequent policies on integration and migrants' incorporation into the mainstream society had led to discussions on multiculturalism beginning in the 1990s. Such discourses only pave the way for scholars to point out Japan's inclusion criteria for admission which is determined racially with descendants (*Nikkei*) from abroad more favored than any other migrants (e.g. Brazilian and

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Peruvian) (Shipper; 2008; Tseng, 2011). Thus, it did not come as a surprise that its immigration guidelines and administrative measures were primarily concerned with a vision of a "sound development of the Japanese society and international cooperation through smooth acceptance of foreigners (mainly highly-skilled workers) and the rejection of the unfavorable foreigners" (i.e. unskilled workers as exclusion criteria). Unfavorable foreigners here basically include "overstayers", irregular entrants, irregular workers and the unregistered or undocumented migrants, who are mostly unskilled workers[1] (Kondo, 2008a; MOJ, 2010).

In 2010, the MOJ reported that the number of *overstayers* was 91,778 decreasing the number from 100,000 for the first time in 21 years, as they claimed, "by virtue of comprehensive measures against illegal residents such as strict immigration examination and detection of foreign nationals violating the ICRRA in close coordination with relevant organizations."[2] The said MOJ report suggests that there seem to be a steady decrease in the number of overstayers as compared to data back in 1993, when the number stood at a record high of 298,646. However, estimate also shows that there are still over 110,000 "potential illegal residents" and "efforts to further decrease the number of illegal residents has been promoted by strengthening detection, reinforcing collection and analysis of information on illegal residents, and promoting voluntary appearance" (MOJ, 2011).

Moreover, MOJ started implementing the 2009 amended Japanese Immigration Control Act in July 2012 with emphasis on the new "residency management system"; and with its centralized information gathering, it is likely a stricter version to counter "illegal residents"[3]. Originally, the practice was with once residence permit, a resident name is recorded at the local registry, usually at the City Hall and may be reported to the immigration

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[1] Unskilled or low-skilled workers are those who are willing to work in 3D jobs: dirty, difficult, dangerous.
[2] Immigration Control and Refugee Recognition Act or ICRRA (the "Immigration Control Act") has been amended several times already.
[3] The politically correct term should be "irregular migrants". In Tyner's (2009) definition, irregular migrants are "those not properly documented or without valid residence or work permits, or who are overstaying in a foreign country." Many scholars argued that the use of the term "illegal migrants" further stigmatizes and criminalizes irregular migrants and fosters anti-foreigners sentiment in some respect.

bureau. As officially announced by MOJ, with the latest version, while irregular migrants can be registered under the alien registration system, they cannot be registered under the new system (MOJ, 2012). It suggests that the national government may be taking away some local initiatives back into its control. But this observation is not without basis such that for instance, under the previous system, for humanitarian reasons, the most basic level of rights and access to public services is secured even to undocumented residents and their families. These initiatives though limited include a wide array of social services from public education (for their children), inpatient childbirth care, maternal and child health care (including vaccinations), to application of labor related laws (such as unpaid wages and unfair labor practices) (Tsuda, 2006; Nagy, 2008; Kumustaka, 2011). Therefore, with the newer version of immigration control, which seemingly seeks to end this unfair advantage for migrants, Japanese society is further fortified inwardly from undocumented non-citizens.

Securitization of Migration in Host States

Castles and Miller (2009) have discussed the importance of the international migration-security nexus in the aftermath of the 9/11 attacks, with immigrants being perceived as potential terrorists. Hence, with the growing politicization of migration, international migration is a phenomenon that cannot just be ignored, undermining bilateral and regional agreements on free flows of labor. For instance, in periods of economic recession, recipient countries (host states) automatically resort to stricter migration control on the pretext of maintaining social stability. Similarly, in the case of Japan, researchers have pointed out that in the present employment and economic crisis, illegal foreign workers take away employment opportunities from the domestic (Japanese) workers impeding a fair labor market practice. Host countries' governments securitize migration by restricting it, as they claim it is a growing problem for their country and citizenry, and more often than not, speed up the process of detaining and deporting unauthorized migrants. Consequently, the host

society may unconsciously resort to the deepening criminalization of migrants (irregular), which could have problematic impact for international relations with countries involved or affected, especially the migrant-sending countries.

Rumbaut (2008) notes that the perception on foreign-born residents, especially those labeled "illegal aliens", as responsible for higher crime rates is deeply rooted in host countries' public opinion (e.g. USA as a country of immigration) and sustained by media anecdote and popular myth. The study by Lee (2005) supports this observation. Citing the study of Hammar (1999), Lee notes, "European states have set up special police units to follow and search for 'illegals' who have gone underground and 'overstayers' and aliens who have received a deportation decision. Indefinite detention and expulsion are among the harshest measures of explicit control and their use has been highly controversial." Thus, irregular migrants are being subjected to a variety of migration management instruments that vary from punitive sanctions to restrictions that require individuals to obtain documentation in order to legally work and reside in their destination countries (Lee, 2005, pp. 8-10).

Moreover, the criminalization of migrants is a highly controversial issue when it comes to the judicial treatment of migrant criminality in some European countries, and even in the USA. A study by Quassoli (2001) points out that social categories used in judicial proceedings such as "immigrant-irregular-marginal-criminal" and "foreign-irregular-socially excluded-criminal migrant" greatly influence decisions by criminal courts (including prosecutors, judges and lawyers) about precautionary measures and probation and as critiques suggest: they are most frequently manipulated and invoked to justify the legal measures taken against them. In the US, an investigation of its Immigration and Customs Enforcement (ICE) exposed a gruesome picture of authorities' mistreatment of suspected illegal immigrants. The report further shows that while illegal immigrants are supposedly held on administrative

grounds, state and local correctional authorities, unaware of US standards for detained migrants, often house them together with criminals (Hsu, 2007).

In Japan, as early as the 1990s, scholars such as Komai (1995) and Herbert (1996) had pointed out the "mono-ethnic" oriented Japanese immigration policies and the growing criminalization of irregular migration by the media and the national police agency (NPA). This highlights the "xenophobic tendencies" or anti-immigrant sentiments of most recipient countries' policies against foreign workers, evidently designed to criminalize irregular migrants. Other scholars who discussed the relation between security and migration issues (e.g. Buzan, Waever and Wilde, 1998) have also shown how the concept of national security can be juxtaposed with that of a "society's security". In this context, migration is linked with domestic crime or is seen as a threat to national security. Hence, punitive actions against "irregulars" are justified to overcome this "threat", and the government is given extraordinary powers to resolve this "problem", including detention and/or deportation (Arifianto, 2009).

II. Research Objectives

Studies on international irregular migration have now become popular in all corners of the globe. The public is regularly bombarded with news of foreign workers with irregular status caught by the authorities for violations of host countries' immigration policies. At the crux of migration issues, it is undeniable that we tackle the destination countries' migration controls and/or migration management instruments. Thus, the study aims to shed light on the consequences of irregular migration and the recipient countries' response which include immigration enforcement measures such as arrest, detention and deportation. It attempts to further elucidate on the reasons behind seemingly sustained phenomenon of migrants-in-distress as the borders of their countries of work destination (i.e. Japan) are governed by strict immigration policies that either sought to facilitate or hinder their entry.

As a theoretical contribution, the study incorporated a discussion on network theory and social capital, as earlier studies suggest that migrants utilize all possible channels in their plight abroad, which typically begins from their state of origin (i.e. Philippines), working through NGOs and/or advocacy groups, informal connections, and other sympathizers. For all its intent and purpose, this research attempts to offer an interdisciplinary explanation of the irregular circumstances experienced by some distressed migrants with lenses from the academic field of political economy, sociology and international studies. Hence, this case study aimed to generate some hypothesis for utilization of future researchers and further studies (as shown in the conclusion).

Statement of the Problem

This thesis presents an exploratory case-based research based on the plight of the Filipino irregular migrants by incorporating discussions on the significant role played by state and non-state actors. Specifically, the study aims to answer the following questions:

1. How does the migration industry facilitate the irregular migrants' decision to move out of the Philippines?

2. How do the respondents and their families cope with migration control measures including arrest, incarceration and/or deportation?

3. How do respondents perceive the process of negotiating their status in Japan as a destination country?

4. How does the migration industry, specifically state and non-state actors, in both countries, address the migrants' precarious status?

5. What are the implications of this case material for the following:
   a. current and future services, programs/policy measures for immigration/emigration in Japan and the Philippines
   b. migrants-in-distress and repatriation services
   c. commitment to international conventions and human rights

III. Theoretical Proposition

To help with the hypothesis-generation process, this study came up with this theory proposition which is meant to be reviewed at the analysis-phase. This research hinges on the proposition that governments (liberal regimes) of both countries of origin (source) and destination (host), in this case the Philippines and Japan, are caught up in a dilemma between adhering to international human rights standards and constitutional rights including that of migrants regardless of their status, and protecting the rights of their citizenry (of the host states) (see Figure 1-1 below). In countries of origin, the institutionalization of migration as a supposed temporary recourse is becoming a permanent policy to partially address high unemployment rates and major economic difficulties which facilitates the perpetuation of "migration industry". Evidently, a growing number of migrants are caught up in complicated situations when it comes to dealing with their status abroad, as it is alarming to note that many of the OFWs are mired in detention facilities across the globe, especially in the Middle East. However, even with foreign embassies and consular protection abroad with service programs that include labor attachés and assistance to nationals (ATNs), the Philippines' government is still largely prevented by structural and bureaucratic impediments, together with corrupt and unscrupulous practices of some officials, from providing immediate assistance to distressed migrants including irregular migrants. Back home, government offers minimal, if not without, financial assistance to returning and deported migrants. Reintegration programs do not necessarily address long-term and sustainable economic needs of migrants. Obviously, these expedient measures only encouraged them to seek more employment opportunities abroad, through legal or irregular channels, thus engendering a circular migration (see also further the following studies: Marshall, 2006; Odmalm, 2006; Koser, 2007; Castles, 2007).

The Migration Industry: Legitimate and Illegitimate Agencies

Source States (SS)
[Poverty & Unemployment]
[Institutionalization]
[High Labor Supply]
(Case: Philippines)

Global Interdependence
(Macro-Level)

International Migration
Regime (ILO, IOM)

Host States (HS)
[Ageing Population]
[Demand for "Desirable Aliens"]
[Feminization of Migration]
(Case: Japan)

Successful Migrants
(Remittances)

Unsuccessful Migrants
(Migrants-in-Distress/Irregular)
[Invisible/Underclass]

Further Repercussion: "Irregularity Cycle" (Irregular Channels)

Special Considerations
(Acting on the Advice of
State & Non-State Actors)

Adherence to UN
Conventions/Human Rights

Human Agency and
Solidarity (Micro-Level)

Incarceration
(Immigration Detention)

Intended Outcome: Deterrence

Voluntary Appearance

Deportation
(Repatriation/Reintegration)

Figure 1-1: Theoretical Proposition
(Conceptualized by the Researcher)

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On the other hand, the continued influx of irregular migrants in recent (new) countries of immigration is apparently challenging the traditional right of states' sovereignty to control who enters their territory and who constitute their citizens[4]. Thus far, an array of restrictive measures have been implemented to counter this situation including stricter visa requirements, cutting back public spending for welfare payments to undocumented migrants, administrative pre-expulsion detention, and involuntary deportation (Marshall, 2006; Cheah, 2009; ICHRP, 2010; Leerkes and Broeders, 2010). With immigration enforcement policies of destination countries in place, including incarceration of irregular migrants, alternatives to immigration detention or in the case of Japan, *provisional release and/or special permissions*, seemingly facilitate host countries' balancing act between adhering to human rights commitments and protecting state sovereignty or security. Sampson, Mitchell and Bowring (2011, p. 4) describe these processes as "any legislation, policy or practice that allows for asylum seekers, refugees and migrants to reside in the community with freedom of movement while their migration status is being resolved or awaiting deportation or removal from the country." With this mechanism in place, the state itself has reluctantly provided the irregular migrants, a means to negotiate or bargain a change in status, from irregular non-citizens to partial citizens.

Hence, the theoretical proposition also put together discourses on the implications of immigration detention. As Leerkes and Broeders (2010) discussed in the case of Netherlands, one of the "informal functions" of the state's immigration detention agenda is the deterrence of irregular migration (while its ultimate formal function is to expel all unwanted illegal immigrants). However, in this case study, the repercussion is rather evident in the irregular migrants' agency of circumventing the existing immigration laws to their advantage and managed to escape the expulsion procedure through a distinctive process of regularization through special permissions. They inadvertently capitalized on this "special procedure"

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[4] Recent or new countries of immigration include the newly industrialized economies after the post-war era and countries such as Japan and Korea that were not previously classified as "traditional countries of immigration" (e.g. USA, UK, Canada).

(*Zairyu-tokubetsu-kyoka*) as provided for by the Japanese immigration law. Hence, we can only surmise, that the day to day experiences of foreign workers and irregular migrants alike is a significant issue to be dealt with as this does not only involve independent and rational individuals, but rather such issues pivots around the role of governments (of sending and receiving countries) and how international political and economic policies shaped these turns of events into an international migration reality (Debrah, 2002).

In addition, the role of non-state entities (NGOs, church-based organizations) and self-help groups in the Philippines and Japan, and even in other countries, becomes a catalyst to ensure protection of migrants' rights, and thus they serve as "watchmen" to make sure that these are constantly upheld. Nevertheless, this should not obscure the role of migrants as individual agents capable of making independent decisions in using existing channels, including migration agencies and networks in place, to achieve whatever goals they have had in mind in deciding to go abroad. Such networks become part of the self-developing process of labor migration as it helps reduce both economic and psychological costs (monetary and adjustments costs). As Mani (2005), in citing Fawcett (1989), argued "movers and stayers can be regarded as active decision makers" in the whole migration process. Thus, as a crude application of Giddens's *structuration theory* and on the *power of human agency* (Giddens, 1984; Giddens & Sutton, 2013), this study attempts to show how certain state actions (both in the Philippines and Japan) relate to migrants' decisions, and how migrants subjectively respond to the influence of these structures. In a worst-case scenario, migrants may be detained and/or deported, but in some cases they are able to establish and protect their rights.

IV. Definition of Terms

1. **Migrants** – Koser (2007) has defined, though overlapping, categories for the term "international migrants." A common distinction is made between "voluntary and forced migrants." Another category is that between people who move for "political reasons and

those who move for economic reasons." Those that move for economic reasons are usually described as "labor migrants" – people who move to find work, or better job opportunities and working conditions. They in turn are often further classified as low skilled and highly skilled. Moreover, as suggested by Marshall (2006), much of contemporary migration is temporary: business purposes, study, training, travel or temporary work both by legal and irregular means. The term "labor migration" is a significant concept here such that it "refers to legal migration by individuals to work on the basis of official permits for a specified period of time in a given country, such as contract workers in the Middle East or Israel (temporary migration)." Tyner (2009) sees temporary migrants as "those persons whose stay overseas for employment-related purposes, and who are expected to return at the end of their work contract." In Europe, the former Federal Republic of Germany (West Germany) operated the *Gastarbeiter* scheme under which workers were recruited according to a two-year rotation principle. After recruitment ceased in the early 1970s, this labor migration turned into a permanent immigration" (Marshall, 2006).

"Migrants", in this study, refer to low/unskilled or semi-skilled temporary or contract migrant workers or those considered "non-permanent residents", as opposed to immigrants who aim for permanent settlement.

2. **Irregular migrants** – a final category is "between legal and 'illegal' migrants – although the term 'irregular' is possibly more accurate and probably less derogatory than 'illegal' when talking of migrants" (Koser, 2007, p. 17). In fact, migration scholars asserts that using the term "illegal" is inappropriate since it serves to criminalize migrants when their transgressions are supposedly considered "administrative and not criminal in nature" (Aguilar, 2011). Tyner (2009) defined irregular migrants as those who are "not properly documented or without valid residence or work permits, or who are overstaying in a

foreign country" (migrants' predicament or dilemma). Hence, irregular migration is described as a variety of phenomena involving people (irregular migrants) who enter or remain in a country of which they are not a citizen, in breach of its national (immigration) laws. Other terms for irregular migration are illegal, unauthorized, and undocumented migration (Marshall, 2006). On the other hand, the term "undocumented" is an ambiguous term such that many of the irregular migrants are documented, possessing passports and/or travel document (Koser, 2007).

Though this study partly deals with the legalization process of irregular migrants, this generally rather focuses on those who circumvented immigration controls (unauthorized/illegal entry and/or those who overstayed or undocumented migrants).

3. **Migration industry** – In reference to Marshall (2006), Koser (2007), Castles (2007), and Pijpers (2010), migration industry is the complex network of agents (including non-state recruiting actor – international employment agency), brokers, lawyers, travel and housing providers who facilitate migration from the migrants' country of origin to their destination countries. Some analysts have described these as forming a migration business (new migration industry) that stands for commercial gain.

For the purpose of this study, migration industry includes a wide array of state-run and state-sanctioned agencies (legitimate industry), and a range of individuals and agents (labor recruiters/brokers, employers, recruitment agencies, and immigration lawyers), as well as non-state entities (NGOs) that provide assistance and shelter to irregular migrants. In addition, there is also an illegitimate part of the migration industry, which is comprised of human traffickers and migrant smugglers (e.g. criminal mafia).

4. **Migration control** – refers to a wide-range of immigration enforcement operations by the government of destination countries (labor-recipient economies) including surveillance, crackdowns/raids, arrest, immigration detention and/or deportation, as compared to its

rather more constructive approach that is migration management. Such restrictive measures have been implemented over the past decades including stricter visa requirements, reductions (if not elimination) of welfare support to irregular migrants, increasingly stringent border controls, and involuntary deportations. Additionally, the use of immigration detention has been growing over the past two decades as governments struggled to control migrants' entry and stay (Marshall, 2006; Sampson et al., 2011). One major reason behind this is that a society could perceive the growing number of migrants as a threat to ethnicity or economic security (i.e. expected increasing unemployment due to competition with jobs of "true citizens", including access to its social and welfare services). State instrumentalities can then successfully mobilize its resources to overcome this "threat" through the government or a political actor (elite) who yields extraordinary powers to resolve the problem; in the case of illegal/undocumented migrants, that is, detention and/or deportation executed by immigration bureaus/agencies (Collins, 2005).

5. **Negotiated status** – this study borrows the concept of "negotiated citizenship" as suggested by Stasiulis and Bakan (2003) who argued that non-citizens or migrants in general have gained rights and privileges previously granted exclusively to the citizens of host country through "a network of sustained linkages that evince their transnational existence." Other migration scholars described this theory as "post-national membership rights" which states that "a new form of *citizenship* or membership has emerged in which rights extend across national borders. As such, supranational institutions (e.g. United Nations) and global legitimizing discourses (international human rights regime) have superimposed their authority on that of the nation state, with the effect of rendering national citizenship increasingly irrelevant as a source of rights for migrants" (Marshall, 2006, p. 258). Such discourse has been expounded by researchers on "citizenship and immigration" including the processes engaged through by irregular migrants in

negotiating their status with host countries (Parreñas, 2001; Ball & Piper, 2002; Ellermann, 2010; Leerkes & Broeders, 2010). Discourses on regularization processes such as integration programs and amnesty is incorporated in this definition. Regularization involves the "legalization" or normalization of irregular immigrants' status. Amnesty, on the other hand, is the granting of legal resident-status to longer-staying irregular migrants usually offered by the US government to regularize Mexican migrants (Marshall, 2006). Nevertheless, this study does not discount the argument of Engbersen, Van San, and Leerkes (2006) which contradicts Sosyal's (1991) view on the emergence of post-national citizenship in Europe. Rather, the thesis attempts to make sense out of identified factors that could have influenced the state's decision of granting such "limited rights" to immigrants and irregular migrants alike, thus "negotiated status."

6. **Precarious status** – this study adopted Goldring's (2010) description of *precarious status* which is utilized to capture the "insecurities of less than full legal status" as applied to the temporary workers' migration status in Canada. It refers to migratory statuses or categories that are outside citizenship and permanent residence which may change over time (e.g. through negotiated status of special permission). Precarious status, as discussed by Goldring, can involve the absence of any of the following: work authorization, residence permit, sponsorship from spouse/employer, access to public goods/services, and right to sponsor family/relatives (family reunification). However, this study specifically applies to temporary workers awaiting status determinations, appeals and so forth (either for eventual legalization of status or expulsion/deportation). The definition is also partially borrowed from Bourdieu (1998) and Dorre (2006) on their discourses on "precarity" or social uncertainty which could have negative impact on human agency and even collective action such as triggering despair and inaction. In this study, it comprised

of difficulties and/or peculiar circumstances that inhibit individual migrants, aside from their irregular status, to embrace their agency.

Table 1-1: Matrix of Key Concepts and Variables*

Key Concepts	Specific Variables
A. Migration industry	This refers to the varied migration institutions in the Philippines including state-sponsored (e.g. POEA, OWWA, DFA) and the thriving migration industries that includes recruitment/broker agencies, lawyers and even non-state organizations (foundations/associations helping migrants to go abroad) playing a significant role in the migration process.
B. Coping from migration control	Delves into the coping mechanisms of migrants and their families when the case respondents were unexpectedly arrested and detained by authorities, and later obtained their legal status, if not deported back home.
C. Negotiating status	Deals with the respondents' perception/action or active participation in bargaining or settling their cases, considering their unauthorized status, in Japan; making use of existing networks they have while negotiating their status with the host country.
D. Addressing migrants' precarious status	Refers to existing social services and assistance to migrants-in-distress provided for by Japan and the Philippines (i.e. immigration lawyers, consular protection, assistance to nationals, among others).
E. Implications of the case studies	Reflects on a possible proposition the case study has on current and future services, programs/policy measures for immigration/emigration in Japan and the Philippines; migrants-in-distress and repatriation services of the Philippine government; and how commitment of both countries to international conventions and human rights will address the migrants' concerns.

*Note: Conceptualized by the researcher as applied to the study objectives

V. Purposes of the Study

As reiterated earlier, this case study may serve as a jumping board for conduct of future research that includes detained irregular migrants in Asia and across the globe. Additionally, as this study focuses on labor migration in the context of the OFW experiences in Japan, this research is of special significance to the Philippines as one of the *top exporter of labor force* in the world. The Philippine government openly recognizes the contribution of

OFWs to the national economy and development through their remittances. In lieu of this, the study seeks to contextualize irregular migration as a political and social phenomena that need to be seriously considered as many Filipinos nowadays are dreaming of leaving the country, either through legal or irregular channels, in search for a more decent work abroad in the US, Europe and in some major migrant-receiving Asian countries such as Japan. Regrettably, as cited earlier, most of them are disappointed upon realization that they are already detained for reasons ranging from petty crimes, serious troubles and other cases in the process of doing their job. More specifically, this research is expected to provide information to various organizations and agencies that will be valuable in the following context:

a) proposing a better academic understanding on the issues and concerns of migrant workers detained abroad by generating some hypothesis and conceptual/theoretical framework in the field of irregular migration studies;

b) identifying gaps in policies, services, or government programs that can form part on improving or formulating relevant policies and interventions for migrant workers;

c) for concerned international NGOs, and even migrant workers' associations and/or other organizations to use as the basis for services, programs and advocacies that place higher emphasis on addressing responsively the plight of the detained migrant workers and the OFWs in general.

VI. Scope and Limitations

The study puts emphasis on distressed migrants who experienced detention in Japan; while some of them managed to process the legalization of their status due to "special circumstances" as provided for by Japanese immigration law, the remaining respondents were deported back to the Philippines. The study further focuses on previously irregular migrants who were apprehended by the authorities since the inception of "get tough" crackdown policies against *irregulars* as early as 1998 and coinciding with its peak in 2005 and 2008, up

till the present. Since this case study research primarily involves former irregular Filipino migrants (status regularized or deported between 2008 and 2012), this does not necessarily represent in totality the current situation of irregular migrants of other nationalities and/or of all the *Filipino irregulars* in Japan, in Asia and across countries of the world.

Moreover, many of the informants were largely referred to by known NGOs in major cities of Japan (mostly from Tokyo, Aichi prefecture, some in Kansai and Kyushu areas). A few other respondents/key-informants were introduced through other personal and coincidental undertakings (such as paper presentations at conferences and participation in some migrants' forums). Aside from the actual formal interviews, I spent relatively longer time with the respondents working as an after-care volunteer and through home-stay and home visits to further verify their stories. These were done to ensure that trust and rapport are established before the actual interview. As such, in sharing their life stories, I easily verified their responses with that of their present situation. However, to address the question of validity of data collected, criteria for case selection were already identified prior to actual fieldwork. The social stance (political, religious or gender biases) of key-informants from NGOs and government officials may limit the scope of their responses (as NGOs and their advocacies tend to be critical against the existing structures, while, on the other hand, government officials may lend towards aggrandizing the achievements and significant role performed by their office). Additionally, due to limited insider-contact from the immigration bureau and limited Japanese (*Nihongo*) language capability, I was not able to interview any immigration personnel as possible key-informant and that the discussions and analysis of Japan's immigration policies and programs may be delimited by bias interpretation of secondary sources. Also, this research limits its scope to English-text sources and dearth of any Japanese-based texts. Nevertheless, the responses of both case study respondents and

key-informant interviewees is further validated by participant and direct observation techniques and by reviewing the context behind their life stories and through news updates.

VII. The Research Process and Methodology

The study utilizes an exploratory-descriptive case study research design using multiple cross-case analyses. In reference to Yin (2009), the research addresses the question of validity through utilization of varied sources of information in terms of data and theory.

Research Design and Paradigms

The study was accomplished through a modified-grounded instrumental approach (research-before-theory model), using replication sampling instead of the typical population sampling (Berg, 2007). Reliability of the data gathered was made certain through a pilot study conducted at the earlier phase of the research process. The modified approach here means that as the researcher conducted the fieldwork from one case or informant to another, information were generated that needs further reading and thereafter incorporated them in the succeeding interviews and emergent observations. Also, part of the preliminary analysis of the said pilot study came out as a published manuscript where the researcher largely based the theoretical proposition (see also Villa & Mani, 2013). Moreover, replication sampling here refers to the multiple cases which are actual replications, not sampled cases.

On the other hand, paradigms and philosophical worldviews are largely unseen in researches but, as recognized by most scholars, they do influence the course of action in the conduct of study. Creswell (2009, p. 6) defines worldviews and paradigms as "basic set of beliefs that guide research action or a broadly conceived research methodologies – a general orientation about the world and the nature of research that a researcher holds." Most researchers highlight four different worldviews: post-positivism, constructivism, advocacy/participatory, and pragmatism. Since this study employs qualitative strategies of

inquiry, the Social Constructivist and Advocacy/Participatory Worldview made more sense in research action.

Social constructivists hold assumptions that individual seek understanding of the world in which they live and work. Individuals develop subjective meanings of their experiences – these meanings are varied and multiple, leading the researcher to look for complexity of views rather than narrowing meanings into a few categories or ideas. An advocacy/participatory worldview holds that research inquiry needs to be intertwined with politics and a political agenda. Thus, the research contains an action agenda for reform that may change the lives of the participants, the institutions in which individuals work or live, and the researcher's life (Creswell, 2009, pp. 8-9).

Unit of Analysis

As stated earlier, the "case" in this study is the specific phenomenon of the consequences of immigration enforcement (migration control). This measure usually includes arrest, detention and deportation of the irregular migrants – its unexpected outcome is the regularization or normalization of migrants' status (incorporation). The **criterion measures** for the unit of analysis (case informants) include the following: 1) migrants must be those who were recently arrested (coinciding with massive crackdowns and arrests beginning 2005 with unexpected peaks in a year), and 2) those who experienced detention (either briefly at a detention house or longer in an immigration detention facility or penal colony). Human rights advocates claim arrests and detention as a notorious migration management instrument in curtailing irregular migration. While these control measures of the state are proven to demonstrate psychological impacts on migrants and their families, most especially to their children, the after effect of this difficult ordeal could either be socially advantageous (if status is regularized) or economically, if not psychologically, damaging (when they are deported). In either case, the role played by non-state actors serves as an indispensable catalyst in

alleviating the migrants' precarious status at all levels of their dire situations. Thus, the interaction between the individual (migrants) and the structures-in placed (the migration industry including the actors within it) is very much highlighted in the analysis and conclusions of this study.

Instrumentation

Data for the nine (9) case respondents were derived using replication logic. Replication logic, along with replication sampling, is adopted from Yin's (2009) case study research methodology to address questions of reliability. The logic behind the use of multiple case studies is that each case "must be carefully selected so that it either a) predicts similar results – a literal replication or b) predicts contrasting results but for predictable reasons – a theoretical replication (p. 47). To address differing explanation of same phenomenon (rival perspective), a rival replication is conducted when "two or more cases support the same theory/proposition but do not support an equally plausible, rival theory (p. 33).

Two levels of abstraction from case phenomena were replicated: 1) Literal Replication: women migrants (mothers) with Japanese-Filipino children, and Theoretical Replication: migrants with Filipino families and children (Normalized Status); and 2) Rival Replication: migrants who were unsuccessful and eventually deported back home (Table 1-2). At each level, the role of state and non-state actors is taken into consideration – whether or not, migrants made the most out of the services provided for them by these agencies.

In addition, as a qualitative research employing open-ended in-depth interviews (primarily for case informants), a combination of data collection techniques validated the methodology including key-informant interviews (KIIs), direct and participant observations, and document analysis from secondary sources. Key informants are secondary respondents as opposed to main case respondents – meant to further validate or verify the responses of case respondents. Through the use of a case protocol, a semi-structured case informant interview

guide was primarily employed for the case-study respondents, while a key-informant interview was also completed for identified individuals, representatives from non-government organizations and migration-related government agencies through short and sometimes informal interviews. The said case protocol was prepared based on the pilot study conducted at the earlier phase of the research process. The protocol was carefully outlined to direct the interview process consistent with the objectives of the study (see also Appendices A and B).

Table 1-2: Data and Replication Logic*

Replication	Literal	Theoretical	Rival
Case Phenomena	Detention and Normalization	Detention and Normalization	Detention and Deportation
Case Informant	Mothers with Japanese Children	Filipino Families	Filipino Families
Key Informants	NGOs in Japan (Japanese, PHL, Church-based), a social worker, lawyers, PHL consular staff, bar owner/managers, regularized migrants (not detained), currently under provisional release (i.e. *karihomen*), currently detained migrants		PHL NGOs, government agencies, bar hostesses, bar owner/manager/recruiter, mothers who have JFCs abandoned by their Japanese father

*Note: Cited in Chapter 3 as applied to the study objectives

A total of twenty four key-informants came from Japan including representatives from Migrant-NGOs (7), church-based program managers for migrants' concern (2), lawyers/volunteers working with legal sector (3), social worker/local government employee (3), irregular migrants (2), detained migrants (at the immigration detention facility) (2), informants who were under provisional release (3), some managers of pubs/night clubs and a staff from a Philippine consular office (2). In the Philippines, seventeen key-informants include representatives from Migrant-NGOs (3), selected government agencies (3), policy-makers (2), a manager of a Filipino-owned pub (1), staff at the Japanese consular office in the Philippines (2), mothers who have children abandoned by their Japanese fathers and former

deportees (3), and former entertainers/migrants from Japan (3). On the other hand, direct observations were also explicitly done while visiting migration-related government and non-government offices/facilities in Japan and the Philippines.

Participant observation was made possible by engaging with NGOs openly assisting distressed migrants, including victims of domestic violence, cases involving abandonment of Japanese-Filipino children (JFC) by their fathers, and irregular migrants processing their cases (i.e. detained and/or on provisional release, voluntary appearance at the regional immigration office). Secondary sources came from the NGO case profiles and clientele reports, information found on websites from varied agencies, online news updates and memoranda (white papers and major policy guidelines). Since I am doing a case study research methodology, one of its "continuing processes" is to verify data gathered from time to time; and to address questions on validity and reliability of the research, I again showed my preliminary case study report with the NGOs I have worked with, and with a few respondents. On the other hand, the theoretical proposition and the conceptual framework of the study were validated through the utilization of various migration theories and perspectives on irregular migration, detention and deportation from the political economy and sociological frameworks to arrive at a more multidisciplinary data analysis and conclusions.

Data Collection Procedure

A pilot study was completed in Tokyo and Nagoya while direct observations were done at selected churches of a city in Kyushu where Filipinos usually converge to pay religious service (last quarter of 2009 towards the first quarter of 2010). The preliminary interviews and observations were conducted as pretest measures in order to gauge future fieldwork activities and anticipate major methodological limitations. Since the study intended to do an inductive approach in exploring the case study respondents' life stories not only those who remained in Japan but also those who undergone the deportation procedure, I had

27

to interview a few deportees in the Philippines. This was carried out to deepen understanding of the case respondents' complicated status (see also figure below).
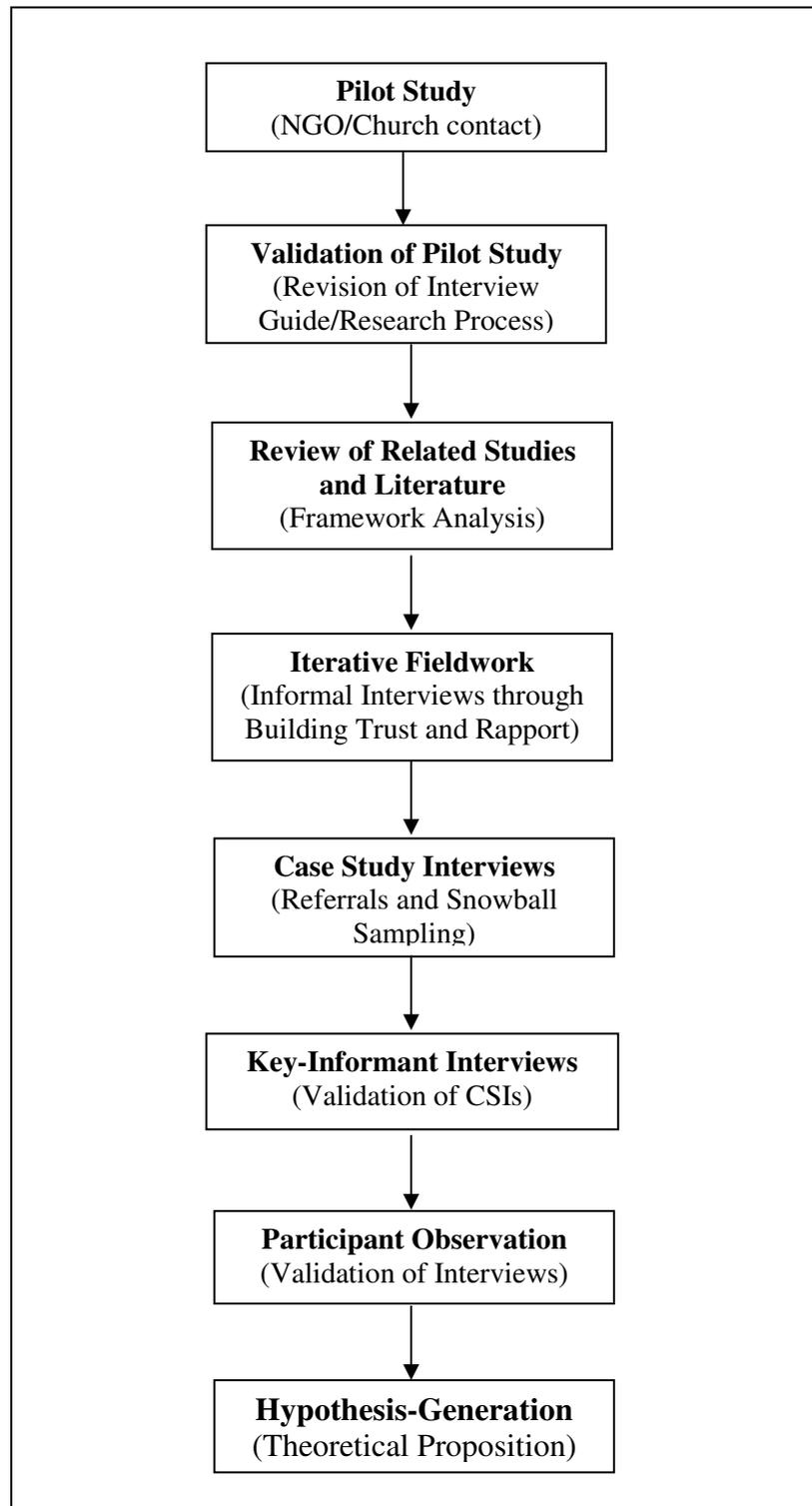
Figure 1-2: Data Collection Procedure

Furthermore, while in Japan, aside from stopovers at the consular/embassy offices of Osaka and Tokyo and other non-government organizations (Japanese and Filipino-run) in Nagoya and Tokyo area, and some selected offices in Kyushu, I also visited immigration detention centers to verify the respondents' description of these facilities. I did a quick interview (given the 15-minute allotted time for each visits) with some Filipinos at a detention house in Nagoya and conducted an ocular inspection of an immigration detention facility in Ohmura (Nagasaki, Kyushu) together with an NGO facilitating such annual visits.

Moreover, I had to expose myself to various work environments where my respondents could have been possibly situated, including clubs/pubs (as a customer/client), home-stay with host family (as a child care provider), and as a factory worker (co-worker). While staying with my host family, I was in the process of understanding deeply their life stories. These were unfolded while immersing with them by helping on their household chores, playing with their youngsters, meeting their friends, among others. I also extended my exposure with non-state actors by involving myself in their advocacy work geared towards helping migrants. In Nagoya, I did my volunteer work as documenter and in the process obtaining potential information on cases involving my study. Through this volunteer work, aside from establishing contacts in Nagoya (Aichi-ken), I was able to expand my network with NGOs in Tokyo area, including Saitama and Urawa. Back in Kyushu where my university is located, I was able to assist Filipina spouses of Japanese citizens (mostly from Southern Philippines) in building their own support network with the local community and around Kyushu by formally setting up a community-based organization representing their common interests and basic concerns. Overall, it took me about a year (intermittently between 2011 and 2012 in Japan) to finish the actual duration of my fieldwork: six months as an NGO volunteer and involvement with the case respondents, while the remaining months were spent for direct and participant observations and the "entry phase" – establishing

networks and getting to know potential respondents. The succeeding years, between 2012 and 2013, were allotted for data collection for deportees/key-informants in the Philippines, data analysis and finalization of write-ups for the cases, as well as for verification of data collected.

Access and Permission

In retrospect of the actual data collection procedure, as early as December 2009, I attended a small meeting/informal conversation with the volunteer team of the Filipino Migrant Center (FMC) in Nagoya. FMC's office is actually located at the center of the entertainment industry in the city (Ikeda Koen, Sakae area), which is very much accessible (as the volunteers contend) to migrants needing help, day or night. The meeting paved the way to a number of possibilities and options to contact and connect with the potential respondents. I successfully finished my pretest interview with a Filipino who experienced detention due to immigration-related offenses. Since this is an inductive case study, I utilized the in-depth interview guide I drafted for the said visit. At the end of day, I learned that if I had to seriously proceed with my case study research, I would never obtain the needed data with just one interview. Indeed, in-depth interview is a process and that the whole process itself is seemingly a TV show for them. I had an inkling that sharing their life story is shaped by their very notion of a "public image" to an "audience" like the researcher (how I view them as an interviewer at face value). Such a situation echoes what Babbie (2010) describes as "reactivity" wherein respondents behave in certain ways when somebody is observing them, which could somehow impede the researcher from observing or determining their real life stories/events. The study is also conscious of what Giddens describes as "double hermeneutic" (interpretations) to describe the difference in the way actors and sociologists use language. Giddens notes that we should be concerned with the disparity in the language by which actors describe their own actions and the language used by sociologists to describe those actions. The way in which sociologists articulate what they are studying can have an

effect on that phenomenon and hence may alter their findings (Giddens, 1984; Giddens & Sutton, 2013).

In January 2010, I spent my New Year's Eve in Tokyo on a home-stay with a Filipino scholar, and later with a Japanese-Filipino host family. Through this undertaking, I met a Filipina woman working in a local bar/club (*omise*) at the outskirts of Tokyo. I was exposed to her experience as a single mother and the dire circumstances she had to face to take care of her four-year-old daughter. On a later date, I was given a chance to talk with the service heads and the volunteers of *KAFIN-Migrante* (formerly Kawaguchi Filipino Community) and the Center for Japanese-Filipino Families (CJFF). I have known that KAFIN is indirectly helping OFWs that are about to be deported (while appealing their cases) and those experiencing abuses/difficulties at work, and the CJFF focuses on helping migrants' children. In fact, I did a short interview with one of the volunteers of the KAFIN who herself was formerly incarcerated when her Turkish husband's application for refugee status was denied. The meetings with these organizations further boost my research proposal and further proceed with the data collection. Such self-help groups-turned NGOs also network with another organization, Asian People's Friendship Society (APFS), which promotes cross-cultural understanding between Japanese and foreigners.

Thereafter, from February to July and between October and December 2011, I stayed in Aichi prefecture as most of my case respondents were based there. Between August and September 2011, I stayed in Saitama and Tokyo. Luckily, I had host families who facilitated my stay in these cities (hopping from one household to another). Building trust and rapport is a very important component to ensure minimal biases and avoid false reports or misinformation with the data gathered, especially on first visits. Typically, a budding researcher may just proceed with the interview and leave with unverified information from the respondents. Such dilemmas were somehow addressed, as guided by experience, when I

had to make sure that I am more than trustworthy enough for them to share their whole life stories. As I started transcribing a few of our conversations, I realized the need to deepen my knowledge on the Japanese criminal procedure such that, as they have shared, many of those who were recently arrested had to spend their first few days at the police detention facility. To be enlightened, I endeavor to educate myself through attending the Kyoto law seminar hosted by Ritsumeikan University which helped me appreciate and internalize how the justice and legal system works in Japan. I needed this knowledge such that my research includes respondents dealing with Japanese law and how they worked with their lawyers and Japan's legal procedure. I finished all my field work in Nagoya and Tokyo area in 2011.

In the first quarter of 2012, I went back to the Philippines to continue the second phase of my fieldwork (case interviews for deported respondents). As soon as I arrived in Davao, I reestablished my earlier contacts (NGO contacts, friends & other informal networks). I had to reestablish and confirm the earlier scheduled interview with potential respondents (referrals from Japan). This was successfully completed with assistance primarily from the Center for Overseas Workers (COW-Davao City). I did one key-informant interview in Davao (executive director of an NGO) and then two more in Manila (one KII and one case study). I interviewed a mass leader-volunteer of *Migrante* International, an advocacy and people's organization in the Philippines known for its progressive and bold stance on issues that affect Filipino migrants abroad. I stayed for three days (home stay) at their national office's quarters in Manila and attended a meeting with migrants who were repatriated after forcefully laid off from their jobs abroad. They had to appeal their case through the Department of Labor and Employment (DOLE) with the help of this organization. They were given an orientation to understand the general picture of their efforts then. Later that week, a family of a detained migrant in the Middle East was assisted by *Migrante* to seek assistance from a government official and legislator to file complaint of the inaction of the consular

office in said country tending their concerns. After all these exposures, I realized that my problem as a student is too shallow to compare on what they were experiencing; losing a job is not an easy situation to contend with, much more as a family of detained migrants abroad. Some of them had to travel from far-flung areas just to attend such meeting/s – which is too costly in a developing country like the Philippines.

