

# CHINESE MIGRANT WORKERS IN JAPAN: POLICIES, INSTITUTIONS, AND CIVIL SOCIETY

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## Introduction

“Sneaking In,” the title of a recent book on crimes committed by Chinese immigrants, is probably the best summary of apprehensions among the Japanese public about the growing Chinese presence in Japan in the last decade.<sup>1</sup> Seldom does a day go by in Japan without the print and electronic media reporting a crime committed by the Chinese: illegal entry, crimes against fellow Chinese and the society at large. The National Police Agency of Japan’s annual reports on crime by foreigners have begun to carry regular sections highlighting *Chugokujin no Hanzai* (crimes committed by Chinese).<sup>2</sup> The most noticeable aspect of Chinese immigrants’ activities in Japan, the phenomenon may have begun to affect the political relationship between Japan and China. China’s President reportedly drew a connection between the “sick-of-Chinese” feelings among the Japanese public and the lack of popular opposition to Prime Minister Junichiro Koizumi’s visit to the controversial Yasukuni Shrine in August 2001.<sup>3</sup>

Is there more to the Chinese crime phenomenon than greed and other personal factors? This paper explores the policy and institutional factors behind the surge of Chinese migration into Japan since the mid-1980s, which has given rise to Japanese public opinion about Chinese “criminals”. My focus will be on identifying the mechanisms that make legal labor migration from China to Japan possible in the first place. The questions I address include: Why and how does China export Chinese labor to Japan? What are the mechanisms established between the Chinese and Japanese governments for moving Chinese laborers and managing them after they begin working in Japan? When cases of abuse of Chinese migrant workers in Japan come to public light, how does the civil society react? Finally, what does the future hold for government-sponsored Chinese labor migration in Japan?

The goal of this inquiry is to correct a conceptual bias in Japanese discussion of Chinese labor migration, which is focused on their crimes. It is true that in Chinese migration to Japan, similar to migration to other (industrialized) countries, there are repeated attempts at undocumented entry into the host country. The problem first came to the attention of Japanese law enforcement authorities and the general public in May 1989, when a boatload of Vietnamese refugees were found to contain Chinese nationals disguised as Vietnamese.<sup>4</sup> The Japanese government subsequently re-screened the “boat people” who had already been admitted into the country and changed its laws to allow the deportation of economic refugees.<sup>5</sup>

Since then, illegal entry by Chinese nationals has become a popular topic in the growing literature on Chinese migration.<sup>6</sup> The problem has also prompted the resumption of exchange visits by Japanese and Chinese justice ministers after a five-year hiatus.<sup>7</sup> Past research elucidates the societal forces in China and Japan that frustrate their respective governments’ efforts to fight against illegal migration from China to Japan. During the 1980s, criminal elements and ethnicity-based Chinese brokers took advantage

of their networks spanning from China, Japan, to Taiwan, Hong Kong, and other parts of Asia and played an important role in illegal Chinese labor migration to Japan. Furthermore, the surge of language schools, many of which recruited Chinese students, who proved incapable of offering educational services, provided another legal channel for the import of cheap Chinese labor into Japan from the mid-1980s to the early 1990s.<sup>8</sup> Since the early 1990s, another important feature has appeared. The governments of Japan and China began to undertake joint measures to enable unskilled Chinese laborers to enter Japan. Such measures have contributed to the growing Chinese presence in Japan. This group of Chinese is an important addition to the “money-seekers” in Komai’s classification of “foreign newcomers in Japan.”<sup>9</sup> Significant numbers of Chinese who legally enter Japan violate immigration policies and commit other crimes, often for economic reasons alone.<sup>10</sup>

Yet, there is an important aspect to the presence of unskilled Chinese laborers in Japan that has been overlooked: allegations of abuse by their Japanese employers even when their entry into Japan is legal. A possible reason for the apparent lack of public awareness about this problem is the public distain about crimes committed by foreigners that outweighs sympathy for the offenders as a group. This is not necessary unique to Japan. Another reason is that the majority of Japanese NGOs tends to be “regime enhancing.” That is, they tend to advocate changes in existing policies, to fine-tune rather than challenge them.<sup>11</sup> In other words, societal forces working to highlight the troubles foreign labor brings to Japan are stronger than those raising public awareness about abuse of foreign labor. But as the presence of Chinese laborers (legal and illegal) in Japan increases, the political significance of their treatment is bound to increase as well.

This paper intends to contribute to efforts toward understanding the complexities associated with the surge in Chinese immigration into Japan since the 1990s, by focusing on legal Chinese migrant workers. There are two main reasons for this focus. First, Japan and China are “*ichii-taisui*” (*yi yi dai shui* in Chinese) or close neighbors, Chinese immigration through inter-cultural/racial marriages and students choosing to extend their stay through legal employment are matters over which societal forces are stronger than governmental control. Second, Japan’s handling of war-displaced Japanese (civilian and military members left behind in China upon the end of the Second World War) is an important component of the postwar Japanese government’s nation-building program. It would be politically costly for the Japanese government to stop its program of repatriating Japan’s war orphans from China and their Chinese relatives simply because of irregularities in its execution (for example, mistakenly admitting into Japan Chinese who later are found to have forged their identities as descendants/relatives of war-displaced Japanese).<sup>12</sup> That leaves the legal “money-seekers” as a group over whom the governments can exercise control. Indeed, how the government does and/or should handle legal “money-seekers” is at the heart of the debate over Japan’s immigration policies.<sup>13</sup>

I will use the term “migrant worker” instead of “money seeker.” To label a new migrant a “money seeker,” be he/she long-term or short-term, eligible for citizenship or not, is to imply that the newcomer has to make a choice between accepting Japanese-ness and acting as a permanent outsider of the supposedly unique Japanese cultural world. Although it is true that the issue of how an increased foreign presence in Japan affects the

ideal of homogeneity (or Japanese-ness) has been central to policy choices of various Japanese governments since the Meiji period, to engage in another debate on the subject is to move to a different level of analysis, which this essay does not intend to do. The term “migrant worker,” on the other hand, recognizes the simple fact that for those immigrants who legally enter Japan without expectations or chances of gaining Japanese citizenship, what matters most are the economic gains from staying in Japan. Besides, it would be far-fetched to suggest that the Japanese government and Japanese business employers might include turning a migrant worker into a *Nihonjin* (“Japanese,” however vague the notion) among their policy objectives.

I must emphasize that in this paper I make no claim of offering a comprehensive study of labor migration from China to Japan. Nor do I engage in a theoretical debate about approaches to understanding the rise of Chinese migration or the rise in crimes committed by Chinese in Japan. Instead, I will present a micro study of the policy process for legal Chinese labor migration to Japan and the problems associated with the mechanisms established for this purpose. The aim of this study is to offer suggestions for improving such mechanisms before the problems become a more serious irritant in bilateral relations between Japan and China.

The rest of the paper proceeds as follows. In part one I take a close look at Chinese migrant workers’ channels of entry into Japan and provide a justification for focusing on those who legally enter the Japanese labor market. Part two outlines Chinese mechanisms for exporting labor to Japan. Part three looks at Japanese mechanisms for managing Chinese migrant workers. In that part the focus is on the Japan International Training Cooperation Organization (JITCO), which has served as the main agency for bringing unskilled Chinese labor into Japan. Part four examines a case of abuse of Chinese migrant workers in Japan, with particular emphasis on identifying deficiencies in the labor export-import mechanisms between China and Japan. Part five presents evidence of the Japanese civil society providing assistance to Chinese migrant workers in need, as shown in the legal case presented in part four. The last part looks into the future and provides a few suggestions for improving the existing process of legal labor migration from China to Japan.

### **Chinese Migrant Workers**

In this paper, discussions about “Chinese” migrant workers concern only those who originate in the People’s Republic of China (PRC) and exclude those from Taiwan or Hong Kong. As is known, the PRC government has no part in administering immigration into Japan from Taiwan and little influence over how the Taiwan government deals with elements under its jurisdiction that are involved in migration from China to Japan. Under the “One Country, Two Systems” scheme, the Special Administration Region (S.A.R.) of Hong Kong retains final authority in administering its immigration and emigration policies. Admittedly, this treatment does not do justice to the phenomena of Chinese migration into Japan and crimes by Japan’s ethnic Chinese population, because the ethnic connections among Chinese from all the three territories and beyond play important roles. But, by narrowing the focus of inquiry, it better serves the purpose of understanding the roles governments play in dealing with the largest source of new Chinese (im)migrants, i.e., the PRC.

