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**A Comparative Analysis of Divergent Immigration Policies for Foreign  
Elderly Care Workers in Japan and South Korea**

**APPROVED BY  
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**by**

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## **Abstract**

### **A Comparative Analysis of Divergent Immigration Policies for Foreign Elderly Care Workers in Japan and South Korea**

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The University of Texas at Austin, 2017

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In the midst of labor shortages and socio-demographic pressures, Japan and South Korea are facing an increasing demand for elderly care. In order to respond to this demand, these nations have both looked to a foreign labor source. However, these two countries have elected different strategies and policies for foreign elderly care workers. This paper seeks to explore the ways in which Japan and South Korea have responded to the demand for foreign elderly care workers and why they have differed in their policy responses. While facing similar demographic trends and labor shortages, Japan and South Korea have enacted different policies due to national leadership and varying political influences of civil society.

## Table of Contents

List of Figures .....	vii
Introduction.....	1
Chapter 1: A Common Demand for Labor .....	5
Chapter 2: Immigration Policies in Historic Context .....	9
Chapter 3: Foreign Elderly Care Worker Policies .....	22
Chapter 4: National Leadership .....	43
Chapter 5: The Political Influences of Civil Society .....	51
Conclusion .....	61
Bibliography .....	63

## List of Figures

Figure 1: Japan's Birth Rate .....	6
Figure 2: South Korea's Birth Rate .....	6
Figure 3: Japan's Population 65 Years and Older .....	7
Figure 4: South Korea's Population 65 Years and Older .....	8
Figure 5: Foreign Populations in Industrialized Nations .....	10
Figure 6: South Korea's Foreign Population Over Time .....	21
Figure 7: South Korea's Foreign Residents By Nationality .....	36

## Introduction

Today, in the midst of socio-demographic pressures, many industrialized nations are facing an increasing demand for elderly care. This “care crisis” has been particularly prevalent in countries like Japan and South Korea, where elderly care is extremely vital to a large portion of the population. In Japan, experts estimate that people over 65 and above will make up forty percent of the population by 2060.<sup>1</sup> Furthermore, the United Nations estimates that in South Korea people aged 60 and above will make up forty percent of the population in 2050.<sup>2</sup> In these two nations, an extremely low fertility rate coupled with a rapidly aging population has led to a decrease in workers, especially in care work.

In order to respond to increasing demands for care, many advanced industrialized nations have looked to a foreign labor source.<sup>3</sup> Countries like Germany, Canada, and Spain are progressive in this regard, as they accept large numbers of foreign workers into their societies.<sup>4</sup> Although Japan and South Korea have also turned to a temporary foreign labor source, both remain far more conservative than other industrialized nations.<sup>5</sup> Despite their similar cases, these two countries have elected different strategies and policies for foreign elderly care workers. With one of the most highly restrictive

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<sup>1</sup> Gabriel Dominguez. “Impact of Japan’s Shrinking Population Already Palpable” *Deutsche Welle*. Deutsche Welle, 1 June 2015. Web. 24 Sept. 2016.

<sup>2</sup> Min-Hua Chang. Issue Brief no. 1154. *NUS East Asia Institute*. National University of Singapore, 14 July 2016. Web. 2 Feb. 2017.

<sup>3</sup> Fareed Zakaria. “Immigration Lessons for the U.S. from around the World,” *CNN*. CNN, 10 June 2012. Web. 27 Feb. 2017.

<sup>4</sup> Jiyeon Song. “Labor markets, care regimes, and foreign care worker policies in East Asia,” *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>5</sup> *Ibid.*

immigration policies in the world, Japan only modestly opened its doors to foreign elderly care workers from the Philippines, Indonesia and Vietnam through bilateral Economic Partnership Agreements (EPA) in 2008. These Southeast Asian workers are only permitted to work in designated care facilities and hospitals, never in private homes. Due to strict immigration policies and requirements, the number of certified foreign care workers in Japan remains miniscule.<sup>6</sup> Contrastingly, South Korea has taken a more open stance in making policy changes, which allow Chinese workers of Korean descent to fill the need for elderly care.<sup>7</sup> These co-ethnic workers can legally work in hospitals, care facilities, and private households.<sup>8</sup> As a result, they constitute over half of the elderly care workforce in South Korea.<sup>9</sup>

This paper seeks to explore the ways in which Japan and South Korea have responded to the demand for foreign care workers and why they have differed in their policy responses. Why have the policy outcomes been so different in such similar cases? What are the implications of Japan's closed policy versus South Korea's more open policy? What have been the benefits and drawbacks of each approach? By examining the political systems and strategies of these two countries, this paper will discuss the tension between immigration policies, national leadership, and civil society.

While facing similar demographic trends and labor shortages, Japan and South Korea have enacted different policies due to national leadership and varying political

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<sup>6</sup> Republic of the Philippines. Technical Education And Skills Development Authority. *Fresh Batch of Nurses, Caregivers Complete Japanese Language Training*. N.p.: n.p., 2016. Web. 23 Sept. 2016.

<sup>7</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

influences of civil society. In Japan, the ruling Liberal Democratic Party has maintained strict immigration laws and views foreign labor as a last resort to solving any demographic issues.<sup>10</sup> As a result, their policies have been more conservative. On the other hand, South Korea's national leadership, from both progressive and conservative parties, has advocated for the acceptance of foreign workers and enacted policy to assist foreign workers with legal employment. In this way, their policies have been more liberal. In addition, South Korea has an active civil society with numerous immigration support groups that hold enough political influence to sway the president and the bureaucracy. In Japan, these kinds of groups do not have the same level of political influence and have little effect on policy changes. As a result, immigration policy is more actively shaped advocates for foreign workers in South Korea, while the same is not necessarily the case in Japan.

This paper will begin with an examination of the demand for foreign labor in both Japan and South Korea. Then, section two will highlight the immigration policies of Japan and South Korea in historic context, as well as recent changes and their current status today. Section three will describe Japan's policies for foreign elderly care workers through economic partnership agreements with the Philippines, Indonesia and Vietnam. Subsequently, the fourth section will illuminate South Korea's policies for Chinese-Korean workers, or *Joseonjok*, in the elderly care industry. Section three and four will also evaluate the current outcomes and effectiveness of these policies. The next few

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<sup>10</sup> Junichi Akashi. "New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors?" *Contemporary Japan* 26 (2014): 175-96. 2014. Web. 18 Sept. 2016.

sections will shift to an analysis of why these countries have differed in their policy responses. The fifth section will illuminate national leadership in Japan and South Korea, as well as how the governments have crafted different policies for foreign elderly care workers. The sixth section will discuss the level of political influence that civil society groups have in Japan and South Korea. This section will examine anti-immigrant groups, immigrant rights groups, the business sector, professional organizations, labor unions and other non-government organizations.

## Chapter 1: A Common Demand for Labor

One of the major problems facing Japan and South Korea today is a severe labor shortage. From construction workers to engineers, waiters to nurses, a labor shortage is impeding these nations' economies. Workers, both skilled and unskilled, are in demand. Working-age populations peaked in the mid 1990s and, since then, have been in decline. According to the Japan Immigration Policy Institute, Japan will need to accept 10 million immigrant workers over the next fifty years.<sup>11</sup> Similarly, the Korea Economic Institute reported that South Korea will need to receive 11.8 million by 2050 to compensate for the declining demand for labor.<sup>12</sup> The growing seriousness of this issue cannot be ignored in either country.