The final phase of the fieldwork was completed in the third and last quarter of 2012, which basically focused on verifying the life stories of the case respondents through the remaining KIIs in Japan and the Philippines. Aside from the established NGOs assisting migrants, I was able to contact church-based and/or religious organizations such as the *Mikokoro* Center and the Ecumenical Learning Center for Children (ELCC-Anglican Church) in Nagoya, and the Urawa Open House in Saitama (Mikokoro and Urawa are both run by Catholic Churches in Japan) indirectly offering protection and referrals (legal advice, spiritual guidance, and counseling) to migrants-in-distress. Also, I was able to interview some notable Japanese lawyers and even managers of some Filipino clubs/bars in the Philippines and Japan. Their responses validated the stories shared by case respondents before coming to Japan (also during their unauthorized stay and later – when they were regularized or deported).

Data Analysis Strategy

With voluminous verbatim responses, the data gathered were arranged and organized for tabulation of responses according to related themes and patterns, framed according to the case protocol (Table 1-3). I was able to also partially utilize NVivo – qualitative data analysis software – to organize the data transcriptions. Three levels of case write-ups were prepared: 1) life stories of case respondents, 2) common responses from key-informants, and 3) field notes (memos) from direct and participant observations. The write-ups of each case study are basically described according to their individual stories: life before coming to Japan, life before and during detention, and their stories before and after regularization or deportation.

Relationships between cases were established through a cross-case synthesis, as validated by the key-informants' responses (when applicable or appropriate to their cases) and observations (though there is a separate discussion on the role of state and non-state actors in another chapter). Finally, findings were summarized and analyzed according to the three levels of case phenomenon mentioned above.

Table 1-3: Data Analysis through Levels of Abstraction*

Objectives	Levels of Abstraction (Conceptual Framework-Construction)		Data Collection Techniques
(Research Questions #)	(Discipline-based)	(Country-based)	(Details)
1	Macro-Sociological & Political level	Philippines	Case Interviews (CIs), KIIs, Document Reviews (DR)
2	Micro-Sociological, partially political	Japan/Philippines	CIs, KIIs (mostly NGOs), Observations, DR
3	More Sociological (Macro/Micro)	Japan	CIs, KIIs (mostly NGOs)
4	Macro-Sociological & Political level	Both countries	Participant Observation (PO), KIIs
5	More Political	Both countries	PO, KIIs, DR

*Note: Cited in Chapter 3 as applied to the study objectives

In addition, under a case-based methodology, this study came up with a two-prong approach in the data analysis, implicitly at the politico-state or macro-sociological level (i.e. focus on the role of the migration industry, as well as the state and non-state actors), and at the individual/human-agency or micro-sociological level (i.e. experiences of irregular migrants after arrest, detention and/or deportation and the legalization of their status).

VIII. Thesis Outline

This thesis is divided into five major chapters. The first part, which is this introductory chapter, talks about the background of the study, research objectives, and the

research methodology. The second chapter deals with the wide array of a review of related studies and literature which is further subdivided into 1) past and current researches conducted on irregular migration in relation to globalization and international migration, the Philippines as a labor sending country in Asia and across the globe and brief overview of Japan as one of its major destination countries, and 2) theories and perspectives related to irregular migration and migration control from sociological, political, and economic standpoint. The third chapter basically focuses on the representative cases (unit of data collection and analysis) including successful migrants (previously detained irregular migrants who were later regularized by special permission) and unsuccessful irregular migrants from Japan (deportees). The fourth chapter highlights the major role played by state and non-state actors (structure-human agency) in addressing the migrants' precarious status which was revealed as I played the role of a researcher-participant and human rights advocate (dramaturgical approach). Finally, the last part deals with the summary and conclusions of the study (theoretical, policy recommendations, and future migration research agenda).

IX. Summary

This chapter mainly highlights what has been sought for in this research and the methodologies employed to address the research objectives. It opens with a brief background of the study with emphasis on the Philippines' labor migration policy and its seemingly negative outcome, which are the rising cases of distressed and detained migrants abroad. It then continues with Japan's migration control policies, as one of the top destination countries of Filipino labor migrants, and its securitization measures on immigration. It further discusses the research objectives, the statement of the problem, the theoretical proposition and the operational definition of terms. The chapter ends with an explanation on the significance of the study, scope and limitations, research design (methodology), and the thesis outline.

Chapter II

REVIEW OF RELATED LITERATURE

This chapter deals with related literature and researches conducted on the impact of globalization on international human mobility relating to irregular migration with emphasis on some notable destination countries for migrants in Asia and the world over. Additionally, more related literature is reviewed on studies about the Philippines as one of the leading migrant-sending countries in the region and Japan as one of its major recipient countries. This chapter also advances reflections on selected theories and perspectives related to migration control and migrants' negotiated status from sociological and political economy perspectives.

I. Globalization, Development and Irregular Labor Migration

The post-war era became a watershed moment for scholars to offer which alternative paths of development countries must follow. This led to many shifting paradigms overlapping our perspective of what is "modernized" and what comprise "developed" as opposed to "traditional or underdeveloped countries." Although it may sound outlandish, but it is significant to note that during the postwar decades of the 1950s and 1960s, leading industrialized economies such as the United States of America (USA) and major European countries adopted "developmentalism" or modernization theory as an ideological arm to diffuse "development" and "democracy" to the *Third World*. However, such discourse did not proceed without restraint. Criticisms from the other side of the ideological fence emerged such as neo-Marxism, dependency and the world-system theories as a response from the "voices of the periphery" against modernization theorists' claims that developing countries must follow the path of the Western world in order to reach its present level of development. Critiques raised questions against offering an ideological bias and justification for the

"core/center" countries' policy of incursion into the satellite/peripheral countries (So, 1990; Berberoglu, 1992, 2010).

The richer countries were not principally located in Asia, at least in the 20th Century. The developed world consists of traditional immigration countries largely in the Northern hemisphere (e.g. USA, Canada, and Northern European countries such as Germany, France and Italy). Recent or new countries of immigration include the Newly Industrialized Countries (NICs) such as Korea (South), Taiwan, Hong Kong-China, Singapore and Japan which showed an economic resurgence after the post war era. These non-traditional countries of destination have now become the closest alternative for potential migrants in Asia. Moreover, the capital city and other municipal/town centers of these countries are also emerging as the centers within the peripheral countries, thus becoming a hub for industrialized countries – developing not only a metropolisation of city centers but as well as of international migration.

Metropolisation of international migration is very much evident in the emergence of cities and centers of urban economies as increasingly connected to the globalized world. This is noticeable for instance in metropolitan areas such as Dubai and Toronto where immigrants make up more than half of the cities' population (Audebert & Dorai, 2010; Nagy, 2013a). This observation is perhaps obvious when it comes to the case of destination countries, if not recipient "million cities." However, in the case of source countries, the continuing inflow of people moving largely from rural communities to urban/town centers are creating what urban scholars call primate cities – such cities are much larger than the next largest city and account for much of political and economic activity as well as services (e.g. Bangkok, Jakarta, Manila) (Hackenberg, 1980). Hence, the globalization of migration is not only happening at inter-state dimensions but also at the intra-state level or within countries as well.

On top of that, as early as the 1990s, studies have pointed out that off-shoring (deindustrialization) policy or the relocation of labor-intensive manufacturing industries to developing countries was employed as a strategy to cut down production costs in boosting competitiveness of US products (maximization of productivity). When off-shoring became too costly to maintain then, the US shifted to reindustrialization which requires the recruitment of cheap immigrant labor from the peripheral countries. In fact, the historical beginnings of hiring *illegal migrants* from Mexico came about as an alternative strategy during this phase as the US capitalists justified their demand for cheap (if not docile) immigrant labor to reinvigorate the national economy and that such is needed for US industry to remain competitive in the world market. This has justified cutting domestic worker wages and curbing union power by speeding up new waves of immigration. Apparently, the role played by transnational and multinational corporations as a result of the reindustrialization phase was clearly seen as an imperative factor in facilitating migration (So, 1990).

International Migration and Development Trends in Asia

In 2013, the UN Population Division reports that Asians represented the largest share of migrants (diaspora) residing outside their countries of birth origin. They account for about 19 million foreign-born living in Europe. The International Organization for Migration (IOM) further states that there are 31.5 million international migrants in Asia and the Pacific region (IOM, 2010). This phenomenon has been around centuries ago as claimed by numerous scholars, but it has never been so intense and more profound than before as most countries today decided to get on the parade towards this emerging international free flow of goods and services – indeed, a borderless world community ensues as globalization was ascribed to the establishment of World Trade Organization (WTO) in 1995. Prior to WTO, the General Agreement on Tariffs and Trade (GATT) came as an opening salvo from 1947 to 1993. The establishment of the WTO paved the way for the General Agreement on Trade in Services

(GATS) which somehow liberalize the boundaries for exchange of trade and labor supply, but rather very limited to intra-companies personnel specifically termed as natural persons (Tullao & Cortez, 2004).

Governments of developing countries, mostly from Asia, such as the Philippines, perceived this as an opportunity to resolve economic woes that have plagued internal political problems, from one administration to another. Most of these fledgling developing economies implemented a policy of labor export and gain benefits from it through the remittances migrants' sent from abroad. Indonesia and the Philippines are the largest labor sending countries in Southeast Asia (mostly unskilled and low-skilled workers), while Malaysia and Singapore are basically recipient countries. Thailand has been considered both as a sending and recipient country (as well as transit to other destinations). The major cause of labor migration in Indonesia is the worsening unemployment situation in the country. The Philippines had an earlier unique background such that it facilitated a labor export policy with the overseas employment program started in 1974. The program aimed at reducing unemployment, increasing skills acquisition, and increasing foreign capital through remittances (Alcid, 2003; Tyner, 2004; Mani, 2005).

On the other hand, as it is rather more acceptable to say that globalization is an instrument of economic growth characterized by the decline in administrative barriers to trade, sharp falls in the transportation costs and rapid development in information technology and communication, there are however glitches along the way. Since the collapse of Lehman Brothers in September 2008, the backlash to globalization is now seemingly dangling. Thus, it is safe to say that globalization does not always yield positive outcomes as it is also associated with income inequality in some countries. As the neo-classical economic approach would have explained (push-pull theory), this huge gap between the developed and developing world inevitably lures potential migrants to search for higher incomes elsewhere

(in developed countries). In their decision to emigrate it could be succinctly described in the following terms: pull from higher wages in receiving countries and push from source countries such as high levels of unemployment and poverty. This approach perhaps elucidates the flow of foreign workers in search of jobs from the Philippines and Indonesia to Singapore, Malaysia, Hong Kong, Japan and many other Asian countries (Debrah, 2002; ILO, 2002; Eades, 2004; Mani, 2005).

Yet, many other scholars contend that the factors driving migration cannot just be more simplistic than mentioned above. Proponents of world systems theory and the dual labor market theory argued that migrant workers are admitted to the receiving regions and countries to work in industries and jobs which locals shun and hence employers turn to migrants (South-North migration). The basic assumption of the world system is that the migration process (within a single system) is set in motion by the integration of new areas into the capitalist world system creating core-periphery relations between metropolitan and traditional economies. What constitutes as "bridges for migrants" are the material, cultural and ideological links that arise between these countries (Sassen, 1988; Debrah, 2002; Castles and DeWise, 2008). Citing Bartram (1998), Debrah (2002) further asserts:

> In the core countries, economic and technological changes create new high-paid jobs that locals are willing to take, leaving migrants to pick up those low wages, low status and insecure jobs because of lack of employment opportunities in their home countries…the global expansion of capitalism simultaneously creates potential migrants in peripheral areas and generates jobs in core areas that citizens do not want because of the low wages, but migrant workers are willing to accept (p. 12).

These processes seemingly echo the dynamism behind the surge of international labor migration in Asia after the 1970s. The vibrant and emerging core and semi-periphery-industrialized economies of Taiwan, Singapore, Malaysia, Thailand, South Korea, Hong Kong and Japan are now firmly integrated into the global capitalist economy, and seemingly China is following the footsteps of these countries. As such, some studies would conclude

that the migrant workers are then considered as peripheral employees that employers can hire and fire depending on the state of the economy and the need for workers. In other words, the employers derive financial stability in the utilization of labor migration such that it is generally cost-efficient. Temporary workers take jobs that domestic workers do not want. They are readily available to do the low-paid, dirty, physically difficult, and dangerous jobs that the locals/native workers would not or are unwilling to work for. The complex dilemma associated with such types of work includes economic exploitation, poor working conditions and safety, and illegal workers. Employers motivated by the desire to maximize profit, showed little regard for the safety of their employees, whom they could easily replace since there were more workers than jobs (Debrah, 2002; ILO, 2002; Cheah, 2009; Kaye, 2010).

Globalization has indeed winners and losers. As emphasized by other scholars, given the interconnectedness of the global economy in terms of trade, finance, and major investments, whatever financial problems in the core nations such as the US and European countries may easily spread to other countries, more so to the peripheries. This was evident in the recent global financial downturn which was not the first of its kind. There were "waves of crisis" that we can obviously cite if we take a closer look at our global economic history after the post war era. In fact, Latin American countries were the first to encounter such crises in the early 1960s towards the 1970s after the US modernization program did not work there. In Asia, we have had similar scenario in the decades that followed which took its peak in the 1997 Asian financial crisis. Again, OECD countries tried to taper down the problem through bailouts and further loans but all of these countermeasures did not do that much. Such phenomena are perhaps telltale signs of the unsustainable path that the world is leading to. The present global financial crisis largely affected the US and Euro-zone and we can perhaps deduce that this was caused by the collapse of the financial institutions such as big banks and

credit companies. Some experts call these processes at the top-level as "globalization from above" (So, 1990; Portes & DeWind, 2007; Berberoglu, 2010).

Individuals at the household level and potential migrants alike have now become more anxious than perhaps decades ago. As referred to earlier, the huge income gap between developed and developing countries and higher poverty incidence in the latter has led many poor families to take extra measures into their own hands instead of having to rely on their government's support. These "structure" from above often failed them leaving their families hungry and impoverished. Thus, to countermand the effects of the inequities and economic difficulties brought about by "globalization from above", a globalization from below or some others call "globalization of the poor" serve as their last beacon of hope – human agency (*transnationalism*) – where labor migration and the remittances becomes the migrants (individual) true economic adjustments program regardless whether their government cares for them or not (Portes & DeWind, 2007; Asis, 2008a).

It is not only the flow of people that is ever present in the globalization process. We have to also take into consideration the significant role played by the flow of money or remittances from the recipient to their source countries. In fact, the top three remittance receiving countries in 2004 were Mexico (US$16 billion), India (US$9.9 billion), and the Philippines (US$8.5 billion). In 2008, the figure has not change that much, as seen in the annual report of Asian Development Bank (ADB), as the Philippines still comes at third place in remittances received, with about US$17 billion. The Filipinos are also the third largest migrant group in the US, just behind migrants from Mexico and the PRC (as per 2003 US Census Bureau). The report added that more than ten percent of the remittance flows to the Philippines come from other Asian countries with important shares from Japan, Hong Kong, Taiwan and Singapore (ADB, 2009). Indonesia hugely benefited from the remittances sent by Indonesian workers as the total remittances from abroad rose from US$372,584 in 1994 to

more than US$2 million in 2002 (a rise of 585% in a decade) and this has been growing ever since. True enough, in many developing countries, the money that migrants send home is a more important source of income, and sometimes exceeds the flows more than the official aid provided by richer countries (Mani, 2005; Koser, 2007; Osaki, 2010).

Feminization of Migration and the Migration Industry

Feminization is an important feature of international labor migration in Asia. Studies have pointed out the considerable and increasing number of women crossing borders for employment (see also Castles & Miller, 2009). In fact, as cited by Osaki (2010), women constitute a large majority of migrant workers leaving key source countries, including Indonesia (79 percent), Philippines (71 percent), and Sri Lanka (66 percent). Koser (2007) alludes to a number of reasons why women comprise an increasing proportion of the world's migrants. One is the increasingly gender-selective demand for foreign labor especially in more developed countries in favor of jobs typically fulfilled by women such as in services, healthcare, and entertainment. For instance, as noted by Lee (2002), the Taiwanese government increased the importation of household maids and guardians in order to increase both their female labor force participation and the overall supply of female labor. This was purposely designed to enable Taiwanese women to be released from taking care of young children and elderly parents, or disabled family members, which is their traditional responsibility. Second, an increasing number of countries have extended the right of family reunion to migrants – in other words allowing them to be joined by their spouses and children. Most often these spouses are women.

Finally, and especially in Asia, there has been a growth in the migration of women for domestic work or *maid-trade*, organized migration for marriage or *mail order brides*, and the trafficking of women into the sex industry (Koser, 2007). Aside from the USA, an increasing number of women migrants who utilized their spouse's visa are now in Japan. Studies have

claimed that this channel is one of the migration streams that a number of Filipino women migrants in the Philippines used to enter Japan (see also series of articles by Suzuki, 2009, 2011). In fact, as reported by the CFO (2013) of the global total percentage of Filipino emigrants (455,458) who have alien spouses abroad, nearly 26 percent resides in Japan as shown in Table 2-1 below (see also updated CFO stock estimate), while more than 40 percent are based in the USA. However, the data only accounts for those who went through the CFO pre-departure seminars or those who got married first in the Philippines before coming to Japan. In 2002 alone, another study cited Japan's statistics that there were a total of over 70,000 Filipino-Japanese couples in Japan, making up the second highest number of intermarriages in the country (after Chinese-Japanese) (Suzuki, 2004; Jabar, 2013). The updated data from the Statistics Bureau of Ministry of Health, Labor, and Welfare (MHLW) now reveals that a total of 146,730 marriages between Japanese grooms and Filipino brides were registered since the 1990s. This coincides with the increase in the number of children born from foreign mothers/fathers as shown in Table 2-2 (MHLW, 2013).

Table 2-1: Number of Filipino Spouses of Foreign Nationals (1989-2013)

Country	Total
USA	193,661
Japan	117,362
Australia	36,339
Canada	19,626
Germany	14,969
South Korea	14,669
UK	10,607
Taiwan	8,704
	Source: CFO Stock Estimate (2014)

Table 2-2: Trends in Live-Births by Nationality of Father/Mother in Japan

Gender/Nationality	USA	China	Korea	Philippines	Brazil
Foreign Father (Japanese Mother)	15,471	10,117	30,713	1,329	3,088
Foreign Mother (Japanese Father)	1,554	35,274	29,390	38,504	2,525
Total	17,025	45,391	60,103	39,833	5,613
					Source: MHLW, 2013

In addition, as female migrants now account for forty-nine percent of the total migrants abroad many of them are moving independently from their family or male partners. These women migrants are frequently forced to leave because of poverty or scarcity of jobs – a feminization of poverty – at times exposed to trafficking or sexual exploitation than other migrants (Lee, 2005; Yamagami, 2010; IOM, 2010). In the Philippines, a major concern in the deployment of overseas performing artists (OPAs) to Japan has been the prostitution of OPAs by unscrupulous bar owners and syndicates controlling the industry (Fujimoto, 2006).

Many of these human traffickers and smugglers worked through legal channels as fronts in the thriving migration industry. In some occasion, labor recruiters and smugglers have been renamed brokers, contractors, intermediaries, middlemen, *coyotes* and *'taikongs'* such as in the case of Indonesian Javanese migration to Malaysia (Pijpers, 2010). As Kaye (2010) pointed out, with as many as fifteen thousand firms, global recruitment industries comprise a multi-billion dollar a year enterprise, to which he refers as "coyote capitalism." In some instances, employers and brokers get to earn more profits from exemption of referral fees as in the case of mainland China (rural-urban migration). In other instances, as in the case of Taiwan, this is paid by foreign workers and not the employers (Lee, 2002). Koser (2007) underpins how huge profits feed on the migration industry making a lucrative business:

> The enormous profits that the immigration industry makes from migration, it has been argued, add considerable momentum to the process. At the same time its increasing complexity – linking highly organized groups with small operators and subagents in origin, transit, and destination countries – makes it difficult for policy to intervene to reduce its impact (p. 38).

Koser (2007) further concluded that the migration industry is rather not new, although now its scale and profit are of new characteristics. Historically, emigration from Italy to the USA at the end of the 19th century, a *commerce of migration* already existed where bureaucrats, notaries, lawyers, innkeepers, loan sharks, runners in the harbor city, agents, and even train conductors depended on the emigration trade. Recruiters played an indispensable

role in encouraging migration from central western Mexico to the USA at the end of the 19th century by linking the workforces of that region with industries that needed their labor in the American southwest (Koser, 2007).

Today, the migration industry has expanded not only among public traded companies that dominate the market but private recruiters or agencies as well. These agencies are widespread in Asia where sending countries have put in place government regulations intended to oversee the industry and protect departing migrants. These industries and recruitment agencies have to be licensed, registered, and are supposed to abide by the rules concerning salaries and fees. In 2007, Sri Lanka had 691 licensed agencies, a fourfold increase in two decades. More or less, the numbers were similar in Bangladesh. By the end of 2008, the Office of the Protector General of Emigrants in India had registered 1,887 recruiting agents. While in Pakistan, the Bureau of Emigration and Overseas Employment had published its list of 2,532 licensed agencies or Overseas Employment Promoters (OEPs). In the Philippines, more than a thousand recruitment agencies compete for attendant migrants. The industry is tarnished by corrupt practices of kickbacks, extravagant fees and lax enforcement. In 2009, the Philippines' government admitted that 29,000 arrest-warrants were outstanding against illegal recruiters, suspected of charging high fees/promising jobs that are non-existent (Kaye, 2010).

The significant position played by illegal brokers and recruiters from destination countries must also be taken into account to have a clearer picture of the thriving migration industry. Scholars have highlighted the contribution of *Yakuza* as a transnational criminal organization actively participating in the international sex trade industry. Such an infamous industry has been around for decades wherein thousands depend on it for livelihood including club owners, managers, pimps, cleaners, parking valets, and security guards. The Philippines and Thailand may host hundreds of thousands for the lucrative industry (Muthu and Masanori,

2007). In 2010, the Philippine National Statistics Office (NSO) in its annual survey of Philippine Business and Industry (ASPBI) reported that majority of the establishments are engaged in amusement and recreation activities including gambling and entertainment – becoming potential suppliers of sex workers in Japan. There are also some anecdotal reports that Japanese syndicates collect as much as US$20,000 for each trafficked person. Kaplan and Dubro (2003) have pointed out that such criminal organization did not originally create these conditions but however mentioned:

> …the yakuza do play a key role in the international trade in several ways: they have accompanied the tours, setting up contacts with local pimps and guiding their fellow Japanese toward women, drugs, or whatever else they desire…in many cases, they have financed the clubs, particularly those catering to Japanese and they play a major role in trafficking the women overseas (p. 236).

Hill (2003) further noted that once these women reach Japan and treated as foreign prostitutes, they become more vulnerable to abuses. As many of these women entered the country on an unauthorized status or have overstayed their visas, they are unable to seek legal protection. Most of these women are recruited in Asian countries such as the Philippines, Thailand, Malaysia, Indonesia, and recently from China and other South American countries by brokers who promise them jobs in the factories, in restaurants as waitresses, in clubs as hostesses, and in household work (Hill, 2003).

Muthu and Masanori (2007) also vividly illustrated the role played by the migration industry in the proliferation of irregular migration through the large scale entertainment and sex industries in major East Asian countries. This has drawn annually thousands of women from other Asian countries for sex work that are trafficked/smuggled through illegal channels to China and Korea. In fact, the infamous sex industry is not only largely run by bogus or organized syndicates/triads, both in the source and recipient countries, but even those which are licensed by the authorities. Muthu and Masanori simply put it in the following illustrations:

Massive deception and unethical practices by a large number of licensed and unlicensed recruitment agencies (e.g. falsification of travel documents, misleading information, etc.) has forced tens of thousands of migrant workers into prostitution and consequently undocumented migration (p. 15).

On the other hand, the UNFPA (2006) underlines the gender differentiation of international labor migration such that in most cases migrant women, who tend to work in traditional female occupations, are less likely to occupy highly skilled and better-paid jobs than migrant men. Difficult situations are also experienced by women in the process of their work abroad. There are peculiarities that deepen the burden of women in general such as trafficking of women and girls, reproductive health concerns and vulnerability to HIV/AIDS and gender-based violence. Advocacy groups and other scholars have been anxious of the increasing feminization of the labor export industry in the Philippines and argued that women's desperation to overcome hardships is brought about by worsening socio-economic conditions in the country. Such difficult circumstance is considered a major push factor that drives them to leave while turning a blind eye to the risks involved (Aguilar, 2011; APMM, 2013).

Tyner (2009) pointed out that the thousands of Filipinos leaving the Philippines are countermanded by thousands of overseas workers exploited or abused both within the Philippines and overseas. Women are more susceptible as they outnumber male migrants when it comes to victims of rape, sexual harassment and physical abuse. Within the Philippines, migrants fall prey victim to unscrupulous labor recruiters, and sometimes deceived by loan sharks and debt-bondage. While overseas they are prone to exploitation, abuse and being controlled through illegal contract substitutions, non-payment of work and worst, confiscation of their passports (Muthu and Masanori, 2007; Tyner, 2009). The study of Hilsdon (2007) vividly took account of *Filipinas* from Southern Philippines entering the borders of East Malaysia to work in "nightlife" or entertainment industry of oil-rich regions

of Sabah and inwardly as far as Sarawak and neighboring regions. Some of these women migrants shared how they found their would-be husbands, or rather more of sexual liaisons to escape state sanctions and further discrimination from the host society which is predominantly a conservative Moslem Malay society (Hilsdon, 2007).

The Philippines and Labor Migration

Emigration from the Philippines has been fueled by various external and internal factors. At the advent of post-second world war, industrialized capitalist countries pushed for open trade, free markets around the world, which was then popularized as globalization. In the mid-20th century, the Philippines' labor migration was closely tied up with the US relations. The first wave of immigration started during the American occupation in 1898 until World War II. In the 1920s, there was a massive labor recruitment to work on farms in Hawaii and California. The second period was encouraged by the US Immigration Act of 1965 which opened the door for selected educated professionals, such as doctors, nurses and engineers, to fill the labor shortages in the United States. The third wave, much more facilitated by the US-Marcos administration in the 1970s, which has been seen more of as a policy choice of the government, drew on labor migration to pool all the needed resources for foreign currency in the Philippines. This largely comprised of exporting low-skilled labor to the Middle East (Gulf countries). Initially, the program started as a temporary stop-gap measure, as a matter of policy, however with the growing contribution of remittances sent by migrants back home which indubitably kept the stagnant economy afloat, the government institutionalized out-migration and encouraged them to stay abroad and send their remittances to help the ailing economy (Mani, 2005; Bultron, 2006; Asis, 2008b; Camacho, 2010).

The institutionalization is evidently observed in the following measures by the Philippine government with several agencies involved in the labor migration program, to name a few: firstly, Philippine Overseas Employment Administration (POEA) was

established during the time of Marcos. POEA is a government agency under the Department of Labor and Employment or DOLE that serves as the biggest recruitment agency in the Philippines. Its main task is to look for prospective labor market abroad and to document departing Overseas Filipino Workers (OFW). Another role of POEA is to supervise private recruitment agencies. A Labor Attaché in Hong Kong once admitted in a public forum that the primary task of his office is to ensure overseas employment and to look for a favorable labor market and that his office has no legal power to protect the rights and well-being of Filipinos in Hong Kong. Secondly, aside from the institutional mechanisms of the government, there also exists Memorandum Circular No. 41 that makes it mandatory for all departing Filipino migrants to pass through recruitment agencies before they can leave the country and work abroad. Thirdly, a training center for prospective migrants was also established in the Philippines. The training is being done through TESDA and it offers training courses that supposedly enhance the skills of prospective migrant workers (Tyner, 2004, 2009; Asis, 2008b; Camacho, 2010; POEA 2012).

POEA stock estimates suggest that data migrants outflow is relatively unchanging (at least in 2012). As observed in the last five years, about 2,000 to 3,000 Overseas Filipino Workers (OFWs) are deployed every day for employment abroad on a contractual basis and as suggested by the government statistics the number is apparently rising. For instance, in 2002 alone, 636,000 contract workers departed the country. The figure had almost doubled in 2005, when 988,615 Filipinos were deployed to over 180 receiving countries (current reports imply over 200 destination countries), data suggest that about a million Filipinos are still employed abroad annually, despite the worsening economic recession affecting the whole world (see also Tyner, 2004; POEA, 2012).

As one of the top labor exporters in the world, with ten percent of the country's population abroad, as per latest estimate of the CFO, over 10 million Filipinos are outside the

country, including about a million irregular migrants (CFO, 2012). Studies have also shown that of the Filipino workers abroad, a huge percentage are deployed in the Middle East (largely in Saudi Arabia), while many others are working in Asia, mainly in Singapore and Hong Kong, as well as in South Korea and Japan. Yet, the data above only include documented contract migrants or those who passed through the regular channels such as private recruitment agencies and government-run migration industries. The number could be more and the figure is rising such that global data on irregular migration is rather inaccurate and unreliable. Moreover, as cited earlier in the CFO 2012 estimate of overseas Filipinos reports among the recorded data of total irregular Filipino workers abroad, half a million are in Asia (Koser, 2005, 2007; CFO, 2013).

Figure 2-1: Stock Estimate of Overseas Filipinos
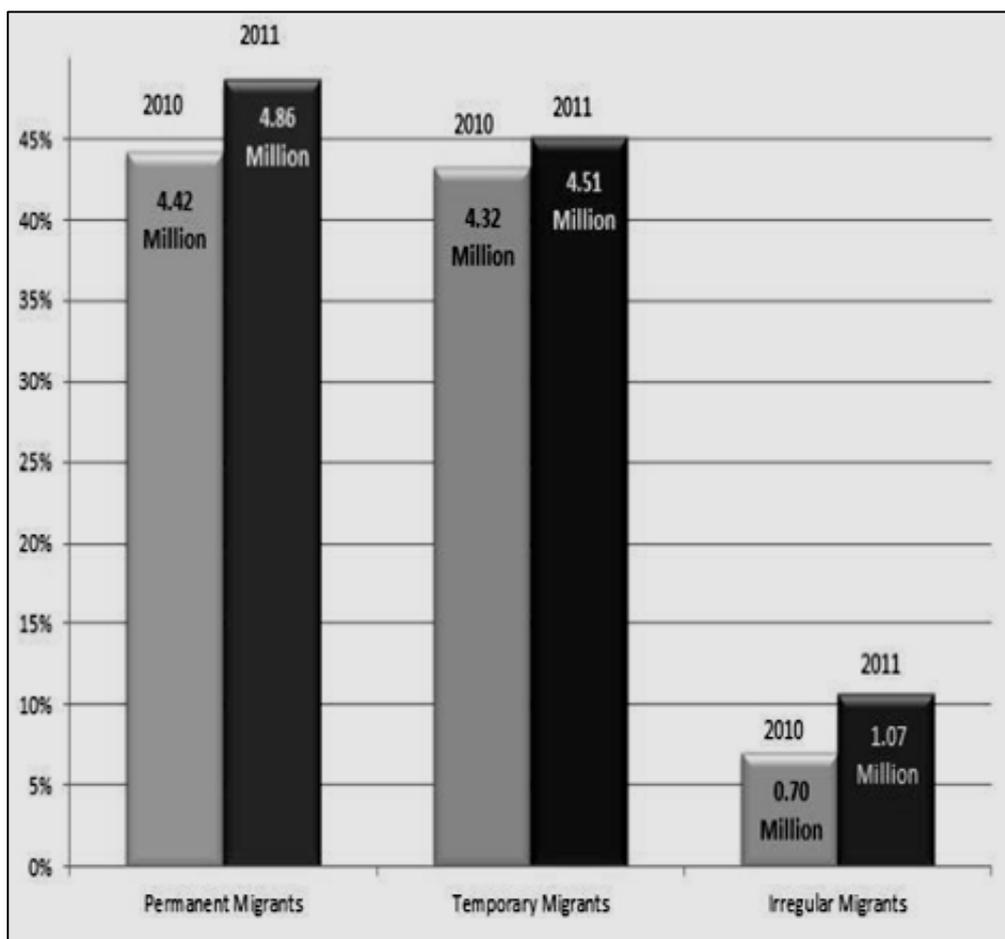
Source: Commission on Filipinos Overseas (CFO, 2013)

On the other hand, protection measures are established in the Philippines with policies that safeguards migrants' rights and welfare. Notably, the Republic Act (RA) 8042 (Migrant Workers and Overseas Filipinos Act of 1995 otherwise known as the Magna Carta for Migrant Workers, as amended by RA 10022) was enacted by the Philippine Congress in response to the widely-publicized issue of distressed migrants in the 1990s (i.e. death of Flor Contemplacion in Singapore and Maricris Sioson from Japan). Nearly a decade and a half after their deaths, however, despite the passage of this law and other pertinent bills that address the concerns of OFWs, migrant workers still suffer from piled-up problems that supposedly could have been dealt with by the government. There are reported complaints too from varied non-state entities and even migrants themselves that labor attaches and member of the diplomatic corps abroad are neglecting their duties or failed to at least tend to the needs of distressed migrants abroad who are in need of special assistance. There are still undocumented cases of migration, human trafficking, violence against women and other human rights violations. In 2003, the "United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families" was entered into force after the UN General Assembly adopted it for plenary in 1990. Up till the present, almost all that signed up and ratified the convention are hitherto the migrant-sending countries, including the Philippines, which somehow connote that most of the host countries cannot be obligated to follow its provisions or be meted out sanctions for violations (see also Dauvergne, 2008).

Japan as Destination Country: A Reclusive Immigration Policy

As cited earlier, Japan's immigration policy is more focused at controlling foreigners instead of incorporating them in the Japanese society and polity (Shipper, 2008). However, since mid-1980s, it is severely experiencing labor shortages brought about by decreasing birth rates leading to below replacement-fertility rates. Numerous studies have also indicated that aside from its ageing population, the well-educated young Japanese are unwilling to take

factory work and other "dirty" jobs and all the more take good care of their growing elderly population. Inevitably, due to the high demand for more migrant workers in some major industries, the national government allowed selected foreigners to enter and work in Japan. However, their entry is not without conditions and migrants have to deal with "racialized hierarchy" which is according to Shipper (2008), "is a political construction of the Japanese government rooted in a cultural view that certain races and nationalities are uniquely qualified for certain kinds of labor" (p. 25). Such practice only leads to unequal or differentiated treatment of migrant workers in terms of their wages, rights and privileges. Foreigners born in Japan (*zainichi*) and foreign-born Japanese and their descendants (*nikkeijin*) are relatively more privileged than other foreign workers including South Asians (Bangladeshis, Pakistanis, and Indians), Southeast Asians (Thais, Filipinos, Indonesians) and other Asians (see also Shipper, 2011).

Undeniably, due to its contradicting dilemma of strong economy and ageing population, Japan urgently needs migrant workers – including irregular migrants and even illegal workers. Unfortunately, the burden falls on these irregular workers as they do not have security of tenure, even though their employers secretly know their status all along (Cornelius, 1994; Ventura, 2007; Solimano, 2010). Selleck (2001) had discussed the changing attitude of Japan's industrial sector as early as the 1990s when industries were desperate to accept illegal foreign workers to fill the vacant jobs for manual laborers. As Shimada (1994) puts it:

> In trying to remain in business, Japanese employers now find themselves caught in a double bind…there is a shortage of Japanese workers willing to do necessary unskilled jobs and that there are many foreign workers willing to do these jobs…employers are unable to employ them openly and pay them a fair wage, and so are forced to employ them illegally in secret (p.4).

Elsewhere, aside from the USA, Japan regularly embarks on Overseas Development Assistance (ODAs) for several developing countries such as the Philippines. Thus, it is not

surprising that Japan plays a significant role in its influence over the economic policies of such countries. In 2006, the Philippines signed a bilateral agreement with Japan through the Japan-Philippines Economic Partnership Agreement (JPEPA). It was the first bilateral trade treaty entered by the Philippines since the US Parity Rights Agreement in 1946. One of the major objectives of JPEPA is to liberalize and facilitate trade in goods and services between Japan and the Philippines, which contain provisions on the movement of labor. Japan particularly attempts to address an acute shortage of social helpers to provide services for the elderly and the disabled with implementation of "Long Term Nursing Care for the Aged" (*Kaigo Hokken*). This agreement would have surely addressed the dilemma of Japan's ageing population (Tullao & Cortez, 2004; Muthu & Masanori, 2007; Vogt, 2007; Cortez, 2010).

In the past decades, Japan has been considered as one of the top major destinations of Filipino migrant workers in Asia mostly for low-skilled or unskilled work, despite its increasingly stringent immigration policy. Japan is a major recipient country for work related to entertainment, second only to Hong Kong which mainly hires household/domestic workers (Anderson, 2000; Kondo, 2008b). Moreover, since 1998, Filipinos come fourth amongst largest group which are registered foreign nationals in Japan, after Koreans, Chinese and Brazilians. In terms of money remittances sent to the Philippines, Japan maintains the status among the top ten source countries in the worldwide list – and the second top highest in Asia after Saudi Arabia (POEA, 2012). What makes Japan more interesting compared to other top destination countries is its unique feature of female migration. While most Filipino women migrants work abroad as domestic helpers in Hong Kong, Singapore, and in the Middle East countries, many of those in Japan are entertainers. Filipino migrants first came to Japan as early as the 1970s and were predominantly male, reflective of the large majority of OFWs bound for the Middle East and elsewhere (for construction and manual labor work) (Takeda, 2005; Yu Jose, 2007; Asis, 2008b).

However, beginning in the 1980s, a large number of migrants were Filipino women (*Filipinas*) who came to Japan to work as overseas performing artists (OPAs). Since performing artists are referred as "guest entertainers", such category is accorded with "professional" status (Cortez, 2010). Suzuki and Takahata (2007), and Suzuki (2008) argued that historically (old) entertainers who came earlier were highly respected as "professional performers" (musical and boxers-athletic). Additionally, Ball and Piper (2002) noted that an entertainer's visa is in fact signified under the "skilled" category. While women migrants worked as "professional entertainers" under contract with agents, talents managers and club owners/managers in Japan, male migrants consisted mostly of trainees from the Philippines who are highly concentrated in automotive industries and factories (Cortez, 2010).

II. Migration Control in Liberal States

Irregular migration has been a politically sensitive matter as many commentators contend that certain states lack the political will to address the issue. For origin countries, it can be perceived as beneficial as it gradually dislodge them of labor surplus, decreasing unemployment rate in the process, and as potential source of remittances and overseas investment. From the economic standpoint, irregular migration can be functional for destination countries as irregular migrants provide a cheap labor source and are often willing to work in sectors in which nationals and even legal migrants are not (Koser, 2005).

On the contrary, scholars have pointed out how the trend of immigration policies is shaped by periods of economic recession as many recipient countries automatically resort to stricter migration control during financial crises, likened to pressing a "panic button", on the pretext of maintaining social stability. Host countries' governments securitize migration by restricting it, as they claim it is a growing problem for their country and citizens, and more often than not, speed up the process of detaining and deporting unauthorized migrants and unwanted *irregulars*.

Challenging the Liberal States: Beyond Territoriality and Border Control

Scholars have pointed out the preoccupations of destinations countries against undesirable migrants. In the past few decades, many countries in northern Europe, the North America (Canada and the USA), and Australia have been engaged in various activities in an effort to prevent unauthorized refugees and irregular migrants from entering their borders (Pratt, 2005). As cited earlier, the study of Lee (2005) and Hammar (1999) pointed out that "some European states have set up special police units to follow and search for *illegals* who have gone underground, *overstayers* and aliens who have received a deportation decision…indefinite detention and expulsion are among the harshest measures of explicit control and their use has been highly controversial (p. 9)." However, in recent years, there has been a deep shift from territorial and border control towards more internal control aimed at deterring unwanted aliens who managed to pass through the borders. As clarified by Broeders and Engbersen (2007), border controls are still an important component of managing migration but these are now increasingly being supplemented with policies of exclusion and discouragement for illegal aliens and irregular migrants alike – which consists of a wide array of policy measures such as employer sanctions, exclusion from public services (typically include national insurance and health care), surveillance by the police, incarceration (detention), and expulsion (deportation).

Paradoxically, we can only surmise that most countries of the world today are adherents to the so-called *one way ticket ride* to development – globalization of economy – the common assertion that is to join the bandwagon of open, free trade and borderless economy. Though the pervasiveness of globalization is a historical outcome of a combination of myriad factors and cannot be purely confined within the scope of economics, however, it is undeniable that part of understanding the phenomenon is the global acceptance of the liberal capitalist model leading to the free movement of people, goods, capital and services,

especially after the Cold War era in the late 1980s. We can simply recognize such observation through the economic policies of the international community (see also Kee and Yoshimatsu, 2010). However, in reference to Sassen (1996), Dauvergne (2008) writes that while territory has been "de-territorialized" (denationalized) to facilitate international economic development, politics have been "renationalized" as evidently seen in the rise of anti-immigrant sentiments. And it goes without saying that the strict enforcement of migration laws is being translated as the "last bastion" of sovereignty in a borderless international community. As Broeders and Engbersen (2007) put it, the presence of irregular immigrants in most destination countries has thus become a direct challenge to the state's notions on legal mobility and territoriality in a globalized world – whether or not states have lost control on immigration. The said punitive measures have been enforced few decades ago but such has become apparently ineffective which often cast doubt on state enforcement capability – puzzled by its in/capacity to disallow and deter unwanted immigrants.

On the other hand, Moses (2006) contended that unlike the liberalization of trade in goods, services and investment, the nature and scope of migration restrictions is not yet clearly stipulated as an international instrument because migration restrictions and control measures were considered to be solely matters of national sovereignty. To make matters more difficult, international organizations that were concerned with human mobility are rather preoccupied from divided and overlapping authorities. For instance, the ILO addresses issues concerning foreign workers, while the United Nations' High Commissioner for Refugees (UNHCR) addresses refugee problems, and the United Nations' Economic and Social Council and its Conference on Trade and Development (UNCTAD) were mostly concerned with stopping emigration from developing countries. Whereas, the International Organization for Migration (IOM) functions more of as an inter-governmental coordinating body rather than as an international regulating organization, the Office of the United Nations High

Commissioner for Human Rights (UNHCHR) is responsible for ensuring the implementation of universally recognized human rights and of key human rights instruments relating to international migration, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Moses, 2006). On the other hand, the International Labor Organization (ILO) has long promoted the equal opportunity and treatment of foreign workers in relation to the local people. As the issue of international migration has advanced to the forefront of policy discourse on managing globalization, there have been increasing demands for the UN to seek the best means to address the issue, especially in relation to socioeconomic development. However, as portrayed by Osaki (2010, p. 33) "the quest by the member states to find the best mechanisms to address the issue within the UN system took nearly 10 years of discussion at the General Assembly," how long can it take perhaps before reaching the enforcement level and further bickering ahead at the international and national level.