To be sure, those PRC Chinese who succeed in illegally entering Japan most certainly qualify as migrant workers—individuals who enter a country for the sole purpose of making personal economic gains, in part due to the hefty economic costs associated with “Snakehead” channels before their departure.<sup>14</sup> I exclude this group from the present discussion for a technical reason: evidence of the extent of their activities is difficult to obtain.

In terms of documented legal entry into Japan, the year 1985 saw a hundred per cent increase in Chinese entrants into Japan from the previous postwar peak of 1984. Since 1985, the number of PRC entrants has continually risen. As shown in Table 1, the number of new PRC entrants in 1999 was 300 per cent higher than in 1985. There was an equivalent increase in the number of Chinese who stay in Japan on an annual basis. It should be noted that these numbers include all the 29 categories of entry status, which range from diplomats to intra-company transferees, to permanent residents.

Table 1. Documented PRC Chinese Entries and Departures from Japan, 1984-1999

Year	Entries	Departures	Annual Net
1984	51,010	50,669	341
1985	100,972	102,074	-1,102
1986	75,275	74,721	554
1988	112,389	81,391	30,998
1989	100,144	91,327	8,817
1990	117,814	101,797	16,017
1991	142,150	121,141	21,009
1992	187,681	153,616	34,065
1993	204,302	186,222	18,080
1994	210,476	197,166	13,310
1995	229,965	215,180	14,785
1996	257,393	233,358	24,035
1997	283,467	253,706	29,761
1998	299,573	268,619	30,954
1999	327,005	295,521	31,484

Source: *Statistical Yearbook of Japan*, various issues.

Research by Oka identified five major categories of Chinese legal residents in Japan in the early 1990s: (1) permanent residents, (2) spouses and dependents of Japanese repatriates, (3) long-term residents (Chinese relatives of Japanese repatriates, mostly those Japanese orphans left behind in northeast China by the end of World War II), (4) pre-college (including language school) students, (5) college/university students, and (6) trainees.<sup>15</sup> For the year 2000, Chinese laborers have become the largest group to enter Japan for long-term stay (longer than short business trips and tourism). Among the 75,281 Chinese who entered Japan for long stay, the total of the first three groups in Oka’s identification is 16,981. The other groups numbering over 1,000 are trainees (27,839), pre-college students (13,788), college/university students (8,362), entertainers (2,789), and skilled laborers (1,069).<sup>16</sup> The first three categories are by law eligible for full employment in Japan. Although the newcomers among them may take time to assimilate into Japanese society, they do not qualify as migrant workers. Those who entered Japan under the third category by using forged documents and who are eventually deported back to China are, conceptually speaking, migrant workers as well. News reports indicate part of the reason for abuse of Japan’s immigration policies lies in

unscrupulous Japanese employers taking advantage of government policies to exploit cheap labor (including Japanese war orphans and their Chinese relatives).<sup>17</sup> Evidence of activities of this group, like that for successful illegal entrants, is hard to obtain. Therefore, I also exclude them from consideration in the following sections of this paper.

Japanese crime statistics also include violations by Chinese who enter Japan as language school or college/university students and work longer than their legal limit, twenty-eight hours per week, or knowingly take employment unrelated to study and research, particularly in the entertainment and nightclub business. The high cost of living in Japan often makes it very difficult for foreign students to strictly abide by these time limits. It is true that those students who do not abide by their visa requirements or entirely forgo their study program and instead work full-time have violated Japanese immigration laws. On the other hand, for the Japanese government to tolerate the practice of bringing in Chinese laborers under the disguise of "pre-college" students is part of the original intent: to make up for Japan's shortage in unskilled labor.<sup>18</sup>

Private tourism is yet another route for a potential Chinese migrant worker to enter Japan. In June 2000, Japan and China reached an agreement to issue single entry and limited duration (within 14 days) tourist visas to Chinese citizens who are domiciled as long-term residents of the Beijing and Shanghai Municipalities and parts of Guangdong Province, assuming that residents of these supposedly most "developed" areas of China have the lowest propensity for overstaying their visas. The bilateral agreement authorized twenty-one Chinese travel agencies to organize Japan-bound tour groups of five to forty members accompanied by tour guides from both a Chinese and a Japanese tour operator.<sup>19</sup> The Japanese Ministry of Transportation implemented a screening system for Japanese travel agencies wishing to host private Chinese tour groups. Immediately after the first such tour materialized concern was raised in the Japanese media about the possibility Chinese tourists would use "the tours as a cover to enter Japan with the intention of living in the nation illegally."<sup>20</sup> Chinese tour companies reportedly charge a Japan-bound tourist 50,000 *yuan* deposit to hedge against a tourist's absconding.<sup>21</sup> Partly because of the costs associated with traveling to Japan, which are much higher than similar Chinese tours to such destinations as Singapore, Malaysia and Thailand, only 14,168 Chinese had entered Japan as private tourists in 738 groups as of October 4, 2001. A total of 39 tourists failed to return on schedule. Twenty-four of these persons were found to be overstaying in Japan and were later deported, leaving the whereabouts of 15 individuals yet to be accounted for.<sup>22</sup> Although the number of violations has thus far been small, those tourists-turned-illegal migrants are potentially engaged in unauthorized work before their eventual deportation. But again, it is beyond the means of this researcher to gather evidence of their activities.

Chinese trainees (*kenshuusei*) are the only group of unskilled laborers who legally enter Japan expressly for work. Japan's trainee system evolved along with the country's Official Development Assistance (ODA) programs in various Asian countries, including China. Under the scheme, administered by national government ministries, local governments, and the private sector, foreign laborers are authorized to be in Japan for limited stay only and become the conduit of transfer of Japanese technology, skills, and management know-how to their home countries. In spite of various criticisms against the trainee system (more on this point later), it has been an important element of Japan's policies for importing foreign labor.<sup>23</sup>

In short, Chinese migrant workers enter Japan through both legal and illegal channels. When legal migrant workers overstay their invitation, they become illegal migrant workers as well. Under the revised (October 1998) Immigration Control and Refugee Recognition Act, which took effect in February 2000, “unlawful stay” is itself a crime and subject to deportation. As of January 1, 2001, as many as 30,975 PRC Chinese (of various entry statuses) are recorded to be illegally staying in Japan, contributing to the growing awareness of Chinese crime in Japan.<sup>24</sup>

At this juncture, it is meaningful to find out the channels through which Chinese migrant workers legally leave China for Japan and work. Since Chinese labor export to Japan is a component of China’s overall labor export system, the following section presents the author’s findings about some features of China’s labor export system.

### Features of China’s Labor Export System

China began to export labor in the 1950s. Until the early 1980s, labor export was part of China’s foreign aid to the Third World. At that time, China moved away from concessionary assistance to more business-like arrangements that would result in mutual benefits for the aid recipient countries and China. By the mid-1980s, China’s share in the international trade of labor services began to attract the attention of the international media.<sup>25</sup> It was not until the early 1990s, however, that China’s labor export began to flourish (Table 2).<sup>26</sup> The wage differentials between China’s domestic labor market and those in the destination countries were so huge that in the mid-1990s China firmly established itself as a major competitor in the international labor export.<sup>27</sup>

Table 2. China’s Labor Export, 1976-1999

Year	Number of contracts	Contracted Value (US\$100 million)	Value of Business Fulfilled (US\$ 100 million)	Number of Countries with Contracts Signed
1976-1988	4,085	16.95	11021	103
1989	2,324	4.31	20.2	124
1990	4,255	4.78	2.23	122
1991	7,267	10.85	3.93	147
1992	8,241	13.35	6.46	159
1993	10,212	16.11	8.70	158
1994	15,789	19.60	10.95	171
1995	17,397	20.07	13.47	178
1996	22,723	22.80	17.12	178
1997	25,743	25.50	21.65	181
1998	23,191	23.90	22.76	188
1999	18,173	26.32	26.23	187

Source: *Statistical Yearbook of China*, 2000 edition, p. 613.