These labor shortages are due to a combination of factors including low fertility rates, rapidly aging populations and evolving education interests. Japan and South Korea have two of the lowest fertility rates in the world (see figures 1 and 2).<sup>13</sup> According to Japan's Ministry of Health, Labor and Welfare, the estimated number of newborn babies fell to an all time low for the fourth straight year in 2014.<sup>14</sup> Similarly in 2014, the Wall Street Journal estimated that only 8.6 babies were born for every one thousand people in

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<sup>11</sup> Giovanni Ganelli and Naoko Miake. *Foreign Help Wanted: Easing Japan's Labor Shortage*. Working Paper. N.p. : International Monetary Fund, 2015. Web. 2 Feb. 2017.

<sup>12</sup> Sang-Hun, Choe. "South Korea's Plan to Rank Towns by Fertility Rate Backfires." *The New York Times*. The New York Times, 30 Dec. 2016. Web. 24 Feb. 2017.

<sup>13</sup> *Fertility Rates (Births per Woman)*. Publication. N.p.: World Bank Group, 2015. *The World Bank*. Web. 24 Feb. 2017.

<sup>14</sup> Gabriel Dominguez. "Impact of Japan's Shrinking Population Already Palpable" *Deutsche Welle*. Deutsche Welle, 1 June 2015. Web. 24 Sept. 2016.

South Korea.<sup>15</sup> Currently, Japan has a fertility rate of 1.4 and South Korea has a fertility rate of 1.1.<sup>16</sup> These are both well below the necessary replacement level of 2.1 children.<sup>17</sup>

Japan - Birth rate, crude (per 1,000 people)

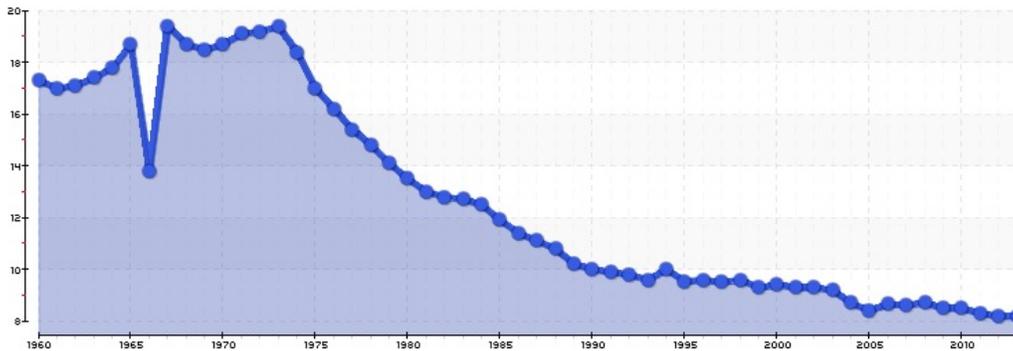


Figure 1: Japan's Birth Rate

South Korea - Birth rate, crude (per 1,000 people)

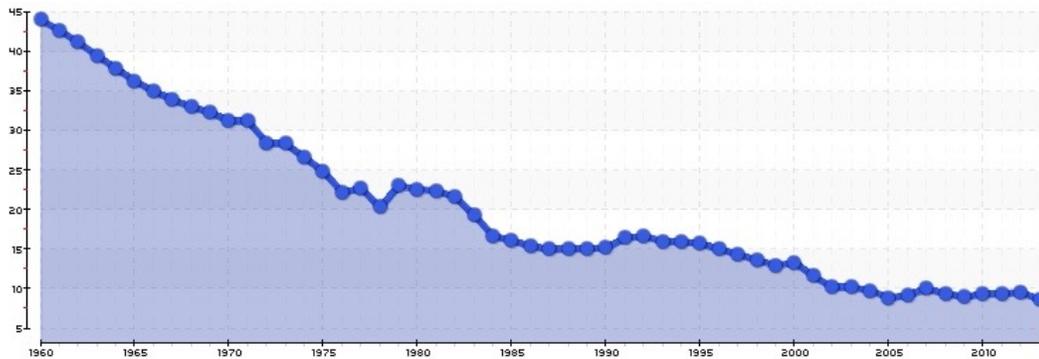


Figure 2: South Korea's Birth Rate

<sup>15</sup> Jeyup S. Kwaak. "South Korea Birth Rate Hits Lowest on Record." *The Wall Street Journal*. The Wall Street Journal, 22 Aug. 2014. Web. 24 Feb. 2017.

<sup>16</sup> *Fertility Rates (Births per Woman)*. Publication. N.p.: World Bank Group, 2015. *The World Bank*. Web. 24 Feb. 2017.

<sup>17</sup> *Ibid.*

In addition to these extremely low fertility rates, rapidly aging populations have led to a decrease in workers (see figures 3 and 4).<sup>18</sup> As explained earlier, these nations' aging populations have already contributed to the labor shortages. Furthermore, higher levels of educational attainment have changed the level of skill and occupational preferences of young, working persons.<sup>19</sup> Workers avoid the dirty (*kitanai*), dangerous (*kiken*), and demanding (*kitsui*) "3K" or "3D" jobs in order to obtain higher status positions.<sup>20</sup> Such factors have contributed to a widespread shortage of labor, especially in "3D" jobs, such as manufacturing, construction, agriculture, and care work. The care industry, in particular, is a sector where applicants are not meeting job openings.<sup>21</sup>

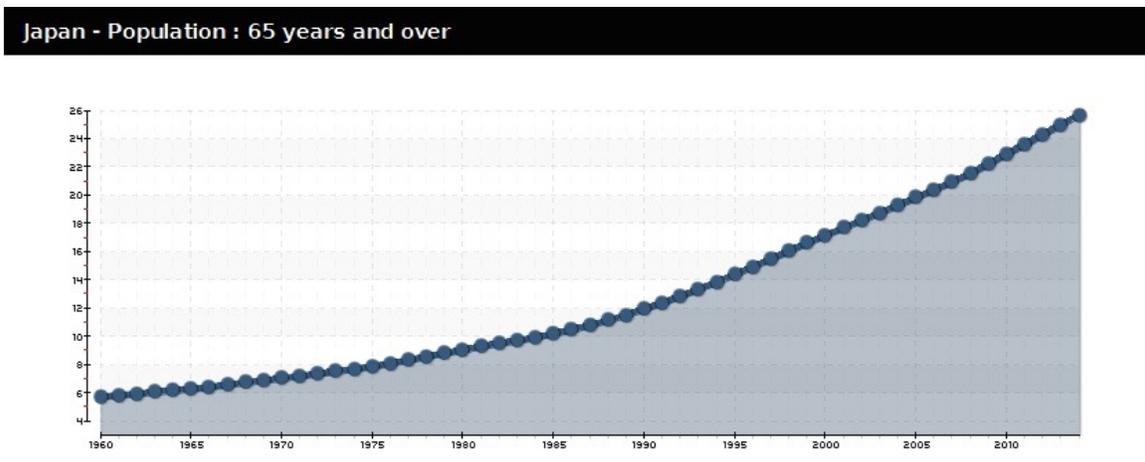


Figure 3: Japan's Population 65 years and over

<sup>18</sup> *Aging Populations: 65 and Over*. Publication. N.p.: World Bank Group, 2015. *The World Bank*. Web. 24 Feb. 2017.

<sup>19</sup> Betsy Brody. *Opening the Door: Immigration, Ethnicity, and Globalization in Japan*. New York: Routledge, 2002. Print.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Japan: Selected Issues*. Rep. no. 16/268. Washington D.C.: International Monetary Fund, 2016. Web. 26 Feb. 2017.