Securitization and Criminalization of Irregular Migration

Curley (2008) suggested that migration flows (with emphasis on unregulated human flows) have become accepted as new or alternative security issues to scholars of today. After Cold War and even recently after the WTC 9/11 attack, migration as a security issue in Asia has been in the process grafted or attached to other non-traditional security issues such as drug trafficking, human smuggling, infectious diseases, and transnational organized crimes (Curley, 2008).

Rumbaut (2008) exposed the misguided notion about the criminalization of Mexican migrants in the US. This elucidation stems from the simple generalization of abstraction that because many immigrants who come to the US, especially Mexicans and Central Americans, are young men who arrive with very low levels of formal education, popular stereotypes tend to associate them with higher rates of crime and incarceration. The fact that many of these

immigrants enter the country through unauthorized channels or overstay their visas often is framed as an assault against the "rule of law," thereby reinforcing the impression that immigration and criminality are linked. This association has flourished in the post-September 11 climate of fear and ignorance where terrorism and undocumented immigration often are mentioned in the same breath. As Rumbaut has argued, "the perception on foreign-born especially those who are labeled as *illegal aliens* as responsible for higher crime rates is deeply rooted in American public opinion and is further sustained by media anecdote and popular myth" (p. 1).

In the case of European countries, Solimano (2010) claimed that when irregular migrants are perceived as "*criminal illegals*" or "*illegal migrants*" engaging in "criminal and unlawful activities" and the offense is rather treated as going beyond immigration laws, it is highly likely to exacerbate anti-immigration sentiments in the host society. This phenomenon is usually aggravated by distorted and selective crime reporting by the media, with headlines that stereotype foreign suspects as criminals of the worst kind. In Japan, Filipinos appear in newspaper stories too as in other cases (e.g. critical accounts of Iranians in the 1990s) which prejudiced all Filipinos and migrants in a bad light and label them as "dangerous" aliens as opposed to "desirable aliens" (Herbert, 1996; Shipper, 2008).

Contrary to negative public perception, most irregular migrants would rather avoid committing common crimes as they are fully aware of the risks of arrest and/or incarceration. Unavoidably, an *illegal migrant* has to cope with hostile public opinion, as well as that of the Japanese police authorities. Herbert (1996, p. 245) outlines the "illegality stigma" that migrants suffer from, made worse by Japanese police "labeling" practices after arrest, lack of legal counsel, and the "pre-definition" of foreign suspects as "violators of the law". Herbert also shows the bias in decisions of the courts against foreign suspects, even in cases involving petty crimes, from the decision to prosecute them, to indictment and sentencing practices.

Even the interpreters for suspects with limited Japanese language capacity tend to predefine interrogated suspects as "criminal and guilty". Even if this tendency to see migrants as criminals has recently been mitigated by Japan's internationalization polices at the national and local level (e.g. provision of health care services, and access to educational facilities, extended even to irregular migrants and their families), such pre-conceived notions about foreign migrants still tend to justify the state's action of securitizing migration under the pretext of protecting society from a "deterioration of public safety" (Herbert, 1996; Shipper, 2008).

The ILO (2002) also cited some incredibly popular myths about migrant workers such as threat to cultural homogeneity, engagement in criminal activities, and that migrants are stealing jobs from the nationals of recipient countries. Such a negative reaction is coming from *neo-nativist* attitudes of some segments in the host society fueled by ultra-rightist anti-immigration sentiments. For instance, the far right in Germany is small and politically marginalized but over the years has carried out periodic attacks on immigrants. These and more play an important role in influencing policies in dealing with irregular migrants. In Europe, most northern states enact policies of exclusion while southern member states often consider periodic regularization (Broeders & Engbersen, 2007). Hence, a citizen-foreigner distinction (inclusion-exclusion criteria) is reemerging which may lead to differentiated and unfair treatment of migrant workers. Although governments from both sending and receiving countries attempt to protect legal migrant workers, there are still many *illegal* or irregular workers who have no protection under the law. Regrettably, living on an unauthorized status is precarious such that irregular migrant workers do not command minimum wage, have no social welfare protections, generally do not have health care or disability insurance, and lack job security (Debrah, 2002; ILO, 2002; Koser, 2007; Dauvergne, 2008; Kaye, 2010).

Henceforth, migrants have to deal with inhospitable citizens of their destination countries and this has been more precarious for irregular migrants as they are being subjected to a variety of migration management instruments which vary from punitive sanctions to restrictions that require individuals to obtain documentation in order to legally work and reside in their destination. In the case of China which has a comprehensive set of regulations regarding internal and external border-crossings and tough sanctions for smugglers and traffickers, punishment could include long prison sentences, fines, or confiscation of property (Lee, 2005; see also Cheah, 2009).

Repercussions of Detention and Deportation

The state's primordial interest is aimed at deterrence of irregular migration through its coercive instrument – pre-expulsion or administrative detention (coupled with concerted actions from the police and immigration agents). The main purpose of this practice is to discourage perceived "deviant" behavior of foreigners. Deviance may include criminal and non-criminal character. Each society (as a country and nation) has its own social norms, traditions, practices, values and institutions. Along with it are rules and regulations – especially the laws of the land. Immigrants and temporary migrants alike are expected to submit to this dominant society's normative component (see also Ellermann, 2010).

Over the past few years, local and international news of massive crackdowns against irregular and "extralegal" migrants across the globe have increased. In USA and Canada, there have been reports of stringent polices of expulsion procedures such as detention and deportation. Major countries of destination in Asia such as Saudi Arabia, Malaysia and Japan have also heightened the ante against illegal workers. However, instead of effectively addressing the root cause of the problem, this has only exacerbated to further complications and unintended consequences. In fact in many European states, this "cat and mouse" game between the state and irregular migrants is only inadvertently pushing the latter towards the

edge of uncertainty and does further harm instead as they are forced to rely on informal, irregular and even more illegal networks through criminal syndicates and other illegal channels (Broeders & Engbersen, 2007; Steiner, 2009).

The legal basis for incarceration of aliens varies across countries. Studies have shown that most of the detained migrants have generally not committed criminal acts but they are housed in closed centers and subjected to an environment which is seemingly identical to a regular penal system. Technically, their violation is largely administrative in nature – being in a country without pertinent documents. The use of administrative detention is justified as a means to correctly identify persons and to speed up the process of forced repatriation – which is temporary in nature. In most EU countries and in the USA, immigration detention is defined as an administrative, non-punitive measure to facilitate expulsion. As in the case of Germany and the Netherlands, Leerkes and Broeders (2010) also took note of the following:

> …the detention of migrants for migration-related reasons is defined as administrative detention—a detention modality that is formally not a punishment and does not require a conviction for a crime. It is a matter of administrative and not criminal law (p. 830).

In addition, there are two main types of immigration detention: 1) pre-admission detention which involves foreigners refused entry at the state borders (usually located at air/seaports or land terminals), and 2) pre-expulsion detention of foreigners or migrants whose stay in the territory is unauthorized or has been deemed as illegal (usually include those who overstayed their visa). Moreover, the group of immigration detainees can be categorized into 1) migrants who do not want to leave the territory by refusing to cooperate or follow the procedure, and 2) migrants who cooperate in acquiring relevant travel documents but cannot return due to the uncooperative authorities from their countries of origin (Broeders & Engbersen, 2007; Leerkes & Broeders, 2010). Unfortunately, as in the case of US immigration detention system, most incarcerated migrants are less likely to secure legal

representation and many of those who do not receive complete and accurate advice from their lawyers would often make hasty decisions to fight their deportation cases which may last for months or even years – unnecessarily prolonging their stay in detention facilities (Markowitz, 2009). Dauvergne (2008) however underscores the argument that even if migrants are able to secure rights entitlement through representation before the courts, this does not necessarily translates into securing a change of their circumstances or status.

Nevertheless, after the Second World War and during the post-Cold War era, the world community has become much more interdependent. Ideally, globalization as an economic prescription is an offshoot of the much conscious efforts of each sovereign state to maintain global social order. Arguably, this new world order became known as the human rights international regime with its human rights instruments, through the UN, its member-states are expected to adhere to its policies including ratification of major international conventions. For instance, a state cannot just impose inhuman and degrading treatment of prisoners of war. However, in the Japanese Criminal Procedure Rules (CPR), an accused can legally be detained for twenty-three days before an indictment is made (without charges or access to legal counsel). Ibusuki (2009) further clarified that:

> The CPR give the police three days before sending the case to the prosecutor's office, and permit the prosecutors to detain the defendant for twenty days before their decision to prosecute based on authorization by the court. For a total of twenty-three days the accused can be legally held in a police detention cell or *dai-yo kangoku* (substitute prison). Although the United Nations Human Right Commission repeatedly criticized this rule and practice, the Japanese government has not changed the law (p. 2).

Japanese bar associations and other human rights groups had earlier called for the abolition of this procedure, which is contrary to UN standards. As critiques argue, Japan may be the only country in the world which adheres to this wartime detention practice. Unsurprisingly, anecdotal reports suggest that irregular migrants in Japan prefer to be caught directly under immigration custody during crackdowns rather than indirectly through the

police officers. Yet, even in the Netherlands, which is internationally known for its adherents to human rights conventions, the official length of administrative detention is rather longer when compared to most other European countries. In some countries, administrative immigration detention is imposed in a matter of days. However, the Dutch law has no fixed duration as detention can be imposed until deportation is realized or is still under consideration. In practice, as in many western European countries, detention must be ordered by a court and must be reviewed every 3 months. It is imperative that the total period of detention should not exceed 6 months, although this can be extended for another 12 months (Broeders & Engbersen, 2007; Leerkes & Broders, 2010).

Fortunately in Japan, irregular migrants can still appeal their cases without the need for detention. Article 50 of Japan's immigration control law labels this procedure as granting "special permission of residence" which is to be decided by Japan's MOJ following a comprehensive appraisal weighing all the relevant circumstance for each individual case (Immigration Bureau – MOJ, 2009, 2010, 2011). Sampson, Mitchell and Bowring (2011) describe these processes as "alternatives to immigration detention", which is "any legislation, policy or practice that allows for asylum seekers, refugees and migrants to reside in the community with freedom of movement while their migration status is being resolved or awaiting deportation or removal from the country" (p.2). With this mechanism in place, the state itself has given the migrants a chance to negotiate their status from illegal migrants to partial citizens. Inadvertently, by preventing the state to detain and deport them back to their origin countries, migrants are able to subtly integrate with the host society, albeit not full incorporation (Ball and Piper, 2002). This process can actually be expressed as "partial citizenship" when applied to the case of Filipina domestic workers across the globe as they provide care for their host citizens at the expense of their own rights – a "stunted integration" as Parreñas (2001) argued. This is particularly true for liberal states such as the US, Japan and

most European countries, where state power or imposition of certain law is basically premised on "voluntary compliance" in contrast to illiberal regimes (i.e. rule of law may be completely suspended in non-democratic/illiberal states). Even in detention centers, certain aspects of normal legal procedure are deferred but the rule of law is definitely not abolished. Such situation underlines the liberal state's "self-limited sovereignty" wherein its coercive powers are largely curtailed by their constitutions and international conventions (Ellermann, 2010; Joppke, 2010).

III. Negotiated Status and Citizenship Rights in Japan

As cited earlier, Stasiulis and Bakan (2003) argued that non-citizens or migrants in general have gained rights and privileges previously granted exclusively to the citizens of host country through a network of sustained linkages that evince their transnational existence, thus leading to their subtle integration in the host society. Kajita (1998), on the other hand, redefines this existence as *incorporation* which is a "method of accepting foreigners in the broadest sense, including various terms such as absorption and integration". Other scholars such as Lacroix (2009) suggests two other definitions of integration implying 1) a one-way process of adaptation by newcomers, and 2) a two-way process of adaptation involving changes in values, norms and behavior for both the newcomers and the host society. Lacroix further explained that incorporation could be a much broader term, which denotes "becoming part of a polity"; in other words, gaining rights and privileges including citizenship. In any case, defining integration and incorporation is rather dependent on the policy goals and strategic objectives the state has for migrants, which is somehow a sensitive issue to tackle with for countries such as Japan.

Recent discourses on the politics of migration have taken account of citizenship and discussions on membership in a state or a political community. Most countries of the world today follow one of two principles of citizenship law: decent-based *jus sanguinis* (determined

by parents' nationality) or territorial *jus soli* (determined by country of birth) (Joppke, 2010). A few countries such as France and later Germany have modified their rules, mixing these two major legal practices. Japan is following the *bilineal jus sanguinis* model to emphasize the present nationality law by birth, which can be acquired from either parent (Kondo, 2001). However, the *jus soli* principle is applied in cases where both parents of the child acquiring citizenship are unknown (i.e. stateless children). In 2008, the Japanese government passed a bill granting citizenship to children born to foreign women and Japanese men, out of wedlock. Consequently, Japan's "reclusive immigration policy" as a result of the contradictions between immigration and citizenship policies has moved away from its earlier inflexible stance to a more considerate form of migration management (Shipper, 2008; Chung, 2010).

About two decades ago, scholars (e.g. Shimada, 1994 and Anderson, 2000) forecasted the inevitability of foreign workers, including irregular migrants, settling permanently in Japan. However, Shimada suggested an alternative Japan, which somehow combined closing the door to foreign labor imports and reducing dependence on foreign workers while becoming more open to "integration" for the remaining migrants. Weiner and Hanami (1998) opined that sooner or later Japan would open up and adopt policies that are more multicultural. Today, a "dual scenario" exists such that a strict national immigration policy is being juxtaposed at the local level with local citizenship integration programs. For instance, cities and prefectural governments initiate activities promoting the multicultural coexistence of Japanese citizens with foreigners, under the banner of an "internationalization" policy (see also Nagy, 2013b).

Japan, as a recent country of immigration, with its nascent liberal ideals, has been particularly conscious of its image in the international scene especially in its adherence to international obligations and conventions. Not long ago, the 2004 and 2005 US Trafficking in

Persons Report describes Japan as a destination country for a large number of Asian, Latin American, and Eastern European women and children who are trafficked for purposes of sexual exploitation (Fujimoto, 2006). This has eventually led the government to abruptly decrease the number of issuance for entertainers' visa for most Southeast Asian countries including the Philippines. The rapid decrease in the deployment of Filipina entertainers (in terms of documented visa issued for overseas performing artists) resulted to a sudden change of deployment from more than 70,000 in 2004 to about 5,000 in 2007 (POEA, 2007; Kanlungan, 2008).

Additionally, Japan is a signatory to a good number of significant conventions on human rights, including the Children's Rights Convention (CRC), the UN Convention on the Elimination of Racial Discrimination (CERD), and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), among many others. Consequently, such adherence to international agreements may have played a significant role in extending selected citizenship rights to some migrants, including children and their mothers/parents (Stasiulis & Bakan, 2003; Joppke, 2010). However, it fell short when it comes to ratifying the "International convention on the Protection of All Migrants and Members of their Families," which gives emphasis on protection measures for migrants and nationals regardless of their status. Also, Japan is not a signatory to a number of ILO conventions which aimed at protecting the rights of migrant workers, including those with undocumented or with irregular status (see also Nagy, 2008; Cheah, 2009).

State Power, Human Rights and Multiculturalism

In 2009, the Calderon family's six-month legal battle concluded with a decision from Japan's Justice Minister Eisuke Mori granting 13 year-old Noriko a one-year special permit to stay with her aunt and continue her studies. Her Filipino parents however, who came to Japan in the 1990s on fake passports, were deported (McNeill, 2009). The case of the

Calderon family was a test of Japan's rigid immigration law, which strictly prohibits unauthorized migrants from entering the country. Earlier in 2008, a slightly similar case challenged Japan's citizenship law. A landmark ruling was delivered by Japan's Supreme Court in favor of 10 Japanese-Filipino children (JFC), aged between eight and fourteen, who were born out of wedlock, granting them Japanese citizenship. The high court declared unconstitutional certain provisions in the Japanese Nationality Law, which state that children born of foreign (Filipino) mothers and Japanese fathers out of wedlock can only follow the mother's citizenship. The ruling also explained that these provisions violate Article 14 of the Japanese Constitution which requires "equality under the law", paving the way for the amendment of the present nationality law (Balana, 2008).

The stories above starkly illustrate Japan's "dualistic" response to dealing with irregular migrants given its rigid and strict sense of identity and statehood, pivoting around the issues of citizenship and immigration. The JFC case seems to show a more liberal leaning towards respect for human rights, which is quite opposite to that of the Calderons. As Steiner (2009) and Joppke (2010) have discussed, in countries of destination, the debates on citizenship have nowadays become "infused with that of human rights". Such arguments touch on the moral obligation of modern liberal democratic states toward migrants, if not aliens in general. For instance, nowadays, policies that tend to be racist, sexist or exclusionist towards immigrants are regarded as illegitimate and/or risk being branded as against human rights (Joppke, 2010). Thus, as scholars have argued, there turns out to be a "liberal paradox" as a suitable description of a situation in which governments have to contend with either conforming to international conventions on the one hand, or maintaining sovereignty and/or state security on the other (Hollifield, 2000; Koser, 2007). While liberal states are largely prevented by their own national constitutions that favor individuals rights, civil society groups, professionals, and lower levels of government (local/state level) play a significant

role in opposing national policies and their implementation (including immigration law) (Ellermann, 2010; Leerkes & Broeders, 2010; Shipper, 2011). Portes and DeWind (2007) have elaborated on these continuing contradictions:

> By and large, the wealthy receiving nations are also democracies where human rights legislation applies to all those within their borders, not just citizens, preventing state attempts to deal summarily with unwelcome newcomers…(states are) prevented by their own laws (constitutions) from effectively controlling or suppressing unwanted immigration (p. 7).

Stephen Robert Nagy has intensively written about social integration and policies on multiculturalism at the local level in Japan and in East Asian context (see also Nagy, 2013a, 2013b). Nagy's studies have further clarified that in order to address for an absence of national/state-level immigration policies, local governments have had started employing their own localized incorporation and social integration policies. Nagy vividly characterized the role played by local governments in terms of service provision "being the immediate interface between foreign residents and the national government" (Nagy, 2012a, p. 126). The services which primarily focused on newcomers to Japan include "language assistance, cultural training and information in a variety of languages about local government services and the rights and obligations of legally residing foreign residents" (Nagy, 2013b, p. 10). However, as Nagy has pointed out, these provisions are service-based and not within, for its intent and its purpose, the genuine definition of integration or multiculturalism (Nagy, 2008, 2013c). In fact, the definition of social integration is rather associated in a loose sense to the term "multicultural coexistence" which is basically meant to "overcome systemic, cultural and linguistic barriers in Japanese society" (Nagy, 2012a, 2012b). In other words, these policies are not intended to provide "settlement strategies" or "avenues for naturalization", as Nagy (2013b) has concluded, but to "provide help to migrants/foreign residents so that they can adjust to the Japanese society" (p. 9).

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Human Agency and the Indispensable Role of Non-State Actors

The case of Filipino irregular migrants in Japan and elsewhere is just one of the diverse issues surrounding the fragile relationship between state and individuals. In issues involving power versus rights, which is very much evident in strong and illiberal states, it is normally the state that can readily muster its vast resources to protect its own agenda. Hence, non-state actors have to intervene to advance the interests of disadvantaged individuals, particularly irregular migrants. These organizations also play an indispensable think tank role on various occasions when conditions permit for them to offer policy recommendations to pertinent institutions, government agencies and/or those in authority.

Furthermore, in many host countries across the globe, the immigration issue can be an important electoral matter. In Europe, particularly in France and Germany, this has been one of the popular campaigns by far-right populist parties against the socialist democrats and the left-bloc. In Singapore and Malaysia, the campaign against illegal immigrants from neighboring countries favors some political parties for electoral votes. However, the active information drives and counter-advocacy campaigns of the non-state actors and organizations only further isolates these ultra-rightist elements in the government. The shift in the electoral support against anti-immigrant sentiments is incredibly evident in Greece, as well as the electoral fall-out for Sarkozy in France.

In the US, during his reelection campaign bid, President Obama issued his new directives for immigration – also known as "deferred action" which offers children of irregular migrants, mostly Latin Americans, a chance to regularize their status through reprieve from deportation or an issuance of a work permit/employment authorization. The Department of Homeland Security (DHS) admits that it is not an amnesty or a new track to citizenship but rather a "temporary fix and if there is a change of administration, there is a possibility that the program will be changed or abandoned" (Tancinco, 2012). Nevertheless,

the case of Jose Librojo who is an undocumented Filipino in the US is again a good example on the significant position played by non-state actors in turning the tide for disadvantaged irregular migrants. Librojo was about to be deported but thousands signed online petitions and many others phone called the President and some supportive Senators who then sent letters in support of Librojo to the Immigration and Customs Enforcement (ICE) office; the ICE eventually halted his deportation orders. The National Alliance for Filipino Concerns (NAFCON) had been particularly instrumental in the change of his status (Rueda, 2011).

In Japan, *Migrante* International and Philippine NGOs (more of self-help groups) such as the Filipino Migrants Center (FMC) have been very active in providing assistance for irregular immigrants; mostly legal advice on immigration and labor issues as well as on welfare concerns of their children. The study of Engbersen, Van San, and Leerkes (2006), in the case of major Dutch cities in the Netherlands, points out that it is communal sharing and bounded solidarity that people feel connected on the need to assist irregular compatriots (e.g. Moroccan and African groups in Utrecht), though limited and restricted in some sense – especially exclusive of relatives such as brothers and uncles. On the other hand, Japanese advocacy groups and sympathetic individuals alike also offer migrants in distress an avenue to air their grievances against the human rights abuses perpetrated against them or even in the provision of health services and legal assistance. Shipper (2008) characterizes the indispensable role of Japanese NGOs for immigrant rights (serving both regular and irregular migrants) as "associative activism". According to this concept, Shipper contends:

> …Local actors seek to transform inflexible and relatively unresponsive political institutions through coordinated local activities aimed at resolving a particular problem that, while not directly conflicting with prevailing government policies, nonetheless challenges the broader political status quo. I consider activism to be associative when (1) like-minded activists form a range of NGOs to address specific problems and (2) local governments increasingly cooperate with activists and their organizations, forming novel and flexible institutions (p. 11).

The temporary status of migrants contributes to their sense of insecurity which is further heightened by their "unwantedness" or the sense of being excluded from mainstream society. Thus, for irregular migrants, being legally recognized is just one step of lessening the stigma of being an outsider and is still far from being resolved. In the eyes of a citizen, a migrant is often a non-citizen (or worse, a potentially dangerous criminal). An insecure irregular migrant will certainly seek recognition, not necessarily from the mainstream society but from peers, networks, and most of the time from compatriots – establishing links, and building contacts. In fact, foreign workers and immigrants across Japan have created numerous associations and groups which provide ethnic identification and various support for legal foreigners but not generally for irregular migrants (Shipper, 2008; Villa & Mani, 2013).

As seemingly coping strategy, irregular migrants do not stay "invisible" long, even while evading arrest and detention. Eventually, they have to ask somebody how to go to the hospital when ill or how to send their children to school, and as a result, initiated in building their own support groups. Many of them are actually hoping that someday they can negotiate their status as "human beings" though with limited participation in the political arena. In fact, irregular migrants themselves volunteer to work for non-state organizations working for migrants' concerns, especially when these organizations are also helping them appeal their cases to the immigration authorities to obtain special residence permission, when the governments of their country of origin fails to help them (Piper, 2004; Villa, 2011).

Yet, in this process, obtaining "legal status" is only the first step. As Villa and Mani (2013) have concluded, these people are not just labor or economic migrants. They are human beings accorded with human rights regardless of their status. As advocates put it in the past decades, recipient societies wanted workers but what they got were people instead (Cornelius, 1994; Steiner 2009). Sooner or later, migrants will unavoidably communicate and socialize with others. As they miss their families back home, the loneliness drives them to make

human decisions: either to establish a family of their own in their host society or bring their families from home to live with them there. This is evidently observed when irregular migrants decide to engage in international partnerships or "imitation marriages," if not fake ones. Given this trend, it is just a matter of time before future immigration policies will start to incorporate migrants in the mainstream society (Marshall, 2006; Villa & Mani, 2013).

Thus, in reference to Falk (1999), to strengthen citizenship and labor rights for migrant workers, regardless of their nationality and legal status, "globalization from above (supra-nationality) needs strong input from globalization from below (transnationalism)" via the lobbying of NGOs/civic groups (Ball & Piper, 2002, p. 7; see also Nagy, 2008, 2012a, 2012b). Ball and Piper further emphasized that Filipino citizens are actively campaigning on behalf of their compatriots in the Philippines and in Japan, among other recipient countries and their governments as cited earlier in this review. Such advocacies and pressure groups effectively ensure protection of their rights in a "transnational setting", including recognition of citizenship and human rights of migrant workers (Ball & Piper, 2002; Piper, 2004).

IV. Addressing Methodological Limitations

There are two possible questions on methodological limitations in the conduct of studies on irregular migration. First, how to access the respondents and if they do so, to what extent are they going to divulge their real stories. The qualifying factor such as sex, age and reasons for detention, must also be considered. Secondly, how would the researcher be able to validate responses from case informants' vis-à-vis key-informants? The first challenge is attributed towards building trust and rapport as well as creating linkages and networks. It must be noted that this study employed a exploratory-descriptive research design through the use of qualitative methods in the data collection and analysis. The researcher also made use of purposive sampling, snowball and referral methods.

The study of Pei-Chia Lan (2003) from Taiwan on Filipina migrant (domestic) workers is a significant approach such that despite the language barrier, she did her ethnographic data and in-depth interviews on two occasions by doing volunteer work in a church-based non-governmental organization in Taipei and frequently attended social outings with Filipina migrants on Sundays. Reaching out to organizations and networks that can help link with potential respondents was necessary. After which, the building of rapport and trust with the probable respondents must follow. Such is the case of the study of Leiter et al. (2006) on 'Human Rights Abuses and Vulnerability to HIV/AIDS: The Experiences of Burmese Women in Thailand'. The goal of the study was to identify human rights concerns related to migration and undocumented status and make remedial policy recommendations. Qualitative assessment was the designed (IDI) utilized where individual women with direct experience of trafficking and other forms of unsafe migration, exploitative labor, or sexual exploitation were introduced by representatives of local organizations that provide services and protect and promote their rights (Lan, 2003; Leiter et al., 2006).

The second dilemma may be addressed by carefully considering the politics at play with government offices vis-à-vis cases of migrant workers' detention, either from sending/labor source countries or the recipient/destination countries. Politics, as reiterated by Neuman (1999), "can affect or may distract the flow of social research in several ways: what researchers can study and how they conduct research, how research findings are disseminated, and how the findings are used; such that governments or powerful groups in society may try to restrict free scientific inquiry" (Neuman, 1999, p. 160). However, at the end of the day, the guiding principle must be with what Pierce (2009) was saying about 'Giraffes in Zebra skins'. In order to make the study more feasible and more grounded with the reality, one should communicate with as many academicians/experts/academic supervisor ('swarm study') on

the topic and must be ready to accept some paradigm shifts from within in order to obtained sound and appropriate research process.

V. Synthesis and Framework of Analysis

This chapter placed emphasis on the complex nature of addressing the research problem through an interdisciplinary review of related literature and studies with references mainly from sociological and political economy standpoint and to some extent how the human agency of migrants is practiced through "everyday forms of resistance", albeit passive (latent) or manifested through cooperation with non-state actors and self-help groups (Ellermann, 2010) (Figure 2-2). The review can be intertwined with the broader context of the international phenomenon of irregular migration, with reference from *transnationalism* and network theory-perspectives. Though the literature review lacks emphasis at the methodological dimensions but such is the case to mainly address limited theoretical framing in utilizing a research-before-theory model (modified grounded instrumental approach).
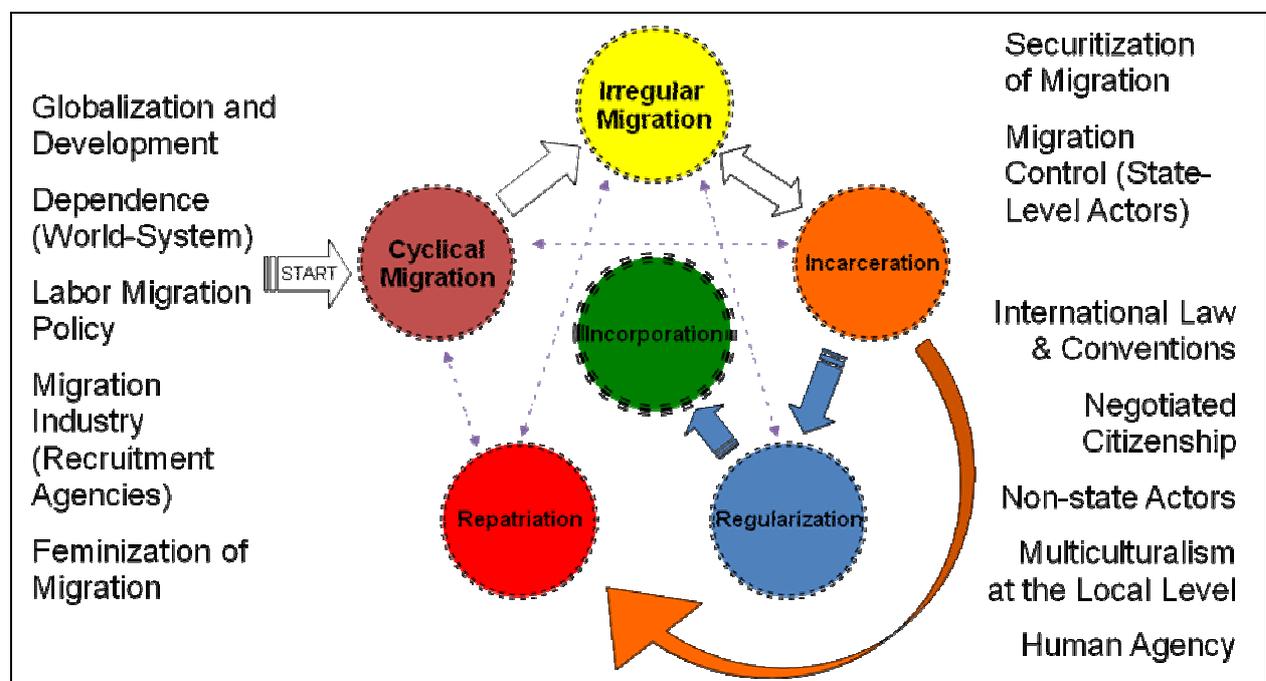
Figure 2-2: Framework of Analysis

It is evident from this review that the cause of irregular migration is multifaceted and could not be confined from a narrow, single perspective. This review establishes a reflective discourse to help the reader understand and be guided accordingly in the study of irregular migration from macro-structural level (state-level) to micro-individual level (migrants) analysis. Thus, the framework of analysis highlights the following discussion: 1) globalization and world-systems, state-level policies (migration control vs. incorporation for host states, and institutionalization of migration for sending states), and the role of the migration industry (macro-level), and 2) the contribution of non-state actors and local-level initiatives for multicultural coexistence which facilitates human agency and collective solidarity (micro-level).

Furthermore, this review serves as a template to deepen the understanding of the phenomenon of irregular migration in the case of Filipino migrants in Japan. In the succeeding chapters, this review is further expanded by appropriately citing relevant theories and discourses reflective of the experiences of case respondents (iterative process: theory vs. fieldwork and vice-versa).

Chapter III

CONSEQUENCES OF MIGRATION CONTROL

This chapter mainly highlights the consequences of migration control measures including arrest, incarceration and/or deportation. Data findings and partial discussions and analysis are embedded in each section. The chapter further focuses on identification of common themes of the case informants' life stories vis-à-vis selected responses from key-informants which pivot around the relationship between state and migrants, and how the latter negotiated their status with their host country – Japan.

The first part opens the chapter with a background of the profile of the case informants and the research process. The second part highlights the role played by the migration industry as facilitating agency in the migrants' decision to leave the Philippines and how the industry capitalizes on the migrants drive, if not desperation, for resettlement or immigration abroad. It further points out its unintended contribution (antecedent) to migrants' irregular status and their precarious situations. The third section puts emphasis on immigration control measures through the thematic presentation of the life stories of migrants from their arrest/detention to having been able to obtain special permission with the Japanese government and the consequences of deportation. The fourth section gives emphasis on their negotiated status by retrospectively reviewing the processes undertaken by the respondents before and after their detention and the role played by state and non-state actors. The fifth section deals with the general analysis and discussions. The chapter ends with a synthesis of major findings and arguments.

I. The Case Informants and the Theoretical Proposition

As described in the methodology section (see Table 1-1 earlier), this study utilizes replication logic and sampling in finding out the outcome and consequences of irregular

migration (as a case study) which include immigration detention and/or deportation as intended formal state functions of deterring unwanted/undesirable migrants. Its unintended consequences however include regularization or further perpetuating their irregularity status if they are not deported. The section attempts to identify factors that could have facilitated, if not hindered, their deportation/regularization process as described in the table above. In reference to Yin (2009, 2014), in utilizing case study research methodology I made use of replication logic and replication sampling (as defined in Chapter 1, research methodology section). At the macro-level, I explore the patterns and consequences of irregular migration from labor sending countries (Philippines in institutionalizing migration) to destination countries (Japan in controlling migration), while at the micro-level, the study focuses on how migrants responded to such existing processes.

In particular, as the first step, a *literal replication* is applied for *Filipina* mothers who have had Japanese-Filipino children (JFC) as similar patterns were found in the normalization of their status (replication sampling). In hindsight, the assumption is that having an offspring inadvertently becomes a ticket for status – the case of normalizing one's status through special permission by consideration of their children's rights. Such situation is rather anticipatable because this is provided in the Japanese immigration law and supported by human rights-conscious liberal government administration and polity, in accordance to international conventions. The Japanese society highly regards children with Japanese descent, and JFCs do have *Japanese-ness*, at least from a racialized hierarchy discourse.

In contrast, a phenomenon falls within *theoretical replication* when it predicts differing results from previous replication but for expected reasons. This applies when it comes to strictly-composed Filipino families who have not acquired Japanese descent, at least through artificial blood relations (i.e. having been married to Japanese and/or having born a Japanese child). Though not openly covered by TV and print media, there have been a

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growing number of former undocumented Filipino families who were extended with a special residence visa (though cases were decided with much stricter requirement by special inquiry than usual). The Japanese government may consider cases of irregular migrants who have children "integrated" into the Japanese society and acquired education up to high school level or have been born and have lived in Japan for quite some time. However, this study proposes that the dedicated assistance from non-state actors could have been a factor in ensuring recognition of their status.

Nevertheless, a contending question was raised about unsuccessful irregular migrants who have been denied with said special treatment. Such questions are reflective of a rival inquiry against the argument of Sosyal (1991) (Sosyal's assertion is being reiterated by Steiner, 2009; Joppke, 2010; and Ellermann, 2010), which contradicts the claim on the emergence of post-national membership even extended to irregular migrants and that states are actually increasingly moving towards "cleansing" their territories from undesirable non-citizens instead of migrants' incorporation (Engbersen, Van San & Leerkes, 2006). To address this rival claim, this study attempts to explore for patterns on the life stories of other cases (three other deportees) that had similar status with the above case respondents (within theoretical replication) and yet were not granted with special permission to stay in Japan (rival replication).

In addition, thematic responses from the key-informants were also highlighted to validate the case responses (see also table below). Out of the total nine (9) case informants, four respondents fall within the 30-39 age-group, while four others are within the 40-49 age-group. Only one respondent was within the 50-59 age-group range. Majority of the case respondents got a high school education while the three others were able to enter college level/vocational courses. In terms of marital status, case informants were relatively distributed among the categories including single, married, cohabited, and divorced. All

respondents were Christians (Roman Catholic) by their religious affiliations. On other hand, many of the case respondents are either currently working as hotel cleaners or in bed-making (housekeeping) or entertainment work (nightwork). A few others were self-employed or doing factory work (for details regarding the vignettes of the case respondents' life stories see also Appendix C).

Table 3-1: Socio-demographic Profile of the Case Respondents*

Case Informants	Age	Education	Marital Status	Place of Origin	Source of Income
1. Andrea	30	HS Graduate	Single	Luzon	Nightwork
2. Cheryl	33	College Level	Single	Luzon	Hotel/Nightwork
3. Ebony	47	HS Level	Divorced	Visayas	Hotel Work
4. Gerald	44	HS Graduate	Married	Luzon	Factory Work
5. Irene	43	College Level	Married	Visayas	Hotel Work
6. Kristel	51	HS Level	Cohabited	Visayas	Factory Work
7. Mark	38	Vocational	Cohabited	Luzon	Printing Press
8. Oscar	43	HS Graduate	Married	Mindanao	Self-employed (SE)
9. Rose	30	HS Level	Divorced	Mindanao	Masseuse/SE

*Raw data generated from NVivo database.

II. Profiling Filipino Irregular Migration to Japan

Studies have indicated that hapless migrants, even at the very beginning of their journey from the Philippines, are seen as "cash cows" as they have to shell out large sum of money to get a job abroad through the "super-migration industry" of the recruitment agencies and/or the government's employment office (i.e. POEA) (Asis, 2008a; Tyner, 2009). Afterwards, they are repeatedly extracted with payment charges for family remittances and money transfers sent back home (see also Figure 3-1 below). Thus, this section primarily deals with the multi-faceted factors why irregular migrants came to be as they are by retracing their life stories from pre-entry phase and how the migration industry played a big role in bringing them into Japan. As Kaye (2010) simply puts it:

The complex and interconnected machinery and interrelated businesses that comprise today's global market for labor has been called the migration industry…Destination countries are just one piece of the larger picture. To grapple seriously with global migration requires at the very least an understanding of why migrants leave home to begin with (p. 28-29).

	2005	2006	2007	2008	2009	2010
All Country-Sources - Total	10,689,005	12,761,308	14,449,928	16,426,854	17,348,052	18,762,989
1. United States	6,424,848	6,526,429	7,564,887	7,825,607	7,323,661	7,862,207
2. Canada	117,061	590,627	595,079	1,308,692	1,900,963	2,022,611
3. Saudi Arabia	949,372	1,117,915	1,141,319	1,387,120	1,470,571	1,544,343
4. United Kingdom	300,725	561,670	684,007	776,354	859,612	888,959
5. Japan	356,659	453,398	401,612	575,181	773,561	882,996
6. United Arab Emirates	257,429	427,246	529,963	621,232	644,822	775,237
7. Singapore	240,149	285,126	386,409	523,951	649,943	734,131
8. Italy	430,071	574,662	635,944	678,539	521,297	550,515
9. Germany	142,530	162,020	207,935	304,644	433,488	448,204
10. Norway	19,814	128,279	159,150	185,619	352,957	372,701

Figure 3-1: OFW Remittances by Top Country-Sources (in million$) (POEA, 2011)

Push and Pull Factors: Personalizing Migration Network

Data suggest that most of the case respondents were caught up with life's circumstances and the necessity of employment due to financial difficulties back home, which could have driven them to find an alternative living elsewhere and abroad. In fact, almost all of them were in their early twenties when they first came to Japan. In economic migration, as Castles (2007) argued, the primary migrants are usually young people searching for temporary work. These young individuals are bent on exploring new environment and most often take risk on finding a suitable place to live by and for new opportunities. The institutionalization of migration in the Philippines makes it easier for the migration industry, whether legitimate or illegitimate agencies, to lure these young migrants to their fold because of their economic difficulties. Most of whom are young women vulnerable to abuse and

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exploitation. Many of these women migrants are unaware of the level of exploitation in Japan as compared to their experiences back home. For instance, Michelle, not her real name, an entertainer who came to Japan argued about coming to Japan as sort of "lesser evil" decision or less exploitative for that matter and that they get to earn more from the same job (hostess/club work/dancer) in the Philippines. This can be observed in the responses of the following informants:

> *In order to survive on my own, I worked as dancer and hostess (GRO) at a local pub in Manila for two years. Because of the financial difficulty back home, it was easier for a recruiter to convince me to leave for Japan. I told myself, "I'm working in a club anyway, why not work in Japan where I can earn more"* [Ebony].

> *When my parents got separated, though they gave me some financial support to finish my schooling, I was all by myself trying to survive life. After I graduated high school, I engaged into different kinds of work until I was hired at a local restaurant (bar type) with a live-band performance. At first, I worked as a waitress, then later on as a Guest Relation Officer (GRO) or hostess* [Cheryl].

Moreover, many of the women respondents also shared emotionally laden revelations about leaving behind their hometowns due to broken relationships brought about by teenage pregnancy, early marriage and living-in arrangements, and abusive relationships from significant male figures in their households, while others were caught up in a web of complicated relationships. Suzuki (2002) encountered similar cases in her study of Filipino women's pre-migration experiences revealing stories of leaving home because of "difficult and tormented relationships with Filipino men – fathers, brothers, husbands and sons" (p. 103). A respondent surprisingly divulged in the latter part of the interview that she was actually a victim of sexual abuse, trafficking and prostitution.

> *I wanted to continue my studies in Manila but unfortunately I got pregnant and my teenage boyfriend left me to tend to my child's needs. So my parents supported me thereafter but still I wanted to go to Japan to at least help them financially and to ensure the future of my son but they would always object any plans of going abroad* [Andrea].

I didn't get along with my mother as she would not listen that my step-father attempted to sexually molest me and so I had to leave. I was 16 years old when I took a ferry to Manila and while on board, there was this middle-age guy who I met and got along with. He promised to help me find a job in Manila. But when I arrive there he billeted me at his place and showed me the ladies at a casa (prostitution den) nearby. I was amazed how the girls in there seem to be living a luxurious life – with all their jewelries and branded clothing. After a month, I was drawn to that kind of work. I was still virgin then and it was this certain Chinese guy who got me first (took my virginity). He gave me P3,000 (perhaps that was a big amount then) [Ebony].

Sandra, a 30 year-old key-informant deportee from the Philippines, who used to be an NGO volunteer back home, demonstrated how she came to Japan as an entertainer (perhaps a rare occurrence). She revealed that she left for Japan just to get rid of her stalking ex-boyfriend and to explore new places. Sandra's decision to move out of the country was precipitated by her lady neighbor who had ties with a talent promotion in Manila. The neighbor eventually became her talent manager as well. The decision was further influenced by her mother always prodding her to leave the country and find greener pasture instead of just doing volunteer work which is not an economically sustainable job since she could sing and had a beautiful figure. Helen (29 years old), another informant now studying in Davao City, who first came to Japan when she was eighteen years old, had similar circumstances of unexpectedly coming to Japan due to a friend's recommendation (who happen to be a recruiter or has connections with a promoter).