The above statistics show only one of the three legal routes for a Chinese worker to obtain employment overseas: becoming an employee of a Chinese corporation that wins bidding in the international labor market or implements a government-to-government labor export agreement. There are two other legal routes for obtaining work abroad and often for a foreign employer: through China’s labor-export agencies and through direct contact with a foreign employer. In the history of China’s labor export, the main agents of labor management are Chinese corporations. They recruit employees

domestically, and often bring domestic material inputs to the worksites abroad. These corporations, meanwhile, assume total responsibility for the welfare and rights of the laborers while they are abroad and for their timely return to China.<sup>28</sup>

For much of the 1980s, China's state-owned corporations were the main agents in bringing Chinese labor to work for contracted projects in Japan and responsible for ensuring the laborers' timely departure from the host country. The scale of such operations gradually increased (see Table 3).

Table 3. China's Contracted Labor Export to Japan, 1982-1991

Year	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	Total
Laborers	89	70	184	670	621	1,034	1,260	1,590	2,111	4,190	11,819
Contract Value*	108	111	321	663	782	2,542	7,264	5,270	5,779	15,299	38,139

Note: \* in 10,000 U.S. dollars

Source: Zhang Gesheng, *Guoji Laowu Jingji* (International Labor Service Economy), Chongqing: Chongqing Daxue Chubanshe, 1999, pp. 209 and 211.

In the 1990s, it became more and more difficult for Chinese corporations to win contract projects (usually labor-intensive ones) in Japan. Consequently, in terms of the presence of Chinese migrant labor in Japan today, the role of Chinese contract corporations has been significantly reduced.<sup>29</sup> In the 1990s, the burst of the Japanese economic bubble notwithstanding, large Japanese manufacturing corporations adopted the strategy of relocating their labor-intensive production facilities through establishing subsidiaries or joint ventures in China. Trade in goods, including "reverse import" of components manufactured in China, makes it unnecessary to import large numbers of Chinese laborers to staff their operations in Japan. When Chinese personnel employed by Japanese investors enter Japan for training, they are recorded as *Kigyonai-tenkin* ("intra-company transferees") in Japan's immigrations statistics. This group is not known for breaking Japanese immigrations rules since the prospect of employment upon return to China is assured.<sup>30</sup> In addition, the presence of Chinese businesses in Japan is small. This is reflected in the small membership (59) of the China Enterprises Association in Japan, the majority of the member companies being "window offices for direct negotiations with Japanese businesses for production contracts in China."<sup>31</sup>

Also in the early 1990s, the Chinese government began to allow the establishment of foreign employment businesses. Since the sole source of income for such businesses consists of commissions from those seeking to work abroad, they can easily become channels for human trafficking and other cross-border crimes. Furthermore, not all such businesses are able to ensure the credibility of a foreign labor contract or provide the kind of quality labor force that can settle in a foreign work environment, let alone protect the rights and interests of the Chinese laborers they send abroad.<sup>32</sup>

Indeed, some Chinese labor-export agencies do engage in unscrupulous practices to take advantage of those Chinese who seek their services in order to get rich by going abroad. The situation became serious enough to warrant the publication of a four-point warning in the *People's Daily*, the official newspaper of the Chinese Communist Party in 1998. The warning stated that not all the agents advertising their business had proper authorization by government agencies, service fees could be overly high, promises of

high salary abroad could be a mirage, and it was critical to be clear about work conditions and fringe benefits that come with a foreign job.<sup>33</sup>

In October 1994, China's Ministry of Foreign Trade and Economic Cooperation (MOFTEC), the ministry designated to coordinate China's labor export programs, initiated a project to train the laborers and its direct affiliates' recruits, before they go on their foreign journeys. In 1996, all labor-exporting agencies throughout China were required to conduct such training programs. However, the effectiveness of these programs is hard to gauge. It was not until 1999 that MOFTEC's Department of Foreign Economic Cooperation produced standard textbooks for nation-wide adoption. Furthermore, from January 1999 MOFTEC no longer exercises direct control over the labor-export agencies, and actual implementation of the training requirements is "difficult to monitor."<sup>34</sup>

In any case, Chinese laborers bound for Japan are supposed to have completed a training course that includes four booklets: ideological education, customs and etiquette in foreign living, introduction to Japan, and survival Japanese.<sup>35</sup> Of the 157-page introduction to Japan, a mere three pages are devoted to a description of Japanese laws governing employment of foreign workers and words about the need to observe them. There is an additional half-page introduction to aspects of management-labor relations. On this point, the prospective Chinese employee is advised to follow supposedly customary principles in managing labor disputes in Japan: "appreciating each other's positions," practicing "fair distribution of the fruits of increased efficiency," and "ensuring stable employment."<sup>36</sup> In other words, the overall message is for the reader/laborer to avoid upsetting the status quo in which they find themselves upon arrival.

The emergence of Chinese laborers working abroad through the introduction of foreign employment businesses has significant implications for the workers' welfare, rights, and potential interactions with the laws of host countries. As indicated in Figure 1, when a Chinese laborer joins a Chinese corporation operating abroad, there exists an extension of the domestic management system. This system ensures vertical control on the corporation's side. In addition, thanks to the tradition of China's labor exports from the 1950s to the 1980s, such Chinese corporations are part of China's diplomatic missions abroad. Such a system means that management-labor relations are handled in the ways familiar to the Chinese laborer involved. When problems arise in interacting with the host country society, China's diplomatic missions stand ready to intervene.

Diversification of China's channels for labor export means that those laborers who directly deal with host country employers upon arrival have to rely almost exclusively on their employment contracts as the road map. (See Figure 2.) Actual implementation of contracts as well as protection of their welfare and rights falls into the hands of their foreign employers, who may or may not have the needed expertise to interact with Chinese workers. When labor disputes arise, China's diplomatic missions do not have the mandate to involve themselves. As a matter of fact, a highly publicized case indicated that China's diplomatic mission became involved in a Chinese domestic-helper's labor dispute in Kuwait only after the victim's family in China demanded action by way of taking the Chinese foreign employment offices to court, which in turn alerted the Foreign Ministry in Beijing.<sup>37</sup>

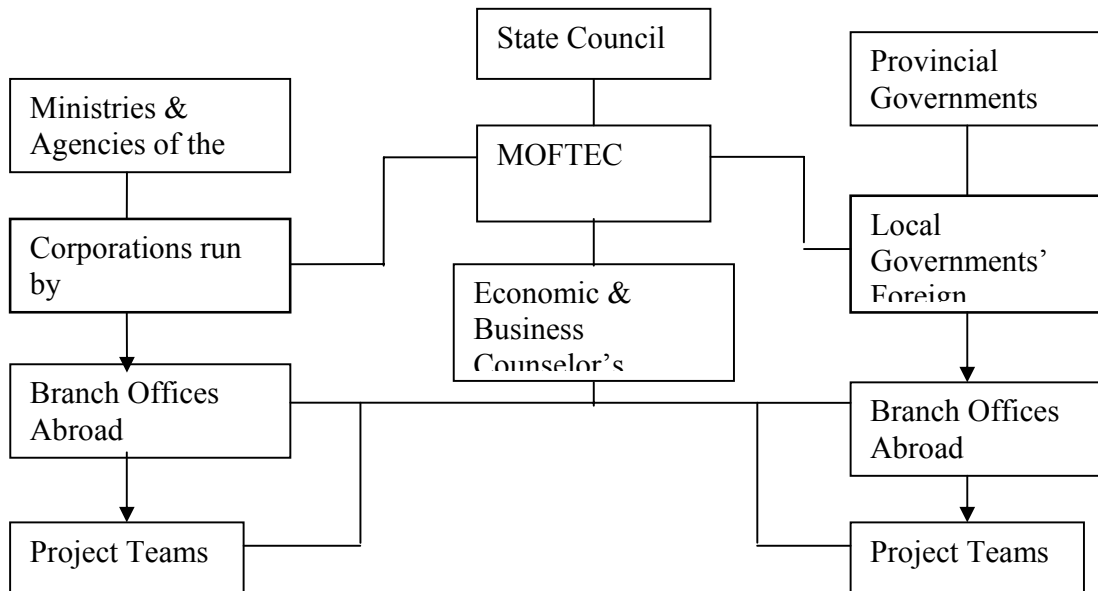


Figure 1. Traditional Chinese Labor Export Management System

Note: The arrow indicates flow of Chinese labor.