### South Korea - Population : 65 years and over

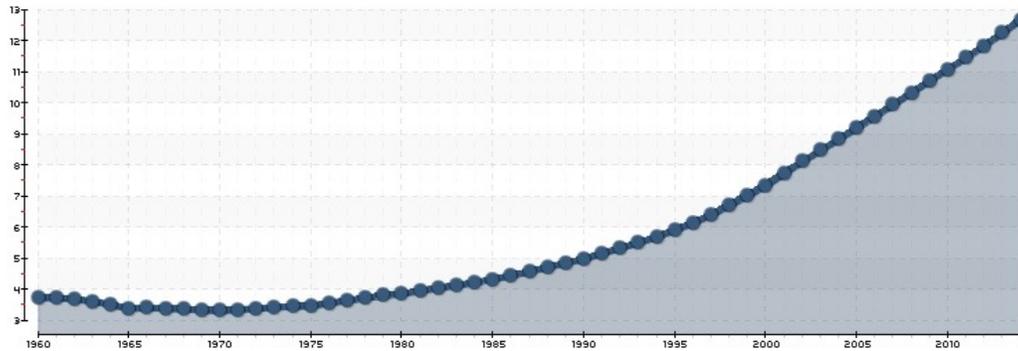


Figure 4: South Korea's Population 65 years and over

The work in these industries has instead attracted workers from other nearby Asian countries. Many service roles including elderly care, childcare, and nursing have relied on a foreign work force. The Japanese and South Korean governments have opened their doors to foreign care workers in response to their labor shortages. However, as the next section will indicate, their overarching immigration policies have been quite divergent.

## Chapter 2: Immigration Policies in Historic Context

Understanding Japan and South Korea's differing positions toward foreign workers requires observation of past immigration policies. Due to shared structural and historical factors, Japan and South Korea maintained very similar immigration policies for unskilled foreign workers up until the 2000s.<sup>22</sup> Japan's laws served as a model for South Korea, as the nation adopted many of Japan's established policies. These policies were defined by four main characteristics: 1) the reluctance of the state to admit unskilled foreign workers; 2) admission of a variety of temporary foreign workers through limited channels such as trainee programs; 3) admission of large numbers of unauthorized workers, and 4) denial of rights to social incorporation.<sup>23</sup> These countries were both known for strict immigration policies that favored professional workers and temporary visas. However, in the 2000s, they began to diverge, as South Korea revised its policies to become more open and Japan remained relatively closed.<sup>24</sup> The following subsections will describe and explain in greater detail the evolution of immigration policies in Japan and South Korea.

### Japan

Japan has one of the most highly restrictive immigration laws in the world. It operates under a fundamentally closed-door policy with emphasis on temporary workers.

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<sup>22</sup> Keiko Yamanaka. "Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy," *Korean Observer* 49.1 (2010): 615-47. Print.

<sup>23</sup> Ibid.

<sup>24</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society," *Korean Observer* 49.1 (2010): 593-614. Print.

As a result, its population is composed of an extremely small percentage of foreign residents when compared with other advanced industrialized countries. It has a foreign population of less than two percent, which is six times smaller than the percentage of the US (see figure 5).<sup>25</sup> However, Japan has been receiving immigrants throughout the twentieth century.<sup>26</sup> Immigrants have been categorized as either “old comers,” immigrants from prewar Japan, or “new comers,” foreign laborers from the 1980s to the present day.<sup>27</sup>

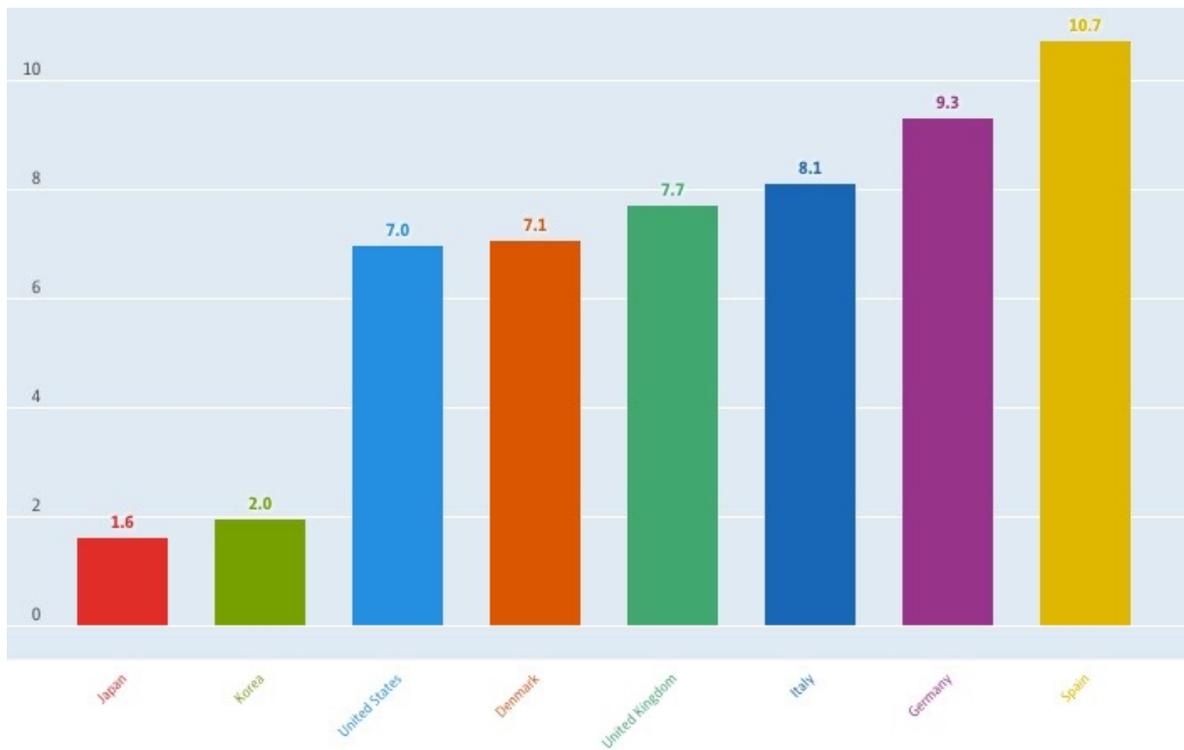


Figure 5: Foreign Populations in Industrialized Nations, Total % of population

<sup>25</sup> Fareed Zakaria. “Immigration Lessons for the U.S. from around the World,” *CNN*. CNN, 10 June 2012. Web. 27 Feb. 2017.

<sup>26</sup> Takeyuki Tsuda, and Wayne A. Cornelius. “Japan: Government Policy, Immigrant Reality,” *Controlling Immigration: A Global Perspective*. Ed. Wayne A. Cornelius, Takeyuki Tsuda, Philip L. Martin, and James F. Hollifield. 2<sup>nd</sup> ed. Stanford: Stanford UP, 2004. 439-76. Print.

<sup>27</sup> Erin Aeran Chung. *Immigration and Citizenship in Japan*. New York: Cambridge UP, 2010. Print.