On the other hand, these migrants also argued how their decision to emigrate was driven by a non-monetary motivation that is to explore other countries like Japan and not solely because of economic necessity (but a combination of necessity, curiosity and chain migration) (see also Villa, 2010). Chain migration becomes evident as these young migrants followed the footsteps of their family or relatives as their network-linkage in their destination countries. These "transnational migration networks" comprise of families and friends already established abroad whom would-be migrants use for help with accommodation, information,

and most often, for employment network-linkages (Marshall, 2006; Koser, 2007). Pijpers (2010) further clarifies that such "international migration network" includes all actors who are involved in locating, contacting, and contracting, employing, policing, administrating, transporting, housing and supporting migrant workers. Networks are therefore an important component in the migration process. Andrea and Gerald have seemingly shared similar experiences in the following context:

> *My decision was a combination of necessity and curiosity. I wanted to help my family and also to explore Japan. Some of my friends were in Japan already and they were wondering how come it took me a while to follow them. But still I was hesitant to go due to stories I have heard of victims of Yakuza and other criminal syndicates* [Andrea].

> *I went abroad not much because of economic difficulties back home. I just wanted to explore the world and search for new places. Back home, I had a good impression of Japan and heard lots of good things about Japan – about its hi-tech machines and orderly society. Somehow, such picture enticed me to further extend my stay here. More than that, my friends who have been in Japan persuaded me to come here as they impressed to me that there are better and more lucrative source of income here* [Gerald].

The Migration Industry and Migrants' Irregularity

Indeed, the narratives clearly hinted about the notion of migrant agency that is, "migrants are not isolated individuals who react to market stimuli and bureaucratic rules, but social beings who seek to achieve better outcomes for themselves, their families and their communities by actively shaping the migratory process" (Castles, 2007, p. 35). However, structural factors have become part of that migratory process which is made known through the significant role played by the migration industry in leading migrants to take such life-changing decisions. Case informants talked about how the amalgamation of migration network and industry interplayed in encouraging them to take hasty, if not risky, decisions in the following scenario:

> *My cousin came home to visit us. Her boyfriend, a manager-owner of a Japanese pub, also came with her to scout for potential talents (young entertainers). It was not my intention to go with them but my papers were*

taken care of by the promoter. I was surprised then that I have a visa and passport already. I said I don't want to go to Japan but they threatened by mother and that they blackmailed her that she would have to pay the cost incurred in processing my papers [Irene].

On other hand, when case informants were asked about their migration status before coming to Japan, most of them disclosed that their "illegal entry" has been clearly established prior to entering the country through fake passport or forged visa. As I probed on the responses of the case informants I particularly asked what were the reasons behind their irregular entry, if not illegal migration status. Most of them said that they did not bother much about it since it has been arranged by their broker agents/recruiters (see also Table 3-2 below). Scholars have earlier pointed out what these agents can do in sustaining migration outside the usual bounds of legality even when governments try to restrict their activities (Kleinschmidt, 2006; Castles, 2007; Castles and Miller, 2009). These are dramatically captured in the responses below:

The papers, including my visa and other required documents, were already prepared and all I had to do was say yes. I arrive in Japan using a different passport that had a valid working visa – borrowed from a "look alike" Filipina with similar facial features with mine. The promoter in Japan arranged everything for me [Andrea].

Table 3-2: Respondents' First Entry to Japan*

Case No.	Year of Entry	Age at Entry	Means of Entry	Visa Status Upon Entry	Facilitator of Entry
1	2003	22	Illegal Entry	Forged	Recruiter
2	1997	20	Illegal Entry	Forged	Recruiter
3	1987	22	Illegal Entry	Forged	Recruiter
4	1989	22	Overstayed	Tourist	Friends
5	1989	21	Illegal Entry	Forged	Recruiter
6	1987	27	Overstayed	Tourist	"Fiancee"
7	1995	21	Overstayed	Trainee	Company
8	1990	20	Overstayed	Entertainer	Recruiter
9	2006	22	Overstayed	Tourist/Spouse	Spouse

*Raw data generated from NVivo database.

For those who overstayed their visa, many of the respondents shared that their decision grew out from the necessity of their circumstances. Yet, one of them (Gerald as cited

earlier) spoke about having planned the "overstaying" of his visitor's (tourist) visa before coming to Japan, while another respondent (Kristel) recounted about the need for utilizing a tourist visa as an "entry-strategy" where her husband-to-be served as a guarantor in inviting her from the Philippines. The following are some narration of their peculiar circumstances:

> *I first came to Japan in 1987 as a talent/entertainer. I had a valid visa good for 6 months. So, I had to go home after my contract ended. From 1988 to 1990 (two years thereafter), I had to go back doing odd jobs: first as a saleslady, then as hostess at a local bar owned by a Filipina married to a Japanese. I was able to know through her that there are Japanese men who are willing to be paid with "fiancée visa"* [Kristel].

> *With my trainee visa I was able to reach Japan in 1995. All we had to worry is the spending for our food and transportation expenses from our place of residence to work site. Our monthly salary was only good for living allowance in Japan. Most of us had to do more overtime work so that we can save more for our family back home* [Mark].

Similarly, as brokers and some employers arrange for these irregular workers to come to Japan, they gain huge profits by reducing or delaying payment of their wages and further exploiting their vulnerabilities as they are unable to receive sufficient compensation in the event of an industrial accident. Japan's Ministry of Justice (MOJ, 2011) also admitted in its series of reports that that there are serious human/labor rights violations committed against illegal foreign workers. As cited earlier, these migrant workers are put in a very disadvantage or precarious situation such that employers can hire and fire them depending on the state of the economy and the need for workers – a cost efficient economic strategy, indeed. Many of the respondents were somehow caught in similar circumstances as shared in the following:

> *The broker (agency) didn't follow what we had agreed earlier that he would pay $500 a month. Instead he (broker) was just paying me $300 a month. I told him that I will run away if they won't pay the exact amount. Aside from that I would have to endure the maltreatment of the floor manager/owner of the club. I realize later that I was actually working for an omise (club) owned by a Japanese Yakuza. The mamasan (manager) is, I guess a Yakuza too herself, and had a bad temper. After 4 months, there was this customer who wants to go out with me (sleep with me outside the bar) but I didn't want to, the mamasan suddenly hit me with a baton and I bled and because of that I found a reason to ran away* [Ebony].

More than that, as studies have pointed out, most temporary and low/unskilled workers have irregular or illegal residence status and take jobs that domestic workers do not want. They are readily available to do the low-paid, dirty, physically difficult, and dangerous jobs that the locals/native workers would not or are unwilling to work for. The complex dilemma associated with such types of work includes economic exploitation, poor working conditions and safety, and illegal workers. In most destination countries such as in Europe and North America, as concluded by scholars, employers motivated by the desire to maximize profit, showed little regard for the safety of their employees, whom they could easily replace since there were more (migrant) workers than jobs (Debrah, 2002; ILO, 2002; Kaye, 2010). This may not be the case in Japan context, as many employers are careful in handling accidents at constructions sites. Back home, unskilled migrants, at the onset of their journey, begin with practically nothing: low-skilled and less educated, with little or no employment training basically puts them at an unfair disadvantage when it comes to competing in the labor market. The sense of temporariness pushes them to the edge of insecurity, and thus increases their vulnerability. This is not uncommon for those who came to Japan as entertainers *(Japayuki-san)* or those who are doing "nightwork" (see also Ballescas, 1992; Allison, 1994; Fuwa & Anderson, 2006; Villa & Mani, 2013).

Figure 3-2: A Facade of Entertainers in Japan
(With permission from the key-informant - anonymous source)

The narratives of the respondents coincides with records from MOJ which suggests that while illegal/irregular male workers were more concentrated in factories and construction work (manual labor), female irregular migrant workers were highly concentrated in the entertainment industries working as bar attendants, hostesses, and the like. In 2000, POEA (2012) data estimates that there were 60,000 Filipinos who came to Japan as entertainers – around 1,000 Filipinos were *hosto* (male entertainers). Recently, with the stricter implementation of landing and residence examination and permission criteria, the MOJ (2012) reports that the number of newly entering foreign nationals holding a residence status of "entertainer" has decreased after 2005. However, even with those noted countermeasures, this group consists of the largest ratio of total foreign nationals for employment in specific and technical fields. Entertainers from the US, UK, the Philippines, and (South) Korea still represent the largest number of arrivals by place of origin. In 2009, the MOJ reports that entering *Filipina* entertainers were 1,506, mostly consist of singers and dancers, showing a decrease of 367 (20 percent) from previous year.

Table 3-3: Number of New Arrivals of "Entertainers" in Japan (Top-Five)

Country of Origin	2006	2007	2008	2009	2010
Total	48,249	38,855	34,994	31,170	28,612
USA	6,772	6,075	6,653	7,288	6,785
UK	2,712	2,500	2,908	2,575	3,009
Philippines	8,608	5,533	3,185	1,873	1,506
South Korea	1,674	1,553	1,329	1,173	1,450
Russia	3,454	2,562	2,249	2,467	1,432
Source: MOJ 2011 Report					

Yet, along with the decreasing inflows of migrants from the Philippines, many of those affected by the stricter immigration laws in Japan had overstayed. The MOJ (2011) further clarifies that in 1993, when the highest number of overstayers was recorded at 298,646, nationals from Thailand ranks first in terms of numerical data, followed by Koreans,

Filipinos, Chinese, and Malaysians. As of the 2011 ranking, out of the total 78,488 overstayers, (South) Koreans surpassed all other nationalities followed by Chinese (though in 2007 took the top position), Filipinos, Taiwanese, and Thais (more data can be found at MOJ online database).

Table 3-4: Changes in the Number of Registered "Entertainers" in Japan (Stock)

Country of Origin	2006	2007	2008	2009	2010
Total	21,062	15,728	13,031	10,966	9,247
Philippines	14,149	11,065	9,199	7,465	6,319
China	2,153	1,193	907	778	671
Korea	450	441	398	363	374
USA	284	305	326	310	318
Russia	767	504	393	333	268
Indonesia	787	430	264	218	203
Brazil	230	228	211	197	159
Thailand	215	176	145	174	136
Source: MOJ 2011 Report					

Table 3-5: Estimated Number of Overstayers by Status of Residence

Status/Year	2006	2007	2008	2009	2010	2011
Temporary Visitor	134,374	117,289	102,069	76,651	63,169	78,488
College Student	14,935	12,729	10,978	8,276	5,842	4,322
Entertainer	10,052	8,162	6,624	5,015	4,120	3,425
Trainee	3,393	3,333	3,136	2,561	1,621	1,192
Source: MOJ 2011 Report						

Nevertheless, it is unfair to singlehandedly cite the data and bluntly attribute most overstayers as *Filipino Entertainers*. In fact, the MOJ statistics (as shown in Table 3-5) reveals that the largest number of overstayers had the status of "Temporary Visitor" (about 70 percent of the total) or those who came as tourists/sightseeing purposes. Those with

"Entertainer" status only account for four percent of migrants who overstayed, which has not changed in its order if compared to the data in 1997 (Morooka, 2006; MOJ, 2011).

III. Migration Control and Enforcement Measures in Japan

This section emphasizes the migration control measures of the Japanese government in the form of detection, arrests and detention and how migrant-respondents cope with their family and children and how they made use of existing channels to appeal their cases.

At the receiving end, destination countries have the power to get rid of unskilled foreign workers, even though they need them due to the strong demand from firms and employers who are dependent on their labor for the 3D jobs that the local workers shun. Many other scholars contended that the presence of "illegal workers" in Japan is not because they can easily slip through the government's immigration control enforcement but it is because the latter actually turns a blind eye on them. It is sometimes described as allowing entry through the "back door" to satisfy labor demand from small and medium-size industries (Iguchi, 1998; Debrah, 2002; Portes & DeWind, 2007; Kondo, 2008a). As one of the key-informants specifically argued:

> *From what I knew, at least one bilog is arrested every day. There are times when immigration will suddenly raid a factory and capture aliens without papers. Illegal workers are facilitated by an agent through kaisha owners' referrals. This person acts as a broker that supplies workers in the factories. The latter will accept the workers without the necessary papers for as long as they are endorsed by another kaisha. This system has prevailed for a long time already* [Nestor, 39 years old, detained during the interview].

Despite the economic necessity of employing migrant workers, as early as 2004, the Ministry of Justice through its Immigration Bureau has steadfast implementation of its policies towards immigration control. But past and current administrations have claimed such countermeasures have been enforced in response to Japan's internationalization program for global interdependence. This means acceptance of foreign nationals who are needed to

revitalize Japanese economy and society (mainly highly skilled foreign nationals) but at the same time the government (state) must protect the public security and safety of its citizens against undesirable aliens through smooth but strict implementation of immigration examination (see also Yamagami, 2010; MOJ, 2011, p. 80).

Thus, as the MOJ asserted, it is but right and necessary that the border of entry must be secured from foreign nationals who may threaten national security such as those entering the country for the purpose of "illegal employment and illegal activities, terrorists, and stowaways, and where such persons are already residing in the country, to implement consistent and prompt deportation procedures" (MOJ, 2010, p. 29). This basically tantamount to quick identification and perhaps expulsion of two major irregular migrants: those who came through illegal entry and those who overstayed (prevention and/or deportation measures). Put simply in political discourse, as Koser (2007) has argued, "states have a sovereign right to control who crosses their borders and that by undermining that control irregular migrants have threatened sovereignty or state security…and that by stopping irregular migration is fundamental to reasserting full sovereignty" (p.60). However, Kaye (2010) claimed that as modern governments guard their borders (gates), attempting to prevent migration through immigration control, their policies and trade arrangements have often the "countervailing effect of promoting migration." Kaye further argued:

> Think of these powerful institutions as present-day incarnations of Janus, the Roman god of gates, doors, beginnings, and endings…Along the borders of the developed world, while one of the two-faced Janus heads presents a stern, law-and-order countenance, the more permissive counterpart looks the other way, dangling carrots and encouraging migrants to bypass sentries and seek out opportunities (p.44).

Detection, Arrests and Detention

Furthermore, the narratives of this research reveals that most respondents first came to Japan between 1985 and 1995, while the two other cases came after year 2000 (as shown earlier in Table 3-2). These migrants were just a small number out of the estimated "illegally

overstaying" in Japan, which reached its peak in 1993 – approximately 300,000 foreign nationals. The MOJ (2011) has declared that it has "drastically reduced" the figure to less than a hundred thousand through "comprehensive measures against illegal residents…in close coordination with relevant organizations." In fact, the Japanese government has since seriously considered the issue with its 2009 amended version of immigration control act implemented in 2012. In any case, the respondents of this study could have been covered by the earlier immigration control measures since they were arrested between 2007 and 2011. Nevertheless, it is interesting to note how most of these migrants were able to evade arrest and detection for years and even decades. The pattern of their circumstance is very much timely for current policy considerations and further research agenda.

Figure 3-3: Detection of Illegal Workers (Club/Pub)
Source: MOJ 2011 Report

The recent categorization of irregular migration by the Japanese government into terminologies such as 1) illegal/false/disguised residence, and 2) illegal work or illegal activities (doing other work not designated in their visa or for students: working without permit) is seemingly a substantiation of conscious effort to rectify past derogatory remarks

such as "illegal migrants" or "illegal aliens." MOJ (2011), in defining illegal foreign residents stated:

> False residents stands for foreign nationals who disguise themselves as legal residents by falsifying their status of residence and purpose of stay by means of fake marriage, pretending to be students, etc. and work without legal status in Japan by misusing forging or alternating documents or abusing fraudulent documents. Since they actually appear to be "legal residents", precise data on their actual number has not been obtained (p. 96).

The MOJ further pointed out that since most illegal foreign workers are working for substandard wages they could take away employment opportunities from Japanese workers and may disrupt fair labor market exchange. Hence, in an attempt to curb the number of illegal residents, as early as 2003 the MOJ has since targeted to decrease the figure by half in five years time. It has effectively conducted crackdowns by reinforced collection and analysis of information, and strengthened detection for those registered foreigners engaged in activities other than those permitted. The MOJ through its Immigration Bureau has closely worked with relevant organizations such as the police and other departments/ministries that can offer relevant information on employment of foreign workers. The Immigration Bureau in the Ministry of Justice is the organization or the central office for that matter in charge for immigration control duties and responsibilities. There are eight (8) regional bureaus, seven (7) district offices, sixty one (61) branch offices, and three (3) immigration detention centers (including Omura in Nagasaki) (Kondo, 2008a; MOJ, 2011).

In citing MOJ (2010), Sampson, Mitchell and Bowring (2011) differentiate these detention sites into the following: 1) "immigration centers" in Ibaraki, Osaka, and Nagasaki prefectures, 2) "detention houses" at the regional immigration offices and their district branches, and 3) "landing prevention facilities" in Narita International Airport and Kansai International Airport. Immigration centers are detention centers dedicated for migrants who must be detained for long periods of time – six months or more; while detention houses are

for persons who are subject to enforcement of written detention orders. Private hotels near international airports have been also used for immigration detention purposes. According to MOJ's immigration bureau, these facilities are purposely built to hold foreign nationals who are either issued with written deportation order, including those who are awaiting decisions on their asylum claims (Sampson et al., 2011). Since 1995, the number of personnel and thus budgetary allocation for the immigration control administration has steadily increased. Indeed, it is not surprising if the bureau has effectively performed regular arrests, detention and thereafter deportation regularly.

Table 3-6: Changes in the Capacity for Detention

Division/Fiscal Year	2007	2008	2009	2010	2011
Immigration Centers	1,800	1,800	1,800	1,800	1,800
Regional Immigration Bureaus	2,048	2,048	2,198	2,198	2,210
Total Capacity	3,848	3,848	3,998	3,998	4,010

Source: MOJ, 2011

Moreover, most of the case informants claimed that their "capture" truly surprise them. They contended that they have heard news of crackdowns and arrests all over Japan but they did not expect that it would come like a "thief in the night" as one respondent describes her ordeal while quoting biblical passages. Many of them further talked about the unexpected journey and perceived surveillance of the immigration agents of their whereabouts in the following narratives:

It was just one of those ordinary days on my way home from work when two strangers stopped me and asked for my alien card. I tried to explain, made some excuses and alibis but to no avail…I could have been under surveillance before that incident. They immediately took me to the police station [Cheryl].

On the other hand, others recounted about being caught up with complicated situations wherein their significant others (e.g. husband/partner, relatives) inadvertently causing them their detection and eventually their arrest. One case respondent was in fact a

victim of domestic violence.

> *I was caught by the Japanese authorities in June 2009 after my Japanese boyfriend turned me into the police. I had a quarrel with him and I have been running away from him ever since. But it was like a cat and mouse game. After we quarreled, I ran away, and then he pursued me and then we got back together. At that time, he started beating me again, while trying to hurt our son. So I had to cover my son from his punches but he started pulling my hair in public. I didn't know that he was about to bring me to the police authorities* [Rose].

Coping with Detention: Impact on Family and Children

Data revealed that the total duration of detention for case respondents varied from less than a month to as long as six months (0-6 months) before their cases are decided by the MOJ. Case informants have common stories while on undocumented status and evading arrest by the authorities (ranging from 8 to 20 years), and later incarcerated in a police station or at the immigration detention center. They contend that the worst scenario for an irregular migrant caught by authorities is during the interrogation phase at the police station. Some of them lamented that when apprehended, police shouted at them, sometimes calling them names such as *baka* (idiot or stupid), when they refuse to answer some questions.

Figure 3-4: Common Posts Displayed at Immigration Bureaus
*Pictures taken at the Enforcement Division – Osaka Regional Immigration Bureau (A. Villa)

As cited earlier, in the Japanese Criminal Procedure Rules (CPR), an accused can be detained for a total of twenty-three (23) days before an indictment is made, even without

charges or access to legal counsel. Japanese bar associations and human rights groups had been campaigning for the abolition of this procedure, which is contrary to UN standards, but still it is an uphill battle as lawmakers are preoccupied with economic and political issues such as deflation and territorial disputes. In fact, most of the case respondents said that "you get lucky" when it happens that an arrest has been made by immigration agents rather than by the police, as recalled by the following:

> *I was incarcerated for a total of 3 months – half of it was under police custody. The most difficult part of being detained was at the police station. They started the torturing investigative process for ten days. They ask me the same set of questions every day. They really wanted to find out that I was accomplice to my husband's case since. They would say something that since I came here through illegal entry then I am desperately looking for money and perhaps involved in some criminal activities. They force me to admit the cases filed against me. I was sick at the time and not feeling well. It was psychologically torturing but I proved them wrong anyway* [Andrea].

On the other hand, many of the case respondents said that after police detention it is like "crossing the other end of the bridge", when they are transferred to the immigration detention. Resilient as they were, though their ordeal was not yet over by then, most recounted a much fairer representation of the immigration detention. Some shared the importance of understanding other people's cultural background to maintain harmonious relationship inside their cell. One case informant who was penalized at a women's correctional facility somehow described a positive atmosphere at the facility:

> *The immigration detention is like a training center facility – similar to the "Big Brother House" minus the freedom, you know what I mean? Everything is provided including food, clothing and some amenities and we can now make phone calls – incomparable with I had experienced under police detention. In fact, I lose much weight there. I didn't get much sleep* [Andrea].

> *A detainee is allowed to have two visits a month. I don't have many friends in Nagoya so I didn't expect anyone to pay me a visit anyway. Inside the penal colony, everything is provided but you have to schedule if you want them to buy some personal stuff for your hygiene and the like. We get to save something from our work at the factories to pay for those* [Cheryl].

Furthermore, case informants strikingly illustrated the effects of detention on their families and children and on themselves including anxiety, emotional and financial hardships from family separation, changes in their children's behavior, and for others, children skipping or missing classes at school. This confirms the studies conducted by Urban Institute (2010) and, Cervantes and Lincroft (2010) in the context of the US immigration detention enforcement and its short-term and long-term impacts on children of detained immigrant parents, which prompted policy-makers to contextualize their immigration reform agenda. The abovementioned studies coincide with the observation of this study's case informants regarding their children experiencing severe challenges including economic hardships and adverse behavior changes:

> *The detention had affected me more since I just gave birth and the separation was somehow emotionally difficult on my part. Once, I had bleeding and I had to be taken to the clinic in the facility. My two other daughters stopped their schooling, which prompted inquiry from their teachers* [Irene].

> *As for my relationship with my wife, I can sense that she had a hard time especially when she was the only one left to provide for her personal needs and in taking care of our daughter. The thoughts of staying longer in the detention deeply worried me bearing in mind the financial condition and the expenses of my family* [Gerald].

As covered in the study of Fidan (2009) for undocumented Afghani immigrants and refugees in Greece, apparently "life in a foreign country without any kind of legal status is very hard as migrants must face insecurity, isolation, exploitation and victimization" (p. 4). Many of these migrants may end up in detention centers after being detained by the police because they do not posses any travel documents and sometimes have to serve a three-month administrative detention sentence. In cases where both parents are detained, it can yield a painful experience for their children as it clearly harms their psychological well-being (mental and emotional), which deprives them of their basic human rights (Fidan, 2009).

In addition, most often it is not only the child who suffer from psychological or

emotional stress but the parents too especially mothers, as the research of Raikes (2009) in the US indicates, many imprisoned women have fears of losing familial contact which can exacerbate mental health and worst, substance misuse. Raikes also found that incarcerated mothers may face not only emotional consequences but also physical and structural barriers in terms of maintaining contact with their children. Physical barriers relate to the distance between the prisons in which they are held and where their children live, which makes visits difficult. Structurally these barriers are aggravated by the fact that women comprise less than the number of incarcerated men in a system that is geared towards the needs of men – lack of recognition that they are mothers too (Lee, 2007; Raikes, 2009)

Appealing their Status and the Special Permission

Responses from the key-informants corroborated the case respondents' description of the detention process and/or deportation revealing the vulnerability of their precarious situation. Without any valid documents to negotiate their irregular status with the authorities, their responses about their initiatives in appealing their cases from inside (detention) varies from having been able to utilize their NGO contacts and network to having been able to go by their own instinct or from sheer luck. Male respondents, verified by key-informants as well, also argued about difficulty in having a bargain unlike irregular women-migrants who are typically given the custody of taking care of their young children. Incidentally, other informants also mentioned about the helpful tips and advice from immigration officers in making the appropriate decision.

> *The police only provided me with an interpreter who seemed bent on finding fault in me as well. Then, the immigration officers gave me a lawyer after about two weeks. The lawyer appealed my case later such that I already applied for provisional release and that they should have considered my case under immigration bureau. Also, we were still processing the "ninchi" (recognition) of my son. Some of my friends in the NGO visited me later at the immigration detention and informed me about the latest policy on nationality – citizenship recognition of children born out of wedlock. And so, it gave me more hope to fight my case for the sake of my son* [Andrea].

A key-informant (Zanjo, 43 years old), also an immigration detainee, argued about how the immigration officers not totally disclosing the exact period or length of their detention – which only worsened their feeling of uncertainty. He said that some officers would even make us feel worse by teasingly telling us that it would take longer than we think or that we are at the losing end. As such, as argued by most key-informant detainees, when the detention spans a year of stay, they will voluntarily decide to go back to their country because it would be more costly to stay, seeing no point to fight their case and becoming more unproductive. Their doubtful situation only compels them to choose repatriation. However, the National Network in Solidarity with Migrant Workers (SMJ) as early as 2003 has published a "Survival Manual" for foreigner's rights in Japan and it made mentioned that it is not unusual that staff members at the immigration bureau may discourage irregular migrants in negotiating their status and reminded migrants that they must be fully equipped with necessary information to deal with their precarious status (SMJ, 2003, 2010).
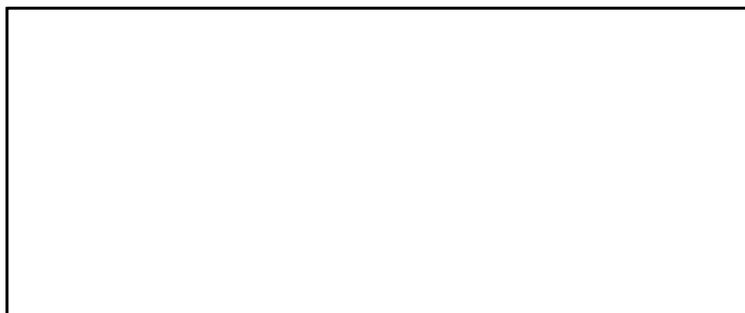
Figure 3-5: Sample Stamp for Special Permission*
*A key-informant showed his passport with this stamp on it (A. Villa)

Furthermore, six of the case informants here were able to obtain their long-term visas through a special permission residence after undergoing detention and later provisional release. Under Japan's Immigration Control Act, the Minister of Justice is authorized to grant special permission of stay to an alleged offender of the law, that is irregular migrants violating immigration control act, and that the minister's decision shall be made on a case by case basis with respect to each individual case by comprehensively judging from various

factors including the following: "the reason for stay, family conditions, behavior, current situation both at home and abroad, need for humanitarian considerations, and impact on other illegal residents" (MOJ, 2011, p. 100). In fact, the MOJ report claims that since 2004 it has been transparent about the special permission procedure for better understanding and smooth operation (see also Appendix D for the "Guidelines on Special Permission to Stay").
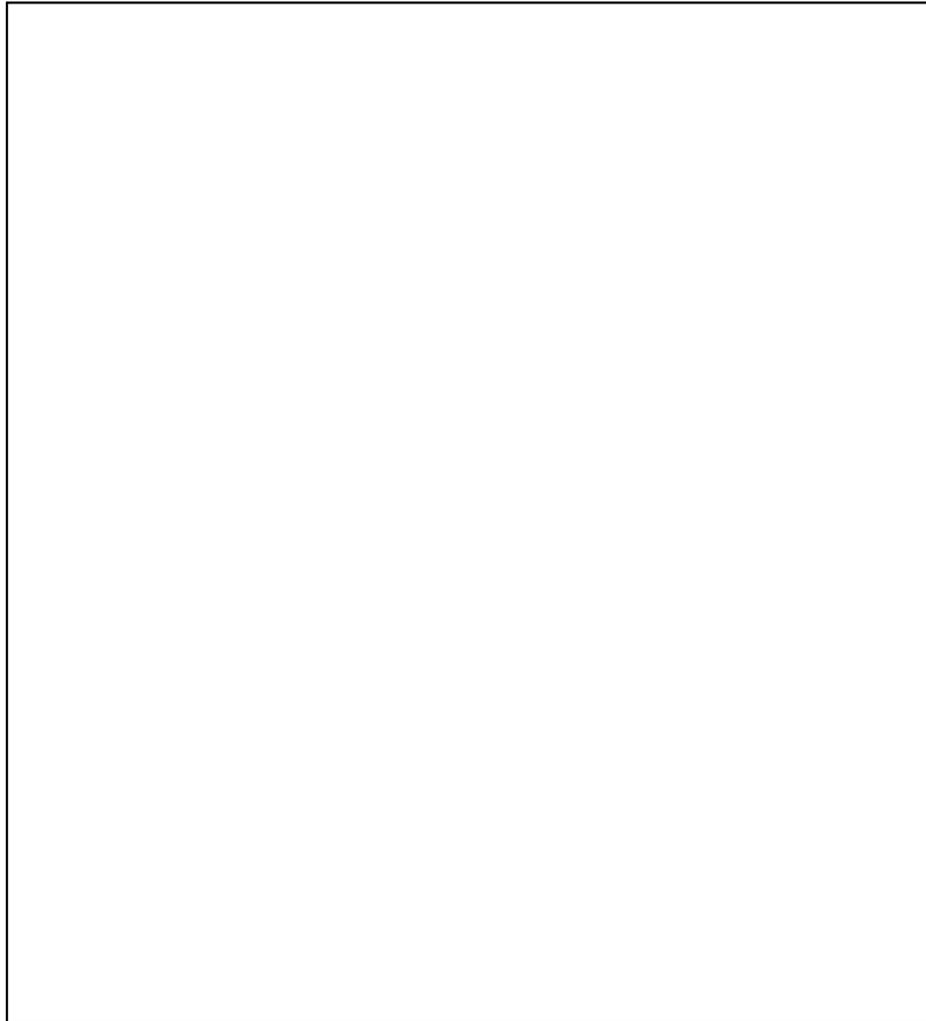
Figure 3-6: Procedure for Special Permission
Source: SMJ (in Morooka, 2006)

The SMJ (2003), which has been actively conducting information drive about special permission for residence, defined it as part of the procedures for deportation in the following conditions: "if you are overstaying and voluntarily appear at the Bureau or are put under arrest by the police/immigration bureau, and you lodge an objection to the deportation, your case will follow the procedures for special permission residence" (p. 23). This means that the

irregular migrant must undergo investigation, temporary release, and to be examined before a ruling is made. If the ruling does not favor the migrants, the Bureau will resume the deportation procedures which may require the irregular migrant's incarceration/re-detention.

The Global Detention Project (GDP), an NGO monitoring global data on detentions, categorizes these special consideration processes as "alternatives to immigration detention", which could include any practice that allows irregular migrants alike to reside in the community without being detained but with limited freedom of movement while their migration status is being resolved (GDP in Sampson et al., 2011). In Japan, part of the special permission residence application may include provisional or temporary release (*karihoumen*) when for individual and/or humanitarian reasons an irregular migrant could avoid detention. Temporary release permit (permission for provisional release) will be issued for those who voluntarily surrendered to the immigration office but do not want to immediately go home because of pending cases.

I have met a handful of irregular migrants who would joke around about readily submitting to detention instead of temporary release such that in the latter one has relative freedom (since they have to regularly report to the Bureau) but prohibited to work, and could not pay for living allowance and food. At least inside the detention cell, they contend,, daily food ration is ensured, until of course one is deported – which will be "end of happy days" as they jokingly shared. Similarly, the Provisional Release Association of Japan (PRAJ, 2011) which is campaigning for protection of foreigners' human rights including irregular migrants and refugees who are under provisional release appealed on the following considerations:

> *Even on provisional release, we are not permitted to work, and we have to pay from 100 to 300% of the high medical bills as we are excluded from the national health insurance system; and our freedom to move is restricted. What is more, depending on the result of the refugee recognition procedure and administrative lawsuit, we may face the hardship of re-detention. Many of our friends had only two months to celebrate their provisional release before they were re-detained for another year. Furthermore, there are some who face third and forth detentions* (excerpt from PRAJ Statement on January 2011).

However, with reference to the guidelines on special permission to stay in Japan, the discretionary decision of the Minister of Justice takes into consideration the positive and the negative elements of the circumstances surrounding the irregular migrant's status. In fact, the guideline has been translated in multiple languages including English, Chinese, Korean, Portuguese, Spanish, and Tagalog (*Filipino*) and posted on numerous official websites. The MOJ however clarifies that decisions are made depending on the merit of the individual cases such as "when the applicant has been resident in Japan for a considerable period of time and has personally reported to a regional immigration bureau that he or she falls into the category of deportation, and there is deemed to be no particular problem with the circumstances of the applicant's residence" (e.g. there has been no violation of other laws or ordinances).

Table 3-7: Excerpt from the Guidelines for Special Permission*

Favorable Consideration	Unfavorable Consideration
• When the applicant is living together with his/her own child who was born in Japan, born of the applicant and a Japanese national or has lived for at least 10 years in Japan and is enrolled in an institution of primary or secondary education in Japan, and the applicant has custody of and raises said child, has personally reported to a regional immigration bureau that he or she is staying in Japan illegally, and there is deemed to be no particular problem with the circumstances of residence of both parent and child (e.g. no violation of other laws or ordinances).	• When the applicant, though living in Japan for at least 20 years and deemed to be settled in Japan, has been punished for crimes such as abetting illegal employment, crimes related to mass stow-away, illegal receipt or issue of passports, etc., and has committed an offense related to the core of national administration on immigration control, or has committed a significant antisocial offense. • When the applicant, though married to a Japanese national, has committed an act that considerably disturbs the social order of this country, such as having others engage in prostitution.

*Examples are purposively taken from the source as applied to the case studies (MOJ, 2009)

An applicant is not necessarily given a favorable decision merely based on a single positive element and vice-versa (in regard to negative element). Hence, the "discretionary" nature of the decisions of the cases makes it more unpredictable for the irregular migrants to solely rely on preceding resolutions made by the Bureau for those seeking future redress of their predicament. In other words, the previously established decision may not necessarily

serve as a source of right and basis for the succeeding cases surrounded with the similar/same or equal facts. Nevertheless, most case respondents who had their status normalized shared about the indispensable role played by their support network from the beginning of their detention towards their release and eventually regularization. While processing their papers off from detention cell, many of them have to rely on the charity of close friends, community volunteers, church groups and NGOs as described by one of the case informants (Table 3-8):

> *There were lawyers, NGO volunteers and some church leaders who came to see me. I had known them earlier because of the local church education program for Filipino children. Despite our status, they openly accommodated our children in their program. And through my in-laws support and the priest of our church, I was able to obtain karihoumen (provisional release)* [Irene].

Table 3-8: Respondents' Appeal Procedure and Post-Detention

Case No.	Year Arrested	Total Months of Detention	Appeal Procedure	Outcome of Detention	Year Normalized/ Deported
1	2009	3	Appealed	Normalized	2010
2	2008	4	Appealed	Normalized	2009
3	2011	2	Appealed	Normalized	2011
4	2008	3	Appealed	Normalized	2009
5	2007	2	Appealed	Normalized	2008
6	2009	1	Appealed	Normalized	2010
7	2009	0	None	Deported	2009
8	2009	3	Appealed	Deported	2009
9	2009	5	None	Deported	2009

*Raw data generated from NVivo database.

Deportation Procedure and its Consequences

Indeed, an increasing number of migrants are caught up with detention and deportation from recent countries of immigration in East Asia, while many others are facing involuntary repatriation from conflict-prone countries of destination (mostly in the Middle East). These and more are interwoven at the crux of migration issues, more specifically when it comes to the destination countries' migration controls and/or migration management instruments. The GDP defines deportation as "the act of a State to remove a migrant from its

territory after the migrant has been refused admission or has forfeited or never obtained permission to remain on the territory" (Sampson et al., 2011, p. 2). In the case of Japan, as reported by MOJ, any foreign national who is suspected to fall under any of the reasons that would warrant deportation shall be handed over to an immigration inspector to take procedures for examination of violations after investigation by an immigration control officer" (p.49). Such procedures typically include the following three major steps: 1) examination of violations by an immigration inspector, 2) hearing by a special inquiry officer, and 3) decision by the Minister of Justice.

Figure 3-7: Detention and Deportation Procedure
* Main Reference: ACROSEED (2011) and consolidated from MOJ (2011)

The ultimate purpose of detention is expulsion of undesirable/unwanted immigrants. In fact, as claimed by GDP (2012), the annual number of deportation in 2005 was 33,192. In 2010, the MOJ statistics showed that the number of cases which received examination was 25,731, which significantly decreased from the 2006 recorded of 57,017 cases. The MOJ further reports that the number of deported foreign nationals decreased by twenty-eight

percent (from 18,241 in 2009 to 13,224 in 2010). According to statistics in terms of nationality (place of origin), the largest number was from China (4,266 accounting for 32% of the total), followed by the Philippines accounting for 2,439 (18%), and R.O. Korea (1,715 cases or 13%). On the other hand, under the deportation order system, irregular migrants can opt to depart Japan voluntarily without detention and can make use of "voluntary surrender" (*shukkoku meirei seido*). Under this system, a migrant may be allowed to return to Japan after a year instead of the usual five-year ban (which is applied for those who were arrested, detained and went through involuntary deportations).

The MOJ concluded that annually around ninety-five percent are deported at their own expense (voluntary departure) as soon as the requirements for deportation are completed, including possessing a passport, an airplane ticket, and enough money for travel costs. For irregular migrants who are not able to pay for their transportation expense, the Bureau instructs them to contact their family/relatives and friends in Japan or in their home countries to assist them. However, one case informant, a deportee, regretted about not being able to pay for her plane ticket causing her prolonged detention (extended to five months):

> *I signed the deportation papers after a month of interview but I couldn't go home without a plane ticket. That's the very reason why I had to be detained indefinitely. While inside the detention facility, I was able to solicit donations from my fellow detainees. I really needed to save some money so that I can finally go home with my son* [Rose].

In July 2013, in a surprising turn of events, Japan conducted "collective deportation" for 75 Filipino nationals. They were boarded on a chartered flight including eight children deported for immigration offenses. Amongst those who were excluded from the deportation procedure were Filipinos with serious medical condition, those who have existing families in Japan, and those who were still appealing their cases with the authorities. The last time the Japanese government employed group deportation was in 2004 wherein Chinese illegal immigrants were detected at the border as collective stowaways (MOJ, 2011).

The Philippine Department of Foreign Affairs (DFA) immediately called a press briefing explaining that foreign nationals who violate provisions of Japan's Immigration Control Act must undergo deportation procedures and those who refuse to consent to deportation are detained in immigration centers. The DFA further reported that there were over 100 Filipinos held up at Japan's immigration detention centers and that Filipinos comprise the largest groups of foreigners detained for their irregular status (mainly overstayers) (Del Callar, 2013; Quismundo, 2013). Official records from MOJ however states that in 2010 the largest number of foreign nationals who overstayed and to whom deportation procedures were carried out was from China (30 percent), followed by the Philippines (20 percent) and Korea (14 percent) (as shown in table below).

Table 3-9: Written Deportation Order Issued for Overstayers

Nationality/Year	2006	2007	2008	2009	2010
China	11,295	8,811	8,326	7,342	5,494
Philippines	7,879	7,136	6,188	4,960	3,797
R.O. Korea	6,847	5,484	4,147	3,104	2,582
Thailand	2,232	1,728	1,444	1,347	1,130
Vietnam	1,300	1,435	1,570	1,268	783
Total	42,829	35,417	31,045	25,503	18,578
					Source: MOJ Report (2011)

At the receiving end, one's established network in Japan is not an assurance that a migrant is far advantaged than those who lack one. Going home, unplanned and unprepared is the most difficult situation for an aspiring-to-be-rich migrant. Emigrating is attached with some economic and financial motive. Most of them prolonged their stay in the host country due to huge debts to be paid back home and for the education of their children/siblings. Government offers minimal, if not without, financial assistance for returning legal migrants, more so for deportees, as reintegration program seems focus on prioritizing those who went abroad through legal channels. The deported migrants themselves, when asked, would rather

look for another job in other countries, or worst as unexpected consequence, taking the risk of returning to the same host country by having their passports forged or through illegal entry. This has been the case for some of the female entertainers as reflected in a case respondent here who talked about her story as returning irregular migrant (repeat offender):

We were deported to the Philippines in April in 1999 (together with other talents who had illegal papers). I told myself not to go back to Japan. I said to myself, I don't want to experience again that unfortunate ordeal…But life was at its worst, so with no other better way I could think of, I was compelled to seek assistance from the same promotion that sent me to Japan. At first, I didn't want to take the illegal route. I tried: I practiced singing, and waited. But I realized, it's taking too long and too dragging that I couldn't wait any longer for the snail-paced system they set for the thing called "legal way". I had to decide and take the risk because of the necessity demanded by my family. I really needed to earn immediately or my family will starve. I took the faster but illegal means then I made it here in 2001again [Cheryl].

Furthermore, most of the case respondents and key-informants deported or who voluntarily departed Japan explained that "either way you have to give up something." In the Philippines, these migrants are earning lesser than they thought but they have their family as their support system who they can always tap when the need arises. In Japan or elsewhere abroad, they may have everything they needed because they can always work for it but may lack emotional security or may lose their sense of identity as Filipino (especially true for those who have not been organized or regularly attending community gatherings). Thus, many of the migrants opted to settle down by establishing their own family or opted for a family reintegration program which is not an easy route for migrants in Japan. Still, many other respondents (case and key-informants) lamented about uncertainty of their future and worried about not being able to utilize or apply their acquired skills back home as expressed by a deported case respondent:

My worry now since I have been working in Japan for about two decades already, I don't know if my skills will be useful here. It's difficult to find jobs here if you have reached 40 years old and above. Besides, they ask a lot of identification cards like SSS, Philhealth (insurance), etc. Unlike in Japan, even if you are elderly, you can always find work to survive [Oscar].