Source: Zhang Gesheng, *Guoji Laowu Jingji* (International Labor Service Economy), Chongqing: Chongqing University Press, 1999, p. 246.

To be sure, there is a qualitative difference between China (its government agencies and the businesses its levels of government authorize) organizing labor export and individual Chinese citizens breaking host country laws by way of overstaying their labor contract periods, violating their provisions of employment, or engaging in other unlawful activities. Protection of a migrant worker's welfare and rights is, by and large, the responsibility of the country accepting the foreign labor. However, noting the institutional aspects of China's labor export is helpful for understanding the context of the behavior of Chinese migrant workers, particularly those who directly interact with host country employers and the society at large. The next section continues with an exploration of the institutional environment for Chinese workers who legally enter Japan.

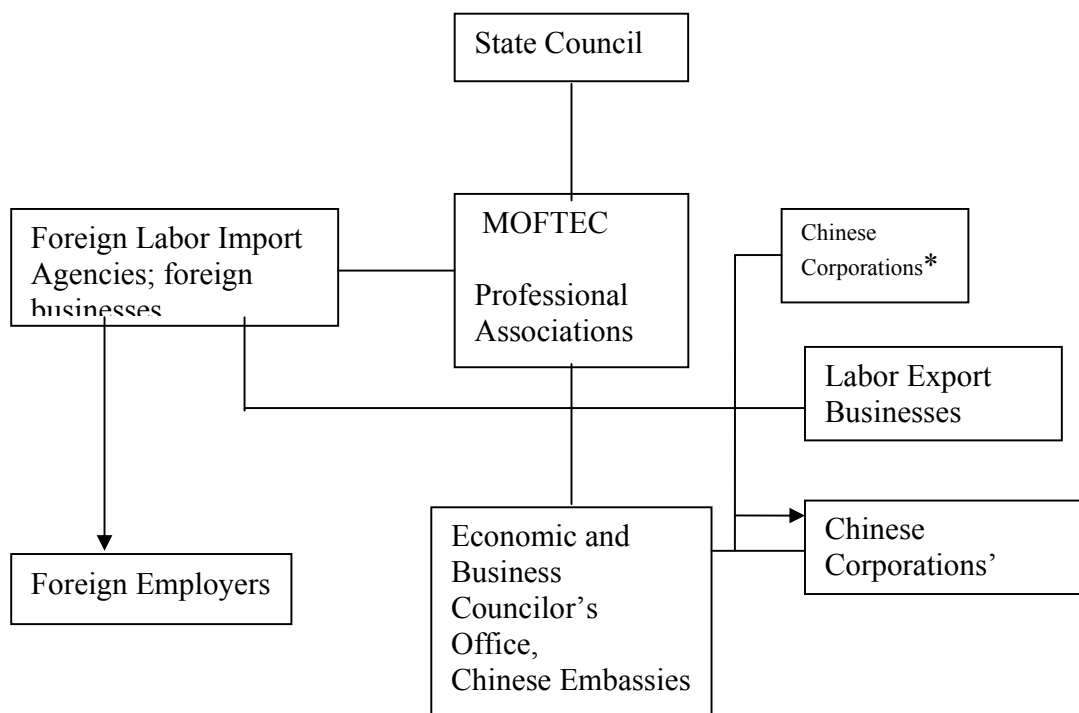


Figure 2. Regulated Labor Flow out of China since the 1990s

Notes: \* These corporations include state-owned as well as non-state owned ones authorized to deal directly with business ventures abroad. The key difference is that they have their own contracted projects overseas when they recruit domestic labor, whereas labor export businesses are simply intermediaries.

The arrowed lines indicate labor flow.

Source: Adapted from MOFTEC document “Guanyu Tiaozhen Qiye Shenqin Duiwai Chengbao Laowu Jinying He Jiaqiang Houqi Guanli de Wenti de Tongzhi” (Directive on matters related to contracting projects abroad, labor export, and enhancing post-project management), April 9, 1999. Original document available at MOFTEC’s website at <http://www.moftec.gov.cn>.

### China-Japan Joint Management of Chinese Labor Flow into Japan

Documented Chinese laborers began to enter Japan en masse in what Sellek calls the third stage of immigration into Japan, following the 1990 revision of the Immigration Control and Refugee Recognition Act of Japan.<sup>38</sup> The revision enabled Japan’s small businesses to tap into the pool of imported labor, under the new visa category of *kenshusei* or “trainees.”

In 1991 the Japanese government established the Japan International Training Cooperation Organization (JITCO), a “non-profit body” under the joint control of Japan’s Justice Ministry, Foreign Ministry, and Ministry of International Trade and Industry (now

Ministry of Economy, Trade, and Industry). JITCO serves as an umbrella organization for coordinating import of foreign laborers, dispatching them to businesses, and supervising observation of applicable Japanese labor laws. Its explicit purpose is to alleviate the labor shortage facing small businesses, particularly those located in remote areas of Japan with few resources of their own to identify potential foreign workers.<sup>39</sup> In December 1991, JITCO signed an agreement with China's State Administration of Foreign Expert Affairs, a ministerial-level agency overseeing the country's labor import and export policies.<sup>40</sup> In addition, the Ministry of Foreign Trade and Economic Cooperation became a JITCO partner in June 1992 and, its Department of Foreign Economic Cooperation is responsible for the implementation of labor export agreements between Japan and China.

Technically, the foreign laborers JITCO brings in are "trainees", who come to Japan for one year to learn skills to take back to their home countries. Trainees are therefore treated in a separate category when it comes to wages and benefits, in comparison with other foreigners who are employed on a regular basis. Trainees receive only a monthly allowance and are not covered by workmen's compensation but receive a special insurance designed for them.<sup>41</sup> In 1993, the Japanese government introduced another half-step labor import program for *ginou jisshusei* or those engaged in "on-the-job training" (hereafter "OTJ"). Officially, the practice of Japan receiving both categories of trainees is a form of development assistance to poorer countries as a means of skill and technology transfer. Under the OTJ scheme, foreign unskilled laborers can stay in Japan for up to three years and receive overtime pay. Although their monthly pay is considerably lower than that for a comparable Japanese laborer, overtime pay makes it profitable for the employer to continue tapping into the cheap foreign labor and for the foreign laborer to earn more than what his/her contract promises. Over the years, provisions for the two types of trainees have gradually become less strict. Now a *kenshusei* is allowed to apply to continue staying in Japan the OTJ program after passing qualification tests; an OTJ trainee can extend his/her stay for another three years. Technically, then, it is possible for a migrant worker to receive a total of seven years of paid "training" and "practice" in Japan. As has been noted elsewhere, both of these programs are in reality schemes for hiring foreign workers who will work in the 3-k (*kitanai* or dirty, *kiken* or dangerous, *kitsui* or physically demanding) jobs that Japanese workers often will not accept.<sup>42</sup>

It should be noted that JITCO is but one of the many channels through which Chinese and other foreign "trainees" enter the Japanese labor market. Between Japan and China, the Japanese practice of accepting Chinese trainees began a decade before JITCO was established. In 1980, the first group of Chinese trainees entered Japan as part of an agricultural cooperation agreement between the two governments to develop the Sanjiang Plains in Heilongjiang Province, in northeast China.<sup>43</sup> Such an arrangement, as it continues today through such agencies as the Japan International Cooperation Agency (JICA), is a part of sending Japanese technicians overseas to assist the development of specific projects funded by Japan's ODA. Government-sponsored training programs like JICA's have no budgetary problems. Hence abuse of foreign trainees is very rare.