Immigration to Japan was widespread during Japan's colonization period. From 1910-1945, over two million Korean workers immigrated to Japan. Today, the Japanese government has still not fully incorporated these prewar immigrants and their fourth generation descendents into society. These *zainichi*, or ethnic Koreans in Japan, are considered only permanent residents without full citizenship rights such as the right to vote.<sup>28</sup> They also face social and economic discrimination within Japanese society.<sup>29</sup> This example suggests that Japanese immigration policy operates under the assumption that non-Japanese do not have the capacity to become Japanese and therefore should be excluded.<sup>30</sup> This mindset reflects why Japan maintains primarily temporary work visas for foreigners, ensuring that non-Japanese do not fully incorporate into society. As this paper will explore in a later section, foreign care workers face similar exclusions that stem from both attitudinal and legal constraints in Japan.

For a brief period of time, Japan was one of the only industrialized nations that did not rely on unskilled foreign labor to drive its economy. Although Japan suffered labor shortages in the late 1960s and early 1970s, increases in labor productivity and the mobilization of women, elderly and rural workers ensured labor needs were met. However, the rise in the value of the yen, labor shortages and the development of transnational networks led to a large influx of foreign labor in the late 1980s.<sup>31</sup>

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Nana Oishi. "Immigration and Social Integration in Japan." *International Perspectives: Integration and Inclusion*. Ed. James S. Frideres and John Biles. Kingston, Ont.: School of Policy Studies, Queen's U, 2012. 165-84. Print.

Enacted in 1952, the Immigration Control and Refugee Recognition Act (ICRRA) provided much of the basic framework for immigration policy in Japan. It served to monitor and control foreigners rather than encourage migrant settlement or facilitate acquisition of Japanese citizenship.<sup>32</sup> In 1990, the law was revised in two ways to address the growing demand for unskilled foreign labor. One of the revisions established residential status with no restrictions on employment for *Nikkeijin*, descendants of Japanese emigrants. As a result, large numbers of Brazilian and Peruvian *Nikkeijin* immigrated to Japan to fill unskilled labor positions.<sup>33</sup> The second change involved the creation of two new training programs to target workers from developing countries. The Industrial Trainee Program (ITP) intended to provide trainees with language and cultural education as well as “on the job training” at medium-sized corporations for the first year.<sup>34</sup> After that time, trainees would then work as “technical interns” for a limit of three years in the Technical Intern Program (TIP).<sup>35</sup>

While intended to provide rich training experiences for workers, these programs have caused various labor and human rights abuses. One of the most recent examples can be seen in the death of a Filipino technical trainee by *karoshi*, death by overwork.<sup>36</sup> This man had logged up to 122.5 hours of overtime per month, before he died of heart failure.<sup>37</sup> In 2015, Ministry of Health, Labor, and Welfare (MHLW) found that 3,695

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> “2014 Death of Overworked Filipino Trainee Recognized as ‘karoshi’ by Labor Ministry.” *The Japan Times*. The Japan Times, 17 Oct. 2016. Web. 17 Oct. 2016.

<sup>37</sup> Ibid.

firms were violating labor laws.<sup>38</sup> These programs allow Japan to receive cheap, unskilled foreign labor while maintaining a strict closed-door policy. However, they have only been mildly successful in truly addressing the labor shortage. According to the International Monetary Fund (IMF) in 2016, visa conditions and requirements barring unskilled workers ensure foreigners make up only 1.4 percent of the workforce, compared with the 5 percent or more found in most advanced countries.<sup>39</sup>

In the 1990s, the Japanese economy entered the longest recession of the postwar period. However, the number of foreign workers still continued to increase. Many policies to address these growing numbers were enacted in the 2000s. In 2004, the government amended the ICRRA once again as a response to the perception among the public that foreigners had increased crime rates.<sup>40</sup> The amendment sought to decrease the number of illegal foreign residents by expanding immigration control personnel, strengthening deportation procedures and creating stricter examinations of foreigners upon entering the country.<sup>41</sup> In the following years, noteworthy initiatives continued to be introduced including new “Guidelines for Permanent Residence” (2006), the ratification of economic partnership agreements with the Philippines and Indonesia (2006-7) and the establishment of fingerprinting requirements for foreign residents (2007).<sup>42</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> Linda Sieg and Ami Miyazako. “Japan Eyes More Foreign Workers, Stealthily Challenging Immigration Taboo,” *Reuters*. Reuters, 26 Apr. 2016. Web. 25 Sept. 2016.

<sup>40</sup> Japan. Ministry of Justice. Immigration Bureau of Japan. *Law for Partial Amendment of Immigration Control and Refugee Recognition Act*. Ministry of Justice, 2004. Web. 18 Sept. 2016.

<sup>41</sup> Ibid.

<sup>42</sup> Junichi Akashi. “New Aspects of Japan’s Immigration Policies: Is Population Decline Opening the Doors?” *Contemporary Japan* 26 (2014): 175-96. 2014. Web. 18 Sept. 2016.

In 2008, the government announced a plan to increase the number of foreign students in Japan. Under this initiative, known as the “300,000 Foreign Students Plans,” foreign students are allowed to acquire three to five year work visas upon the completion of their studies. Students can also apply for permanent resident status after an established period of time. It is interesting to note that Japan has given foreign students the opportunity of education, employment, and long-term stay; however, for unskilled foreign workers, including trainees, it has not. The government is reluctant to extend long-term benefits to those who might stay permanently. This discrepancy can be interpreted as the government’s prioritization of accepting skilled, educated labor over presumably unskilled trainees. Some of this resistance can be explained by fears of professionalism, job security, and social unrest.

A second partial amendment to the ICRRRA was introduced in 2009. This revision created a new status of residence system involving the issuance of resident cards and a Permanent Resident Certificate.<sup>43</sup> It also established a revision of status of residence categories, an extension of maximum periods of stay from three to five years, a special re-entry system and a supervision committee for immigration detention centers.<sup>44</sup> Once again, Japan made its immigration priorities known when it established the “Points-Based System for Highly Skilled Foreign Professionals” in 2012. Under this system, highly skilled workers are given “preferential immigration treatment” and are even allowed to

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<sup>43</sup> Japan. Ministry of Justice. Immigration Bureau of Japan. *Changes to the Immigration Control and Refugee Act*. Ministry of Justice, 2009. Web. 18 Sept. 2016.

<sup>44</sup> Japan’s Special Re-entry System states that foreign nationals, who are reentering Japan within a year of their departure, are not required to apply for a re-entry permit as long as they have a valid passport and residence card.

bring parents or maids from abroad.<sup>45</sup> These initiatives demonstrate official policy to target skilled workers, which nations such as the US also emphasize. The Ministry of Justice (MOJ) claims their programs seek “quality, unsubstitutable human resources who have a complementary relationship with domestic capital and labor.”<sup>46</sup> These individuals are “expected to bring innovation to the Japanese industries, to promote development of specialized/technical labor markets through friendly competition with Japanese people and to increase efficiency of the Japanese labor markets.”<sup>47</sup> Classified as unskilled laborers, opportunities for foreign care workers are constrained by this prioritization. Despite the many restrictions, foreign workers are still drawn to Japan for its promises of economic prosperity and technological advancement.