Indeed, life after deportation is a life losing one's dream at the other end of the migration stream. Reintegration programs may not address long-term, sustainable employment/livelihood for migrants. These are mere cash incentives – a temporary stop-gap measure, as argued by a few key informants. This quickly disappears in a matter of weeks after receiving them. Seeing deportees distraught, with limited program for reintegration, only encourages them to seek another employment abroad and might take risky decisions. The Overseas Workers Welfare Administration (OWWA) however revealed that their office offers a "repatriation plan" which provide "quick assistance, attention and remedy for individuals both before and after they have made a comeback. Its website further says: "OWWA Repatriation plan offers quick assistance, attention and remedy for individuals both before and after they have made a comeback. Every OFW who definitely has returned or already been moved from abroad to the Philippines due to health problems, battle or threat in whatever offshore civil hostilities is covered with the reintegration program by providing them assistance – include addressing financial and psychosocial factors" (Estannieca, 2013). However, not everyone can surely be accommodated because of the large number of distressed migrants. As contended by some key-informants, it took them more than six months to wait for loans application.

Nevertheless, I was able to interview the regional director of OWWA in Davao City and she confirmed that they have to verify the repatriated/deported migrants' background first and make sure if they followed through the regular procedure (since all contract migrant workers had to pay OWWA membership fee to avail of their services). A key-informant from DFA-OUMWA (Office of the Undersecretary for Migrant Workers Affairs) also argued about the bulk of distressed migrants that they needed to attend to on a regular basis and that they are doing their best efforts to go after their employers/agencies when they are repatriated/deported – they should be the one paying for their return tickets. A POEA

representative also claimed that they have maintained their coordination with varied government agencies in going after illegal recruiters and unscrupulous brokers/agencies. More than that, the Department of Social Welfare and Development (DSWD), had issued memorandums on reintegration programs for deportees and returning undocumented OFWs. As such, in fairness to some government officials and pertinent agencies, they have been doing a good job to facilitate returning migrants which is especially true even at the local level (city/municipal government).

IV. Negotiating Status in Japan: Surviving Irregularity

This section highlights how these specific groups of migrants were able to negotiate their status from the beginning of their irregular entry and towards after being able to integrate themselves in the society and/or local community. As this study borrows the concept of "negotiated citizenship" (Stasiulis and Bakan, 2003) that non-citizens or migrants in general have gained rights and privileges previously granted exclusively to the citizens of host country through a network of sustained linkages that evince their transnational existence. Narratives of the respondents revealed that these non-citizen migrants have indeed in the process inadvertently gained rights and privileges previously granted exclusively to Japanese citizens through a network of sustained linkages that demonstrate their transnational existence, even before a special permission for residence has been granted or even when they were still on irregular status. Their sense of belongingness with the local community inevitably facilitates the extension of their rights across national borders (see Nagy, 2008).

Balancing Invisibility and Solidarity

Fidan (2009) observed that as irregular migrants experience discrimination from the citizens of their host country they tend to restrict their leisure activities avoiding social contact with their neighbors that could only further limit their participation in the local

community. Such an observation is very much valid as reflected in the following responses of the case informants of this study, but only at the initial stage of their irregularity. Some were however discouraged by the negative attitude of fellow compatriots spreading rumors about their private lives (see also Bergmann, 1993), as vividly described in the following responses:

> *Since I wanted to maintain the tranquility of my family life, what I did was I just stayed "hidden" (from authorities) for four years. I made sure that I just go out with trusted friends and some selected few. Sometimes, I seldom go out to attend some gatherings in the Filipino community at the church. All I did was, I serve my husband and become full-time housewife. I offer everything to him because without him my family could have not reached a better living standard now* [Andrea].

> *In more than a decade of living in Japan, my life revolves around my family. I devoted all my time to take good care of my husband and my children. I had a very good relationship with my mother-in-law. She helped me get through my life in Japan and even assisted me in processing my visa and other documents (e.g. passport and application of insurance, etc.)* [Ebony].

The narratives of the respondents suggest otherwise as I probe on their responses. While some of the informants in this study readily and actively participated in open, traditional organizations, building networks and strengthening their identities, many others had only started to utilize the existing network and linkages due to the circumstances of their family which typically include having to send their children to school and when one of them got ill or sick. On the other hand, irregular migrants who had limited contacts with non-state entities were more likely situated in more disadvantaged and deprived conditions as reflected in some cases herein studied (for e.g. relatively slow processing of their cases). The following are their responses when I further probe on their responses:

> *I don't go often to the church and didn't even like connecting with the Filipino community. But as my children were growing up, I was looking for some program that doesn't discriminate our migration status. So, all information about education, health concerns and even processing of the documents related to our children had to be taken care of. It was the NGO volunteers who gradually informed us. We may not regularly attend their gatherings but we were able to know from other sources about their services* [Irene].

Many of the case respondents had been on an irregular status for more than a decade which somehow connotes that they have relatively established themselves in the local community (Table 3-10). Karlos and Michelle, who were also irregular migrants and key-informants of this study, disclosed that their irregular status did not hinder their sense of community by establishing a network of their own. In fact, they are regularly seen and visible in the Filipino community – attending masses, basketball leagues/sports competitions, parties and the like but a problem comes in when they get quarreled with others because of too much personal attachment caused by gossiping and trivial matters. They argued that they have to maintain that positive image with fellow migrants and members of Filipino organizations.

Table 3-10: Respondents' Duration of Stay in Japan

Case No.	Year of Entry	Year Arrested	Total Years of Irregular Status	Total Years in Japan (2012)
1	2003	2009	6	9
2	1997	2008	9	12
3	1987	2011	8	18
4	1989	2008	19	23
5	1989	2007	18	23
6	1987	2009	18	23
7	1995	2009	9	12
8	1990	2009	14	18
9	2006	2009	2	3

*Raw data generated from NVivo database.

On other hand, others said that they were recognized by offering some specialist service such as from fixing their neighbors water leaks/electrical problems, to being translator for new comers (since they know Japanese) in dealing with their Japanese neighbors, managers and/or their children's teachers. One of the case informants also revealed that since from the beginning of his irregularity status it did not hinder him to participate in social and community gatherings because of his established network even before overstaying (had valid visa for five years):

If you are a "bilog" (circle/round or zero status) or an irregular migrant, it doesn't mean that you have to stay invisible. Way back in the 1990s, we didn't

have that kind of mentality then. In fact, we were pretty much very visible in the community gatherings. We often drink (alcohol) with some Japanese and Filipino friends over a barbecue grill at the local park. Because of that openness we were able to communicate with compatriots at the church and even in some multicultural gatherings. Since the city government has been open to foreigners – that could count as a major factor as well [Oscar].

Hence, it was relatively easier for those who had established network, not necessarily formal, and most often through their co-workers/employees, to whom to connect with and ask for assistance (lawyers, visitation). Without friends, informal networks or lawyers to advise them, many of these migrants may be jailed for quite some time because of a failure on their part to decide prudently (if not immediate deportation, they may suffer psychological stress from extended detention).

I had totally no idea about Filipino organizations existing in Japan until now. All I knew was that we have a Catholic Church here that serves as avenue for gatherings and the like. But I had this one Filipina friend who really comes often to my previous house. She used to work in same omise (club) we had. It was through her situation that I learned about children's home. She helped me refer my children to the said center when I was detained [Ebony].

If I had known that there were NGOs and self-help groups that could have assisted my hardships, I could have availed of such services but I don't even know how to get in touch with them [Rose].

Furthermore, when respondents were asked about the significance of working with solidarity groups to help them in their cases, all respondents recognized the indispensible role of tapping existing network of Filipino and Japanese NGOs. Most of these migrants are somehow drawn towards helping other distressed migrants in the same way as they personally experienced it. The case respondents also expressed the following interesting narrative on the importance of maintaining solidarity with compatriots, volunteers and advocacy groups and/or capitalizing on a combination of these networks/linkages:

Without these volunteer groups and associations, I'm not sure if similar case like ours would ever be given some special attention. That is why, I owe our current legal status to these groups, and that it is our duty now to also help others. Although not regularly but we are doing the best we can to balance working and volunteering schedule [Irene].

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Unlocking Access to Social Services

The right to access social services is an inherent right generally accorded exclusively for nationals or citizens of a state or country. Kondo (2001) categorizes them under "social rights" as compared to residential, economic and political rights. Hence, not all aliens have full freedom of entry to any country, but residential rights are guaranteed to permanent residents (*Eijuuken*) as in the case of Japan. Normally, irregular resident aliens are not granted with such rights. However, since the opening of Japan in the post-war era, it has been a signatory to numerous UN conventions and international agreements which put emphasis on the need to respect the human rights of all persons inside their border regardless of their nationality or status. Even Japan's Constitution has provisions recognizing these inherent rights for all human beings, including non-Japanese aliens.

Thus, it is not surprising for Japan, especially at the local (city, municipal) level, where service provision is extended even to non-regular or unregistered foreigners, including public education (for their children), child rearing allowance/child allowance, inpatient childbirth care, maternal and child health care (including vaccinations), and application of labor related laws (such as unpaid wages and unfair labor practices) (Kondo, 2001; Kumustaka, 2011). With the implementation of the new immigration law, things could be changing as observed in the news updates on the recent rounding up and overhauling of the application processes for welfare programs such as living allowance for single mothers and for the unemployed who have serious medical illness or other difficulties (e.g. *Seikatsu Hogo* under public assistance law or livelihood protection program), which is seemingly geared towards ridding off the system from unscrupulous unregistered foreigners. The term "unregistered" here is taken into the context of the amended immigration control act implemented in 2012 that required all registered foreigners in Japan to be issued with a resident card replacing the former alien registration card system.

Nevertheless, even with that old system, many of the Filipino migrants in this study shared about the decency of sharing the burden of the Japanese society as a welfare state and for fear of reprisal from the public (reporting their status to the authorities). Most respondents and key-informants I have encountered have talked about circumventing or delaying hospital care if they had illnesses that were bearable or could still be cured by self-medication. These unhealthy practices is highly risky especially for pregnant migrants and those who are about to give birth. Circumventing hospital care is another serious matter for women and female migrants with children and their health-seeking behavior in Japan. To avoid costly health care charges because of exclusion from the Japan's national health insurance, many of the irregular migrants opted to life-threatening decision of giving birth at home assisted by untrained and unprofessional birth attendants. In Singapore, Dorling (2013) claimed that household helpers or popularly known as "maids" are at high risk when they get pregnant and would not reveal their real situation until it is too late for fear of outright deportation by their employers (around a hundred maids are deported annually). "In total, migrant workers make up about a quarter of Singapore's population and are mainly at the bottom of the income range…It is likely that more left their employer without being deported and thousands more avoid becoming pregnant or have abortions to avoid deportation," Dorling argued (p. 326). Similarly, the case of Rose and Kristel fits the said description:

> *When I gave birth to my son, I was assisted by a fellow irregular Filipina migrant in the delivery (she was a traditional birth attendant back home). I didn't go to the hospital for fear of being reported to the authorities and more than that, I don't have the capacity to pay for my medical expenses* [Rose].

> *It was financially burdensome for us when we get sick and had to be taken to the hospital. Without insurance, we had to pay the full amount even for medical check-ups. In fact, when I gave birth to my daughter, I didn't have visa and insurance at the time, so we had to pay more than 250,000 yen just to cover the hospital expenses. In the end, we rarely have savings since we are also sending support to our respective families back home* [Kristel].

Clearly, the responses above reveal stories about financial constraints and difficulties prior to and after seeking medical attention, which only discourages them to further seek medical help. Similarly, the nine-year study of Yamamura and Sawada (2002) on the health-seeking behavior of overstaying foreigners with tuberculosis at a medical center in Kanagawa concluded that most patients sought care only when symptoms came out rather than as a result of a screening requirement or efforts by public health centers. The study further found out reasons for high default rate (or low turn out to seek medication) including "worry for high medical costs because of no coverage by a health insurance scheme, lack of information of the medical systems (could be due to language barrier), and worry for forced repatriation by the immigration office." The study also pointed out that, in terms of nationality, the proportion was highest among Filipino overstayers (30 percent of the total), followed by Koreans, Pakistanis and Indians (Yamamura & Sawada, 2002).
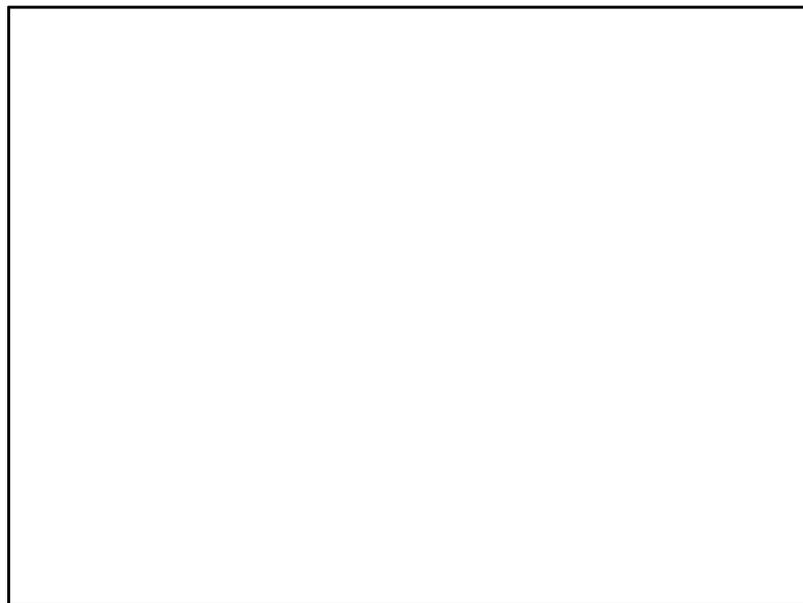
Figure 3-8: Inside Japanese Classroom
*Picture taken at a classroom where a Filipino kid was studying (A.Villa)

On the other hand, for migrants who had growing children or needed to go to school, many were surprisingly admitted at the local school board regardless of their status. Other respondents were able to access services offered by NGOs and church-based initiatives, as

narrated by the following case informants:

> *Since my child was still very young, we were lucky that there were church-based kindergarten/nursery programs who welcome all foreigners (regardless of their status). I have heard that even the local government facilitates such programs even extended to irregular migrants but I wasn't really sure if our personal records be kept confidential* [Mark].

> *I was informed later that a valid visa is not a requirement to be able to access services, especially when it comes to the education of children. The Japanese education from grade school to junior high is free. So, we were able to send them to school* [Irene].

V. Overcoming Difficulties and Precarious Status

Precarious status refers to the migratory statuses or categories that are outside citizenship and permanent residence which may change over time. This captures the insecurities of less than full legal status (Goldring, 2010). This precariousness of status has been applied in the context of temporary workers' experiences in Canada, which is also more evident in the case of irregular migrants in Japan, where legal entry is usually followed by some type of overstaying than undocumented border crossing. This study is also informed by the research conducted by Reese and Carreon (2013). In citing Bourdieu (1998) and Dorre (2006), the said research illustrated how "precarity" or social uncertainty could have negative impact on human agency and even collective action – triggering despair and inaction.

In this study, many of the female respondents had to endure prolonging their stay with their abusive spouse/partner just to survive despite being a victim of domestic violence and infidelity. A key-informant, Venice (31 years old) who previously worked as entertainer before overstaying her visa, divulged about how her precarious status led her to take desperate decision when she had nobody to run to and had to cling on her customer/s and later cohabited with one of them for the sake of her young daughter. This was corroborated by one of the case informants who also revealed a gruesome picture of the entertainment industry; how she and her husband were able to get through their precarious status:

I met my husband when I was "sold-out" (transferred to another club but the recipient must pay certain amount to the origin) to another omise by my manager. He was working in that pub as waiter/cleaner and dishwasher – an errand boy. He got me pregnant and the shachou (manager) of the club found a way to abort the pregnancy without me knowing how they did it. They must have put some medicines/pills in my drinks. They revealed later that I was just starting and it's bad for the business. Worried and sick about the preceding experience, my husband and I ran away when I got pregnant again. We went to other places where some friends and my husband's relatives can accommodate us and assist my pregnancy [Irene].

Table 3-11: Coping with Precarious Status

Case No.	Sex/ Gender	Means of Entry	Visa Status Upon Entry	Circumstances of Irregularity/Precarity
1	Female	Illegal Entry	Forged	Runaway from Employer
2	Female	Illegal Entry	Forged	Runaway from Employer
3	Female	Illegal Entry	Forged	Runaway from Employer
4	Male	Overstayed	Tourist	Search for Employment
5	Female	Illegal Entry	Forged	Runaway from Employer
6	Female	Overstayed	Tourist	Runaway from Husband
7	Male	Overstayed	Trainee	Runaway from Husband
8	Male	Overstayed	Entertainer	Search for Employment
9	Female	Overstayed	Tourist/Spouse	Runaway from Husband

*Raw data generated from NVivo database.

As revealed in the collated responses above, many of the informants/respondents had their precarious status established already before coming to Japan and "running away" or "staying with" (agency) is their way out/in of sorting out their difficult circumstances – accommodation and everyday resistance (Faier, 2008; Reese & Carreon, 2013). Nonetheless, such uncertain and insecure circumstance is not mutually exclusive and is not solely dependent on the peculiarity of individual migrant's circumstances. The role of state (both source and host countries) and the government's responsibility on provision of care especially for known countries with high population of *Filipina* migrants must be taken into account in the proliferation of distressed migrants, including *irregulars* and trafficked persons. Without their own established network, women migrants are obviously at their worst, distraught situations (disadvantaged compared to those who have known friends, network or

NGO contacts regardless of their status) – especially those who have children at their young age and fully dependent on their Japanese husbands.

Overcoming Differentiated Assistance through Social Capital

As the relationship between states and undocumented migrants resembles a sort of "cat and mouse" fight, it is still reasonable to admit that "so far the cat has held the better cards" since it can secure compliance to its subject through formal sanctions (Broeders & Engbersen, 2007; Ellermann, 2010). The irregular migrants are left with pretty much very limited options but to compromise (accommodation) or perhaps to put a bargain of their status by building or working through personal network (resistance) within the bureaucracy and/or perhaps fall back and utilize the services of advocacy groups and non-state actors.

Case respondents and key-informants of this study contended about the differentiated treatment from state and non-state actors. Most of the irregular migrants expressed dissatisfaction with government assistance (Philippines) if there is, which is in sharp contrast when it comes to comparing with how NGOs and other non-state entities are readily providing them necessary help and/or services. Government services here refer to Philippine (PHL) consular's assistance to nationals (ATNs) in Japan, while NGOs could either be Japanese or Filipino-run, or a combination.

> *My contact with a government office was with the Japanese side only. I felt neglected by our government (PHL). If I had been helped, it didn't come directly from PHL government support but by the Japanese and Filipino NGOs instead. As I said, I had been exposed to non-state entities only after I gave birth. They have done a great deal for me. Aside from NGOs, I have been in touch with church leaders, Japanese lawyers and gyouseishoshi (judicial scrivener or notary public in the Philippine context). Some random kindhearted immigration personnel's suggestions were a big help. I obtained my special permission to stay in Japan primarily because of my son. However, I couldn't have done on my own without their help* [Andrea].

> *I actually got out not only because of the NGO support but partly because of the persistence of my eldest daughter not to give up the fight for our recognition. My eldest daughter actually sent letters to the members of their Parents-Teachers Association (PTA). The whereabouts of our case have been*

known to her school due to her absenteeism after I was detained. Because of her initiative, the PTA officially communicated with immigration office to reconsider our case and that our rights should be recognized as well because we have been residing in Japan for quite some time already [Irene].

A few respondents and informants, as in the case of Irene above, resemble what Jabar (2010) identified parental involvement as a form of social capital in Japanese schools. Most schools in Japan have programs to enhance parental involvement. Parents are able to achieve trust, cooperation, and interdependence with co-parents and amongst teachers through involvement in numerous PTA activities such as the *undoukai* (sports fest) and the *renrakumou* (contact network for information sharing regarding school activities).
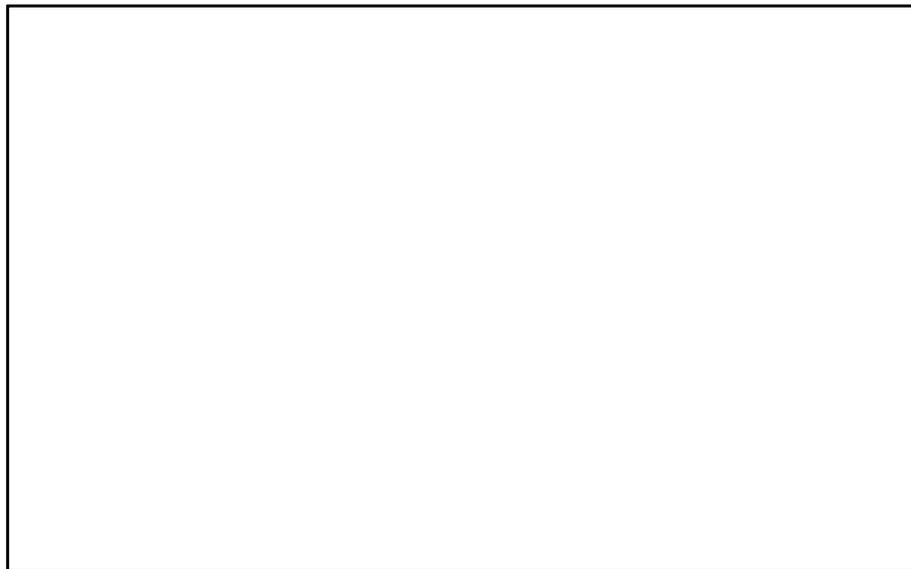
Figure 3-9: Sports Festival for Nursery Children*
* Picture taken while attending a Japanese nursery sport-fest in Nagoya (A.Villa)

On the other hand, deported migrant-respondents had varied responses when it comes to the crucial role played by non-state actors in facilitating their cases. These self-help groups are working across borders by referring deportees to an NGO back home to assist them (which may be called as transnational migrant NGO-networking). This also exemplifies the need for the Philippine government to improve service provision (i.e. assistance to nationals) abroad and accessibility to distressed migrants when repatriated, which is dramatically captured in the following responses:

We overstayed and I guess it's fine if they didn't help us (PHL government in Japan – embassy). From what I knew, even the consular office couldn't do anything. Once, you are bound for deportation, they are not going to meddle in the decision of the Japanese government. As for me, it was pointless to ask anything from them since we had overstayed our visa anyway. I guess, only "legal" migrants can avail of such services [Oscar].

Inclusion and Exclusion Criteria: Localized Initiatives

Data of this study suggest that irregular migrants did not feel any sense of animosity or being excluded from the mainstream society. In fact, most of them contend that they were able to integrate themselves without difficulty especially in dealing with the Japanese citizens in their localities. Other key-informants also mentioned about the "give and take" mutual relationship (*otagai* or reciprocity) between the Filipino and Japanese communities. In contrast, a few respondents mentioned that it is not the Japanese citizens that they should worry about but their fellow compatriots who could put them to harm or report them to the authorities.

My Japanese family and in-laws, as well as my neighbors, accepted me as who I am and I didn't feel anything that I was sort of being secluded from them. I could say that I had been more exposed to the Japanese customs and practices than with the Filipino community [Ebony].

I had no problem with the Japanese citizens but if you had overstayed here, your main problem (nemesis/enemy) would be your compatriots. Except for our few friends, generally it is not Filipinos who can help you here since they will turn you in (to authorities) just to get some favors. I have gotten more help from the immigration personnel and less from Filipinos [Kristel].

The responses above basically reflect the duality of the Japanese society as a host country wherein at the national level; there exist a conservative-stringent countermeasure against irregular migrants and perhaps racial profiling, which is being juxtaposed at the local level where direct interactions on a regular basis preserve collective spirit and mutual understanding. In fact, in most cities and municipalities at prefectural level, any observer can easily understand the intensive efforts of Japan to internationalize its society through

multicultural programs which invite foreigners to interact with local Japanese residents in the neighborhood and city government-initiated activities. As cited earlier, Nagy (2008) has further clarified that in order to compensate for an absence of national/state-level immigration policies, local governments have initiated their own localized incorporation and social integration policies (see also Nagy, 2012a, 2012b, 2013b, 2013c). Indeed, these local Japanese folks could not care less about the migrant statuses as long as they are not doing anything wrong that could harm them or put the host citizens' personal security in jeopardy. However, these observations do not immediately warrant that the acceptance of foreigners is unconditional. Any migrant regardless of their status has to adjust with what Shipper (2008) termed as *racialized hierarchy* in Japan – labeling of positive and negative traits according to races and nationalities. As Faier (2008) discussed in her study about Filipino women married to Japanese men, they are only "accepted" if they are able to prove that they have desirable qualities and that they are indeed relatively much "different from ordinary Filipinos." This tantamount to saying that they have to qualify themselves and offer their best efforts that they are indeed worthy of the "uncorrupted" Japanese society.

Moreover, Tsuda (2006) pointed out the thriving solidarity between migrants and the host society at the local level. Tsuda claimed that there exist "local citizenship" which refers to "the granting, by local governments and organizations, of basic sociopolitical rights and services to immigrants as legitimate members of these local communities" (p. 7). This includes social integration programs and policies by local governments for immigrants, services offered by local NGOs as well local activism to demand and secure basic rights for immigrants, or through city government level-NGO partnerships (co-development). Hence, the question of who's in or out could not be answered in just one dimension and must be viewed from a wider angle of myriad factors affecting its consequences and unexpected outcomes (see also Yang, 2013; Fauser, 2014; Hellgren, 2014; Walker, 2014).

VI. Synthesis

This chapter underpins the dual face of international migration and its inevitable outcome which is irregular migration. It further proceeds on the consequences of irregular migration which could be in the form of immigration control and perpetuation of irregularity cycle. The study puts into context the migration stream of irregular migrants from the Philippines to Japan and vice-versa by underscoring the role played by the migration industry and the structures (macro-level actors) in place and how individual migrants subjectively respond through human agency and collective action (micro-level actors).

The economic difficulties the Philippines experience led to its government formulating special measures which is basically geared towards addressing unemployment problems due to increasing supply of idle labor. Hence, in the 1970s, the Marcos administration deemed it necessary to offer a temporary solution by sending migrants on contract basis (as OCWs) abroad to offer some solutions to the growing demand for workers in the construction sector (mostly in the Middle East countries). However, the short-term mechanism inadvertently became a recurring measure. Both state and non-state entities (the migration industry) that gradually discovered this potential lucrative source of income abroad started jumping into the bandwagon.

At first, the usual inflow and outflow of migrants was still smooth sailing. But this has been increasingly shrouded by multifaceted quandary, as the host countries of destination would not allow immigrants to harmoniously live with them. With push factors back home including economic difficulties, most migrants are frantically clinging on to their host countries despite its stringent immigration control policies, especially against illegal aliens (duality of labor migration). As migrants begin to settle down in their host countries, they became inevitably linked with it and started building/bringing their own families with them. Desperate as they become, some of them overstayed their visa such that going home is rather

suicide. Many of them became invisible into the crowd and thrive into the abyss of irregularity. Their initial temporary status became rather as if a permanent thing. As Jeffrey Kaye (2010) in his book "Moving Millions" argued:

> Human migration will persist no matter what we do to try to restrain or restrict it, particularly as the income gap between the *haves* and the *have-nots* continues to expand. Build walls, and people will go over, around, and under them. Hire border guards, and people will bribe them. Step up patrols, and migrants will find alternate routes (p. 11).

Ellermann (2010) offered an interesting conclusion about this "cat and mouse" struggle ("hide and seek" relationship) between states and migrants in the context of the government's identification/surveillance strategies. The description fittingly illustrates an important characteristic of everyday resistance that irregular migrants hardly succeeds in permanently turning the tables in negotiating their status – as migrants develop new strategies of resistance, states follow suit in adjusting their identification/detection strategies and in turn, prompts irregular migrants to further modify their actions.

Thus, in the context of this study in reference to the theoretical proposition, I came up with the following consequence of action by the state (flow of reaction) in response to the irregularity of migrants: 1) Irregular migration → State response: Migration control (intended outcome: expulsion/deportation and deterrence/discouragement); 2) Unintended consequence/outcome → Regularization/normalization of migrants' status or incorporation; 3) State response → Stricter border control/revision of immigration control measures; 4) Migrants' response → Innovative strategies: learning from previous experience (utilization of modern technology); and 5) State response: More/further revisions of migration control enforcement, and 6) the cycle goes on (i.e. chain reaction). As Ellermann (2010) concludes:

> While with each adjustment, migrants may appear to (temporarily) gain the upper hand, they often do so at a horrendous cost. Most importantly, even where migrants succeed in thwarting the state's efforts at expulsion, they rarely are offered access to what they desire most: national membership. Instead, migrants are forced to disappear into a life of illegality which at best is free of state interference but in any case falls far short of freeing the individual from her status of social outcast (p. 425).

Indeed, at the onset, the recipient country treated the whole process as just another temporary phenomenon such that it needed them anyway for 3D jobs which their native workers shun. It was too late for them to realize that what they have got are human beings capable of establishing their own families. And so in order to reassert its authority over this unwanted/undesirable population, immigration detention became a means to counter this defiance against the state rule. However, the state is chained to its own policy such that it is inextricably linked with the world-system including protection of individual liberties and human rights – children rights, women's rights, and convention against racial discrimination among many others. And so at the end of the day, their stories (and migrants alike) continue. As I noted earlier, though some of them were able to protect their rights, but still many others unsuccessfully defended their lot and became deportees.

Back home, they have to contend about restarting their lives all over again. Their government is unable to fully support them because its policies have been geared towards sending out its people to curb unemployment concerns. And so the cycle continues. At the Senate Committee hearing, when asked on possible measures how to restrict immigration, New York City Mayor Michael Bloomberg disputed with fellow government officials and said: "You might as well sit in your beach chair and tell the tide not to come in" (Kaye, 2010, p.11). Therefore, the challenge is for us to look closely at these myriad factors and that the international community must take a closer view on the processes (migration stream) at a more holistic paradigm, thus tying the knot of the seemingly "disconnected or disjointed paradigm" of addressing irregular migration – the context of the global labor migration – and not as separate systems. As Kaye (2010) noted:

> On the surface, none of these issues has much to do with migration. But scratch a little deeper and it becomes apparent that seemingly unconnected policies can have a direct bearing on the movement of people, albeit unintentionally. Nonetheless, institutions and nations – both destination as well as source countries –that would claim to be passive forces in global migration are, time and again through their actions, unwitting collaborators (p. 44).

Chapter IV

THE MIGRATION INDUSTRY AND THE ROLE OF NON-STATE ACTORS

This chapter focuses on the crucial role played by individuals working within state bureaucracies and non-state entities in Japan and the Philippines. This helps identify the formal and informal role played by actors in the provision of assistance to distressed and irregular migrants. The chapter cuts across the research objectives by describing how individual actors played their role within the migration industry, migration control enforcement, in the negotiated process of irregular migrants, and in service provision to address migrants' precarious status. The chapter also highlights how I position myself in working with non-government organizations (NGOs) as a reflection of the observations I made in the conduct of the study which further validates and clarifies data findings and analysis from previous chapter. Aside from participant observation, embedded within the discussions and analysis are reflections from the remaining key-informant interviews, and memos from direct observations and secondary data.

I. Researcher's Role and the Politics of Research

In Chapter 1, "I", as the researcher, clarified that the case research methodology would come about with a combination of personal interviews and participant/direct observations. At the onset, the study was particularly clear about the need to recognize the philosophical worldview or paradigm of the researcher. I cited a definition of worldviews and paradigms as basic set of beliefs that guide research action or a broadly conceived research methodologies – a general orientation about the world and the nature of research that a researcher holds (Creswell, 2009). In understanding my personal view and how my ideas manifested with the existing paradigms for understanding the focus of my research, I came

across Social Constructivist and Advocacy (Transformative) Paradigms as more appropriate to address the two-fold objectives of this study (at macro and micro level) (Cheah, 2009).

The social constructivists underscore assumptions that individual seek understanding of the world in which they live and work. Individuals develop subjective meanings of their experiences – these meanings are varied and multiple, leading the researcher to look for complexity of views rather than narrowing meanings into a few categories or ideas. However, the constructivist stance lacks something – an action agenda to help marginalized people. Thus, I incorporated an advocacy/participatory worldview (transformative paradigm) to guide through the conduct of this study to at least partially contribute to the emancipation, if not empowerment, of these destitute migrants. Transformative worldview holds that research inquiry needs to be intertwined with politics and a political agenda to confront social oppression at whatever levels it occurs. Thus, the research contains an action agenda for reform that may change the lives of the participants, the institutions in which individuals work or live, and the researcher's life (Creswell, 2009, 2014, pp. 8-9).

Consequently, as I was processing the transcriptions of my interviews (case informants/key-informants), I have in the process immersed myself with the lives of my respondents. I was able to expose myself through the various environments where my respondents could have been possibly situated, including clubs/pubs (as a customer/client), home-stay with host family (as a child care provider), and as a factory worker (co-worker) (see also Zheng, 2008). As I have described earlier, I extended my exposure with non-state actors by involving myself in their advocacy work which was geared towards helping migrants and foreigners in Japan. I tapped the existing network built by Japanese and Filipino NGOs in Japan. However, my limited *Nihongo* (Japanese language) could have hindered my full understanding of the dynamics of the Japanese organizations – social or political context – in their advocacy work for migrants in general. Even with that, there were thoughtful actors

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and participants whom I call "agency angels" who further elaborated the context behind these issues and concerns and helped me understood by the Japanese counterparts. Words, texts and memos would not suffice full comprehension of what I had been through but I would just have to fairly describe, albeit partial (from my point of view), the entire journey anyway (the other view came from the respondents to make the picture relatively complete).

Table 4-1: The "Migration Industry" Encountered in this Study*

Type of Organizations	Japan	Philippines
Non-State Entities (Legitimate)	**Church-based network:** 1) Tokyo: United Church of Christ in Japan, Urawa Center (Catholic) ; 2) Nagoya: Hibino Church, Mikokoro Center, Anglican Church; 3) Oita and Beppu Catholic Church (Kaagapay and network) **Non-Church based**: 1) Tokyo-area: KAFIN Center, CJFF; 2) Nagoya: Filipino Migrants Center (FMC), Philippine Society in Japan (PSJ), *Migrante*-Nagoya; 3) Kyushu-area: Kumustaka, Soba-UniFil; 4) Lawyers and Volunteers	**Church-based network:** 1) Metro Manila-area: Batis – UCCP and Maligaya House; 2) Davao: Center for Overseas Workers (COWD – Catholic Nuns [RGS]) **Non-Church based**: 1) National level: *Migrante* International, *Gabriela* Women's Advocacy Group, DAWN; 2) Davao: MMCIEA; Ateneo Migration Center (AMC)
State Entities (Legitimate)	1) Osaka & Nagoya Regional Immigration Bureaus, Omura Detention Center (Nagasaki); 2) Philippine Consulate-Osaka.	1) Executive Department: DFA-OUMWA, POEA, DOLE-Region XI; 2) Legislature: Party-list Representative/Member, Committee on Overseas Workers; 3) Local government: Davao City-based initiative for OFWs
Semi-Legitimate "Migration Industry" (*Commerce of Migration*)	Club/pubs/bars (Nagoya, Osaka, Beppu-Oita), Employers for Factory/Construction, Entrepreneurs (Restaurant/ Retail Store Owners, *Balikbayan* Boxes).	Clubs/pubs/bar (Manila, Davao), Recruitment Agencies, Local Entrepreneurs (Retail Stores, *Balikbayan* Boxes)

*Reference: Chapter 1, methodology section (see Appendix E for a background of selected NGOs)

This part of the research is also fundamentally informed by theories from sociological and political standpoint on the interplay between structures and agency including that of Giddens's *structuration* theory, Bourdieu's constructivist structuralism and social capital, and contemporary sociologist such as Eliasoph's (2013) "Politics of Volunteering" in presenting a reinterpretation of Tocqueville's *civic participation* giving emphasis on the need for people to organize themselves and the importance of working with others to fulfill societal changes and transformation. Moreover, I borrowed Faier's (2009) concept of "zones of encounters" as I immersed myself with the respondents through participant observation. This was made possible through the identified groups/agencies I encountered in this study as shown in Table 4-1 (in the previous page).

II. The Migration Industry in Action: Zones of Encounters

This research conflated varied themes and definitions to come up with a foundational understanding of the term "migration industry." Other scholars herein cited that it is a complex network of agents (including non-state recruiting actor – international employment agency), brokers, lawyers, travel and housing providers who facilitate migration from the migrants' country of origin to their destination countries and sometimes forming a migration business (new migration industry) that stands for commercial gain (Pijpers (2010). Hence, as operationally defined for this study, migration industry includes a wide array of state-run and state-sanctioned agencies (legitimate industry), and a range of individuals and agents (labor recruiters/brokers, employers, recruitment agencies, and immigration lawyers), as well as non-state entities (NGOs) that provide assistance and shelter to irregular migrants. In addition, there is also an illegitimate part of the migration industry, which is comprised of human traffickers and migrant smugglers (e.g. criminal mafia such as *Yakuza* in Japan).

In the previous chapter, common narratives from case study interviews revealed the major reasons why migrants took their way out of their country of origin taking risk in a

distant host country (as shown in the Figure 4-1 below). Evidently, it may appear that

migrants had the full "locus of control" at the onset of their journey through the migration

stream, capitalizing on their network in the Philippines and abroad (Japan). However, it is

undeniably clear that their mobility was made possible through the active involvement of the

actors in the migration industry. It is in this context that the whole migration process becomes

only possible with the collaboration, if not inclusivity of both dualisms – perhaps insensitive

of each other's presence but mutually benefited from the process: the industry and the

individual migrants themselves.

Push Factors	Pull Factors
Financial Difficulties Back Home	Earning More in Japan (Wage-Differential)
Relationship-based Complications (Personal Idiosyncrasies)	Explore other environments/Starting Anew (Curious about Japan)
Not much alternative jobs back home	Existing Network (Chain Migration)
[Government facilitates push factors – unable to provide full employment]	[Migration Industry prey on their vulnerabilities – facilitates their exit]
Actors/Agents: Government Personnel working in the Bureaucracy (for migration-related purposes)	Actors/Agents: Club owners/managers, Labor Recruiters, Talent Scouts, Japanese/Filipino Promoter, Clients

Figure 4-1: Push and Pull Factors and the Migration Industry
(Constructed by the Researcher based on Common Responses of Informants)

As a research note, before I left for Japan in 2008 and in 2009, together with a

migration scholar and social science researcher, our study revealed the desperation of

migrants, mostly women, who risked their lives working in the Middle East. They would

reason out that either way, life in the Philippines and in some "risky" countries abroad would

entail difficulties. Back home, a migrant has to contend with extreme poverty due to much

lesser economic opportunities and children to feed; while abroad while many others suffer

from their abusive employers, many more others have managed to survive as well – this is a

chance they would rather take than doing nothing at all. In most cases, the role of government

is not always cited unless probed. Most respondents could not care less about its functions

and importance. As many of them are coming from a strong religious Catholic tradition, they would just conclude, their "fate rests with God alone".

Paratrooper Effect and the State-Sponsored Migration in the Philippines

If there is a sort of controlled-whirlpool effect from the destination countries pulling migrants to their fold, a kind of "Paratrooper Effect" is also simultaneously taking place in origin/source countries deploying them to recipient countries. This metaphor is taken quite significantly in reference to the historical context of paratroopers (also known as military parachutists of a paratroop regiment or airborne unit) sent by their command post for certain covert operations especially popularly utilized during World War II. Paratroopers are specifically trained for tactical advantage as they can be positioned into the theater of war in inaccessible areas – typically state sponsored (state's armed forces). Hence, if applied in the context of international migration, especially in sending countries like the Philippines, the government is actively sponsoring the "training" of their citizens to become migrants themselves through policies that openly send them abroad – thereby tacitly creating a migration culture among the young people – hailing them as the modern heroes through the remittances they sent from elsewhere. The Philippine government is at war (largely economic) by fighting poverty and widespread unemployment; it has created institutional mechanism and structures that facilitate migration and the migration industry. In this study, I was able to verify service provision of selected key offices through the informants I have interviewed in the Philippines and in Japan (i.e. POEA, OWWA and PHL Embassy/Consulate in Japan).

Under Presidential Decree (PD) 797 (1982), the POEA is bound to promote and develop the overseas employment program and protect the rights of migrant workers. Furthermore, under Executive Order 247 (1987), it is to regulate private sector participation in recruitment and overseas placement maintains registry of skills and secure best terms of employment for OFWs. This is telling us, that POEA do not have fullest control on the

recruitment and placements levels but acts as regulatory body on the private sectors running such processing. Under Republic Act 8042 (1995), it is to oversee the employment items of tripartism, full disclosure, deregulation, selective deployment and dynamism in systems and information technology. The latest law being passed is the Republic Act 9422 (2007) which directs POEA for reinforced regulatory function and to protect the rights of OFW as a worker and human being. This would again give us a strong impression that the 2007 law aimed to strengthen the relatively weak system noting that the recorded data of illegal recruitments and undocumented OFWs are only verified when they are discovered to have been detained, jailed or murdered. In 2009, Republic Act 10022 was passed increasing support mechanisms (financially and logistically) for migrants and distressed irregular migrants including stiffer penalties for illegal recruiters and augmenting funds and personnel for legal assistance to nationals abroad. To make things clearer, the following are the core functions of POEA listed under the law and in its manual including: 1) industry regulation, 2) employment facilitation, 3) worker's protection, and 4) general administration and support services (PMRW, 2012).

If there were concrete implementation of the program set by the government office concern, it can be assessed that it is only at a minimal level as there are still complaints about the big gap between employment contracts and the jobs landed by the migrants. The nationwide campaign against illegal recruitment is viewed with marginal impact and may be not intensive and far reaching in rural areas which tend to have the most number of victims. The demands for assistance vis-à-vis the response of the government agency pushes the complaining migrant to seek other offices and other organizations which are quicker and more attentive on its actions. POEA's networks with non-government organizations, workers' organizations, among others somehow reasonably works as lapses, insufficiencies and weaknesses in the program enforcements were being abetted by the non-state partners.

Nevertheless, I am very hopeful that the POEA, learning from the previous and existing challenges and stories of the migrants, will be more prepared in the actualization of the mandated thrust of the office, providing services that will for real touch directly on the heart of the migrants, from employment facilitation to continuous workers protection whether or not the "regular" status is maintained, and from preventive measure to remedial proceedings on the concerns of illegal recruitment. Where the focus is the repatriation program, the Office usually refers it to OWWA or to the Embassy if the worker is still in the country of destination. On the other hand, POEA is more concentrated in the "pre-departure phase" and regulatory stages of the overseas worker and the sending or facilitating private agencies but has less, if not passive participation, when it comes to the actual performance of the employment contract and could not swiftly respond and address matters when something would go wrong with the employment process itself.

Furthermore, the Overseas Workers Welfare Administration (OWWA) is an agency of the Department of Labor & Employment (DOLE). It is the lead membership welfare institution that serves the interest and welfare of member-overseas Filipino workers (OFWs). OWWA is charged by the national government to look after the interests of OFWs located in various countries all around the world. As part of its two-fold mandate, the agency provides different benefits as well as welfare assistance not only to the OFWs but also to their families living in the country. This is also the government's way of expressing gratitude for the valuable contribution of OFWs to the economy in the past three decades.