In addition, "local-level diplomacy" between Japan and China, which has seen the growth of Japanese sister-city ties with entities in China to be second only to those in the United States, also plays a role in bringing Chinese trainees to Japan. Japanese local

governments imitate the central government's aid policies by bringing trainees to their agencies and related businesses in the name of "international exchange" or "internationalization". In addition, the very existence of a sister-city relationship is often a ploy for local businesses in Japan to recruit Chinese labor as "trainees" in their operations.<sup>44</sup>

As an institution for importing cheap foreign labor into Japan, JITCO stands out for two reasons. The first is statistical. As Table 4 shows, from 1996 to 2000, JITCO's share in various Japanese programs for bringing foreign trainees into Japan has consistently been over 50 percent. For the same period, JITCO's share in bringing Chinese trainees into Japan has grown from 67 percent in 1996 to 75 percent in 2000.

Table 4. JITCO and Foreign Trainees in Japan, 1996-2000

Year	1996	1997	1998	1999	2000
Total Trainees*	45,536	49,594	49,797	47,985	54,049
JITCO Trainees	23,078	28,011	26,075	25,631	31,898
Chinese Trainees	17,904	21,375	22,383	22,041	27,839
JITCO Chinese Trainees	12,034	15,627	15,898	16,314	21,036

Note: "Total trainees" includes trainees sponsored by government agencies such as JICA. JITCO statistics for 1991-1995 do not include a breakdown of the number of Chinese trainees it was involved in importing.

Source: Adapted by the author from *JITCO White Book, 2001*, pp. 97-98.

Second, unlike other Japanese umbrella organizations, such as the Japan-China Skilled Workers Exchange Center (established in 1986),<sup>45</sup> which have been set up to import Chinese labor to help relieve Japan's labor shortage problem, JITCO represents a shared recognition by the Chinese and Japanese governments of the economic necessity for *unskilled* Chinese labor to enter the Japanese market. Unlike intra-company transferees (Chinese employees of Japanese investments in China) or government-related trainees (participants of JICA and sister-city exchange programs), Chinese "trainees" who enter Japan through JITCO are employed as *unskilled* laborers. Indeed, JITCO's own statistics show that for the year 2000 the number one industry its trainees were engaged in was textiles (47% of total), followed by mechanical engineering (21.7%) and construction (10.3%). Other industries include fishing, seafood product processing and agriculture.<sup>46</sup>

On the Chinese side, there is extensive involvement in exporting labor to Japan through JITCO. According to JITCO statistics, as of March 2001, eight national-level agencies, on top of 107 entities (industrial corporations and labor export agencies) at the national, provincial, and city levels work as JITCO partners. The eight national-level agencies are direct affiliates of ministries and cabinet level agencies, as well as such political organizations as the Youth League and the Trade Union. Participating entities below the national level are found throughout China and include those in such remote and landlocked provinces as Gansu (in western China), Guizhou (in southwestern China), and Inner Mongolia.<sup>47</sup>

After the Chinese trainees enter Japan through the JITCO channel, they are dispersed to work for JITCO's member companies throughout Japan. One of the problems that arise is that some Chinese trainees overstay their visas or fail to complete

their contract period of work on the job and continue to stay illegally in Japan. The extent of such violations is not easily known, partly because relevant Japanese statistics do not list the overstaying foreign trainees by country of origin. Japan's official statistics on immigration violations, however, show that only a low percentage of trainee visa holders have overstayed their time limits in Japan in the past five years (Table 5).

Table 5 Foreigners Overstaying Their Visas, 1997-2001

As of January 1	Total	Trainees	% of Total
1997	282,986	2,897	1.02
1998	276,810	3,009	1.08
1999	271,048	3,115	1.14
2000	251,697	3,005	1.19
2001	232,121	3,004	1.29

Note: The numbers for each year are those identified as of January the 1<sup>st</sup>.

Source: *JITCO White Book 2001*, p. 107.

Since its establishment in 1993, the OTJ program has also attracted a growing number of Chinese participants. The statistics in Table 6 show that there is a high percentage of success for those Chinese trainees who apply for a change in status so that they can continue working in Japan. Renewal of stay in Japan as an OTJ trainee is apparently getting easier as well.

Table 6 JITCO Chinese Trainees: Renewals and Status Transfers, 1996-2000

Year	1996	1997	1998	1999	2000
Total Chinese Trainees	12,034	15,632	15,905	16,314	21,036
Trainee Renewals	5,030	6,847	8,578	9,113	10,898
Application for Transfer	3,148	5,467	7,331	8,530	11,115
Transfers Approved	2,214	3,253	5,347	6,890	7,741
OTJ Renewals	153	550	1,141	3,000	5,114

Source: *JITCO White Book 2001*, pp. 108 and 132.

In other words, the JITCO channel is attractive to a Chinese laborer not just because it offers the chance to work in Japan but the system offers the opportunity to work in Japan for up to seven years. The same statistics also indicate that demand for Chinese labor among small businesses in Japan has been on the rise as well. As mentioned before, for many Japanese businesses that participate in Japan's labor importing schemes such as JITCO, due to "the labor shortage and restrictions imposed by the new immigration law on foreign workers, trainees from abroad are becoming valuable sources of labor."<sup>48</sup>

However, statistics and the apparent logic of supply and demand are only a part of the picture. As mentioned at the outset of this paper, the presence of Chinese migrant workers in Japan has given rise to an increase in complaints in Japan about crimes committed by Chinese nationals, notwithstanding the possibility of the Japanese police and court systems handing down stiff punishment to Asians for such minor offenses as shoplifting while doing little to punish whites or Japanese citizens who commit the same offenses.<sup>49</sup> In any case, when a Chinese trainee violates his/her term of stay, the case is added to the total number of crimes committed by Chinese. But there can be an

institutional cause for such violations. When unskilled Chinese laborers enter the Japanese job market, they face an entirely new set of dynamics in management-labor relations. As the previous section of the paper illustrated, JITCO Chinese laborers do not have the benefit of being part of China's diplomatic mission to Japan either. This institutional setup means that a Chinese legal migrant worker has to resort to either what he/she can learn from Chinese books (i.e., accepting whatever is available) or other means to settle his/her contract dispute. In one case, as described below, Chinese migrant workers resorted to a lawsuit to settle their grievance.

### **Labor-Industry Relations Involving Chinese Trainees: the Chiba Case**

Allegations about mistreatment of Chinese migrant workers in Japan make daily headlines in Chinese language newspapers published in Japan. A case that has caught the attention of the Japanese media as well as scholars is a lawsuit brought by Chinese OTJ worker against *Zen-nihon Seisen-shokuhin Logistics Kyodo Kumiai* or All-Japan Fresh Food Logistics Cooperative (hereafter 'the Cooperative').<sup>50</sup> The Cooperative, located in Choshi, Chiba Prefecture, dispatches Chinese trainees to seafood processing companies in Choshi and Hasakimachi, Ibaraki Prefecture. Under the arrangement, the seafood processing companies do not pay the trainees directly. Instead, they send those payments to the Cooperative, which brought the trainees from China through the JITCO channel. In August 1998, about 150 of the 200 Chinese trainees under the Cooperative since April 1996 staged a sit-in in front of the Cooperative's Office. The dispute apparently went unresolved and in December 1998, sixteen Chinese trainees sued the Cooperative in court for an alleged amount of 100 million yen of wages that were promised but which the plaintiffs said had been unlawfully deducted by the Cooperative.<sup>51</sup> The court case ended in January 2001, with the Chiba District Court sentencing the two Japanese defendants involved in the Cooperative's schemes to jail terms for violating Japan's Labor Standard Law and ordering the return of wages owed to the Chinese trainees.