Fundamentally, Japan is closed to immigrant settlement as it considers all foreign workers to be short-term guests. In 1990, the association between permanent residency and citizenship was removed from the ICRRA.<sup>48</sup> The ICRRA was originally based on the US model, which encouraged all immigrants’ eventual citizenship.<sup>49</sup> The defense of this revision was based on the government’s claim that Japan is not a country of immigration and that migrants should only be admitted temporarily.<sup>50</sup> This constant insistence on labeling foreign workers as temporary, rather than potential permanent residents, has postponed the formation of any explicit national level laws and programs to facilitate

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<sup>45</sup> Japan. Ministry of Justice. Immigration Bureau of Japan. *Points-Based System for Highly Skilled Foreign Professionals*. Ministry of Justice, 2012. Web. 18 Sept. 2016.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Kristin Surak. “Convergence in Foreigners’ Rights and Citizenship Policy? A Look at Japan,” *International Migration Review*, 42 (3). pp. 550-575. 2008. Web. 18 Sept. 2016.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

social integration of settled immigrants.<sup>51</sup> According to the United Nation's Department of Economic and Social Affairs, immigrants often experience "involuntary exclusion...from society's political, economic, and societal processes, which prevents their full participation in the society."<sup>52</sup> In Japan's case, foreign workers, who are often in economically and socially precarious states, do not have access to adequate support through information centers, public services, employment opportunities, as well as connection to Japanese society.<sup>53</sup>

As this subsection has shown, Japan has tightly controlled immigration for decades and has only targeted certain groups, namely students and professionals, to more work in Japan. Despite the need for a variety of laborers, there has not been an opening in immigration policy for unskilled workers. While Japan allows foreign nurses and care workers entry through economic partnership agreements, it imposes strict requirements that keep the number of these workers limited.

### **South Korea**

Today, foreign workers make up 3.7 percent of all employed persons in South Korea.<sup>54</sup> However, this was not always the case as South Korea followed an immigration trajectory similar to Japan's up until the 2000s. Like Japan, the South Korean government

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<sup>51</sup> Ibid.

<sup>52</sup> A.B. Atkinson and E. Marlier. *Analyzing and Measuring Social Inclusion in a Global Context*. Rep. no ST/ESA/325. United Nations Department of Economic and Social Affairs, 2010. Web. 17 Mar. 2017.

<sup>53</sup> Ibid.

<sup>54</sup> Su-ji Park. "A Country Where, without Foreigners, the Factories Would Close," *The Hankyoreh*. The Hankyoreh, 30 Dec. 2016. Web. 24 Feb. 2017.

enacted an Immigration Control Act (ICA) in 1963.<sup>55</sup> Amended dozens of times since then, the ICA continues to dictate South Korea's immigration policy today. As in Japan, prior to the mid 1980s, South Korea had very little experience with immigrant groups.<sup>56</sup> Earlier demands for labor had been met by internal migration from poorer, rural regions and increased utilization of previously untapped labor sources such as women and the elderly.<sup>57</sup> However, in the 1980s, South Korea experienced a large influx of immigrants due to increasing labor shortages in 3K jobs and industrialization.

In the late 1980s, the Chinese and South Korean governments began to allow *Joseonjok*, co-ethnic Koreans in China, to visit their relatives in South Korea.<sup>58</sup> As a result, a large number of these individuals stayed illegally and filled many 3K positions.<sup>59</sup> In 1991, in response large numbers of illegal workers and labor demands, the government followed the Japanese model and enacted the Industrial Technical Training Program (ITTP).<sup>60</sup> Under this program, foreigners would come to South Korea to work in industries faced with labor shortages, such as textiles or construction.<sup>61</sup> According to the United Nations' International Labor Organization (ILO) in 1990s, workers were entitled

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<sup>55</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society," *Korean Observer* 49.1 (2010): 593-614. Print.

<sup>56</sup> Takeyuki Tsuda. *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective*. Lanham, MD: Lexington, 2006. Print.

<sup>57</sup> Ibid.

<sup>58</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>59</sup> Ibid.

<sup>60</sup> Ock Hyun-ju. "South Korea's Foreign Worker Policy Founders." *The Korea Herald*. The Korea Herald, 23 Mar. 2016. Web. 24 Feb. 2017.

<sup>61</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

to fair wages, paid leave, occupational safety and job mobility.<sup>62</sup> While technically classified as “trainees” rather than “workers”, individuals in the ITTP were not entitled to basic labor protections, market-based wage rates or the right to change jobs.<sup>63</sup> This highly exploitative employment system was used as a source of cheap and unskilled labor from other less developed Asian countries such as Vietnam, Thailand, Cambodia, Uzbekistan, and Nepal.<sup>64</sup> In response, Korean NGOs and transnational groups rallied for foreign worker rights and reforms.<sup>65</sup>

After more than a decade of revisions, the ITTP was finally replaced by the Employment Permit System (EPS) in 2003.<sup>66</sup> The EPS was considered by many to be a victory for global human rights.<sup>67</sup> It sought to provide transparency of the selection process, prevent corruption, and protect the human rights of foreign workers.<sup>68</sup> It allowed immigrant workers to have the same legal rights under labor-related laws as native Korean workers, including the right to join labor unions, the right to industrial accident insurance, and a minimum wage guarantee.<sup>69</sup> The EPS represents a significant improvement over the ITTP; however, it still has a number of restrictions. Foreign workers are restricted to industries facing labor shortages and any job changes must be

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<sup>62</sup> *Summaries of International Labour Standards*. Publication. 2<sup>nd</sup> ed. Geneva: International Labour Office, 1991. International Labour Organization, 1991. Web. 10 Apr. 2017.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Sookyung Kim and Jeong-Woo Koo. “Securitising, Economising and Humanising Immigration: The Case of the Employment Permit System in South Korea,” *Asian Studies Review* 40.4 (2016): 619-635. Print.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Dong-Hoon Seol. “Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society,” *Korean Observer* 49.1 (2010): 593-614. Print.

approved by the Ministry of Justice.<sup>70</sup> In addition, only foreign workers from countries that have bilateral agreements with South Korea are eligible to work under the EPS. Finally, the EPS only allows workers to stay for a limited period of five years.<sup>71</sup>

The EPS was one of the first pieces of legislation to address welfare, human rights, and discrimination to support foreign workers in the 2000s. The rallying efforts of foreign workers, Korean activists, and transnational NGOs had produced an entire movement of legislation geared towards a more open immigration policy and the idea of multiculturalism. The government officially declared that it would fully embrace a multicultural and multiracial society in 2006.<sup>72</sup> Some policies that then followed included the Grand Plan in 2006, the Act on the Treatment of Foreigners in Korea in 2007, Visit and Employment System of 2007, the Multicultural Family Support Act of 2008, and the First Basic Plan for Immigration Policy (FBPIP) in 2008-2012.<sup>73</sup> These policies ensured government support for ethnic Koreans, foreign professionals, and foreign women married to Korean men.<sup>74</sup>

The Multicultural Family Support Act initiated the establishment of 217 Multicultural Family Support Centers and Global Centers that provide services and

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<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Tae-jun Kang. "South Korea's Immigrant Problem." *The Diplomat*. The Diplomat, 12 Nov. 2014. Web. 24 Feb. 2014.

<sup>73</sup> Junmo Kim and Yong-Soo Kwon. "Economic development, the evolution of foreign labor and immigration policy, and the shift to multiculturalism in South Korea" *Philippine Political Science Journal*, 33.2 (2012): 178-201. Print.

<sup>74</sup> Ibid.

information for foreign workers, spouses and tourists.<sup>75</sup> The government also created a points system that can move foreigners towards permanent residency.<sup>76</sup> This system examines income, education, age, and Korean language proficiency in eligible candidates who have worked in South Korea for over a year.<sup>77</sup> Foreign workers are encouraged to pursue an education and to obtain a high score on the Test of Proficiency in Korean (TOPIK), if they want to eventually become permanent residents.