It must be noted that only the registered members, by enrollment upon employment contract signing before the POEA or by voluntary membership, who can avail the services of this agency albeit its government and public nature of its organization. The benefits of an OWWA member, for a US$25.00 membership contribution, an OWWA member is entitled to the following benefits including: 1) Insurance and Health Care Benefits; 2) Loan Guarantee

Fund; 3) Education and Training; 4) Social Services and Family Welfare Assistance; and 5) Workers Assistance and On-site Services. In fact, during the time I conducted my research interview at the OWWA Davao office, the personnel were in their respective divisions and in groupings as it was the day they conducted abroad-briefing orientation and trainings on migrants' respective jobs. I saw that they were being taught the fundamentals of foreign languages and given tips on the culture and observed traditions of the country of their destinations. Other groups were having their examinations, while some were having practical exercises as a sort of review of their week or month long training. I was able to sit with the regional director of OWWA and there I learned on the remarkable ready-programs of the agency for the Filipino working abroad. These include the following:

a. OWWA Philippines Loan – this is for many Overseas Filipino Workers (OFWs) who decided to stay good in the Philippines were helped out through the Reintegration Program being offered by the Overseas Workers Welfare Administration (OWWA).

b. OWWA Scholarship Programs- offers different scholarship programs so as to help its thousands of Overseas Filipino Worker (OFW)-members in sending their children as well as their dependents to school. Through these scholarship programs, many poor but deserving students can pursue their dream of becoming professionals in their chosen fields.

c. OWWA Business Loan - In order to help them out, the Overseas Workers Welfare Administration (OWWA) offers business loans under its reintegration program. Through this OWWA business loan, many OFWs may start up or make bigger their own business enterprises.

d. OWWA Repatriation Plan- OWWA Repatriation plan offers assistance, attention and remedy for individuals both before and after they've made a comeback. Every OFW who definitely returned or already been moved from abroad to the Philippines due to health problems, battle or threat in whatever offshore civil hostilities is covered with the reintegration program by providing assistance.

On the other hand, OWWA members may possibly take advantage of this established OWWA program when they are repatriated to the Philippines due to crisis or hardship. One of the programs is to give immediate service which includes preventative measure of services to expedite repatriation of troubled OFWs, medically-ill OFWs, human remains, etc. like terminal transfer service, home-based transport, short-term refuge, and so forth. For

repatriated OFWs, OWWA provides a program that will surely assist them to start a new beginning. This program is called as the Reintegration program. It addresses a couple of significant elements – financial and psycho-social factors.

The economic element, however, consists of interpersonal planning for sustenance initiatives or community-based revenue producing undertakings, skills training and finance facilitation and providing credit. Presently, the efficient element has two (2) mortgage programs: the OWWA Livelihood Development Programs for OFWs (LDPO) and the OFW Groceria Project (Grocery-Retail Store). On the other hand, the psycho-social elements involves group coordinating plan or coordinating OFW family groups and services like social counseling, family counseling, stress debriefing, and training on capacity creating, significance development, and many others.

Again, let me put the emphasis that everything in the listed benefits are preconditioned upon the "membership" with the concept of maintaining such membership, otherwise, OWWA will no longer be responsible or is not duty-bound to grant such benefits. Thus, it could be said that there is an enormous gap that needs to be addressed for those who subsequently severed from the membership, who could no longer avail them, either voluntarily or by events or circumstances beyond the control of a Filipino worker abroad. Nevertheless, if distressed migrants are still abroad they can always approach the Embassy of the Republic of the Philippines which has a mission of advancing the interests of the Philippines and the Filipino people in partnership with a close and friendly ally such as Japan. The Embassy in Japan continues to pursue the main foreign policy objectives of the country revolving around the core pillars of promoting national security, development, diplomacy, the promotion of the welfare of Filipinos overseas, pursuant to the foreign policy directive of the Philippine President, in recognition of the importance of Japan and its relationships with the Philippines.

In most embassies abroad, the Philippine Overseas Labor Office (POLO) undertakes activities facilitating workers employment and promoting the welfare of Filipino workers. This is in line with the mandate of the Labor Code for the Foreign Service to:

a. Provide all Filipino workers within their jurisdiction assistance on all matters arising out of employment; insure that Filipino workers are not exploited or discriminated against;
b. Verify and certify as requisite to authentication that the terms and conditions of employment in contracts involving Filipino workers are in accordance with the Labor Code and rules and regulations of the Overseas Employment Development Board and National Seamen Board;
c. Make continuing studies or researches and recommendations on the various aspects of the employment market within their jurisdiction;
d. Gather and analyze information on the employment situation and its probable trends, and to make such information available.

In the case of Japan, many of the Filipino residents and migrant workers are scattered across prefectures, cities, and towns. Constrained by time and resources, the common behavior that can be observed from these migrants is to seek assistance in the nearest and most accessible office or organization having less consideration on whether or not it is a state-connected office or a non-government organization. Data of this study show that migrants have a more adhering reliance attitude to NGO's than running for help to the supposed *Parents Patrea* (Parent of the People - a Latin maxim of the role of the state). It can be observed that these non-state actors have direct and personal encounters with the distressed migrants, which, aside from their credible track record of effectiveness and efficiency on its respective advocacies, have earned the trust of the recipients and clientele. On the other side, migrants view the Embassy and other state actors as enforcers of the law and legal processes and that when these migrants have "irregular" or "illegal" status, there is the fear of being caught or complicating more of their already complicated status and suffering unintended legal consequences. Apart from that stigma, they perceive these state actors as formal, impersonal and bureaucratic agents that could not immediately attend to their needs and concerns.

Most migrants and even key informants of this study contend that the Philippine Embassy and DFA will most likely come into the scene where the case is already a high profile matter involving national or inter-state issues, or by direct order by the President or the persons involved have the means, time and resources to avail the services of the Office, or by the instructions or endorsement of the Host State. In fact, when I visited the Office of the Undersecretary for Migrant Workers Affairs (OUMWA)-DFA office in Pasay, Metro Manila, to schedule an interview with the director and ask for documented cases of incarcerated OFWs abroad, all I had received was a simple "sorry we cannot extend to you your wish due to the confidential nature of your research topic", as suggested by a foreign service officer handling my request. The embassy of Japan and in countries elsewhere, have been branded with their lack of concern for the welfare of Filipino nationals and the disrespectful behavior in dealing with inquiries (the telephone operator is neither cordial nor helpful). Hence, as I have immersed myself in participatory hand-on works of several non-state actors as volunteer, I have seen how they have almost taken the role of the state actors and referred to by migrants as alternatives though not absolute substitutes in legal sense which always requires the involvement of the state actors.

On the other hand, I may have limited observations on the dynamics of state actors as the participant-observation with them is relatively absent. Entrance to these stringent set up is difficult and takes protracted time. The identification of the role and contribution of government actors, especially in the Philippines, is being studied as a third person spectator based on written data, interviews from personnel, key officers and staff of the government offices mentioned above, the legal mandate instituted by law, and the official records of selected cases on file. Nevertheless, this research still stands in the position that both state and non-state actors are essential and form the main character of the big migration story. They must work together, deepen their relevance, and enhance their capacity and make

known more their cause to engender better working force and healthier people-state relations. In the same way as in case of Japan, as earlier pointed out by Tsuda (2006), there is a need for state and non-state level participation from national to local government in taking a more robust collaborative framework for immigration policy.

Runaway and Invisibility: Role of Customers, Patrons and Partners

On the other hand, many of the respondents in this study mentioned about running away from unscrupulous employers, brokers and company managers. Others talked about the necessity of running away from abusive partners (e.g. domestic violence, infidelity and abandonment of children). Nevertheless, many of the respondents frequently mentioned about utilizing access to their customers, patrons, and clients who offered immediate assistance of transporting them to other places or any destinations where they can find shelter or start life anew. Some of these customers/patrons later became their life-long partners and others, as husbands or regular patrons when they transferred to another workplace (*omise*). The "rescuing" character of these clients which I termed "agency angels" made it possible for these distressed migrants to reestablish their lives and sometimes aid in ensuring that they stay invisible not only from their employers and/or abusive partners tailing them as they depart, but also from the authorities, when they overstay.

As most of the respondents are working in the entertainment industry, they have gained enormous information of the backgrounds of most of their clients and patrons, and unconsciously became "Mavens" or one who accumulates knowledge about people around and who to approach when needed (Gladwell, 2000, p. 60). As cited earlier, the famous old adage "it's not what you know, it's who you know", expresses the value of having "good connections", as manifested in how successful irregular migrants normalized their status. These migrants also brought out very crucial factors which helped them fix their lives by utilizing existing network and linkages they have had – to approach "someone who knows

everyone," to which Gladwell referred to as the "Connectors." Needless to say, Gladwell (2000) specifically referred to these certain people, under the "law of the few", with special skills and talents as significant component in effecting certain change or spreading information to influence people to take actions on certain societal goals or even for business and other purposes. But for Gladwell, this would not be much more successful without the third component, the "Salesmen". These are people with certain "skills to persuade us when we are unconvinced of what we are hearing…" (p. 70).

In the context of the responses provided for by the informants, within the migration industry, it is the club owners and/or managers, and even brokers and middle-men that can do the "sales-talking" for them as they transfer from one employer to another. Though there are some people who possess all of these talents and skills and can act as maven, connector and salesman (in one person), most respondents revealed that they know a lot of individual migrants or Japanese residents who are imbued of such "natural talents". These people can either make or break their fate, "destiny" as they call it, or their chances of getting a job to live by. These people inadvertently served as their "invisibility cloak" not only from their abusive partners but also from the eavesdropping authorities – offering shelter and protection when the need arises (e.g. they are asked by their managers to take aliases at work).

On the other hand, Hill (2003), and Kaplan and Dubro (2003) earlier pointed out that as many of the women-migrants ended up in the most exploitative sex industry in Japan largely run by the transnational criminal organization, *Yakuza.* However, many of the informants shared about how they highly appreciated some members of these groups who acted on their favor – many of whom were their customers and patrons – some turn out to be their mavens, connectors and/or salesmen. They explained that we cannot generalize or judge all of them as outright criminal gangs. Indeed, many NGOs frequently mentioned about the huge contribution by *Yakuza* during the Great Kobe Earthquake in 1995 – when the

authorities were overwhelmed by the said destructive force resulting to delayed assistance. It was this so-called criminal organization, as one of the non-state entities acting as rescue militia group, who first showed up to assist distressed people and victims. Hence, the duality of the migration industry can be highlighted in both its positive and negative contribution, depending on the context or to what extent it serves the interest of the migrants or otherwise.

II. Migration Control Enforcement and the Bureaucracy

This section attempts to identify the role played by individual actors within state bureaucracy in enforcing immigration control measures reflective of the earlier illustration of the case informants. It further elucidates on the strategic importance of the locale of the study. It begins with a reflection on the geographical landscape of irregular migrants in Japan – understanding in the process that the resources embedded in these locations draw irregular migrants and foreign workers alike to settle in these places (*whirlpool effect*).

Social Landscape of Irregular Migration in Japan

Since the 1990s, the proportion of foreigners' population in Japan has been maintained at two percent and below. About ten years ago, studies have pointed out that Tokyo (415,000) has the highest percentage of foreigners followed by Osaka (214,000) and Aichi (209,000) prefectures. Recent data suggest that, in terms of residential area, most of them are highly concentrated in some specific prefectures and industrial cities/towns (Maciamo, 2005; Abe, 2011). However, this figure is only confined among the registered foreigners and migrant workers. In terms of irregular migrants, the MOJ 2011 report revealed that the largest percentage is found in Tokyo Metropolis (about 20 percent), followed by Kanagawa, Chiba, Aichi and Ibaraki prefectures. Most of these "illegal workers" were doing odd jobs in the following sectors: factory work, as attendants (e.g. bar hostesses), and construction work (see also Shipper, 2011).

The presence of migrants, regular and irregular alike, in strategic locations – in major industrial cities and towns – in Japan, mirrors numerous studies' conclusions on social capital and network locations. Social capital is defined as "resources embedded in a social structure which are accessed and/or mobilized in purposive actions" (Lin, 2008, p. 12). Lin further argued that network location is the key element of identifying social capital and that it facilitates, but do not necessarily determine, access to better embedded resources. Network locations or bridges may not always refer to the physical/geographical location. It can include proximity or access to people within the structures (e.g. job employers, emotional connection for co-victims or fellow divorcees, etc.). In the context of Filipino migrants in Japan, it was indicated through the mobility patterns of key-informants and respondents, that they are drawn towards big cities and industrial towns or prefectures where most jobs can be found (usually manual labor and entertainment-related jobs).

In addition, it must be noted that each prefecture has different foreign ethnic constitution/composition of concentration such that Tokyo has many Chinese and Koreans; Osaka is largely dominated by Koreans, while Aichi-ken has more Brazilians than any other groups. Aichi also has the largest Filipino population (12 percent), followed by 8 percent in Tokyo and Osaka (3 percent) (Abe, 2011). But recent data by MOJ (2012), as cited by CJFF (2013), suggested that Tokyo slightly surpassed Aichi in terms of concentration of Filipino migrants in Japan. There are now 28,148 documented Filipino migrants in Tokyo compared to 26,246 in Aichi-ken (Aichi prefecture). The presence of relatively large number of Filipinos in a city or town can easily be felt by the existence of Filipino entrepreneurs who are owners of Philippine restaurants, retail stores and shops at the entertainment district nearby (see also Takahata, 2007). In fact, anyone can easily discern the extent of the Filipino population in Aichi if you are able to visit the Regional Immigration Bureau in Nagoya City.

Figure 4-2: Regular Announcement Posted at the Bureau*
*Announcement with special attention given to Filipino language (A.Villa)

Panoptical Surveillance and Control: "Visibility Trap"

This section is a reflection of my fieldwork vis-à-vis discourses offered by Leerkes and Broeders (2010), Broeders (2009), Broeders and Engbersen (2007), Bigo (2007), and Morooka (2006) in the context of immigration enforcement policies in Europe, Asia and Japan (more of Morooka's study). Most scholars mentioned above largely cited Foucault on his theories on discipline and punishment and "Panopticism." As cited by Broeders (2009), the metaphor of the *Panopticon* comes from the work of Foucault (1995), who borrowed the term from Bentham's panoptic prison design, in which individual prisoners could be seen at all times by a centrally located guard who was invisible to them. This has become a dramatic symbol for the modern society in which surveillance plays such an important role. The *Panopticon* has become a fundamental image surveillance literature, which deals with all sorts of gathering of personal information for analysis and the exertion of control. In fact,

many researchers have applied the theory out of the sphere of prison cells and used it to describe other "controlling" policies of the state which are meant to influence social behavior such as the introduction of cameras in public places for purpose of surveillance and security against "would-be" criminals. Bigo (2007), for instance, came up with a "Banopticon" to further apply Foucault's theoretical framework in the modern immigration enforcement system – as "Ban" deals with the notion of exception and the difference between "surveillance for all but control of only the few", herein securing the state/society's security from the "dangerous few" – unwanted aliens (Bigo, 2007; Broeders, 2009).

Migrant-respondents and key-informants in this study frequently mentioned about the change of policies in the surveillance and detection of migrants on which the aim is to make unseen/invisible migrants seen/visible. There was one time that the immigration center put up a website for reporting suspected irregular migrants but was later taken off due to pressure from scrutinizing public (i.e. anybody can just visit the website and report the details of the "illegal resident" – thus visibility trap). Informants have also contended that previously immigration agents did not have a "coordination policy" with the police agents and that the newer version serves to justify criminalization and further exclusion of irregular migrants.

> *Once you are a detainee, you will be treated like a criminal. When I was ill and had to be brought to the hospital the authorities handcuffed me even though I was really too weak to run away. They said that it was part of the protocol/rules* [Kafin-Tokyo Volunteer; previously detained].

> *With the police coming into the scene, overstaying or having illegal status is evidently criminalized, you are now under the police jurisdiction – so they can now arrest you when necessary. Since they are treated as non-existent so the government doesn't have a system for them – they are basically not here* [FMC-Nagoya Volunteer].

As earlier claimed by numerous migration scholarships (Broeders & Engbersen, 2007; Broeders, 2009; Leerkes & Broeders, 2010), there existed a deep shift from territorial and border control towards more internal migration control aimed at deterring unwanted aliens

who managed to pass through the borders – through detention and expulsion. However, the implementation of immigration detention as supposedly administrative but concretely penal (criminal-administrative division) is rather contingent on the mixed motives of different actors, including state/local authorities, citizens and illegal migrants alike. This could have been further shaped by the body politic and rhetoric of certain elite actors as well false/bias reporting by the media and the police (e.g. assuring the public that authorities are symbolically asserting state control). It has been observed that in past few years the media in Japan often highlighting report about increasing crime rate committed by foreigners without zeroing in that the crime rates by Japanese citizen are still more than the double, if not triples, the numbers committed by foreigners (Morooka, 2006; Nagy, 2010).

Penalizing Irregularity: Case of Flexible Bureaucracy in Omura

I was able to get in touch with *Kumustaka*, a Japanese Kyushu-based migrant network group supporting multiculturalism in Japan[5]. Through these linkages, I was able to join their annual visitation at Omura immigration center in November 2011, one of the three major immigration detention centers in Japan which houses irregular migrants detained for more than 3-6 months (direct observation). Their organization came-up with an alternative visit three weeks after members of the "Immigration Detention Facilities Visiting Committee" *(Nyuukokusha Shuyoujo Tou Shisatsu Iinkai)* came to the said center. Unfortunately, before entering the inner facility, the visiting group had to surrender all our belongings to the guards and that camera and all types of digital devices are prohibited inside (see also Villa, 2012).

According to the MOJ (2011), visiting committee members are selected from different backgrounds including intellectuals in diverse fields, academic experts, legal experts, medical experts, NGO workers, international organ workers, and representatives of local communities.

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[5] I had established linkages with *Kumustaka*, in the conduct of my participant observation. *Kumustaka* is a Japanese NGO serving distressed migrants, founded in partnership with a local Catholic Church (Tedori) in Kumamoto. In Nagoya, I was able to get in touch with the Filipino Migrants Center (FMC) and *Migrante*-Nagoya to visit detained Filipino migrants and of other nationalities.

Members are expected to assist the MOJ in improving the operations of immigration detention centers. In fact, some members are appointed as part-time staff by the MOJ. This was set up by the amended immigration law to ensure "further transparency in security treatment, and improving and enhancing operations of immigration detention centers, etc" (MOJ, 2010, 2011; see also Yamagami, 2010).
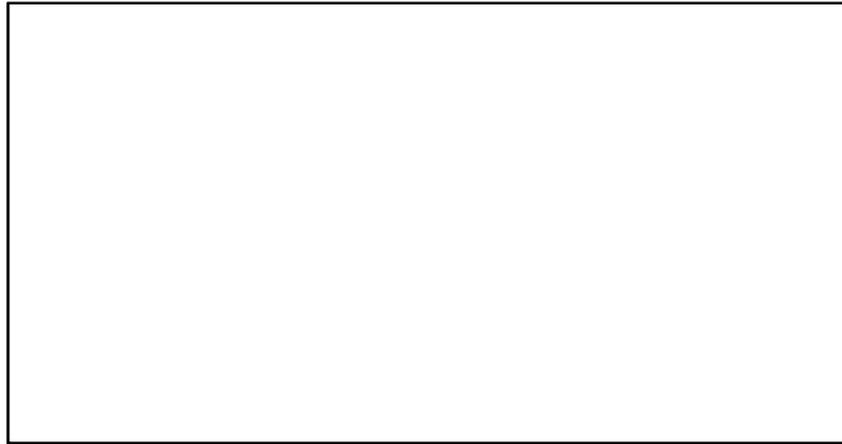
Figure 4-3: Detainee Visited by Counsel
[Source: National Police Agency (Simulation) (2008)]

Together with representatives from varied migrant-serving organizations in Kyushu, an alternative non-state committee visited Omura detention center in November 28, 2011. It was successfully made possible through the assistance and cooperation with personnel of said facility. Together with the visiting team, I conducted physical observation and was given an impression that detainees are well taken care of. Generally, the visit at Omura was both an informative and evaluative experience: informative in a way such that we were able to see the whereabouts of running the detention facility. At least from the authorities' end, they have claimed that detained migrants' rights are well respected and protected. They showed us that any migrant detained in the said facility are allowed to see their visiting loved ones.

Detainees are provided with all the services they needed: from health care and medical check-ups including dental assistance, to leisure and sports facilities. Counseling is also provided for detainees while a number of Church/religious groups were allowed from

time to time to conduct some form of fellowship and prayer group with the detainees (most of whom were Catholics). Finally, the visit was also an evaluative experience such that it only verified existing discourses on the role of state and/or government institutions in regulating unwanted population in society. Indeed, these migrants are not criminals but their freedom and the right to free movement is restricted by just mere fact of violating the state's administrative rule (immigration law) which tantamount to treating them seemingly as criminals. Nevertheless, the MOJ (2010, 2011) also noted that in immigration detention centers, sufficient attention has been given to human rights by giving the detainees as much freedom as possible.

Furthermore, during our discussion forum with the immigration personnel, they reported that the facility's capacity is 800 people, while the current number of detainees at the time was peg at 22. All of them were male and about half of them were transferred from outside of Kyushu (from Osaka and Nagoya). During our conversation with a few detainees, they confirmed that most of them came from Nagoya. In terms of the nationalities of the detainees, here is the composition: Chinese (3), Filipino (3), Pakistani (3), Korean (2), Turkey (2), Iranian (1), Dominican (1), American (1), Nigerian (1), Cameroonian (1), Kenyan (1), and Peruvian (1). It was also noted that the average length of stay at the facility was 53.1 days, which has increased from 38.4 days since the previous year. There were nine detainees who had been in the facility for more than six months (2011). About 20 detainees obtained temporary release *(karihoumen)* between 2010 and 2011.

In fact, many of the detainees interviewed in the said facility shared that since most of them were men, it was quiet hard to apply for temporary release and/or special permission as compared to irregular women migrants who can claim custody of their children from Japanese husbands. Nonetheless, despite knowing the fact that a lot of their fellow detainees had been unsuccessful leading to their eventual deportation, they pointed out that as long as

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there is possible reason to negotiate their status they will do everything they can to appeal their cases. However, it is undeniable that detention as a more potent determinant factor that could encourage or even discourage migrants to fight for or withdraw their case (how they view and approach their situation depends largely on their life skills and/or earlier background and experiences/psychological capacity/emotional maturity). This confirms the experiences shared by case informants and even by most detainees in Nagoya and even in Tokyo area as well.

There were varied descriptions on how some actors and personnel within the bureaucracy treat the distressed and irregular migrants. Some mentioned that they were discouraged by derogatory remarks of other immigration agents and officers. However, many others also cited the importance of simple informal talks with immigration personnel or contact person from inside the bureaucracy (*madoguchi* or literally "teller window at the counter"). There were anecdotal reports from cases mentioned that some of them got unsolicited advice from security guards and even some personnel just passing through who overheard how the "other strict personnel" have badly treated them and as a show of compassion gave them much reliable tips on how to go through with their cases. Lawyers also confirmed this culturally-sensitive approach of negotiating with Japanese bureaucrats/government personnel, thus seemingly adhering to a sort of flexible bureaucracy.

III. Addressing *Precarity* through the Negotiated Status

In this section I sought to describe the role of non-government organizations (NGOs) in Filipino migrants' sense of recognition, identity, and belongingness in stabilizing the legality of their status. The significant contribution of local citizenship initiatives is also presented including multicultural programs of selected cities in Japan as a major factor that pave the way for migrants to consider settlement in this country. With this outline, the study puts forward migration policy recommendations and human rights advocacy measures for

state and non-state entities in Japan and the Philippines. On another note, aside from facilitative factors that alleviate their difficult situations, I also highlighted other factors and circumstances that contribute to worsening their precarious status and vulnerabilities.

The "Mirage" of Migrants' Incorporation in Japan

Tanno (2013) cited Smelser's (1991) "concept of primordialism" as "fundamental cultural values and beliefs that are the first premises for organizing and legitimizing institutions, role and behavior" (p. 289). Japanese immigration policies towards foreign workers are defined by *primordialism* through the principle of *jus sanguinis* or family lineage. Shipper (2008) dubbed this "racialized hierarchy" where Japanese descendants are highly regarded for admission to work in Japan regardless of their skills or background. For the non-Japanese descendant, they have to qualify themselves before allowing admission – skilled labor, highly skilled professionals, desirable aliens and the like.

Hence, it is not surprising that the negotiation process for the "regularization" or "legalization" of the migrant status is for the benefit and the interests/rights of the child. But at least in Japan's case, it is not solely for the sake of the recognition of the universal rights of the child but for "Japanese children" or "assimilated non-Japanese children". As Tanno (2013) argued, it is imperative that children do have some *Japaneseness* as primary condition before any recognition can be made, and that recognition of their parents as custodian is dependent upon the preceding conditionality (Kajita, 1998; Douglass & Roberts, 2000). As observed, along the line of cases mentioned in previous chapter, the approval to elevate migrant's status do less on existing marriage and family considerations of the foreigners but more on recognizing the fair and just considerations for the migrants' Japanese children/assimilated Japanese children. Evidently, this could have not been possible without the pivotal assistance and tangible help from the network linkages migrants have with non-government organizations/actors.

Localizing Recognition: Volunteerism and Immigrant Politics in Japan

Throughout the course of my study, I have worked with Church/Faith-based and non-church based/non-religious organizations and self-help groups to address the research questions. Most of these organizations cited the principle of volunteerism and a sense of community with compatriots that drive them to help the disadvantaged and distressed migrants (see also Zarate, 2008; Vermeulen and Brünger, 2014). But to what extent do volunteers remain volunteers and refrain from becoming activists? Eliasoph (2013) has outlined in her work that even though both volunteerism and political activism are not the same thing, they still comprise "civic engagement."

"Volunteerism"	"Activism"
helpful, caring, fun, selfless, kind-hearted, charity, devote, free, unity	anger, protest, bias, argue, corruption, unhappy, mobs, shouting, hippies, riot

Figure 4-4: Eliasoph's Content Analysis on "Volunteer Politics"

This study has found out that in dealing with non-state actors, there are organizations that would rather retain the more appealing label of "volunteerism" for their groups. In fact, when I assisted a group of women in Kyushu in establishing their own regional self-help group, there was confusion and bickering on what trajectory would the proposed organizations take. At the visioning stage, we were lagging behind about to what degree we are going to engage with the city/state level policies regarding migrants, irregular migrants and distressed migrants alike. The founding members were somehow sensitive about the goals of forming the association. As Eliasoph (2013) argued (as shown in the figure above):

> …when we think of volunteering and political activism, we imagine two very different creatures…words associated with "volunteer" are overwhelmingly warm and friendly, while words associated with "activist" are less uniformly positive…In our shared imagination, the volunteer feels comfortably warm, while the activist either feels too coolly intellectual or too hot-headed. In our collective imagination, the nice, agreeable volunteer reads to pre-schoolers, while activist pickets and shouts (p. 43).

In Tokyo and Nagoya, non-state actors revealed that their historical beginnings and the establishment of their organizations moved from non-politics to politics when there was a need to make a stand for certain issues that affect the concerns and welfare of affected individuals (e.g. irregular migrants, foreigners alike). Nonetheless, there were other organizations that also moved from politics to non-politics and vice-versa depending on the circumstances that influenced their leaders and members' decisions (opportunity structures) (see also Hellgren, 2014). An NGO organizer in Tokyo described their advocacy work as "collective empowerment" which is different from "individualistic mechanism." It cited earlier historical beginnings of the initiatives of Rev. Fr. Wanatabe as director of *Kalakasan* and former head of *Kalabao-no-kai* which started as traditionally-oriented organizations and later transformed into a welfare-based NGO and later became lobbyist for foreign migrants concerns. A Japanese social worker in Nagoya who also volunteers at FMC mentioned about how she started her volunteer work with the said NGO and self help group through handling victims of domestic violence (DV) cases and referrals for distressed migrants. She later established her own "foreigners' helpline" to cater not only distressed *Filipinas* but all other foreigners in Aichi-ken (see also FMC, 2008; Luna, 2013).

Indeed, non-governmental organizations (NGOs) undeniably play a crucial if not an indispensable role in positioning migration issues and considered as primary non-state actors-participants in the migration stream and migration industry. There are myriad types of NGOs, encountered in this study, to name a few: 1) cultural activities-focus (traditional); 2) political (focus on migrants in distress influencing and lobbying policy making and advocacy campaigns and movements; 3) Grassroots community based or peoples' organizations; and 4) those commonly associated with church/religious groups. Eliasoph (2013) in adopting the views of Salamon and Anheier (1996) defined "NGOs", also known as Non-Profit Organizations (NPOs) in Japan and in the US, in the following terms: 1) are organizations,

not just temporary or informal, but have some long-term existence; 2) are separate from government, though they may receive substantial government funding; 3) are not mainly aimed at generating profit for the CEOs; 4) are self-governing, rather than being fully controlled by outside entities; 5) use some volunteers; and 6) serve some public good, for public benefit, not just selling a commodity for private consumption (p. 96).

In addition, Shipper (2011) categorizes non-state entities as civil society organizations into two major types including 1) immigrant ethnic associations, and 2) immigrant rights NGOs. The first type is basically formed by legal foreigners in providing compatriots with ethnic identification and a number of support systems for themselves, while the latter is "small and issue-oriented support groups for illegal foreigners, rather than large identity-producing ethnic association" (Shipper, 2011, p. 539). One of these NGOs is the Asian Peoples' Friendship Society (APFS) which was cited by one of the case informants here assisting irregular migrants. APFS caught the attention of the public when it was able to successfully convince the MOJ to grant special permission residence visa for twenty-one illegal foreigners who had stayed in Japan for more than 10 years. Hence, since it is impossible for irregular migrants and "illegal foreigners" to openly form their own support groups in Japan, assistance and advocacy work has come largely from Japanese NGOs, non-state actors and activists. Shipper (2008) further characterizes the indispensable role of Japanese NGOs for immigrant rights (serving both regular and irregular migrants) as "associative activism". According to this concept, Shipper contends:

> …Local actors seek to transform inflexible and relatively unresponsive political institutions through coordinated local activities aimed at resolving a particular problem that, while not directly conflicting with prevailing government policies, nonetheless challenges the broader political status quo…activism (is said) to be associative when (1) like-minded activists form a range of NGOs to address specific problems and (2) local governments increasingly cooperate with activists and their organizations, forming novel and flexible institutions (p. 11).

The collaborative efforts of local governments and non-state actors in vitally facilitating localized citizenship in Japan and elsewhere was intensively studied by numerous scholars (see also Douglass & Roberts, 2000; Tegtmeyer Pak, 2001; Tsuda, 2006; Nagy, 2010; Shipper, 2011; Fauser, 2014). Tsuda (2006, p. 7) claimed that there exists "local citizenship" or "the granting, by local governments and organizations, of basic sociopolitical rights and services to immigrants as legitimate members of their local communities" when the national government is rather apprehensive on accepting foreigners and migrants. Similar processes can be observed in South Korea, Italy and Spain to which Fauser (2014) ascribed as "co-development" or transnational involvement of migrants in development and governance. In fact, case respondents and many of the key-informants mentioned about service provision including education for children and medical assistance even extended to irregular migrants.

However, Tegtmeyer Pak, Tsuda and Shipper have commonly asserted possible caveats that put limits to local citizenship initiatives and local activism for migrants and foreign residents such as the lack of uniformity due to local variations of policies towards acceptance of foreigners – vary considerably from city to city (non only among state entities but even among non-state initiatives due to limited resources); and the low civic participation among foreign residents due to "assistential" immigration social integration policies which mainly focus on addressing "episodic" personal and social emergencies (Tsuda, 2006). This has been cited by key non-state actors and NGO leadership/executive committees I have worked with. Narratives of the respondents also revealed that irregular migrants capitalized on these existing networks for their personal and familial ends. There were cases and anecdotes that particular illustrate how these migrants would utilize the services offered by NGOs and once they were able to successfully obtain their negotiated status, they would just disappear and go on with their "normal lives." However, key-informants expressed that they

have addressed these concerns above through follow-up service provision and after-care programs through further trainings and seminars.

Additionally, reflective of Nagy's (2010) argument, Japanese's *flexible bureaucracy* could readily be observed through the policy of multicultural coexistence (*Tabunkakyosei*) and internationalization at the local level, making life in Japan much manageable or bearable for foreigners, regular or irregular migrants alike (Nagy, 2013). However, as contended by NGO workers and volunteers (key-informants of this study) in Tokyo and Nagoya, multiculturalism in Japanese context should not be understood the way Westerners view them. As the studies of Nagy (2012b, 2013b, 2013c) have discussed, multiculturalism is a rights-based approach to the inclusion of the foreigners or the "others" while multicultural coexistence is a service-based approach to the inclusion of "temporary others."

Similarly, the president of the Philippine Society in Japan (PSJ) in Nagoya (one of the key-informants) actually described the policy as only limited along information dissemination campaigns such as proper waste/garbage disposal, recycling, disaster management plans, among others that formed part of the so-called programs for multiculturalism. Yamanaka (2006) also cited similar case for Brazilian community-city coordinated activities. Also, an earlier study of Nagy (2010) found out in his interview with Shinjuku's international exchange managing director that multicultural coexistence programs are meant to provide foreigners with fundamental knowledge and information about Japanese customs and traditions to avoid disrupting the regular activities of Japanese citizens – ensuring that migrants and foreigners have to work within their framework instead of vice-versa or mutually agreed framework. The following are the transcript of such interview:

> Multicultural coexistence and internationalization policy are not about creating a municipality that foreigners want to come to, rather they are about maintaining the integrity of the Japanese community, ensuring that the foreigners that do settle temporarily or for the long term do not disrupt the traditional patterns of Japanese life (Nagy, 2010, p. 153).

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I was able to validate the observations above through a key-informant Filipino interviewee working in the Nagoya International Center (NIC). NIC offers free consultation (labor, education, housing, legal – visa, etc.). Basically Nagoya's program is residence-based (day to day living) as compared to Tokyo's business-based transaction/implementation of its multicultural program (internationalization). NIC also coordinates with the Ministry of Labor, Health and Welfare (MLHW) for a "Hello Work" program. It offers *Nihongo* language for work-program free of charge, especially as a training course for employment preparation of workers of Japanese decent (at the onset), which was later extended to other foreign workers (such as Filipinos). The program helps build awareness among migrants in establishing their career through free education and basic knowledge on their labor rights (part of their obligation to know their benefits, contracts, etc.). Unfortunately, the informant opined that only a few Filipinas avail of such free service because of their "narrow mindset" that as long as they are earning big at *nightwork*, there is nothing to worry about learning more about *Nihongo*. Also, the Foreign Residents Employment Center (e.g. Nagoya employment service center for foreigners, *Kariya* employment center for foreigners, etc.) offers a mechanism for assisting resident-migrants looking for a job (literally looking through the "folders of jobs offered"). It acts as *hakenkaisha* (temporary staff recruitment agency/employment agency) but does not charge the workers or deductions on their salary. After the relevant foreigners' background is evaluated by the staff in the center, they are recommended to specific *kaisha* they have chosen, and thereafter transact with the owner/manager.

On the other hand, the reemerging role played by lawyers and scriveners/notary public (*gyouseishoshi*) alike cannot be discounted in ensuring that rights of migrants are asserted albeit latent or tacitly conducted. Administrative scrivener and even paralegal workers qualified to prepare legal documents on administrative matters such as immigration-related concerns have significantly tilted the balance for migrants' rights recognition in a

hesitant-destination country like Japan. The legal/paralegal network and volunteers provide support in the actualization of human agency through everyday resistance – which is done by winning their case without necessarily making a "bang" or a big noise. In fact, many of these actors have also utilized offline/online channels and social networking sites in advertising their services.

Figure 4-5: Poster Ads on Administrative Lawyers' Assistance*
*Picture of a poster near the Nagoya Regional Immigration Bureau (A.Villa)

Nonetheless, the NIC representative contended that migrants should be careful with so-called "visa lawyers," due to the fact that they are just plain "notarists" as they charge their clients from 100,000 to 200,000 yen on paper-based requirements work but no assurance of winning their cases at all in the end. On a positive note, I also encountered lawyers and scriveners who are inclined of helping foreigners not for monetary reasons but for the genuine sense of volunteerism and social activism. Many of them recognized the need to address structural inequity brought forth by unequal economic status between sending and recipient countries.

Moreover, the chairperson of *Migrante*-Nagoya who came earlier from Tokyo shared about how some migrants were baffled about how they were able to win their cases without

necessarily putting the government or the immigration bureau in a bad light – by working through the above channel without the need for a televised press conference and protest action. Though they recognized the importance of demonstrations to agitate the public to support their cause as frequently seen in the Philippines (in the case of their mother organization in Manila), but at the same time they know that there are other strategies that can also be tapped aside from rallies and protest actions. Such reflection is seemingly an implicit dissenting reaction to how the NGOs and activists handled the case of Calderon family in Tokyo, which only dissuaded the government in giving a favorable resolution for the said irregular Filipino family migrants. Hence, fighting the battle, albeit latent or unnecessarily making a big noise, may be quite effective in other circumstances as what the scriveners have been silently doing in assisting most of their clients – mostly are irregular migrants.

In fact, I was able to validate the above observation from an interview of the director (a priest) of another church-based Japanese NGO in *Mikokoro* Center, the Center for International Marriage and Family Life, in 2011. It took its roots from the founder of *Tomo-no-Kai*, who also co-founded the Asia Labor Solidarity (1990) as a response to the surge of distressed women migrants in the 1980s (most of whom became irregular migrants). It was in the 1990s that the Japanese immigration law was amended when men also started to come to Japan (as construction workers, unskilled laborers). In 1993, the *Tomo-no-Kai* (or literally Association of Friends) was established to focus on migrants, refugees, and seafarers with residential status. Migrants tend to settle down, bringing with them their family, while their children start studying. They started the campaign to let irregular children access education (but primarily with children of Korean descent). The organization tried to assist the migrants' family adjustments in Japan, especially those who got married with Japanese (cultural background and differences between cultures, religion, etc – a vast number of NGOs/NPOs

helped in serving these migrants). The interviewee-informant argued that they accept everybody regardless of their migration status and religious affiliations. For detained migrants, the said office conducts visitation activities through their missionaries and some of their nuns. In working with several other organizations, the priest-director commented that there is a need for everybody to have a change of heart or a shift from the traditional framework of "economic view of the world" (nation-oriented society) to a more humane, if not one "international humanity" so that everybody can work together regardless of their nationality, background, status or affiliation (see also Shipper, 2008, 2011).

Challenging the Barricades for Organizing Migrants' Transnational Rights

Quite a number of NGOs and community-based organizations in the Philippines were established to specifically focus on the concerns of migrants-in-distress, especially in Japan. Many of the cases they have hurdled through involved children of Japanese father. Progressive party list-groups and advocacy-based politicians have already started mounting their influence in the Philippine congress to push for long-term reforms in the service of OFWs abroad and those who were repatriated back home. A few local initiatives, for example in Davao City, can be observed by passing local ordinances (statutes at the local government legislatures) establishing an OFW center in the city. However, such a promising initiative is beleaguered by budgetary constraints and lesser financial support for migrants in general despite their obvious huge contribution to the economy. On the other hand, the *Maligaya* House (in Quezon City, Metro Manila) focused on provision of assistance for abandoned Filipino mothers and their children of Japanese fathers. Assistance on their cases depends on their financial status/capacity and how the Japanese legal system cooperates with their cases. As argued by a legal network in Japan, it is much easier for women when they are in Japan because they can always tap the "Japanese legal aid" system where they can avail of free legal services. Though there is another system managed by the Japanese Bar Association.

As Marshall (2006) have contended, there existed *transnationalism* or the sustained linkages between immigrants and their children and families back home because of the "steep rise in numbers, easier communications and global media which have resulted in the emergence of new social structures and thus producing a new consciousness" (p. 275). Such new structures have also facilitated transnational identities (dual or multiple identifications) and transnational rights (protection of migrants' rights across borders). The earlier work of Asis and Baggio (2008) has intensively documented *diaspora* and development in their home countries through the remittances sent from abroad (see also Castles and DeWise, 2008). However, there has been a dearth of studies regarding transnational politics – how state and non-state actors facilitate transformation of migrants' lives from their home country to their destination countries and vice-versa. I have earlier concluded that one of the challenges that beset the global community is to carefully understand at a more holistic view the myriad factors on the international migration processes (migration stream) and that this involves tying the knot of seemingly "disconnected or disjointed paradigm" of addressing irregular migration – the context of the global labor migration – and not as separate systems.

To address this predicament, I was able to connect with a Faith-based NGO in Davao City – the Center for Overseas Workers (COW) run by nuns and sisters of the Religious of the Good Shepherd (RGS). The Religious of the Good Shepherd-Center for Overseas Workers (RGS-COW) is a non-stock, non-profit foundation based in the Archdiocese of Davao, Philippines. It was launched in September 1990 by a group of development workers in response to the church's call for pastoral care for migrant workers and their families. At the time, the Gulf war had caused the repatriation of overseas workers from Kuwait and other Middle Eastern countries (deportees). RGS-COW facilitated the giving of assistance from the church to forty-five OFW returnees and helped them set up the Overseas Workers and Families Multi-Purpose Cooperative. Since then, the center has assisted overseas workers and

returnees in need, through savings and credit mobilization, income-generating activities and psychological counseling. The operation of RGS-Center for Overseas Workers (RGS-COW) in Davao City is now under St. Mary Euphrasia Integrated Development Foundation, Inc. (RGS-COW, 2012).

Furthermore, the RGS-COW envisions a future society wherein women and men, particularly workers forced to seek jobs in other countries, can exercise their full and equal rights as human beings, enjoy the fruits of their potential and actualize their oneness with creation (divine connection). RGS-COW is committed to the empowerment of Overseas Filipino Workers from the poor communities of Davao and surrounding areas. Through their community-based organizing, training and socio-economic programs, OFWs and their immediate families are enabled to develop their capacities in decision-making and taking individuals and collective action for their families and communities' well being, especially in the safeguarding of Christian family values, sound financial and enterprise management and protection of workers' rights. The following are its objectives: 1) To fight for the rights and welfare of the Japanese-Filipino children; 2) Strengthen unity among OFW-returnees and former overseas contract workers (OCWs) and their families in Davao City; 3) Develop and enhance the capabilities of OFW leaders in respective community formations and provide opportunities for empowering actions for the OFWs and families; 4) Provide direct assistance for OFW and families in distress, and/or facilitate support actions on special cases needing psychological counseling and legal advice; 5) Building support network among OFWs, their families and advocates in upholding the rights and welfare of OFWs and families; and 6) Initiate and/or support advocacy actions to support the legitimate struggle of OFWs and their families; and 7) Tap and mobilize help resources for the OFWs and families as a result of an organized and successful legislative advocacy. The programs of RGS-COW include rights and welfare of the Japanese-Filipino Children (RWJFC), organizing   groups   of OFWs and

OFW families in urban poor communities of Davao, direct services programs, and building support network among OFWs, their families and advocates in upholding the rights and welfare of OFWs and families (RGS-COW, 2012).