According to the *Zhongwen Daobao*, a Chinese language weekly newspaper published in Japan, the Chiba case was the first of its kind in terms of Chinese trainees winning a case against their Japanese employers. The newspaper further alleges that the Chiba case revealed only the "tip of the iceberg" in terms of not only individual cases of mistreatment but also structural problems in the trainee program between Japan and China.<sup>52</sup> Such charges can be credible. For example, in the course of the Chiba trial, a key point of argument the defendants made in their own defense was as follows:

The employment contract offered to the trainees was part of an international business exchange program between Japan and China, and should not be regarded in the same way as contracts between employers and individual employees.<sup>53</sup>

The defense's claims failed to pass the test of law but were related to a key institutional fault in the system of exporting Chinese labor to Japan. According to the *Zhongwen Daobao* report just cited, the International Exchange Service Center of Weihai City, Shandong Province (hereafter "the Center"), entered into an agreement with the Japanese Cooperative. The agreement allows the Cooperative to deduct part of a trainee's monthly salary to pay the Center as "management fees" (*Guanli fei*) and another sum to be paid to the trainee upon his/her timely return to China, in addition to

miscellaneous costs associated with living on the Japanese employer's premises. After various deductions, the 96,000 yen monthly salary in a trainee's contract becomes 61,000 yen, which includes 24,000 yen to be paid by the Center upon his/her return to China. In other words, the actual monthly payment to a trainee receives is 37,000 yen. Since the standard minimum wage in Chiba Prefecture is 124,600 yen per month, what the Chinese trainee actually receives on a monthly basis is low indeed. Yet another main cause for the legal action was that the Center in Weihai was known to have failed to live up to its promise of repayment to those trainees who had, in fact, returned to China on schedule. In other words, for the trainees still working in Chiba to bring the case to court in Japan was a strategy to hedge against further losses upon their return to China.

According to Zhang Shi, a journalist who brought the Chiba case to light in the *Zhongwen Daobao* using the penname Leng Zhou (Cold Ark), lawsuits and threats of lawsuits by Chinese trainees are very common. The Chiba case is unique because the Cooperative's employers refused to compromise with the trainees. In most other cases, employers settle such disputes quietly by wining and dining the disgruntled trainees as well as making an effort towards paying the contractual salary to the trainees.<sup>54</sup>

Komai's tracking of the Chiba case sheds some light on the systemic problems in Japan's import of Chinese labor. JITCO, the semi-governmental agency with supervisory duties over such groups as the Cooperative, have refused to take any responsibility by claiming that it has only limited power and resources to monitor the behavior of its member groups. The primary instrument JITCO employs is issuing advisory notes by mail.<sup>55</sup> Given the fact that JITCO does have a branch office (*chuzaijimusho*) in Chiba City, with responsibility for Chiba Prefecture only, JITCO's self-explanation seems rather weak.<sup>56</sup>

It deserves notice that JITCO is not the only umbrella agency that has been found to be deficient in either carrying out or observing its institutional mandate. The 2001 bribery scandals associated with KSD Foundation for Promoting Welfare of Independent Entrepreneurs, another agency that has been active in importing foreign labor to Japan, indicate that the problem runs much deeper than how an umbrella agency interacts with the actual employer of foreign labor.<sup>57</sup> At a deeper level, the performance by umbrella organizations like JITCO and KSD is indicative of the problems associated with the so-called "third sector" of the Japanese economic system today, which is in turn closely associated with the complexities in Japan's political system.<sup>58</sup>

### **The Chiba Case: the Civil Society in Japan and Chinese Migrant Labor**

My own follow-up study of the Chiba case uncovered signs of the civil society in Japan rising to the challenge of defending the rights of foreign migrant workers. The idea of civil society in social science research defies clear definition. Here I use it to refer to professional groups that work against governmental rigidity/irresponsiveness and prevalent societal apathy or indifference, or the attitude of "*shoganaï*" (meaning "I can do nothing about it" or "there is no other choice").

As stated before, once a Chinese trainee enters the Japanese labor market, he/she has no familiar institutional recourse for protecting his/her contractual rights and benefits. The issue of protecting Chinese trainees in Japan is now a topic in bilateral diplomatic discussions. But Chinese foreign ministry officials reportedly did little more than urging the Japanese government to better supervise the offending enterprises.<sup>59</sup> This is not

surprising, given the traditional emphasis on state interests and rights over that of an individual and the principle of non-interference in another country's domestic affairs in Chinese foreign policy. Newspapers published by Chinese residents in Japan do play a role in publicizing allegations of abuse but without societal and/or governmental action, little can change.

This does not mean, however, that Chinese trainees are completely helpless. The Chiba case described above ended in victory for the Chinese plaintiffs, thanks in a large part to the investigative work carried out by the Tokyo-based Bright International Cooperative Society (here after Bright). Shortly after the Chiba case came to light in the Japanese media, Bright interviewed the grieving Chinese trainees in Japan and followed their stories to interview the labor exporting agencies in China. Reports compiled by Bright became part of the evidence for the Chiba District Court to examine the aforementioned case.<sup>60</sup> In the wake of the Chiba court decision, Bright established a “[legal] aid system to help prevent foreign interns and trainees from being swindled” by their Japanese employers.<sup>61</sup>

According to materials provided at the author's request, Bright, which was recognized as a labor union in 1993, is the first international labor union in Japan. It assists foreign migrant workers, who seek its services and pay a minimal membership fee (3,000 yen per month), in three ways. First, it provides low cost medical services to foreign migrant workers. Second, it offers legal services to its members to win accident compensation in the event an employer has failed to secure necessary insurance for them. Third, it provides legal assistance for the worker to receive payment as promised in their contracts. Now Bright claims to have 6,000 members, consisting of migrant workers from eleven countries.<sup>62</sup>

Another example of the Japanese civil society coming to the assistance of Chinese migrant workers is a case in Fukushima Prefecture. Four female Chinese OTJ trainees in a textile factory claimed that their employer unlawfully withheld their overtime pay. Because the contracts signed on their behalf between a Chinese labor export agency and the employer (a textile association) did not stipulate how overtime pay should be handled, the Chinese workers were in a weak position in trying to reason with their Japanese employer. The dispute went on for three years, in spite of JITCO's intervention, and the Chinese employees returned to China in 2000. Two Japanese lawyers, associated with the Rights of Immigrants Network in Kansai (RINK) based in Osaka, continued to pursue the case on behalf of the Chinese workers. In August 2001, the textile employer in Fukushima finally agreed to settle the case by paying one million yen to each of the four workers. Upon receiving their back pay, the workers donated 100,000 yen each for the two Osaka lawyers to establish a fund to assist other Chinese trainees in need of legal aid in Japan.<sup>63</sup>

There has yet to be a systematic study of how the civil society in Japan is assisting foreign workers in general and Chinese migrant workers in particular. The two cases cited above indicate that there are forces in the civil society of Japan that are doing more than just raising public awareness both within and outside the country about the plight of foreign workers.<sup>64</sup>

### **Conclusion: The Future of Chinese Labor Export to Japan**

There is a long and complex history of Chinese workers entering the Japanese labor market. The last major wave of Chinese labor in Japan was the forced labor migration associated with Japan's occupation of China. The governments of China and Japan are still dealing with the bitter legacy of forced Chinese labor in Japan. In this regard, the most notable case is the 1996 lawsuit filed against the Japanese government by Liu Lianren, who escaped from his coal mine in Hokkaido and went into hiding in Japan for thirteen years after the war ended and later returned to China. Liu's campaign received assistance from the semi-governmental China Lawyer's Association and in July 2001 the Tokyo District Court ruled in Liu's favor.<sup>65</sup>

In the current wave of labor migration, Chinese workers are entering Japan voluntarily. Both the Chinese and Japanese governments have adopted policies and established affiliated agencies to assist Chinese laborers' pursuit of economic gains in Japan. As noted before, the presence of the Chinese migrant labor in Japan in particular, and the totality of increased Chinese presence in Japan in general, have led to complaints about Chinese crimes in Japan and accusations by Chinese migrants of maltreatment and exploitation. Thus far, Chinese labor migration into Japan has not become a major source of friction in the political relationship between the two countries. Part of the reason is that migrant workers are only one of the many facets of societal exchanges between Japan and China that began in 1972.<sup>66</sup> What are the future prospects of Chinese labor migration to Japan?