Since 2006, the number of immigrants in South Korea has risen by 9.7 percent per year (see figure 6).<sup>78</sup> While South Korea maintains a relatively strict immigration policy compared to global norms, in comparison with Japan, South Korea has become more open in the past decade. Through advocacy, pro-immigrant groups created pressure to influence the government to move towards multicultural and inclusive policies. On the other hand, the Japanese government has only slightly amended their immigration policies, while continuing to expand training programs, which have been heavily criticized for labor abuses. The root causes of this discrepancy will be discussed in a later section. The next section will illuminate Japan's policies for foreign care workers through economic partnership agreements.

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<sup>75</sup> Tae-jun Kang. "South Korea's Immigrant Problem." *The Diplomat*. The Diplomat, 12 Nov. 2014. Web. 24 Feb. 2014.

<sup>76</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society." *Korean Observer* 49.1 (2010): 593-614. Print.

<sup>77</sup> Ibid.

<sup>78</sup> Sookyung Kim and Jeong-Woo Koo. "Securitising, Economising and Humanising Immigration: The Case of the Employment Permit System in South Korea" *Asian Studies Review* 40.4 (2016): 619-635. Print.

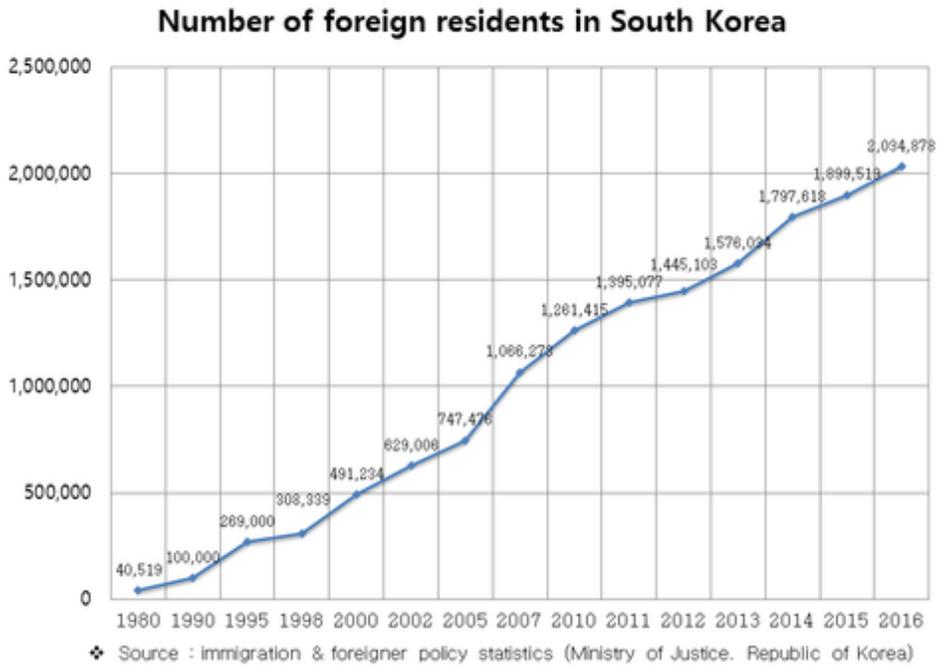


Figure 6: South Korea's Foreign Population Over Time

### Chapter 3: Foreign Elderly Care Worker Policies

Despite similar demands, Japan and South Korea have different policies for foreign elderly care workers. In Japan, elderly care work has attracted workers from the Philippines, Indonesia and Vietnam through economic partnership agreements. While demographic trends have provided an opportunity for care workers, they face attitudinal and legal constraints. The government has focused on creating new legal avenues for care workers to enter the country, instead of enacting policies to loosen the strict legal requirements they face. The new avenues are just as problematic because the same rigid restrictions remain, keeping workers from filling positions. In this way, Japan's policies have been ineffective in meeting their demands.<sup>79</sup> On the South Korean side, the government does not regulate and monitor elderly care workers as closely as Japan. In South Korea, the government targets ethnically Korean Chinese citizens, or *Joseonjok*, to work in the elderly care industry. Since 2002, these co-ethnic workers have received the most policy attention amongst foreign worker and immigrant groups.<sup>80</sup> The government has repeatedly given these workers special privileges, which have allowed large numbers to fill elderly care roles.<sup>81</sup> Therefore, South Korea's policies have been efficient in meeting their demands. The following subsections will describe and explain the policies for foreign elderly care workers in Japan and South Korea.

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<sup>79</sup> Tomohiro Osaki. "Lower House Committee Passes Foreign Trainee Bill," *The Japan Times*. The Japan Times, 21 Oct. 2016. Web. 22 Oct. 2016.

<sup>80</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>81</sup> *Ibid.*

## **Japan**

Classified as “unskilled workers”, foreign elderly care workers face many challenges in obtaining employment in Japan. These workers, from Southeast Asia, often come to Japan through foreign training programs or agreements, but face multiple barriers while attempting to stay. Elderly care workers must pass a care worker national certification exam after four years and nurses must pass the nursing certification exam in Japanese after three years. According to the Philippines Daily Inquirer, less than ten percent of the 500-600 Filipino nurses and elderly care workers admitted every year pass these exams.<sup>82</sup> Candidates, with professional and educational experience, often fail due to language fluency. In this way, the exams are linguistic barriers that put qualified foreign care workers at a huge disadvantage. As previously mentioned, Japanese immigration policy facilitates short-term workers. Therefore, even when a worker is successful in completing all the requirements, their employment in Japan is still precarious. The government has not enacted any policies to support successful candidates whom desire to stay in Japan. In this section, I will dissect the current policies for foreign care workers in Japan as well as their outcomes and government revisions.

The only real legal way for foreign care workers to enter Japan is through economic partnership agreements. Japan currently has economic partnership agreements (EPA) with the Philippines (2008), Indonesia (2008) and Vietnam (2009). While major immigrant groups in Japan are from China, South Korea, and Brazil, the vast majority of

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<sup>82</sup> Estrella Torres. “Japan May Ease Hiring Rules for PH Caregivers,” *Philippines Daily Inquirer*. Philippines Daily Inquirer, 14 Aug. 2016. Web. 10 Sept. 2016.

foreign care workers are women from the three EPA countries.<sup>83</sup> Officially, the agreement's purpose is to promote free trade between the two states.<sup>84</sup> In this way, the acceptance of foreign care workers is more of a foreign policy than a labor or immigration policy. An attached clause on a trade agreement. It is important to note that the Ministry of Health, Labor, and Welfare (MHLW) denied the existence of a care worker shortage and claimed that the acceptance of human resources from Asian countries was due to national interests in terms of trade liberalization.<sup>85</sup> In 2010, the MHLW stated their position clearly in the following quote:

“In Japan, a potential elderly care and nursing force of more than 900,000 exists. The government should utilize such a potential work force first. Accepting foreign elderly care-worker and nursing candidates under the EPA program is therefore a special case. We open the domestic market to foreigners not due to the lack of a work force in Japan, but as a matter of trade.”<sup>86</sup>

The rationale is that mobilizing a Japanese workforce is preferable to accepting foreigners, a controversial issue. However these bilateral agreements enable the migration of nurses and care workers to only a few designated Japanese hospitals and care

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<sup>83</sup> Erin Aeran Chung. *Immigration and Citizenship in Japan*. New York: Cambridge UP, 2010. Print.

<sup>84</sup> Shun Ohno. “Southeast Asian Nurses and Caregiving Workers Transcending the National Boundaries: An Overview of Indonesian and Filipino Workers in Japan and Abroad,” *Journal of Southeast Asian Studies* 49.2 (2012): 541-69. Web. 23 Sept. 2016.