Moreover, RGS-COW has network with varied church/non faith-based organizations in Tokyo and Nagoya including KAFIN-Tokyo, *Migrante*-Nagoya and the Anglican Church through its Ecumenical Learning Center for Children (ELCC) in Nagoya. My exposure with these networks of NGOs and self-help groups was largely focused in Nagoya City where I spent most of my fieldwork for interviews and participant/direct observation. Since I was also involved as volunteer of the said network-groups in Nagoya and with another network-organization in Beppu and Oita (and in Kyushu), my views reflect the organizing process for migrants' rights in the conduct of advocacy/transformative research paradigm (see Appendix E). On the other hand, my exposure with the advocacy work of *Migrante*-International and its network from Manila to Davao helped validate my interviews for deported migrants. I was also given the chance to witness the livelihood project of Development Action for Women Network (DAWN) which sells their handicrafts and embroideries abroad including Japan. DAWN offers service provision for repatriated and deported women-migrants to start their lives anew by giving them livelihood and skills training.

IV. Synthesis

This chapter underscores the role played by actors within non-state and state entities. It captures the role I played as I worked through formal and informal channels of the migration industry as a volunteer and researcher for a network of NGOs in Japan and the Philippines. The views I have highlighted is relatively more focused on the role played by non-state actors, some state personnel and government officials working with migration related agencies are also partially pointed out though their actions and discretions are relatively delimited by state policies and, rules and regulation. The human agency is also

illustrated through understanding of personal networks and linkages (social capital) with

certain other actors working in the migration industry which helped transform the lives of the

irregular migrants. The salient point on the importance of solidarity groups whether church-

based or non-religious self-help groups are also highlighted. As Landolt (2008) concludes:

> The number and variety of non-state actors that now sustain meaningful symbolic and material ties across the borders of nation-states is growing. International migrants, social movement activists, entrepreneurs, and religious figures are building social relations, institutions, and social formations that bridge distances and tie together people and institutions embedded within different nation-states. In this context, we find a socio-spatial shift in the ways in which group identities are constituted, shared political agendas are defined, and strategies of collective action are consolidated and carried out (p. 71).

GENERAL ANALYSIS AND DISCUSSIONS

This section mainly underscores the general points for a framework for analysis and discussions citing major convergence of thematic discussion from data findings (narratives). It attempts to substantially address the research questions of this study by reflecting on the plausibility of the theoretical proposition (as illustrated in Figure 1-1 in Chapter 1). It underpins on the major role played by the migration industry and state instrumentalities for migration control and how the individual migrants subjectively respond to these structures through everyday resistance in the form of human agency and collective solidarity.

I. Macro-Level Discourse (Structural Level)

In coming up with a more robust interdisciplinary discussion and analyses, this section sought to address the research questions by incorporating varied perspectives from the macro-sociological theories and political economy.

Globalization, World System, and State Policies on Migration

At the macro-level (international point of view), this study came across the significance of world-system analysis and the dual labor market theory (as an alternative of neo-classical economist view on push-pull paradigm) as cited in the review of related studies. However, as pointed out by Debrah (2002), the migration process is not solely driven by international or global forces such that a political decision (at state level) is still required before employers are able to recruit or hire migrant workers – analysis of state policy is necessary. Hence, at state level, there is a need to identify powerful social groups (elite class) that pressures governments in permitting them to hire workers (e.g. corporate owners, financiers, employers). Undeniably, it is thus necessary for us to factor in the "political will" of governments which drives the whole migration process (source and host countries) (see

also Broeders, 2009, and Ellermann 2010). From the origin countries, especially in the case of the Philippines, the institutionalization of migration that clearly facilitates working abroad has been established already to address worsening domestic economic crisis and high unemployment rates. At the receiving end in countries like Japan, as discussed earlier by Shimada (1994), national policies on immigration can flip-flop when it comes to hiring irregular migrants when employers needed them, and may not be able to strictly implement crackdown policies over "illegal workers" when capitalists and big businesses (the migration industry) provide an invisible cloak for them to hide to. It is in this context that the concept of Foucault (1991) on "governmentality" may apply, as cited by Docot (2009), which refers to the conduct of migrant population governed by institutions and agencies (largely including the state and non-state institutions) for the disciplining and care of the self (p. 108).

Whirlpool Effect and the Migration Industry

As this study subscribes to the explanation brought forward by the world system theory, thus, the migration process (within a single system) is set in motion by the integrations of new areas into the capitalist world system creating core-periphery relations between metropolitan and traditional economies. What constitutes as "bridges for migrants" are the material, cultural and ideological links that arise between these countries. This may also encompass historical roots such as earlier background of colonialism. Castles (2007) explained that colonial states also played a big part in sending potential migrants for settler colonies. As Sassen (1988, 1996) argued, the core countries, in this case study Japan, along with its economic and technological changes, simultaneously creates potential migrants in peripheral areas (Philippines) and generates jobs in core areas that citizens do not want because of the low wages, but potential migrant workers (in the periphery) are willing to accept (So, 1990; Debrah, 2002). Such advancements in the core countries create a sort of *whirlpool* which draws migrant from poor families towards it (push and pull factors). I

describe this phenomenon as "Whirlpool Effect" in reference to George Orwell (1986) as cited by Dorling (2013) in illustrating the "frightful extent of unemployment" in British society in the 1930s (which made London as the "center" of opportunity for destitute, vagrants and beggars alike). Meanwhile, Filipino migrants do not just set sail through the whirlpool on their own. The migration industry, which could be either state-sanctioned or non-state recruitment agencies, facilitates their journey by providing them with a "paddle" to supposedly reach the other side conveniently and seamlessly. However, the migration industry is not only composed of legitimate actors in servicing international migration but also a range of formal and informal support systems including criminal gangs of traffickers worsening their precarious status. It also relies on the billions of dollars remittances sent by migrants to their home countries – which made this industry more profitable than the oil industry (Marshall 2006; Kaye, 2010).

State Policies on Irregular Migration

As this study aims to shed light on the consequences of irregular migration and the anticipated/unexpected outcome of recipient countries' response through external (border control) and internal migration control (detention and/or deportation), the research thus attempts to connect the gap between worlds (source and recipient countries as part of the world-system). It further elucidate on the reasons behind seemingly sustained phenomenon of distressed migrants, by looking at the experiences of irregular Filipino migrants (as one unit of analysis) as the borders of their countries of work destination (i.e. Japan) are governed by strict immigration policies that either sought to facilitate or hinder their entry.

Moreover, this research hinges on the proposition that governments of both countries of origin and destination, in this case the Philippines and Japan, are caught up in a dilemma between adhering to international human rights standards including that of migrants regardless of their status, and protecting the rights of their citizenry or sustaining economic

stability. On one hand, protection measures in accordance with UN standards (international human rights regime) were afforded by both sending countries (through institutionalized migration agencies) and host countries (equal protection under the laws regardless of their status) – which only applies for liberal democratic regimes like the Philippines and Japan. On the other hand, it is also evidently clear that both countries have vested economic interests in maintaining the temporary labor migration flow.

Literal Replication	Theoretical Replication	Rival Explanation
Reason for Permission: Japanese Children including those born out of wedlock	Reason for Permission: Non-Japanese Children who have had lived in Japan and assimilated into Japanese society	Reason for Expulsion: Non-Japanese Children who had lived in Japan less than 10 years / not substantially assimilated into Japanese society
Recognition of International Conventions (CRC)	Recognition of International Conventions (CRC)	(*Racialized Hierarchy*)

Figure 5-1: Matrix on the "Negotiated Status" and Replication Logic
(Conceptualized by the Researcher)

Nevertheless, without prejudice to immigration enforcement policies of destination countries, alternatives to immigration detention or in the case of Japan, *provisional release and/or special permissions*, seemingly facilitate host countries' adherence to human rights commitments without undermining state sovereignty or national security. This particular section of the theoretical proposition is addressed by replication logic (as shown in Figure 3-10 above). Certainly, with Japan as signatory to numerous international conventions including protection of the rights of children, the first six informants were able to regularize their status in adherence to UN standards when the state is hesitant to further "reinterpret" the pacifist constitution (see also Suzuki, 2010). Still, there are "conditions" that need to be met to "qualify" such special or partial recognition of migrant rights. Considering of course positive and negative elements, this is where the three remaining deported respondents might

have fallen short with as their children have not yet resided (assimilated) long enough to qualify permission to stay in Japan – could resemble an image of "racialized hierarchy" or *primordialism* (Figure 3-10) – which could only further leads to unequal or differentiated treatment of migrant workers in terms of their wages, rights and privileges (Shipper, 2008; Tanno, 2013).

Indeed, the state's discretionary or selective application of the law appears to be consistent with the arguments put forward by Engbersen, Van San, and Leerkes (2006) that the current trend in advanced welfare states is bent on excluding irregular immigrants and not moving forward on extending citizenship rights to the large group of unwanted immigrants. To address this rival explanation, the previous chapter highlights the role of non-state entities (NGOs, church-based organizations) and self-help groups in the Philippines and Japan, which becomes a catalyst to ensure protection of migrants' rights serving as "watchmen" to ensure that these are constantly upheld. In fact, in the case of Japan, the process in granting the special permission of stay is a procedure that cannot just be negotiated by the subject (migrants) easily and as argued by immigration legal experts, there are numerous legal requirements that need to be complied before such permit is issued (case-to-case basis).

II. Micro-Level Discourse (Agency Level)

This section highlights the analysis at the micro-level (individual migrants) through everyday forms of resistance, collective solidarity, social capital and negotiated status.

Resisting Migration Control and Running Away

Antje Ellermann (2010) examined the strategies of resistance of migrants without legal status by citing Scott's (1987) "weapons of the weak", as act of desperation instead of empowerment, that the poor and destitute (irregular migrants in this study) had nothing to lose in defying "social sanctioning because their poverty had already robbed them of their

dignity" (for e.g. inability to make any rights claims against the state due to their "illegal" status) (p. 424). At the onset of their journey, in dealing with the migration industry (illegitimate or not), these migrants had already exercised agency upon complying with the conditions provided for them (whether it turn out to be disadvantageous later or not). All the more, they have engaged in resistance, albeit indirect or non-confrontational, as most of the respondents claimed to have "runaway" from their abusive/unscrupulous employers, brokers, and/or managers. Lieba Faier (2008) calls this "runaway agency" which is the agency of that "dialogic or in-between space that emerges from a complex calculus of political economic factors, personal histories, and the unequal dynamics of women's (migrants') encounters abroad." This explanation has been applied by Faier in the context of her study on how some Filipino women in Japan faced marital problems and frustrations (see also Suzuki, 2002, 2004, 2005; Faier, 2007). Faier (2008) continues:

> ...just as overseas migration can be read as a critique of the social and political economic situations at home that lead migrants to go abroad, *running away* offers a critique of transnational migration itself: of the strategies migrants have available to them to craft lives abroad and the forms that their migration can take (p. 650).

Additionally, Japan as a liberal state is largely prevented by its "self-limited sovereignty" wherein its coercive powers are largely curtailed by its constitution and its adherence to international conventions. The state may deprive the migrants of his/her physical freedom (through detention) but migrants may not be deprived of food and shelter under its custody (Ellermann, 2010). Dennis Broeders (2009) added that policy gaps may be contingent on the political will of the administration implementing immigration policy such that what was intended may not be seen in real situations ("double speak") and that "some policies remain unimplemented intentionally because 'turning a blind eye' is the politically and/or economically more sensible option" (p. 50). For instance, employer sanctions may not be effective if immigration control only run against the irregular migrants and not those who

are hiring them, whether legally or illegally (Steiner, 2009). In Japan, it is publicly known that employers engaging the services of irregular migrants are subject to punishment by imprisonment for not more than three years or a fine not exceeding three million yen. Japanese government and even consular offices of known sending countries such as the Philippines have conducted public information drive about illegal employment and/or illegal workers (see also Philippine Consulate General, 2012). However, as Portes and DeWind (2007) argued, such leniency could be attributed to the fact that unauthorized migrants have come not just because they wanted to and that "while the general population may oppose their presence, firms and employers in a number of sectors need and rely heavily upon this (their) labor supply" (pp. 13-14). As an unintended consequence, Portes and Dewind noted:

> Redoubling border enforcement compels migrant laborers to abandon their previous pattern of circular migration, encouraging them instead to settle in the host country and bring their families. Instead of stopping migration, these get-tough policies end up consolidating migrants' presence and further entrenching their support networks (p.7).

Broomstick Effect: Societal Structure, Agency and Social Capital

Aside from the earlier analogies and metaphors I introduced in this study, I also incorporate in the discussion the term "Broom."[6] In certain areas of my fieldwork, one of the multicultural activities my respondents were involved into was clean-up drive with the Japanese community. We have similar practice in my home country – the Filipino version of *Bayanihan* (community togetherness) clean-up drive where we typically used broom-stalls/sticks and other "cleaning tools" in the street. Everybody knows that a broom is composed of stiff fibers roughly attached or bundled together to form a cylindrical handle on a stick or stall. A broom could not be called as one without the sum of all its parts and vice-versa. This analogy bares resemblance of the relationship between structure and agents and

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[6] Whirlpool, Paratrooper and finally Broomstick Effects are metaphorical terminologies I encountered in the conduct of my fieldwork. I have met hundreds of nameless, anonymous personalities and characters, aside from my informants/respondents, who unintentionally facilitated an epiphany of such analogies as I engage in informal non-obtrusive conversations with them.

its duality as Giddens would have it described under *Structuration* theory. At the micro-level, organizations are made possible through the congruent effort of its members.

Aside from recognizing the structural factors, this study also somehow captures how irregular migrants activated their agency in achieving their life's purpose, if not in fixing distortions to achieve such goal. In fact, some of them were able to utilize their personal network and informal linkages in realizing their desired ends. Wellman and Frank (2008) defines "personal community networks" as supportive ties with friends, relatives, neighbors and workmates – such ties supply network capital (in the form of social capital) that make resources available through interpersonal ties. The discourse suggests that "network members" provide emotional aid, material aid, information, companionship, and a sense of belonging (p. 233). In the network capital, there may be group pressures to provide support rather than in two-way "dyadic capital" – an element of "enforceable trust" is necessarily occurring in networks when an "actor's behavior is not oriented to a particular other but to the web of social networks" (mutual obligation to the network). Those who are disconnected will find themselves "a fugitive and a wanderer" (Wellman & Frank, 2008, p. 235-236).

Thus, as cited by Wellman and Frank (in Lin, 2008), researchers must be careful in seeing findings at only one analytic aspect (individual, relational, or network level) as the only truth. Hence, there is a need to take into account the comprehensive interplay of "multiple levels of analysis" – that the availability of network capital may be greatly affected by various levels at agency (individual), interpersonal, or structural/network-level. This is reflective of the argument of Thieme (2006) on social networks and migration that networks are maintained and institutionalized through multiple forms of interactions between members (see also Bakewell, 2010).

Furthermore, Anthony Giddens (1984) recognizes that people actively make and remake social structure during the course of their everyday activities. For instance, the fact

that many other individual migrants adhere to the process of the international migration system or migration streams and may be seen as insignificant contributor to the process but actually an indispensable factor to the very existence of that system. If everyone else, or even a majority of the migrants, decided not to follow the system then such migration stream would collapse. *Structuration* theory holds that "structure" and "action" are necessarily related to each other and are not in fact polar opposites (Wolfel, 2005; Giddens in Giddens & Sutton, 2013).

Numerous scholars have generally described *Agency* and *Structure* as part of the discourses on the parallelism of micro-macro integration. However, there are some variations on how it is being viewed by other sociologist. Agency, although it generally refers to micro-level actors, it can also refer to macro-level actors, when they form collectives that act as one. Hence, any social being, whether an individual or a collective, can be considered to have agency. Likewise, structure, although it generally refers to macro-level structures, it can also refer to micro-level phenomena, such as human interaction. Hence, the definition of both structure and agency can refer to either micro-level or macro-level phenomena (Bakewell, 2010; Giddens & Sutton, 2013). The argument above is much more related to the experiences of irregular migrants in this study as agents of structural change and how in the process existing structures transform their lives by engaging through a negotiated status. Agency is however contested when irregular migrants utilize existing connections through a sustained transnational network of individuals and collectives (self-help groups). The significant role played by local level actors – government and non-government organizations – can form as collectives when they act altogether for a common agenda/goal (see also Wolfel, 2005; Tsuda, 2006; Nagy, 2013a, 2013b, 2013c; Fauser, 2014).

A famous old adage, "it's not what you know, it's who you know", expresses the value of having "good connections", as manifested in how successful irregular migrants

normalized their status. Sociologists refer to such connections as "networks" – all direct and indirect connections that link a person or a group with other people or groups. Personal networks may include people of similar race, class, ethnicity and other types of social background. Many people rely on their personal networks to gain advantages, but not everyone has equal access to powerful networks. Nevertheless, it is interesting to take note that a combination of formal and informal networks somehow addresses migrants' precarious status and relatively alleviate their difficult circumstance (Giddens & Sutton, 2013, p. 853).

One of the principal reasons for people joining some types of organizations is to gain connections and increase their influence. For instance, parents who belong to a school PTA are more likely to be able to influence school policy than those who do not – members know whom to call, what to say and how to exert pressure on school officials. Sociologists call these fruits of organizational membership, "social capital", which is "the social knowledge and connections that enable people to accomplish their goals and extend their influence". This has been carried out earlier by Pierre Bourdieu in the 1980s and later in the 1990s by Robert Putnam (in 2000). Social capital involves useful social networks, a sense of mutual obligation and trustworthiness, an understanding of the norms that govern effective behavior and other social resources that enable people to act effectively (Lin, 2008).

Putnam found out in his studies that bridging social capital unifies people across social cleavages. This can be seen in such examples as the civil rights movement and interfaith religious organizations. People who actively belong to organizations are more likely to feel "connected", engaged and able to "make a difference" – social capital particularly the bridging process provides people with a sense that they are part of a wider community, and one that includes people who are different from themselves. Democracy flourishes when social capital is strong which is essential for effective citizenship (Giddens & Sutton, 2013). In this study, many of the migrants are able to capitalize on these contact networks when they

needed to put a bargain on their status and prove the government structure that they are

worthy residents, if not partial citizens, of Japan. As Jabar (2010) argued, "school activities

such as PTA meetings allow parents to establish rapport and trust with the school personnel

and their fellow parents increasing access to material and non-material resources" (p. 321).

Negotiated Status through Civic Association

Tocqueville (1961), as reiterated by Eliasoph (2013), says that participating in

associations offers people some sort of cognitive (knowledge), emotional (solidarity), and

political benefits (power) (p. 12-13). As argued by various migration scholarships (see also

Tsuda, 2006; Shipper, 2008, Landolt, 2008; Vermeulen and Brünger, 2014), such positive

benefits subliminally agitates individuals to recognize the importance of forming solidarity

groups with fellow migrants. The case studies show that an unwanted irregular migrant will

certainly seek recognition, not necessarily from mainstream society but from peers, networks,

and most of the time from compatriots – establishing links, and building contacts. Arguably,

Shipper (2008) clarified this "recognition seeking-process" in the following terms:

> Living in a country with no active policies to fully incorporate foreigners into its
> society, such foreigners in Japan with no political rights inevitably feel vulnerable as
> outsiders and turn to building closer ties with their co-ethnics and their home
> countries. As a result, they have created numerous immigrant ethnic associations,
> groups that provide ethnic identification and various kinds of support for legal
> foreigners, although generally not for their illegal compatriots (p. 59).

In addition, as Koser (2010) seemingly argued that these co-ethnic self-help groups,

transnational migrants' organizations and civic association serve as "buffer zones" especially

when the sending states/governments (i.e. embassies/consulates) are incapable of protecting

their migrant-citizens in their host countries as the latter's policy are bent on criminalizing

irregular migrants. Koser (2010, p. 191) further stressed the following:

> Migrants with irregular status are often unwilling to seek redress from authorities
> because they fear arrest and deportation. As a result, they do not always make use of
> the public services to which they are entitled such as emergency health care. In most

countries, they are also barred from using the full range of services available to citizens and migrants with regular status. In such situations, already hard-pressed NGOs, religious bodies, and other civil society institutions are obliged to provide assistance to migrants with irregular status, at times compromising their own legality.

What is more is that in other instances, personal idiosyncrasies (such as financial difficulties, and the extent of the precariousness of their status), as well as individual differences may result to unintended gossiping which only further discourages migrants to form solidarity groups for the interests of regular and irregular migrants alike. However, there are still many non-state self help groups aside from cases mentioned that are able to overcome and paved the way for civic association and transnationalism. This is evident in the case of FMC in Nagoya as their efforts to assist Filipinos inspired other non-Filipino migrants to organize and empower themselves. Moreover, international networking help legitimize local initiatives especially if the organization has limited resources such as linkages of some Philippine NGOs with APMM in Hong Kong (Takahata, 2007; FMC, 2008; Abe, 2011).

Also, as observed in the work of Apichai Shipper (2011) and Stephen Nagy (2013), the collaborative effort of migrant and non-migrant organizations between Filipino-run and Japanese-run NGOs at the local level (including church and non-church based groups) play a big role in sending a message cutting across territorial boundaries and thus perpetuating a transnational migration agency (actors forming as collectivities) inadvertently reshaping a new world order for the global migration process.

III. Hypothesis Generated

Null Hypothesis:
1. There is no causal relationship between state policies on migration and the mushrooming of the migration industry, and the increase in unauthorized migration.

Alternative Hypotheses:
2. As migration control becomes much stricter, more irregular migrants are considering special permission resident application.
3. As migration control becomes much stricter, more irregular migrants are seeking assistance from non-state actors and the migration industry.

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CONCLUSION AND RECOMMENDATIONS

I. Summary

This study explored the specific phenomenon of the outcome and consequences of irregular migration that is immigration detention and/or deportation. It attempted to shed light on the consequences of irregular migration that includes migrants from the Philippines and the recipient countries' response which include Japan immigration enforcement measures such as arrest, detention and deportation. It attempts to further elucidate on the reasons behind seemingly sustained phenomenon of distressed migrants and their precarious status as the borders of their countries of work destination are governed by strict immigration policies that either sought to facilitate or hinder their entry. Further, this research focuses on the interplay of the migration industry and the experiences of former undocumented migrants and their family, including their children.

Feminization of Migration and the Migration Industry

Feminization is an important feature of international labor migration in Asia which is very much evident in the context of this study as women comprise the majority of the case respondents and key-informants. In the past few decades, there has been a growth in the migration of women for domestic work or *maid-trade*, organized migration for marriage or *mail order brides*, and worst, the trafficking of women into the sex and entertainment industry. At the onset, this research hinted on the role played by the migration industry and sought to find out how individual migrants, especially women, subjectively react to such stimuli (interplay of migration industry and human agency). The narratives indeed reveal that migrants are not isolated individuals who merely react to the market and bureaucratic rules, but responses also indicate that structural factors have played a crucial role in the migratory

process. Many of these migrants have been caught up with myriad factors in reaching their destination country (Japan) and overstayed their visas. Some arrived in Japan illegally. The following are common reasons cited for push factors or reasons behind leaving the Philippines: 1) financial difficulties back home; 2) emotionally laden experiences (especially for women) such as broken relationships, early/teenage pregnancy, abandonment of their children's father, and victims of sexual abuse, as well as complicated relationships. Pull factors basically include: non-monetary reasons for coming to Japan such as curiosity of the modern technology and advance of Japan (apart from a desire to explore the world), and chain migration (family connections in their destination country).

Irregular Migration and Migration Control Enforcement

Moreover, thematic responses of interviews revealed that respondents irregularity status were established in two possible routes: illegal entry (as "entry-strategy") established earlier through the migration industry and/or overstaying their visas. The latter is generally brought about by the need to apply extraordinary measures because of abusive and strict employers (migration industry) and/or disregarding their labor/human rights.

One major reason behind controlling migration is that a host society could perceive the growing number of migrants as a threat to ethnicity or economic security (i.e. expected increasing unemployment due to competition with jobs of "true citizens", including access to its social and welfare services). In most cases, when caught and apprehended, irregular migrants typically have two major options/destinations: 1) to gain special approval from the host state and elevate their status, or 2) obtain conviction and suffer deportation. In almost all of the cases, when these migrants can see the slightest ray of hope and remedy, they will desperately hold onto it and choose to stay, fight and lobby to better their status in a foreign state than to be sent back to their own country. This shows that even with condemning and critical condition, they still see their future living with the host country (Japan) and that to

return to the state of origin (Philippines) is not a viable or practical option. In other words, they would rather opt and take the risk of being treated and branded as illegal migrants than having full unquestionable citizenship status in their own country yet with no life to speak of, in economic and employment perspective.

However, the Japanese government through the immigration control bureau would not just easily yield to migrants' "negotiation strategy" without putting a fair fight. It has since stepped-up the challenge to heighten surveillance and detection process by working with the police and enforcing "secret-agents" system to effectively survey irregular migrants at their workplaces just a like a "thief in the night" catching the unsuspecting "illegal workers" (i.e. pretending as customers and/or entertainers, and factory workers). More than that, irregular migrants also mentioned that many of them were caught not because of the apprehending authorities but mainly because of their significant others (e.g. friends, loved ones, ex-husbands/partners) turning them over to the authorities due to personal disputes. Nevertheless, anecdotal records show that immigration control can have countervailing effect of promoting migration due to clash with financiers and business elite groups who needed migrants – when government is run by conservative rightist elements (another elite class) collide with liberal-minded capitalists (free market/fair labor market reasoning).

On the other hand, irregular migrants are in unison when describing how they cope within detention facilities. Many of them said that treatment inside police detention is in sharp contrast with detention at immigration center as the latter prove to be more convenient and comfortable but detention obviously yields negative impact on children and their families (emotionally, psychologically and financial constraints). Deportees had a hard time catching up when they were repatriated back home due to deskilling (i.e. skills they learned in Japan is inapplicable in the context of PHL economy and industries. Many of them are thinking of returning to Japan or elsewhere regardless of the means to get there (whether irregular or

legal process). Though the Philippine government claims that there are service provisions and intended funds for deportees but this mainly serves those who "legally" left the country and of course those who are members of OWWA. Yet, respondents also claim that they needed to pass through rigorous requirements and processes before being able to obtain assistance.

On the host state's end, several discourses came across on the factor of consideration that granting these migrants with improved status would not really hurt the state per se. Their size and minute percentage to the ratio vis-à-vis the national population is tolerable and peripheral. However, these pronouncements are farfetched if taken from a view of reality, reflective of the respondents responses, as the trend of receiving countries and government policies these days are bent on conservatively preserving the traditional notion of states' territoriality and classical sovereign states ensuring border control, which is especially true in the case of Japan. Immigration control measures are seemingly attenuated by the international human rights consideration as Japan is a signatory to major international conventions. But tilting the balance for foreigners especially for illegal aliens including irregular Filipino migrants is not automatic such that Japan as a host country still adheres to state *primordialism* and/or *racialized hierarchy*.

It is in this context that the indispensable role played by non-state actors and supportive personnel within the state bureaucracy is regarded as a crucial factor in ensuring that the rights of individual migrants are protected and in the process help alleviate them from their precarious status. A few of them were able to gain a negotiated status but many others were repatriated. Thematic presentation of data responses suggest that it was relatively easier for those who had established network, not necessarily formal, and most often through their co-workers/employees, to whom to connect with and ask for assistance (e.g. lawyers, visitation rights). Without friends, informal networks, volunteers, church workers or lawyers to advise them, many of these migrants may be jailed for quite some time because of a failure

on their part to decide prudently (they may suffer physical, emotional and psychological stress from extended detention).

Negotiating Status through Collective Solidarity

Furthermore, their precarious status only further entrenched irregular migrants from participating in solidarity groups. Many of the female respondents had to endure prolonged stay with their abusive spouse/partner (some includes having to put up with their boyfriends who are irregular migrants too) just to survive despite being a victim of domestic violence and infidelity. Without their own established network, women migrants are obviously at their worst, distraught situations (disadvantaged compared to those who have known friends, network or NGO contacts regardless of their status) – especially those who have children at their young age and fully dependent on their Japanese spouses. Nevertheless, their personal network and the ability to utilize their social capital helped in overcoming differentiated treatment from state and non-state actors and cushion the impact of difficult experiences with the migration industry. Many of them were also able to maximize their access on city-based/prefectural level localized initiatives from receiving state and not directly from the migration industry that are running for commercial purposes. Thus, irregular migrants' incorporation process in their destination countries is affected by varied factors and a more holistic paradigm is more than imperative to understand, if not addressed, irregular migration issues and the migrants' precarious status. The discourses from varied discipline are embedded in each section in an attempt to offer an alternative interdisciplinary perspective on irregular migration.

II. Conclusion

As I argued in the theoretical proposition, both origin and host states are engaged in a dilemma that is adhering to international human rights standards including that of migrants

regardless of their status (individual level: irregular or deported migrants), and protecting the rights of their citizenry or sustaining economic stability (state level). A better view in looking at the attitude of Japan towards this migration scenario is that it's stand on enforcing State power onto the violators of the law yet observes human rights when protection, interest and welfare of a child or a minor is put into concern. While immigration enforcement is indeed necessary, the indubitable presence and dictate to observe child welfare and keeping together the family as intact as possible is also a must under international humanitarian law. In constantly questing these seemingly contrasting attitudes, Japan, as the host state, has to achieve balance which is clearly challenging. What is more, the employers' resistance to get rid of irregular migrants in many destination countries (including Japan and the USA) puts forward their considerable political clout in weakening the political will of the government to execute immigration control measures.

However, a recent amendment of the Japanese immigration law and in providing stiffer penalties for violators begs to question the so-called balancing act. The situation in Japan informs us, that as part of exercising sovereignty and national security, internal control should be strictly employed. Not only that, by imposing penalty, it sends a strong signal that this should take precedence to other similarly situated migrants. It is saying to all migrants to take all the necessary legal procedure in staying in the host state, obey and respect its law of the land or otherwise legal consequences will be meted out. In another lens, it could be said that the occurrence of migrants having irregular or unauthorized status is a question of efficiency and lapses of the immigration proceedings especially in the successful entry of those with fake or counterfeited documents. That is why, upon finding the proof of these adverse facts, host state is imperatively called to review on how it was taken advantage of, outwitted and deceived despite the established system, with the objective that this should not happen again. The next step is to castigate the participants of the illegal acts. The serious

punishment reflects the gravity of the offense and for Japan, these acts cannot just be taken lightly and cannot be easily bailed out by the violator without reasonable, justifiable cause and due proceedings and so that sample actual legal cases on migration may set a precedent or standard how the State take relentless action when its house rules are challenged.

Certainly, immigration is a complex subject matter such that it precisely deals with at least two levels: government power and an individual who is only armed with recognition for universal human rights. There had been initiatives and measures for the protection and advancement of these myriad cases brought about by the actual and concrete experiences yet as the society progresses, complicated cases anew emerges. It is at this point that non-state actors, simultaneously but independently act, and instinctively respond on the demands of the situation calling for rescue and decisive action. Still the same question haunts all of us: what makes the non-state entities indispensable in the whole migration process? Evidently, these NGOs, self-help groups, and volunteer associations become instrumental in influencing, if not relatively prescribe the trend of the electorates and cause-oriented bodies that are gaining prominent momentum on the selection of elective political seats, even though there vision is non-political in the first place (such as the case of *Migrante* and OFW Party-lists groups in the Philippines) and transnational advocates and lobbyists (e.g. APFS and CJFF in Japan). They are the most credible and active participants on relevant issues that confront the society, consequently becoming watchdogs and front liners on what the government is doing for the people. Additionally, they are voters too, only that they have connections and strong will, passion and drive to realize their advocacy and calling. Among other vital concrete characters that they assume include, as adopted from Urban Institute (2010) and Cervantes and Lincroft (2010), are the following:

1. They develop network building with local community leaders and local officials. They provide opportunities to connect with local officials and show them the

importance of the presence of Filipino communities. Letting migrants avail immediate access on services available in the community;

2. They provide participants with important information especially for Filipino women. Here they provide details of local government systems and the latter's services and keep them abreast of their rights such as single mother allowance, mother and child allowance, public assistance, etc. This also includes providing updated-information on the revisions of nationality law (especially in Japan);

3. They provide lectures, trainings and seminar easier to understand and for Filipinos (non-hostile, non-adversarial) without distinction whether or not the immigration status is regular or unauthorized. They conduct a man-to-man instruction of Japanese-language seminar/training without a fee. They explain important issues such as Family Registration and Residence Registration and its procedure, as well as Acquisition of Japanese Nationality and choice of Nationality;

4. They act as approachable Help Desks willing to help migrants on their problems including visa status, employment and labor condition, domestic violence and divorce, children's education and so on by giving those legal consultations and referrals to concerned institutions. They have this Specialist Consultation Services that cover a wide range of topics including government services, health, tax, immigration and daily living.

With the above premises, it is no wonder why these non-state actors are increasingly relevant and even more than necessary in the lives of the migrants. Not only of the practical services and decisive aides they extend to migrants, the individual seeking for help does not have to always rely on a very slow, formal, bureaucratic, and lengthy process of state or government assistance on matters that do not require the direct government hands of authority. These actors created a niche of alternative on "servicing others" offering assistance

to individual needs while he/she is in a foreign land which is more customized and responsive to individual migrant's condition. What is even amazing is that, most of the services they are offering are for free or at minimal cost or expense. Thus, they formed a very strong support mechanism which has a huge impact within the community. The simple, undemanding and voluntary-driven partaking are the very features and core of these organizations which made them respected and installed as reliable and in return, supported and espoused by the respondents. Its performance and track record are even more impressive than what government of migrants can do, as the former touches actual and real problems and solutions – offering non-traditional, non-bureaucratic and informal way of reaching to them. Therefore, success stories were being documented as their established landmarks and testimonies because in a systematic yet unceremonious way, they build international awareness not just for migrants but also for local residences nurturing both to work together. They encourage "multiculturalism" and geared them as global citizens not just in the level of awareness but to boost them into definite involvement teaching and practicing equal treatment. They are indispensable and needed because they deliver to the individual the feeling of belongingness and as an accepted member of the community.

The thesis also points out the need to reframe the study of irregular migration and migration control not only from the perspective of host country's state policies but as well as the labor-source/sending countries. Hence, in addressing the interdisciplinary nature of the research question of this study and for hypothesis-generation, the researcher reproduced an updated modified/revised theoretical proposition which addresses two prong/levels of analysis: world-system/country level (structural: migration policies of sending/recipient countries and the migration industry) and migrants/individual level (human agency, collective solidarity, transnational network-groups) (see also Figure 6-1 below).

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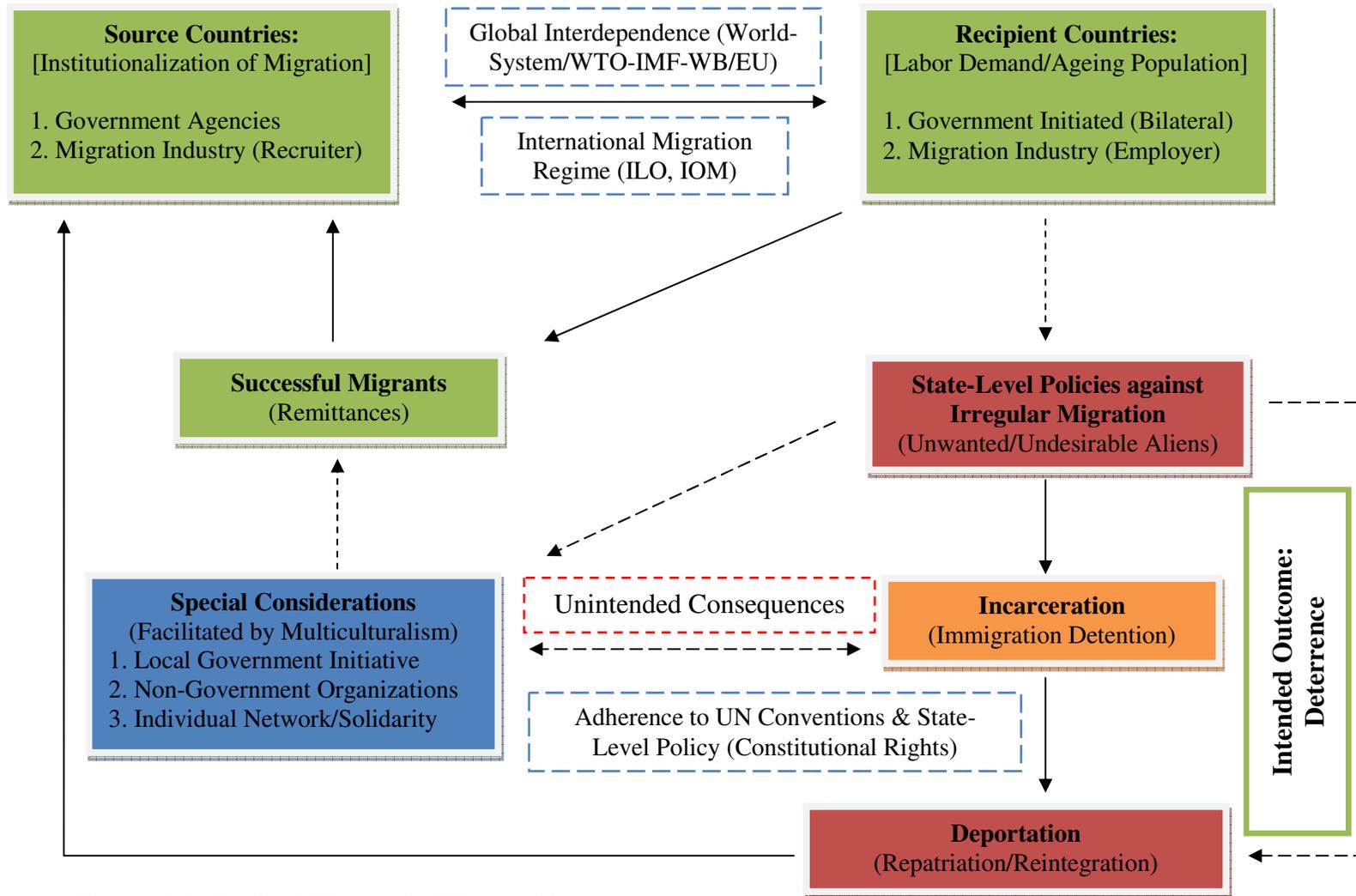
Figure 6-1: Revised Theoretical Proposition
(Conceptual Framework for Hypothesis Generation)

III. Recommendations

At the theoretical level, this study largely draws on the theoretical proposition as a reflection of data findings and discussion. It came about with the proposition by constantly grounding the discourse as an iterative practice while I was enmeshed with the interview process and as participant observer. Hence, a major contribution on theoretical framework is the incorporation of interdisciplinary paradigm in the study of irregular migration. Aside from expanding the theoretical bases (which is for this study limited to political sociology, economy and some international studies framework), it is recommended that a more in-depth framework can be integrated from psychology and social welfare discourse into the study. Moreover, there is a need to bond all other perspective into a "transdisciplinary" approach by working on a collaborative framework with other researchers interested in similar topics on migration. A more thorough discourse and theoretical analysis must also take into account the relationship between structural factors and its contribution to human agency and how the dualisms can be comprehensively understood in the context of irregular migration.

On the other hand, at the policy/state level, I have highlighted the following recommendations as a reflection of the discussions and analysis:

1. There should be clear guidelines or a framework agreement between sending and recipient countries on how to go about with the movement of migrant workers and to make sure that irregular migration is prevented, if not discouraged. Philippine embassies/consular services abroad must be improved and must ensure that their mandate to arduously assist fellow nationals abroad is carefully abided and followed. Immigration control measures must also take into consideration the impact on the well-being of migrants and their children/families. When irregular migrants are detained, recipient states must guarantee their right to legal aid and counsel and ensure dignified treatment and protection of basic human rights while incarcerated

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with special consideration for mothers and their children. For deported migrants, sending countries must ensure full provision of assistance for them regardless of their migration status abroad. Even if they were irregular migrants, the remittances they sent back home have contributed the economy of the Philippines and that as citizens of the country, there should be no discrimination of the services offered to them.

2. Irregular migration must be seen as an offshoot of the international global interdependence and should not just be viewed from one angle (source vs. recipient). Hence, it is imperative that all sectors of the state (intra-level) and between states (international level) must work together. The role of international organizations and UN bodies must be clarified in contextualizing its possible contribution to amend the problem of irregular migration and to ensure that the human rights of migrants including labor rights, socio-political rights, and economic rights are protected.

3. Studies indicated that most countries of destination have not accessed or ratified the International Convention on the Rights of All Migrants and their Families (ICMR), making it impossible to obligate recipient countries to ensure protection of migrants' rights and welfare (Cheah, 2008; Nagy, 2013b). To date, only sending countries such as the Philippines have ratified the said UN convention paving the way for RA 8042 (Migrant Workers and Overseas Filipinos Act) ensuring protection measures from unscrupulous and bogus recruitment agencies, as well as provision of services embedded within the embassy/consular services abroad.

4. Within the receiving state, the role played by non-state associations and self-help groups must be tapped by state functionaries not only at the local government level but also at the national level. Embassies/consulates of the Philippines can also maximize existing network with these organizations so that services are offered smooth-sailing to Filipinos abroad.

5. There is a need for recipient countries (as new/recent countries of immigration like Japan) to recognize international interdependence not only aimed at harmonizing economic and political policies with labor source countries but to identify the human aspect of migration as well. Globalization should not just be seen as purely trade and services moving across borders but human mobility too. If Japan intends to sustain its progress towards the 21st Century, it must take into account the world-system as composed of global interdependent countries – a large pool of labor supply in source countries can be tapped by its ageing population and declining labor supply.

Furthermore, the following recommendations are outline for a possibility of follow-up studies for this research and other future research agenda:

1. Since, the research objectives dwell only on the experiences of previously irregular Filipino migrants (qualitative in nature); there is a need to conduct an intensive survey/quantitative study on the actual number of irregular migrants in Japan, including other foreign nationals who overstayed in the country.

2. A more robust research could be conducted on the experiences of irregular migrants when they were at immigration detention centers, detention house and similar facilities not only in Japan but in other major recipient countries in East Asia such as South Korea, Taiwan, and Hong Kong-China. This can be possibly expanded in the emerging economies of Southeast Asia such as Singapore and Malaysia which proved to be destination countries with ever increasing number of irregular migrants. Such a research agenda can facilitate comparative country-studies to better regional policies on abetting irregular migration and smooth facilitation of migrants-in-distressed and incarcerated migrants.