On the exporting side, it is important to note that the Chinese government is engaged in a two-tiered labor export program. The first tier involves internal labor export, from poor (mainly western and central) provinces to the richer provinces (mainly coastal areas), as part of China's poverty reduction strategy.<sup>67</sup> The second tier, related to the first but with the additional dimension of relieving China's urban unemployment, is the export of China's labor force abroad. Since 1985 the Chinese government has sought assistance from international development agencies, such as the World Bank, as well as foreign governments, including Japan, to assist in China's labor export schemes conceived as part of the country's aid-the-poor programs.<sup>68</sup> Indeed, it has become common for China's official media to champion the benefits to Chinese farmers in seeking a fortune overseas.<sup>69</sup>

For China's provinces as well, promoting labor export abroad is an important component of local economic development strategy. A case in point is Fujian Province, which is often identified as a key source of Chinese illegal migration to the United States, Japan, and other parts of the world.<sup>70</sup> The provincial government takes pride in the fact that Fujian is the largest labor-exporting province in China. It further declares that its labor-export policies will be "moderately adventurous" (*shidu chaoqian*), i.e., moving ahead of central government policies. Furthermore, a part of Fujian's strategy is to utilize the worldwide Fujianese communities (estimated to be twice the size of the province's total population) for networking. Indeed, there are particular rewards for the province to encourage more of its laborers to go abroad. For the 1995-2000 period, the contracted value of 12,000 overseas projects reached over two billion US dollars.<sup>71</sup> These statistics do not even include the remittance of income earned by individual laborers working abroad.

On the labor importing side, the Japanese government decided to set up JITCO in 1991 and granted it the right to recruit unskilled Chinese labor for medium and small Japanese corporations, and it established a scheme that is designed to achieve two goals: to bring in cheap labor from China and other developing (mainly Asian) countries and to minimize the possibility of having to open the Japanese society to large inflows of permanent residents. Small Japanese businesses have been the primary beneficiaries of this system. Indeed, statistics show that the average monthly pay for a trainee for the past five years has been progressively on the decline.<sup>72</sup> In 2000, 88.8 percent of trainees received an average full monthly allowance of less than 90,000 yen. The average monthly salary paid to 93.8 percent of OTJ workers stood below 140,000 yen, slightly higher than the minimum wages in most Japanese prefectures.<sup>73</sup> With the seemingly irreversible demographic trend of low birth rates and aging population, there are strong economic incentives for continuing with labor importing schemes like JITCO.

The agreed system between the Japanese and Chinese governments is one of control. Under the mechanism, the laborers do not get to sign their own contracts. The Chinese exporting agency and the Japanese importing agency sign the contract on behalf of the laborers. In addition, Japanese employers and Chinese labor exporting businesses cooperate in withholding part of the migrant worker's contract pay as the material incentive for timely return to China. Finally, the current mechanism also allows the continuation of gaps between rhetoric for the migrant Chinese workers to learn useful skills in Japan and the reality of performing unskilled labor.<sup>74</sup> As such, the system may inadvertently contribute to violation of Japanese immigration rules by adventurous Chinese migrant workers. After all, by getting out of the institutionalized mechanism of exploitation, a migrant worker can have total control over whatever he/she can earn, instead of facing the uncertainty of receiving his/her promised wages while in Japan and upon return to China.

Clearly there are structural problems in the current system. Chinese migrant laborers benefit from the system in terms of the employment opportunities it offers. They also suffer from the system, however, because it lacks adequate mechanisms for protecting their welfare and rights, in addition to the possibility of inadequate preparation for everyday labor-management relations in Japan. There are signs that the civil society in Japan is playing a more active role in assisting Chinese migrant workers in need. But a more effective solution should be found in sound government policy.

Whether or not Japan should open its "front door" (market-based, free entry) to labor migration from China or keep the "side door" (government-controlled entry) as it has been doing for over a decade is a question that is beyond the scope of this paper. Before the current system can be overhauled, a number of issues must be tackled.

First, the practice of holding a migrant worker's wages hostage to his/her timely departure from Japan has to be changed, if for no other reason than to close the door to abuse. Full payment of wages is not only a basic right to which a migrant worker is entitled. It is also conducive to tapping into a migrant worker's consumption power. This in turn makes a positive contribution to the revitalization of the Japanese economy. Japan already has a mechanism for dealing with violations of its immigration laws (such as overstay), which can be readily applied to Chinese migrant workers.

Second, since the two governments were responsible for establishing a joint mechanism for organizing the movement of unskilled laborers from China to Japan, they

too should shoulder the responsibility of taking effective measures to protect the rights and welfare of the individual workers. Relying on agencies like JITCO to rectify employers' unlawful behavior is ineffective under the status quo and can also have the side effect of souring labor-management relations.

Third, the promise of an opportunity to learn advanced skills for betterment of industrial production and standards of living in China has been an important incentive for the growing number of Chinese migrants coming to Japan. Rhetoric matters in societal reactions to cross-border migration. Narrowing the gap between rhetoric and reality can be helpful for managing labor-management disputes in public opinion. The irrefutable fact is that Japan needs unskilled labor and China can supply it.

In the foreseeable future, the economic and societal realities that contribute to Chinese labor migration to Japan are bound to continue. The growing concern within Japanese society about crimes committed by Chinese immigrants in general and the seeming lack of public awareness of proper treatment of Chinese migrant labor in particular point toward a political task in managing Japan-China relations. It is important to prevent isolated incidents from snowballing into another source of nationalistic fever that has troubled Japan-China relations for the past century. A good beginning would be a reform of the institutions for making secure labor migration from China to Japan.

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Table 2 Selected Chinese Entrants into Japan, 1989-2000

Year	Investor	Engineer	Intra-company transferee	Skilled labour	Entertainer	Pre-college student	College student	Trainee
1989	N/A	N/A	N/A	102	1,203	9,143	2,242	3,496
1990	237	225	134	399	1,059	10,387	2,632	7,624
1991	32	1,111	303	914	1,145	8,099	2,498	10,668
1992	21	1,212	360	1,168	1,688	16,263	2,860	15,054
1993	38	572	359	756	1,641	9,162	2,909	15,688
1994	34	366	360	752	1,297	4,415	2,561	14,750
1995	36	305	362	777	1,383	2,491	2,600	16,009
1996	53	655	383	1,306	1,533	2,567	3,129	17,094
1997	46	848	423	945	1,549	3,830	3,602	21,340
1998	70	1,391	433	785	1,601	6,518	4,522	22,372
1999	35	876	406	758	2,056	9,638	5,330	22,041
2000	34	942	448	1,069	2,798	13,788	8,362	27,839

Note: There was a change in Japanese visa categorization in 1990, adding new categories of ‘investor’, ‘engineer’, and ‘intra-company transferee’. The categories of ‘pre-college student’ (i.e., language school student) and ‘college student’ are included here because they participate in the Japanese economy as part-time workers.

Source: Japan Immigration Association, Statistics on Immigration Control. Various years.

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Japan Association of Chinese Enterprise

<http://www.moftec.or.jp/cn/zhongzijigou/huiyuan.htm>

Japan-China Skilled Workers Exchange Center <http://www.jcsec.or.jp>

The Gifu Union of Cooperative Society for Receiving Japan-China Friendship Trainee

<http://www.h3.dion.ne.jp/~gut>

China Ministry of Foreign Trade and Economic Cooperation <http://www.moftec.gov.cn>

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\_\_\_\_\_. 2000. Wang Huiming, "Nongmin Keyi Zuchuqu" (Farmers may as well go abroad), August 14, p. 9.

\_\_\_\_\_. 2001. "Fujian Laowu Shuchu Renshou Lieju Quanguo Shouwei" (Fujian stands as first in the country in number of export laborers), April 15, on-line edition.

*Sichuan Ribao (Sichuan Daily)*

\_\_\_\_\_. 2000. Li Lan, "Sichuan Nongmin Chi Huzhao Guowai Qu Dagong" (Sichuan farmers get passports and work overseas), June 12, p. 1.

*Zhonguo Qingnian Bao* (China Youth Daily)

\_\_\_\_\_. 2000. Yuan Chunlin, "Huo zhe, Weile Tao Yige Tianli Gongdao," (To live is to demand justice and reason), January 3, p. 2.

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## Notes

<sup>1</sup> Tomisaka, 2001.

<sup>2</sup> National Police Agency of Japan, 2001, p. 15.

<sup>3</sup> *Asahi Shimbun*, July 14, 2001.

<sup>4</sup> *The Daily Yomiuri*, September 2, 1989, 6.

<sup>5</sup> According to one report, a September 1989 crackdown by the Japanese government found 657 out of 2,300 "boat people" disguised as Vietnamese refugees. (*The Daily Yomiuri*, September 14, 1989, p. 6.)