<sup>85</sup> Ibid.

<sup>86</sup> Yuko O Hirano, Reiko Ogawa and Shun Ohno. “A Comparative Study of Filipino and Indonesian Candidates for Registered Nurse and Certified Care Worker Coming to Japan under Economic Partnership Agreements: An Analysis of the Results of Questionnaire Surveys on the Socioeconomic Attribution of Respondents and Their Motivation to Work in Japan,” *Journal of Southeast Asian Studies* 49.2 (2012): 594-610. Web. 23 Sept. 2016.

facilities.<sup>87</sup>

As defined under the EPA, selected foreign care workers are considered people who enter and stay in Japan for the purpose of obtaining national licenses as certified elderly care workers or registered nurses.<sup>88</sup> These individuals are expected to make an effort to acquire all pertinent knowledge and skills to gain this license.<sup>89</sup> At the same time, the agreements stipulate that the hospitals or care institutions are expected to provide a supportive learning environment for the foreign workers.<sup>90</sup> In this sense, both sides share a degree of responsibility in the workers' attainment of a license. The Japan International Corporation of Welfare Services and its foreign partner counterpart are the state agencies responsible for recruitment, deployment and training of these workers.<sup>91</sup> These groups target experienced, trained candidates. A nursing candidate must have a nursing degree in her home country, while an elderly care worker candidate must have three to four years experience with some training certification.<sup>92</sup>

Once accepted into the program, candidates enter a pre-departure Japanese language-training program for six months in their home nation. Upon arrival in Japan, candidates immediately begin studying standard Japanese for another six-month period at

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<sup>87</sup> Yoshichika Kawaguchi, Yuko O. Hirano, Reiko Ogawa and Shun Ohno. "Exploring Learning Problems of Filipino Nurse Candidates Working in Japan: Based on the Results of a Practice National Board Examination of Japan Given in English," *Journal of Southeast Asian Studies* 49.2 (2012): 643-51. Web. 23 Sept. 2016.

<sup>88</sup> Shun Ohno. "Southeast Asian Nurses and Caregiving Workers Transcending the National Boundaries: An Overview of Indonesian and Filipino Workers in Japan and Abroad," *Journal of Southeast Asian Studies* 49.2 (2012): 541-69. Web. 23 Sept. 2016.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Wako Asato. "Nurses From Abroad and The Foundation of a Dual Labor Market in Japan," *Journal of Southeast Asian Studies* 49.2 (2012): 652-69. Web. 23 Sept. 2016.

<sup>92</sup> Ibid.

a language institution. They are then assigned to a care facility, either a hospital or care institution, where they will work, learn Japanese, and study for the national examination. As the Japanese government does not monitor the daily operations of these workers, working hours and learning hours vary depending on the assigned institution.<sup>93</sup> Workers are forced to attempt to balance their work, language study and exam study for a period of four years for elderly care worker candidates and three years for nursing candidates.<sup>94</sup> Those who pass the national exam become formally certified care workers or registered nurses, qualified to remain in Japan and work under a “designated activity visa” for up to five years. However, this goal has proven almost unobtainable, as the number of passing candidates for both positions has remained extremely low.<sup>95</sup> According to the MHLW, 26 out of 357 candidates passed the exam in 2015.<sup>96</sup> A combination of barriers has prevented the success of foreign care workers and has forced many of these individuals to leave Japan.

One initial challenge for foreign nurses and care workers is their classification as “candidates”. Although many of these workers have valuable experience working both in their home countries and abroad, as “candidates” they serve as care assistants and are not allowed to perform any medical procedures until they pass the national nursing exam.<sup>97</sup>

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<sup>93</sup> Ibid.

<sup>94</sup> Tomohiro Osaki. “Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting,” *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

<sup>95</sup> Republic of the Philippines. Technical Education And Skills Development Authority. *Fresh Batch of Nurses, Caregivers Complete Japanese Language Training*. N.p.: n.p., 2016. Web. 23 Sept. 2016.

<sup>96</sup> “Together with Foreigners: Medical Association Helps Trainees; Promising Candidates Retake Certified Nurse Exam,” *The Japan News*. The Japan News, 25 Jan. 2016. Web. 23 Sept. 2016.

<sup>97</sup> Wako Asato. “Nurses From Abroad and The Foundation of a Dual Labor Market in Japan,” *Journal of Southeast Asian Studies* 49.2 (2012): 652-69. Web. 23 Sept. 2016.

In some cases, candidates were not aware of this condition and were mortified upon arrival.<sup>98</sup> These candidates find it shocking and demeaning to their professional status to perform such menial, basic tasks as taking out the garbage or changing diapers. This classification was based on recommendations by Japanese professional associations. The Japanese Nursing Association (JNA) along with MHLW argued that acceptance of foreign workers would cause the deterioration of working conditions, decline in service quality and undermine the professionalism of Japanese care workers and nurses.<sup>99</sup> The JNA, a powerful lobbying group, seeks to protect the jobs of its members, rather than support foreign workers who could alleviate the nation's healthcare needs.<sup>100</sup> They demanded a significant clause within the agreements that candidates must pass the national exam within a limited time period and if they fail, after reaching the maximum number of attempts, are forced to leave Japan.<sup>101</sup>

Furthermore, the JNA released a position paper explaining that in order for foreign nurses and elderly care workers to be accepted they must meet the following three requirements: 1) obtain a license by passing the care worker national examination of Japan, 2) be sufficiently proficient in Japanese for safe care practices, and 3) be employed in a position the same as or better than those of Japanese nurses and care workers.<sup>102</sup> This

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<sup>98</sup> Ibid.

<sup>99</sup> Junichi Akashi "New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors?" *Contemporary Japan* 26 (2014): 175-96. 2014. Web. 18 Sept. 2016.

<sup>100</sup> "Japanese Nurses Blocking Skilled Help From Overseas." *Sentaku Magazine*. The Japan Times, 1 Sept. 2008. Web. 20 Feb. 2017.

<sup>101</sup> Ibid.

<sup>102</sup> Shun Ohno. "Southeast Asian Nurses and Caregiving Workers Transcending the National Boundaries: An Overview of Indonesian and Filipino Workers in Japan and Abroad," *Journal of Southeast Asian Studies* 49.2 (2012): 541-69. Web. 23 Sept. 2016.

stance was adopted into the agreement despite foreign claims that it created an unfair condition in which foreign professionals were demoted to trainees. In 2010, the Philippine Nurses Association claimed the agreement was a “cheap labor trap” where nurses and elderly care workers worked as assistants with low salaries and then returned home after attempting to pass an impossible exam completely in Japanese.<sup>103</sup> The association claimed, “the language skills required by the JPEPA are so high as to constitute an almost impregnable barrier to our entry.”<sup>104</sup>

The first group of candidates, 82 Indonesian elderly care workers and nurses, to take the national exam all failed.<sup>105</sup> As of May 2016, only 210 out of the total 971 Filipino nurse and care worker candidates admitted since the beginning of the program have passed.<sup>106</sup> Exams are administered every February. Nurse candidates can take the exam four times within their three years. However, elderly care worker candidates can only take their exam twice over four years.<sup>107</sup> High failure rates are largely due to the emphasis on acquiring the Japanese language. With the strong support of the JNA and other Japanese care worker associations, the Japanese government requires all candidates to take the same exam as their Japanese counterparts. The Japanese government argues that a high-level of language ability is needed to properly administer care to a Japanese

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Setyowati, Shun Ohno, Yuko O. Hirano, and Krisna Yetti. “Indonesian Nurses’ Challenges for Passing the National Board Examination for Registered Nurse in Japanese: Suggestions for Solutions.” *Journal of Southeast Asian Studies* 49.4 (2012): 629-42. Web. 23 Sept. 2016.