3. Inter-country studies on the role of state and non-state actors might be useful to better address the concerns of irregular migrants. Data of this research have pointed out the

positive and negative contribution of state bureaucracies in the lives of irregular migrants especially at the local level (at city/municipal level in Japan) but the role of Philippine state through their embassies/consulates is relatively unnoticed due to minimal cooperation from their staff and less openness of their personnel to accommodate the researcher. Hence, this could be an interesting research agenda to focus into to improve service provision for Assistance to Nationals (ATNs) and similar support mechanism. Additionally, an intensive study can also be useful on the proliferation of transnational immigrant organizations in Asia, Europe and even in North American countries and how these non-state actors facilitated the negotiated status of irregular migrants abroad.

4. A comparative policy study could also be done on state/government programs for sending countries aside from the Philippines and how they facilitate emigration and repatriation of their irregular migrants. In addition, an extensive study on the role played by the migration industry and/or migration institutions from sending to receiving countries is timelier such that it might serve as success stories or jumping board for possible collaborative work on how to develop programs to address repatriated migrants, migrants-in-distress and deportees.

5. The ever expanding argument on the duality or dualisms between structure and agency is also better understood if applied in the context of experiences of irregular migrants and how they were able to survive immigration control measures. This can be studied in the form of testing hypotheses or theoretical propositions.

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1. Current socio-demographic profile (optional): age, occupation/source of income, education, marital status (nationality of spouse), number of children

2. Role of the migration industry
- Take note of their life stories before they went to work abroad:
    a. Family life and economic characteristics back home
    b. Reasons/factors that influence their decision to go abroad
- Was Japan your first choice of destination? Why or why not? – *Probe on the role of migration agencies and institutions back home facilitating their decision to migrate; the influence of media, peer-pressure, family support, etc; push & pull factors (was there an element of desperation)?*
- What was your migration status before coming to Japan? – *Probe on their knowledge of "illegality" or "irregularity" before coming to Japan; why come when you knew all along the stringent policy?*
- How did you arrive in Japan (regular/irregular status?) – *Probe if there was an element of human trafficking, illegal recruitment or forced migration to Japan?*

3. Coping from immigration enforcement measures (Japan and/or Philippines)
- Arrest – What were the circumstances of your arrest? Was it immigration related (brought about by crackdown) or some other incident (police apprehension)? - *Probe on some facts such as exact date or year (as they can recall) and location. Basically ask questions such as when, where, how, why of the incident.*

3.1. The Detention and its Consequences
- How did you perceive the regularization process of your status while on detention? Have you known about *special permission of stay* before detention?
- Coping mechanism and strategies inside detention:
    a. Have you got sick/ill inside the detention? How were you treated?
    b. How about your children/family? Any observe effect on them? - *Probe on visits by friends; how many NGOs volunteers visited them, just friends or some family members. Did it help if someone pays a visit?*
    c. Legal processing of their cases (circumstances that made the respondent decide to lobby/argue their case for consideration. How about assistance from our embassy?)

3.2. (Continue for deported respondents only):
    d. When was the date of your deportation? – *Probe on the possibility of re-appealing their case/lobby for consideration*
    e. How did you get here (PHL)? What were the reasons for deportation? – *Probe on the processes undergone and how do they view about their future back home.*
    f. How about assistance for deportees/repatriated migrants from our embassy/consular office (Japan and PHL)?
    g. How about supporting your family through remittances? What is your future here? Are you or are you not planning to go abroad again?

4. Negotiating status in Japan

4. 1. Surviving in Japan (migration status before detention) (review previous answers)
    a. How did you end up with an irregular status in the first place?
    b. How did you sustain/stay undetected/invisible?
- What were the organizations or other networks you have asked help for?
    c. Was establishing network with compatriots, a necessary process? – *Probe on how they deal with privacy issues with fellow compatriots especially those who are doing "nightwork". Ask about factors/reasons that possibly hinders/facilitates their decisions to join associations or groups?*
    d. How did you manage some arguments, if any, with your manager at work/labor dispute given your visa status? – *Probe on their basic knowledge on labor law/human rights, etc.*
- Access to basic social services
    e. Without a *hokken* (health insurance), it is quite troublesome for migrant workers to go through with hospitalization, and even health check-ups in Japan, how did you go through it? – *Probe on the cost incurred and strategies applied to maintain good health. Give more attention especially for single mothers – on how they ensure the well-being of their kids despite their non-regular status.*
    f. How about your children's education? - *Probe on their knowledge of Japan's free education. How did they pursue the education of their youngster before formal schooling? How do they view their children growing up in Japanese society – a Filipino with a Japanese culture or vice-versa?*

4.2. Concept of outsider/insider:

4. 2-A. (Track 1: For regularized respondents)
    a. Why do you think it was crucial to have fought for your rights and your children/family's rights (to citizenship and/or Japanese society's recognition)? - *Probe on the issue of social exclusion and/or discrimination they have felt from the host society and how they view these issues.*
    b. Would have it been better if you have gone home anyway (are you planning to go home someday)? – *Probe on their understanding of the Philippines' society – economic, political and social aspect.*
    c. What is "life after detention and regularization" in Japan (health, employment, education of their children, etc)? – *Probe on their future plans/prospects.*

4.2-B. (Track 2: For deported respondents):
    d. Why do you think it was crucial to have fought for your rights and your children/family's rights (to citizenship and/or Japanese society's recognition)? - *Probe on the issue of social exclusion and/or discrimination they have felt from the host society and how they view these issues.*
    e. Would have it been better if you have stayed in Japan anyway? - *Probe on their understanding of Japan's society – its economic, political and social problems. Probe further on some thoughts to go back to Japan or elsewhere?*

5. Services offered by state and non-state institutions (recommendations)
- Any recommendations for government programs for migrants-in-need/distress or repatriated migrants/in general (for e.g. in Japan – local government services; PHL consular protection services)?
  – Probe any assistance they have known either from government and/or non-state entities [NGOs in Japan & in RP]. *If they know something about it but did not avail it, probe on the reasons behind it* (Why not avail them? Any recommendations?)
- What do you think are the contributions of non-government organizations for migrants in general regardless of their status? Any recommendations?
- Were there individuals or personalities (e.g. friends, peers, and random people) that have offered help or supported you in any way? In what instances they assisted you?
- Would you care to participate/still participate in organizations/movements or activities that promote migrants' solidarity?
  – Probe the reasons behind for the perceived openness or not especially for those who have not approach any organization at all in addressing their precarious status. Probe further any future recommendations for NGOs/GOs/migrants in general.

1. **Role of the migration industry**
   a. [Philippines] How do you perceive the role of governments and the migration industry (including but not limited to the complex network of recruitment agencies, NGO workers, immigration lawyers, etc.) playing a crucial position in the migration process? How do you perceive their major influence in the migrants' decision to work or settle abroad (in Japan)?
   b. [Japan] What do you think of irregular and regular migrants alike having free access to education, labor/employment benefits, and some insurances/benefit claims in their host countries? *[Probe: how will education and learning Nihongo, for example, are seen as means for foreigners/Filipinos (irregular/regular) to be integrated/incorporated into the mainstream society of Japan?]*
   c. How do NGOs help in facilitating access to basic services for migrants in Japan (regular/irregular)?

2. **Migration control enforcement** (detention and deportation)
   a. How do you perceive detention and deportation as an inherent right of the state as opposed to individual/migrant rights to be treated humanely*? [Probe: Human rights advocates see migrants as human beings and not just labor entities; their contribution to the host country should be valued as well].*
   b. Why do you think governments of origin and of work destination must offer these desperate migrants-in-distress any form of assistance?
   c. Do you think the governments' definition (for e.g. terms such as illegal or irregular) or understanding of the issue would have an impact on its treatment of migrants in general?

3. **Negotiated status** (detention and regularization)
   a. In your opinion, how do migrants view detention and the processes they have undertaken towards regularizing their status?
   b. Do you think they are particularly conscious about the issues behind detention? In your opinion, do you think they must have perceived earlier that a preferential treatment awaits them and thus, a means to a speedy acquisition of a special permission of stay in Japan?
   c. Was this an unintended consequence brought about by immigration lawyers' advices, or just a result of migrants becoming more knowledgeable with the processes towards visa acquisition, and thus inclusion with the mainstream, host society*? [Probe: Take note of the rival assumptions: migrants are independent actors utilizing whatever means to survive and to continue their stay in the host country, as they've started to established their families –settlement process]*

d. What are the implications of host societies' adherence to international human rights standards, international conventions, and respect for humanitarian concerns to regular and irregular migrants' drive for settlement instead of just mere temporary, guest workers?

4. **Governments & non-state actors' role** (vis-à-vis int'l conventions, human rights, etc.)
   a. Any thoughts about the future prospect of global migration in the new era of globalization and the continuing clamor for open-free trade, on one hand, and its dilemma or contradictions with international human rights standards, on the other?
   b. What do you think is the future implications of: 1) host countries' leaning towards securing their borders and, 2) origin countries' continued institutionalization of labor export policy?

Appendix C:
Life Stories of Case Informants/Respondents

Case 1: A female entertainer with a child by a jailed Japanese "salaryman."

Andrea came to Japan in 2003 as a "talent" (used in Japan to refer to entertainers who are under contract), with a fake Philippine passport.[7] Six months later, she met her would-be husband, a forty-two-year-old regular customer in the club where she worked. Andrea was twenty-two years old then. Due to the strict control in the *omise* (club), she decided to escape from her *shachou* (boss) with the assurance of help from her would-be husband. Two years later, they had a son. However, they could not marry because her boyfriend was still legally married to a Japanese woman who refused to divorce him. Since her partner did not want her to work at all and Andrea had to support her family back home, the man was forced to work double time. Unfortunately, Andrea's boyfriend was found guilty of embezzlement of company funds and was sentenced to five years in prison. The police interrogated her as well and discovered her irregular immigration status. She was detained at a police station for six weeks, and another six weeks in an immigration detention facility (three months in total). She said it was the most traumatic time of her life since she had to be separated from her child. Her son had to be taken care of by a government-run shelter. While incarcerated, her friends and some NGO volunteers helped her obtain special permission to stay in Japan, and then later a long-term visa. Ever since then, she has been active in helping Filipino irregulars and at one time elected as officer of a Filipino NGO in the city where she resides.

Case 2: An entertainer, with a Japanese child, was deported once and later jailed for overstaying twice and then obtained a temporary visa after being granted pardon.

Cheryl was forced by circumstances to look for a way to earn a living when her parents separated and had to bear the family responsibilities. She started to work in a local snack bar and was later "discovered" by a recruiter. She was introduced to a Japanese club owner and after two weeks, she was able to enter Japan as an "entertainer" with a fake Philippine passport. In 1999 her boss ran into problems managing the business. Together with six other "talent girls," who had no legal documents, she was caught by the police and then deported. Back home, life seemed to return to "normalcy" but a tougher ordeal lay ahead when she became pregnant. She had to work harder to support her family. Worse, her younger sister got pregnant as well. Later, she decided to apply again for Japan through "legal" means but because this process took a long time and because she was desperate to leave to find a better life, she resorted to an illegal but faster method. After asking a few of her friends and some network in the "industry", she came back to Japan in 2001 with an illegal passport – a forged Japanese passport (judging from her looks, anyone might think that she is Japanese). For two and a half years, Cheryl worked as hostess until she decided to run away due to her "bad" *mamasan* (the boss/floor manager in the *omise*). She moved from one city to another taking "3D" jobs and *arubaito* or *paato* (part-time jobs)[8] until she was rearrested in 2008. In 2007, about a year before her second arrest, Cheryl gave birth to a son by a Japanese boyfriend. Having to work as a hostess at night, she had to hire an unprofessional but "affordable nanny" to take care of her child. Her son is sick (caused by shaken baby syndrome) and is currently cared for in a government facility. Her toughest

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[7] The names of all case study respondents are withheld with anonymity, while places/locations may be vaguely described for privacy and confidentiality reasons vis-à-vis rights of the interviewee.
[8] Wakisaka & Bae (1998) refers *arubaito* to "student part-timers", while *paato* is the more appropriate term for "part-time workers". Recently, *arubaito* or just simply *baito* becomes a common usage to describe these jobs.

ordeal at the time is how to cope with separation from her child after arrest. She was sentenced to eighteen months in jail as a repeat offender (recidivist) and for forging a Japanese passport – a criminal offense. Though her friends and some volunteers appeal for her case, she was granted parole mainly because of her good behavior. She was on provisional release due to her special circumstance of having born a Japanese child. Through the assistance of a Filipino NGO in her city, Cheryl in the end received a temporary visa a year after she was released from jail. She is now an on-call NGO volunteer.

Case 3: Divorced by a Japanese husband, a Filipina left to fend on her own for her Japanese children with an irregular status.

Ebony was a victim of sexual abuse, trafficking, prostitution and teenage pregnancy at a young age. She left her live-in partner after four years when he started battering her. The complicated and abusive circumstances of her life forced her to fend for herself by working at a local club in Manila. In 1986, when an opportunity came to her to work as entertainer in Japan, she was up to grab it. She recounted that "I'm working in a local club anyway, why not work in Japan where I can earn more." When her contract ended she had to go home and came back through an illegal broker. However, when her broker refused to pay her the agreed monthly salary (paying her only $300 out of $500), coupled with difficult experiences from a Yakuza club owner and manager, she ran away from the club. She found her refuge in another city where her sister works and eventually met her husband-to-be. They eventually got married and had three children after ten years. Ebony was totally dependent on her husband even on practical matters that she failed to apply for permanent residency. When her husband divorced her, her spouse visa was later cancelled. Due to lack of information and little knowledge about the immigration system despite her long stay in Japan, she overstayed. She was desperately begging for financial support from her husband for the sake of her kids. While out looking for possible work late at night, she was stopped by some policemen patrolling around when they notice that her bicycle's light were off. Eventually they found out about her visa status and had to be detained at the police station for ten days and then at the immigration center for two months. Since Ebony had very limited contact with Filipino compatriots and non-state entities, she was not able to utilize assistance from them. However, there were some nuns and a few volunteers from a religious group who visited her often and somehow gave her some input on how to appeal her case. She said that she was able to get out perhaps out of pure luck and fortune when the volunteers prayed for her. She contends that it was also the immigration officer who enlightened her about the procedure. Ebony was eventually released on *karihoumen* (provisional release) and in time obtained a long-term visa for the mere reason of having Japanese children.

Case 4: An irregular migrant for about twenty years with a Filipino family.

Gerald first came to Japan as a *hosto* (male entertainer). He had worked as a bellboy at a hotel in Saudi Arabia but was drawn towards the bubble economy of Japan in the 1990s. Since he "had the looks" then, he made use of this. However, when his (tourist) visa expired, he overstayed and started working in a factory. A few years later, he met a Filipina and cohabited with her until she got pregnant and delivered their baby. (They later got married after he was detained and obtained his special residence permission.) His girlfriend was also an irregular Filipina migrant. For two decades, they evaded authorities with some degree of invisibility. Their "non-citizenship status" (Chung, 2010) did not prevent Gerald's family from integrating with Filipinos and Filipino organizations actively promoting their welfare in the city. In fact, his family availed of the primary education program provided by a local

NGO-Church partnership that extends support even to children of unmarried and migrant-parents of irregular status. These linkages paid off when Gerald was arrested in 2008 by immigration agents posing as Japanese hostesses. Upon interrogation, he refused to reveal his family's exact address, something that he promised to himself before. He was detained for three months in an immigration detention facility. Soon after, his wife surrendered to the immigration office as well. With the help of a Filipino-Japanese NGO consortium and a legal assistance group, Gerald pressed for his family's case. Later, both were granted temporary visas in view of the fact that their thirteen-year-old daughter had been in Japan since birth. He is now helping the NGO on a voluntary basis.

Case 5: Both parents were jailed for overstaying, and later helped by their eldest daughter.

Irene came to Japan in 1989 with an entertainer's visa. She had to come to Japan despite her family's disapproval as her papers (forged passport) were already facilitated by a Japanese club owner. The club owner is her cousin's boyfriend who she traveled with in a tour in Manila. Her cousin also works in Japan as entertainer. In Japan, she met Sonny who worked as a waiter in the same *omise* she worked for. Sonny pursued her until they became secret lovers. Due to the objection of their *shachou* to their relationship, they quit their work and eventually overstayed their visas. They started doing odd jobs, moving from one type of 3D work to another for more than a decade. They now have three daughters. Undercover immigration agents apprehended Irene after a personal quarrel with a Japanese (her cousin's lover) who reported her to the authorities. Later, she was detained for three months. Irene was assisted by various welfare groups-networks and from a city-based Philippine NGO that provided her with legal advice and other services. Her eldest daughter was her greatest supporter. By writing letters to her Japanese teachers (she was a Junior high school student then) and to some of the officers and members of her school's Parents-Teachers Association (PTA), the family somehow swayed the immigration office's decision. In the end, these people helped Irene obtained special permission to remain in Japan. Her partner, Sonny later on surrendered to the authorities. He was detained for about two months in an immigration detention facility. This time, Irene helped him to get out, and eventually regularized his status by marrying him later. Irene's case is a classic example of a survival strategy that made use of a combination of various networks to press her case. Together with her husband, she is now an on-call NGO volunteer.

Case 6: A Filipino family who overstayed – the mother was arrested and detained while still processing her visa through special permission.

Kristel first came to Japan in 1987 but had to return home because of her visa restriction-duration limit as entertainer when her contract ended. She returned to Japan in 1991 by invitation from her supposed-Japanese fiancé. But she had no affection for him and ran away thereafter, overstaying her tourist visa. She sought help from her cousin where she met her Filipino boyfriend, also an overstayer. They cohabited for eighteen years until they were detected by the authorities. They had a daughter in the duration of their living-in. Later, she asked some assistance from a Japanese NGO helping irregular migrants as advised by her friends since her daughter was already growing-up and was attending high school then (hoping for eventual status recognition). However, the legal procedure she took was abruptly interrupted when she was arrested by the police while doing her usual routine of buying goods at a market nearby. Kristel tried to explain to the police agents that she was still processing her visa but they said that it was not a valid excuse and so they took her to the police station and interrogated her for 24 hours and later detained her at the immigration

detention center for more than a month. Her daughter was gravely affected by her detention. Kristel exclaimed that although her dad was there to tend to her needs but she was just sixteen years old and she would not even stay at home. She even attempted suicide and later ran away with her boyfriend. It got worse when she committed several absences after the incident, not to mention that her schooling was disrupted by the random interrogations/interviews made by the immigration officers. With a piece of advice from the Japanese NGO who earlier processed her family's papers, Kristel rigorously appealed for her case while inside the detention cell for the sake of her daughter. She applied for provisional release and, together with her partner, a limited freedom to process their papers was provided to them. A special permission of residence was later issued for both parents with due consideration of their daughter's status in Japan. Kristel and her husband now have long-term visas and work at a factory in a city near Tokyo.

Case 7: A Filipino migrant had to leave his family in Japan after his immediate deportation.

Mark was 21 years old when he first came to Japan in 1995 under the trainee program of his company (silkscreen) back home. He had been a factory worker two years earlier and had tried applying abroad before coming to Japan. In fact, he passed a vocational course on welding to prepare himself for possible opportunities in the Middle East. He transferred later to a factory owned by some Japanese employer who had his *kaisha* (company/factory) in Japan. He grabbed the chance to be sent to Japan as trainee when he was offered with the opportunity. However, he lamented about the unfair labor practices of the company back home. Mark only received about 70,000 yen per month since he didn't have to pay for his room rent. Together with all other employees, they all shared rooms –housed in some sort of a "big barracks" sharing living space, kitchen and bathroom – only had their own beds as "personal space". Basically, the monthly salary was only good for living allowance and transportation cost (to/from factory site) in Japan. Mark had to do more overtime work so that he can save more for his family. However, it was revealed later to him that they were not receiving anything back home. The agreement was that he would still get some wages in the Philippines to be given directly to his family. The company owner/manager in the Philippines argued that since he is receiving much in Japan, he did not need that wage anymore. He was supposedly scheduled to go back in 2000 but ran away. He said that he could earn much if he stays a little longer. It was supposedly just a short overstay but he got used to the Japanese way of living. Mark was *bilog*[9] for about 10 years or so. He had an irregular migrant-family (undocumented) in Japan, a live-in partner and a four year-old son, when he was arrested after work in May 2009 and days later deported back home. Mark now works as maintenance officer at a printing press in Manila while volunteering for a migrant-advocacy group.

Case 8: Both parents were detained and wanted to extend their stay in Japan but could not do so due to age-restriction for children under special permission (voluntary departure).

Oscar first came to Japan in 1990 when he was twenty years old. His younger brother who came earlier invited him to come because of his talent in dance choreography. He was able to come to Japan with an entertainer's visa and just renewed his entry every six months until 1995 when the promoter back in the Philippines required him to undergo additional training as per government's new regulation. Unsure if he will be able to return, he overstayed. With the desire to sustain his support for his family back home, he started doing *osoi-jikan* (late night schedule) work at the construction site. Oscar met his wife-to-be back

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[9] Many NGOs named irregular Filipino migrants in Japan as *bilog* (circle) denoting "zero" or no status.

then when he was still at the height of earning much due to a combination of perseverance and diligence to earn a living and had a son in 2001. In fact, due to his unique talents and street-smart friendly attitude, he befriended a Japanese who became his business partner in setting up a Filipino retail store in an entertainment area in the city near his place. He had been actively involved in Filipino and Japanese organizations in Japan promoting multiculturalism. Oscar's network with these self-help groups was a big help when his son started schooling and later when he was arrested by immigration agents. He and his wife were detained at Nagoya immigration center for about four months. Initially, he was hopeful that his network can actually assist him due to preceding cases of special permission afforded even to irregular migrant-families. However, later he found out that such consideration is only allowed at least for those who have children who are at their high school level or have been born and raised in Japan for ten years. Uncertain of the outcome of their appeal, Oscar opted to just go home with his family and start life anew back home. He now lives in Davao and is self-employed having invested some of his savings in a retail store.

Case 9: Divorced by her Japanese husband, an entertainer who had a Filipino child, deported after being able to solicit donations for her plane ticket to return home.

Rose was entangled with complicated relationships beginning at her young age. She had four children from her previous relationships. She was just seventeen years old when she delivered her first baby. When her cousin came home for a vacation with her Japanese husband, Rose was introduced to a Japanese friend. The fifty year-old Japanese guy liked her very much and wanted to marry her. Rose was just nineteen years old then. Her cousin, however, advised her not to tell him about her children until they get married. She first came to Japan in June 2006, with a three-month tourist visa. A month later her spouse visa was approved after all the documents were submitted. After three months, her husband discovered her secret (about having kids back home) and started battering her. And so she left him in January 2007 and started working in an *omise* but later overstayed her visa. In May 2007, she met her third Filipino boyfriend and got pregnant immediately. After that, the guy was nowhere to be found. She delivered her fifth child in February 2008. She was helped by a fellow irregular in delivering her child (a traditional birth attendant). Rose did not go to the hospital for fear of being reported to the authorities. She then met her second Japanese partner and cohabited with him for a year. She once ran away from him after he started beating her and her child. The guy worked at a *pachinko* (small/retail casino) and usually sleeps at his car/van. So, together with her infant, she stayed with him for two months (beginning January 2009) despite being abused and battered. Rose exclaimed that it was a living hell staying with him such that they oftentimes take a bath at a nearby public *onsen* (bathhouse) and used public toilets at a *koen* (park) nearby. She was arrested in June 2009, after her Japanese boyfriend reported her to the police authorities. Rose was separated from her son – taken by the child welfare office. She was first detained at a police station for ten days. Afterwards, she was housed at Tokyo immigration detention center for about 6 months. She signed the deportation papers after a month of interview, but could not go home without her plane ticket. While inside the detention facility, she got some donations from her fellow detainees. When she was able to pay for her ticket, Rose was immediately deported back home where she restarted living her life as masseuse in Davao (beginning October 2010) under a local government-run livelihood program for indigent residents.

Appendix D:
Guidelines on Special Permission to Stay

Main Source: Immigration Bureau, Ministry of Justice
October 2006, Revised July 2009
http://www.immi-moj.go.jp/

I. Basic rationale on special permission to stay in Japan, and matters taken into account when judging whether to grant permission. When judging whether to grant special permission to stay in Japan, a comprehensive appraisal is made of all relevant circumstances for each individual case. These include the reason for the requested stay, family circumstances, the applicant's conduct, situations in Japan and abroad, consideration of humanitarian grounds, and, moreover, the potential impact on other persons without legal status in Japan. When doing so, the following specific matters are taken into account.

Positive Elements

The following are taken into account as positive elements, in addition to the matters specified in the Immigration Act, Article 50 paragraph 1 items (i) to (iii).

1. Positive elements to be given particular consideration

(1) When one or both of the applicant's parents are Japanese nationals or special permanent residents.
(2) When the applicant supports his/her own child (a legitimate child or an illegitimate child acknowledged by his/her father) born of the applicant and a Japanese national or special permanent resident, and when all of the following requirements are applicable:
a. When the child is a minor and unmarried.
b. When the applicant has parental authority over the child.
c. When the applicant has lived together with the child in Japan for a significant period of time, has custody of and raises the child.
(3) When a marriage between the applicant and a Japanese national or special permanent resident has been legally established (excluding cases in which marriage is feigned or a formal notification of marriage has been submitted with the aim of avoiding deportation), and when both of the following requirements are applicable:
a. When the applicant and his or her spouse have cohabited for a significant period of time as a married couple, and are mutually cooperating with and supporting each other.
b. When the couple has a child or children, or when there are other reasons to deem that the marriage is stable and mature.
(4) When the applicant is living together with his/her own child who is enrolled in an institution of primary or secondary education in Japan (excluding educational institutions in which education is given in the child's own language other than Japanese) and has resided in Japan for a significant period of time, and when the applicant has custody of and raises the child.
(5) When the applicant requires treatment in Japan for a serious illness, etc., or when the applicant's continued presence in Japan is deemed necessary in order to nurse a family member who requires such treatment.

2. Other positive elements

(1) When the applicant has appeared in person at a regional immigration bureau to report that he or she is residing in the country without legal status.
(2) When a marriage between the applicant and a person who resides in Japan under a status of residence specified in Appended Table II has been legally established, and when the applicant falls into the category of the abovementioned 1 (3) a. and b.
(3) When the applicant supports his/her own child (a legitimate child or an illegitimate child acknowledged by his/her father) who resides in Japan under a status of residence specified in Appended Table II, and when the applicant falls into every category of the above-mentioned 1 (2) a. to c.
(4) When the applicant is a minor and an unmarried child receiving the support of his/her parent who resides in Japan under a status of residence specified in Appended Table II.
(5) When the applicant has resided in Japan for a considerable period of time and is deemed to be settled in Japan.
(6) When there are humanitarian grounds or other special circumstances.

Negative Elements

1. Negative elements to be given particular consideration

(1) When the applicant has been punished for a serious crime, etc.
   (Examples)
•   When the applicant has been punished with penal servitude for a vicious or serious crime.
•   When the applicant has been punished for smuggling and illegal trafficking of 'goods harmful to society', such as illegal narcotics and firearms.
(2) When the applicant has committed an offense related to the core of national administration on immigration control, or has committed a significant antisocial offense.
   (Examples)
•   When the applicant has been punished for abetting illegal employment, crimes related to mass stow-away, illegal receipt or issue of passports, etc.
•   When the applicant has been punished for abetting illegal or fraudulent residence in Japan.
•   When the applicant has committed an act that significantly compromises the social order of this country, such as personally engaging in prostitution or causing another to engage in prostitution.
•   When the applicant has committed an act that significantly infringes human rights, such as human trafficking.

2. Other negative elements

(1) When the applicant has entered the country illegally by stowing away on a ship, or by using a false passport, etc., or falsifying the status of residence.
(2) When the applicant has undergone procedures for deportation in the past.
(3) When the applicant is deemed to have committed other violations of penal law or acts of misconduct similar to these.
(4) When the applicant has some other problems in the circumstances of his or her residence in Japan (Example: When the applicant belongs to a criminal organization).

II. Judgment on whether to grant special permission to stay in Japan. An application for special permission to stay in Japan is given favorable consideration when, after the items listed above as positive and negative elements have been individually evaluated and given all due consideration, circumstances that should be regarded as positive elements clearly outweigh those that should be regarded as negative elements. Therefore, an application for special permission to stay in Japan is not necessarily given favorable consideration just because a single positive element exists; conversely, the existence of a single negative element will not prevent an application from being given favorable consideration altogether. The main examples are as follows.

＜ Examples in which an application for special permission to stay in Japan is given favorable consideration ＞

- When one or both of the applicant's parents are Japanese nationals or special permanent residents, and when there is deemed to be no particular problem with the circumstances of the applicant's residence, e.g. there has been no violation of other laws or ordinances.
- When the applicant is married to a Japanese national or special permanent resident, and there is deemed to be no particular problem with the circumstances of the applicant's residence, e.g. there has been no violation of other laws or ordinances.
- When the applicant has been resident in Japan for a considerable period of time, has personally reported to a regional immigration bureau that he or she falls into the category of deportation, and there is deemed to be no particular problem with the circumstances of the applicant's residence, e.g. there has been no violation of other laws or ordinances.
- When the applicant is living together with his/her own child who was born in Japan, has lived for at least 10 years in Japan and is enrolled in an institution of primary or secondary education in Japan, and the applicant has custody of and raises said child, has personally reported to a regional immigration bureau that he or she is staying in Japan illegally, and there is deemed to be no particular problem with the circumstances of residence of both parent and child, e.g. there has been no violation of other laws or ordinances.

＜ Examples in which an application for special permission to stay in Japan is given unfavorable consideration ＞

- When the applicant, though living in Japan for at least 20 years and deemed to be settled in Japan, has been punished for crimes such as abetting illegal employment, crimes related to mass stow-away, illegal receipt or issue of passports, etc., and has committed an offense related to the core of national administration on immigration control, or has committed a significant antisocial offense.
- When the applicant, though married to a Japanese national, has committed an act that considerably disturbs the social order of this country, such as having others engage in prostitution.

(Special Cases of Determination by the Minister of Justice)

Article 50: The Minister of Justice may, even if he/she finds that the objection filed is groundless, in making the determination set forth in paragraph (3) of the preceding Article, grant the suspect special permission to stay in Japan if the suspect falls under any of the following items:

      (i) He/She has obtained permission for permanent residence.

      (ii) He/She has had in the past a registered domicile in Japan as a Japanese national.

      (iii) He/She resides in Japan under the control of another due to trafficking in persons.

      (iv) The Minister of Justice finds grounds for granting special permission to stay, other than the previous items.

      2, 3 (Omitted)

Appended Table II

Status of Residence	Personal Status or Position for Which Residence is Authorized
Permanent Resident	Those who are permitted permanent residence by the Minister of Justice.
Spouse or Child of Japanese National	The spouses of Japanese nationals, the children adopted by Japanese nationals pursuant to the provisions of Article 817-2 of the Civil Code (Act No.89 of 1896) or those born as the children of Japanese nationals.
Spouse or Child of Permanent Resident	The spouses of those who stay with the status of residence of "Permanent Resident" or "Special Permanent Resident" hereinafter referred to as "permanent or special permanent resident"), those born as children of a permanent or special permanent resident in Japan who has been residing in Japan.
Long-Term Resident	Those who are authorized to reside in Japan with a designation of period of stay by the Minister of Justice in consideration of special circumstances.

Appendix E:
Background of Selected Migrant NGOs

Name of the Organization	Brief Profile	Major Programs
Batis-AWARE Women's Organization, Inc.	An organization of Filipino migrant women from Japan who experienced labor rights violation and exploitation in their place of work. It also looks into the plight of previous entertainers, who have been abuse and abandoned by their Japanese husbands/partners. Batis-AWARE was formed out of study, organized by Batis-Center in 1996, and later became an independent organization in 2004. Contact details: 12-C Bayanihan St., West Triangle, Quezon City Email: batisaware@yahoo.com	It seeks to encourage other women to be active and participate in the organization so that they would helped to recover and to stand on their own, have the strength to lead and to share their stories, women's promote right and equal labor, and network with other organizations. 1. Peer Counseling 2. Theatre Advocacy 3. Livelihood Projects 4. Organizing 5. Education and Training Main source of information: Brochures, leaflets, reports provided by BATIS.
Center for Overseas Workers (COW)	A non-stock, nonprofit organization that caters to the needs of Overseas Filipinos workers and families, spouses/fiancée and other partners of foreign nationals leaving the country. The Center was established in 1982 under the administration of the Good Shepherd Sisters (RGS). It is guided by the congregation's inspiring philosophy of "One person is of more value than a world."	1. DIRECT SERVICES: ➤ Temporary shelter for distressed women migrants. It's called "Tuluyang Maria". It also provides counseling for the women OFW and families and the Filipino spouses foreign nationals. ➤ Legal Advice/Para-legal assistance. ➤ Referral of clients to network organizations and agencies on the following cases and line of services: health, legal, verify status of recruitment agencies from the POEA,

	Contact details:	OWWA for welfare and benefits and the NLRC for labor-related cases; DFA "Assistance to Nationals" repatriation and legal cases abroad, DOLE for trafficked women and reintegration of OFWs, and the Commission on Filipinos Overseas (CFO) for issues and concerns of Filipino spouses/ fiancée and other partners of foreign nationals.
	1043 Aurora Blvd,1108 Quezon City Email:migrants@pldtdsl.net;ofws@pldtsl.net Website: www.smef-cow-phil.org 3rd Floor Ayala Arcade,60 Mango Avenue,6000, Cebu City. Email:cowcebu@pldtsl.net c/o RGS compound, Davao City. Main source of information: Brochures, leaflets, reports provided by COW national office.	➢ Educational Assistance 2. PREVENTIVE EDUCATION AND INFORMATION DISSEMINATION ➢ Community and school based Informal Dissemination on Migration ➢ Guidance and Counseling Sessions for Filipinos Spouses and other partners of Foreign nationals. ➢ Pre Departure Orientation Seminars (PDOS) for domestic workers, caretakers, factory workers bound for Singapore, Taiwan, Hongkong, Malaysia, etc. and also for technical workers bound for USA. ➢ Pre Departure Orientation Seminars for Overseas Performing Artists (OPAS) bound for Japan. ➢ Annual Summer Camp for children and relatives of OFWs and Filipinos spouses/fiancée and other partners of foreign nationals. ➢ Faith, Life, Reflection Sessions. ➢ Publications and media interviews.

		3. SUPPORT TO ORGANIZING
		   ➤ Advocacy And Lobbying, Research, Publication and Documentation
		   ➤ Conduct of conferences, forums and symposium on migration
		4. MICRO-FINANCE
		   ➤ Re-integration Projects
		
		5. NETWORKING AND LINKAGES
		   ➤ Developing network and linkages with other organizations is essential to reach OFWs and their families in their broadest number.

Migrante International	*Migrante* International was founded in December 1996 after the death of Filipina domestic helper Flor Contemplacion who was hanged in Singapore for allegedly murdering another Filipina domestic worker in 1995. Since then, *Migrante* International has become an active defender of the rights and welfare of OFWs by raising public awareness on their plight and providing a critical analysis of the Philippine government's labor export policy program as the main factor responsible for the commodification of Filipino workers. *Migrante* International has handled and assisted thousands of welfare and rights cases, including the landmark and record-breaking case of Angelo dela Cruz who was kidnapped and held hostage in war-torn Iraq in 2004. *Migrante* International's quick public information work was able to mobilize thousands of Filipinos into pressuring the government into action. The resounding support for dela Cruz' case, both locally and	CORE PROGRAMS (as shown in their brochures): 1. RIGHTS AND WELFARE With the help and assistance of our most capable volunteers, most of them former OFW victims, members of OFW families and advocates, strive to push for immediate and appropriate legal and welfare action from concerned government agencies. Also provide temporary shelter for women OFW victims, counseling services and free legal advice. 2. CAMPAIGNS AND ADVOCACY Bring to public attention through forums, multi-media and other venues the plight of OFWs with the aim to get broad support and effect simple yet substantive pro-migrant public awareness. 3. EDUCATION AND RESEARCH Conduct research, case studies, fact finding missions

	internationally, caused the government to pull out Filipino troops in Iraq and dela Cruz was eventually rescued from captivity. Many other battles followed: cases of stranded, detained and mysterious deaths, rape and sex-trafficking, wage cuts and maltreatment, anti-migrant policies and laws, evacuation in times of war, the plunder and corruption of OFW funds, and the continuing clamor for genuine public service and good governance for OFWs. Through them all, *Migrante* International has remained steadfast and has earned the trust and respect of OFW families and fellow advocates worldwide. After more than a decade since its establishment, *Migrante* International continues its consistent and unwavering record of service to OFWs. It now has over 200 member-organizations in over 23 countries, making it the biggest organization of overseas Filipinos all over the world. Contact details: Home Office address: #45 Cambridge St., Cubao, Quezon City, Philippines Tele-Fax: (02)9114910 Email: migrante2007@yahoo.com.ph	and documentation for the regular update of our data base. Also provide training modules and other publications. Every quarter, launch *Paaralang Migrante* (Migrants' School) for OFW victims, would-be OFWs, their families and advocates. 4. NETWORKING AND LOBBYING Continue to build a broad network of advocates and volunteers with the goal to promote strong support for OFWs. Also conduct dialogues and seek audience with concerned government agencies on a regular basis. 5. INTERNATIONAL SOLIDARITY Uphold and work for a harmonious working cooperation between and among migrant associations around the world. *Migrante* International is a founding and active member of the International Migrants' Alliance (IMA). Main source of above information: Brochures, leaflets, reports provided by *Migrante* national headquarters-office in Quezon City, Metro Manila.
Open House – Saitama Catholic International Center (Urawa)	Open House was established in Oyama City, Tochigi Ken on February 13, 1994 as a project of Peter Takeo Okada, Bishop of Urawa Diocese for the pastoral needs of the foreign migrants living within the Diocese. Open House offered assistance to a growing number of	1. Pastoral Care ➤ Conduct and facilitate spiritual and value formation. ➤ Create dialogues and exchanges aimed at strengthening migrant's community life.

	beneficiaries, and had been able to attract many volunteers and supports from local churches. It operates in Saitama, Ibaraki, Gunma and Tochigi Prefectures. Contact details: 6-4-12 Tokiwa Urawa-ku and Oyama Catholic Church 2-2-20 Hongo-cho, Oyama-shi Email: open-house@nifty.com Main source of information: Brochures, leaflets, reports provided by Urawa Center.	➢ Hold migrant encounter programs among migrant families particularly in the Philippines ➢ Conduct jail and hospital visitations ➢ Assist migrants on problems related to social justice, concerns arising from cross-cultural marriages and all other matters that require legal assistance. 2. Consultation 3. Medical Need 4. Information and Formation Programs 5. Networking
KAFIN Center	It is also known as *Kalipunang Filipinong Nagkakaisa* (KAFIN). KAFIN is a neighborhood of the Filipino Migrants in Japan who are rendering services to the needy people in the community. It was founded in 1998 (as Kawaguchi Filipino Community). They base their service provisions on the limitations of KAFIN volunteer staff and resources and that they sometimes cannot extend their services in distant places. Contact details: 5-51-22-101 Warabisou Tsukagoshi Warabi City, Saitama-ken 335-0002 Tel/Fax: 048-433-5504	1. Handles cases of domestic violence, abandoned mothers and children who are searching their Japanese fathers and mothers who asked Japanese partners for child recognition. It also gives assistance on migrants that are claiming/ asserting for "special permission" in Japan. 2. Provides free counseling on International marriage. Health care, Domestic Violence, Trouble in workplace, Children's education and Japanese language. 3. It joins in networking activities with other NGO's, NPO's, government agencies and with some other group of Japanese Women such as SOROPTIMIST who cater the problem of Domestic violence and human trafficking. It is a vital role KAFIN center to coordinate and link with other groups or individual who are supporting distressed women and promoting

	Main source of information: Brochures, leaflets, reports provided by KAFIN.	women's rights and dignity. 4. Exchanges/Cultural Activities. This is an integration of KAFIN members and staff with other foreign residence living in Japan. 5. KAFIN Newsletter. It's a regular publication of the organization produced to print the Center's Annual Report, community updates, related information and its schedule of activities.
Kumustaka-Living Together with Foreigners Association	_Kumustaka_ was founded in 1985 as "Tanichi Azia Josei No Mondai Wo Kangaeru Kai (the Asian Women's Association)" at the _Tetori_ Catholic Church, located in the downtown Kumamoto City. At that time, there were many cases of human rights violations in Kumamoto, like many other parts of Japan, involving Filipina entertainers. These Filipina women often faced forced prostitution and breach of employment contract, and they came to the church for help. Father Paul McCartin urged some concerning Japanese citizens to help these Filipina women in trouble, and they established the association. However, as the length of stay in Japan of these women extended, and some of them became permanent residents, the problems they faced have become diversified and shifted toward non-work related issues such as marriage, divorce, healthcare, social welfare, parental rights, paternity recognition, child support, and education. Also the nationality of those who contacted the association for help has been also diversified and included such counties as Peru, China, Thailand, and Pakistan.	The association has historically provided legal advice on immigration and employment issues as well as a Japanese language program. Today, _Kumustaka_ serves: 1) to provide consultation services to immigrants, international migrant workers, and refugees in the wide range of issues including immigration, employment and labor conditions, domestic violence and divorce, and child education, 2) to advocate for their full labor, civil and human rights and promote policy to protect these rights, 3) to educate the community and the general public on immigrant and refugee issues through lectures, study groups, and film festival, and 4) to support Japanese-Filipino international children. _Kumustaka_ promotes a multicultural society where human rights are protected and people live in peace regardless of nationality or other social status. We strive to bring awareness to the public that many of the issues facing immigrants and refugees are our own social issues.

	In 1993, the association renamed it to "*Kumusta-ka* (literally, "how are you?" in *Tagalog*)-Association for Living Together with Migrants" to reflect its diversity and corresponding activities. (Main Source) See also: Brochures, newsletter accessible online – http://www.geocities.jp/kumustaka85/EngAboutUs.html Contact details: c/o Sudo Shinichiro Gyouseshoshi Office 2-14-402, 3 Choume, Suizenji, Chuou-Ku, Kumamoto City, Kumamoto, 〒862-0950 Email: kumustaka85@yahoo.co.jp	*Kumustaka* has also served to protect and support DV survivors of immigrant women as a part of Kumamoto Prefecture DV Task Force which has been established since the enactment of Act on the Prevention of Spousal Violence and the Protection of Victims (DV Act) in October, 2001. We partner with the social welfare office, the family court, the police department, and other public and private organizations in the task force.