<sup>6</sup> See, for example, Friman, 2001, pp. 294-317; Ian Peck, 1998; Morita, 2001.

<sup>7</sup> *Kyodo News International*, November 21, 2000; *Kyodo News International*, April 1, 2001.

<sup>8</sup> Komai, 1995, pp. 27-70; Oka, 1994, pp. 17-22; Yamanaka Keiko, 1993, pp. 72-90.

<sup>9</sup> The other main groups Komai identifies are "people in search of self-actualization" (mainly students who pursue their careers in Japan upon completion of study), "marriage and family types," and the "homesick group" (the war-displaced Japanese in China and their families). (Komai, 2001, pp. 50-64.) Komai also includes a "pseudo-exiles" category to describe the totality of foreigners in Japan. But Japan has not been a hospitable destination for Chinese to seek exile for political reasons. In Komai (2001), this category refers to mostly Iranians who stayed on in Japan after the construction boom of the mid-1980s.

<sup>10</sup> Tomisaka, 2001.

<sup>11</sup> Hook, 2001, pp. 220-223.

<sup>12</sup> There are numerous reports of Chinese taking advantage of the Japanese policy of repatriating its war-displaced in China and enter Japan by forging their identification. For a recent example, see *Mainichi Shimbun*, June 3, 2000, p. 12.

<sup>13</sup> Gurowitz, 1999, pp. 413-445.

<sup>14</sup> Morita, 2001.

<sup>15</sup> Oka, 1994, p. 19.

<sup>16</sup> Japan Immigration Association, 2001, pp. 20, 22, 24, and 26.

<sup>17</sup> For example, *The Daily Yomiuri*, October 1, 1992, p. 2.

<sup>18</sup> Cornelius, 1994, pp. 400-401.

<sup>19</sup> The Ministry of Foreign Affairs issued an explanatory note on June 20, 2000; made available to author by fax on October 4, 2001.

<sup>20</sup> *The Daily Yomiuri*, October 4, 2000, p. 7.

<sup>21</sup> *The Daily Yomiuri*, October 4, 2000, p. 7. 50,000 yuan equals 6,000,000 yen at 1 yuan to 120 yen, which amounts to several years of salary for the average Chinese worker.

<sup>22</sup> The numbers were provided to the author over the telephone by an official of the Foreigners' Department, Japanese Ministry of Foreign Affairs, on October 4, 2001.

<sup>23</sup> Komai, 2001, pp. 37-54.

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- <sup>24</sup> Ministry of Justice of Japan, 2001, p. 19.
- <sup>25</sup> Brautigam, and Lu, 1983, pp. 57-58; Cheung, 1990, p. 49.
- <sup>26</sup> Zhang, 1999, pp. 205-208.
- <sup>27</sup> Saywell, 1997, pp. 50-52.
- <sup>28</sup> Zhang, 1999, pp. 205-244.
- <sup>29</sup> Author interview with an official in the Economic and Commercial Counselor's Office, Chinese Embassy in Tokyo, June 18, 2001.
- <sup>30</sup> Ge, 1999.
- <sup>31</sup> Author interview (note 29). Information about the Association can be found at <http://www.moftec.or.jp/cn/zhongzijigou/huiyuan.htm>.
- <sup>32</sup> Zhao Yongsheng, 2000, pp. 159-167.
- <sup>33</sup> *Renmin Ribao*, September 23, 1998, p. 12.
- <sup>34</sup> Author interview with Jiang Nan, General Office, Ministry of Foreign Trade and Economic Cooperation, China, while interviewee was on short-term study at the International University of Japan, August 19, 2001.
- <sup>35</sup> These books are openly distributed in bookstores throughout China.
- <sup>36</sup> MOFECT, 1999, p. 56.
- <sup>37</sup> *Zhonguo Qingnian Bao*, January 3, 2000, p. 2.
- <sup>38</sup> Sellek, 1997, p. 182.
- <sup>39</sup> *The Nikkei Weekly*, January 19, 1991, p. 22.
- <sup>40</sup> The Administration was created in 1978 to manage policies related to China's international exchange of labor. See its website at <http://www.safea.gov.cn/>.
- <sup>41</sup> *The Daily Yomiuri*, December 6, 1991, p. 6.
- <sup>42</sup> Cornelius, "Japan: The Illusion of Immigration Control," in Cornelius, Martin, and Hollifield. 1994, p. 398.
- <sup>43</sup> *The Nikkei Weekly*, July 1, 1980, p. 4.
- <sup>44</sup> For a review of the development of "local level diplomacy" between Japan and China, see Zha, 2001.
- <sup>45</sup> Information about this Center can be viewed on its homepage at <http://www.jsec.or.jp>.
- <sup>46</sup> JITCO, 2001, p. 20.
- <sup>47</sup> *Ibid.*, pp. 118-120.
- <sup>48</sup> *The Daily Yomiuri*, August 1, 1990, p. 3.
- <sup>49</sup> *The Nikkei Weekly*, August 17, 1991, p. 19.
- <sup>50</sup> Komai Hiroshi touches on the case. (Komai, 2001, pp. 39-40).
- <sup>51</sup> *The Daily Yomiuri*, August 4, 1998, p. 2; *The Daily Yomiuri*, December 22, 1998, p. 2.
- <sup>52</sup> *Zhongwen Daobao*, February 1, 2001, p. 1.
- <sup>53</sup> This is the exact quotation of an allegedly written statement paraphrased. (*The Daily Yomiuri*, February 18, 1999, p. 2.
- <sup>54</sup> Author's telephone interview with Mr. Zhang Shi, October 11, 2001.
- <sup>55</sup> Komai, 2001, p. 40.

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<sup>56</sup> JITCO, 2001, p. 79.

<sup>57</sup> *The Nikkei Weekly*, January 22, 2001, p. 1; *The Daily Yomiuri*, December 5, 2000, p. 1.

<sup>58</sup> *The Nikkei Weekly*, April 23, 2001, p. 1. For a more comprehensive review of the “third sector,” see Takao, 2001, pp. 290-309.

<sup>59</sup> *Zhongwen Daobao*, September 13, 2001, p. 4.

<sup>60</sup> *Zhongwen Daobao* (see note 52), and author interview with Mr. Zhang Shi, October 11, 2001.

<sup>61</sup> *Asahi Shimbun*, February 27, 1999, p. 1.

<sup>62</sup> This paragraph is based on information (in Chinese, English, and Japanese) faxed to the author by Bright headquarters on October 12, 2001.

<sup>63</sup> *Zhongwen Daobao*, August 30, 2001, p. 3.

<sup>64</sup> One good example is the Japan Committee of the Asian Pacific Workers’ Solidarity Links, which publishes newsletters to expose unlawful management of foreign labor in Japan. See the Link’s home page at <http://www.jca.ax.apc.org>.

<sup>65</sup> *Asahi Shimbun*, July 13, 2001, p. 1. Liu passed away in 2000. The Japanese government appealed against the Tokyo District Court’s ruling. Final resolution is still pending.

<sup>66</sup> Amako and Sonoda, 1998, pp. 67-98.

<sup>67</sup> State Council, 2001, section 18.

<sup>68</sup> State Council, October 15, 2001, Section 21.

<sup>69</sup> *Renmin Ribao*, August 14, 2000, p. 9; *Sichuan Ribao*, June 12, 2000, p. 1; Xinhua News Agency, June 12, 2000.

<sup>70</sup> Anonymous, 2000, pp. 22-23; Xiao and Xu, *Beijing Review* 2000, pp. 24-25.

<sup>71</sup> *Renmin Ribao*, April 15, 2001.

<sup>72</sup> The trainees’ average monthly salaries from 1996 to 2000 were: 94,402 yen, 94,566 yen, 90,925 yen, 86,193 yen, and 79,210 yen (JITCO, 2001, p. 105).

<sup>73</sup> JITCO, 2001, pp.106 and 113.

<sup>74</sup> An illustrative example is a quotation from a former Chinese trainee’s letter to the Japan-China Association for Exchanges in Agriculture, Forestry, and Fisheries. “I only cleaned out the pigsty or did building work. I didn’t even learn what breed of pigs the farm was raising.” (*The Daily Yomiuri*, December 30, 1998, p. 2.