<sup>106</sup> Republic of the Philippines. Technical Education And Skills Development Authority. *Fresh Batch of Nurses, Caregivers Complete Japanese Language Training*. N.p.: n.p., 2016. Web. 23 Sept. 2016.

<sup>107</sup> Tomohiro Osaki. “Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting,” *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

patient. Foreign care worker candidates struggle to master the language on a standard level, as well as the many required medical terms they will undoubtedly encounter on the exam. In 2015, an Indonesian elderly care candidate at Shinyokohama Parkside, said “it’s not just normal Japanese—we need to learn very specific terms, skills and knowledge.”<sup>108</sup> These technical as well as colloquial words are very hard for the care workers to master.<sup>109</sup> According to the Japan Asia Medical Nurse Association, even nurses with fluent enough Japanese skills for work still fail the exams because of these special terms.<sup>110</sup> Furthermore, dialect and accent can be unfamiliar to these workers who study formal Japanese.

According to Betsy Brody, “language training and education are key determinants of immigration integration in Japan.”<sup>111</sup> In addition to the language training prior to departure and upon arrival, assigned care facilities are expected to hold an educational role in terms of language and material for the exam. According to MHLW, agreements emphasize, “it is important for accepting institutions to implement suitable training which is targeted at the passing of the national qualification examinations.”<sup>112</sup> However, this has proven to be quite problematic. These facilities often do not have the strong educational

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<sup>108</sup> Toko Sekiguchi. “Indonesian Worker in Japan Navigates Narrow Path to Success,” *The Wall Street Journal*. The Wall Street Journal, 15 Apr. 2015. Web. 5 Nov. 2016.

<sup>109</sup> Tomohiro Osaki. “Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting,” *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

<sup>110</sup> “Together with Foreigners: Medical Association Helps Trainees; Promising Candidates Retake Certified Nurse Exam,” *The Japan News*. The Japan News, 25 Jan. 2016. Web. 23 Sept. 2016.

<sup>111</sup> Betsy Brody. *Opening the Door: Immigration, Ethnicity, and Globalization in Japan*. New York: Routledge, 2002. Print.

<sup>112</sup> Setyowati, Shun Ohno, Yuko O. Hirano, and Krisna Yetti. “Indonesian Nurses’ Challenges for Passing the National Board Examination for Registered Nurse in Japanese: Suggestions for Solutions.” *Journal of Southeast Asian Studies* 49.4 (2012): 629-42. Web. 23 Sept. 2016.

infrastructure needed to take on such a large burden.<sup>113</sup> Prior to these agreements, education had not been implemented in many facilities, as Japan, unlike many countries, does not require the renewal of nurse licenses.<sup>114</sup> Japanese language teachers were also not as familiar with the terminology and jargon involved in nursing and care work.<sup>115</sup> New educational resources and materials specifically for language learning care workers were only established in the last few years. Not only does the high level language requirement set these workers up for failure but also the differences in nursing education.<sup>116</sup> Care and nursing schools in the EPA countries have different course requirements and educational emphasis than their Japanese counterparts. Therefore, often care worker candidates find both the language and content to be challenging to understand.<sup>117</sup> Finally, given the limited time period of the programs, there is only so much a candidate can master.

The EPA agreements stipulate that candidates are given a short period of three or four years to both work and learn. Consequently, candidates are forced to balance preparing for the national exam and working at the facility. This has created conflict between facilities and candidates as many employers refuse to view learning time as work time.<sup>118</sup> After a full day of work, many candidates do daily eight-hour language

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<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Yoshichika Kawaguchi Yuko O. Hirano, Reiko Ogawa and Shun Ohno. "Exploring Learning Problems of Filipino Nurse Candidates Working in Japan: Based on the Results of a Practice National Board Examination of Japan Given in English," *Journal of Southeast Asian Studies* 49.2 (2012): 643-51. Web. 23 Sept. 2016.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

study sessions, leading to exhaustion and sleeplessness.<sup>119</sup> A former Filipino care worker candidate expressed anguish when she said, “The journey to becoming a care worker in Japan was indeed a mission impossible. . . . We were very tired physically, mentally and emotionally while studying to pass the board exam and working at the same time. All of us were pushed to study even on our rest day.”<sup>120</sup> The emphasis on work over learning puts the true purpose of the program into question: is it about training and trade or gaining a source of much needed foreign labor? The supposed purpose of the program was again called into question when the Indonesian government decided to prioritize higher wages as passing the national exam was viewed as nearly impossible.<sup>121</sup> However, the governments of the “sending” countries have not been influential in policy changes. Furthermore, these unreasonable requirements have not led to a national political discussion on the need for reform.

A recent change advocated by the Abe administration and passed in October 2016 is an amendment to ICRRA, which would entail the establishment of a new visa status for foreign care workers.<sup>122</sup> This visa would mainly recruit foreign exchange students studying nursing or care giving in college.<sup>123</sup> It would allow these students to continue to live in Japan after graduation and work as caregivers. The new visa status is valid for a

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<sup>119</sup> Hiroko Tabuchi. “Japan Keeps a High Wall for Foreign Labor,” *The New York Times*. The New York Times, 2 Jan. 2011. Web. 24 Sept. 2016.

<sup>120</sup> Ronron Calunsod. “Hurdles Cleared by Disillusionment, Homesickness Prompt Filipino Health Workers to Exit Japan,” *The Japan Times*. The Japan Times, 22 Apr. 2016. Web. 5 Nov. 2016.

<sup>121</sup> Setyowati, Shun Ohno, Yuko O. Hirano, and Krisna Yetti. “Indonesian Nurses’ Challenges for Passing the National Board Examination for Registered Nurse in Japanese: Suggestions for Solutions,” *Journal of Southeast Asian Studies* 49.4 (2012): 629-42. Web. 23 Sept. 2016.

<sup>122</sup> Tomohiro Osaki. “Lower House Committee Passes Foreign Trainee Bill,” *The Japan Times*. The Japan Times, 21 Oct. 2016. Web. 22 Oct. 2016.

<sup>123</sup> *Ibid.*

maximum of five years and allows for renewal, enabling care workers to potentially settle in Japan. Furthermore, the government aims to increase the proportion of foreign students who remain working in Japan after graduation from the current 30 percent to 50 percent.<sup>124</sup> The administration hopes this new visa will effectively lead to more foreign care workers in Japan as the high turnover rate and human resource shortage have greatly affected the nursing industry.<sup>125</sup> It claims this amendment to the ICRRA is “responding to the needs of aging Asian countries,” and will help alleviate Japan’s labor shortage.<sup>126</sup> However, sources say this new visa is unlikely to attract very many students, as it still requires applicants to overcome a strict linguistic barrier. All applicants, like all EPA candidates, must still pass the national licensing examinations in Japanese.<sup>127</sup> This strict requirement will surely prove to be a deterrent to interested exchange students. The Abe administration stated that the new visa system will be implemented by the end of 2017.<sup>128</sup> The concrete effectiveness of these developments remains to be seen in the coming years.

It is worth noting that South Korea relies on co-ethnic Koreans, *Joseonjok*, as elderly care workers. Blood as well as a shared cultural, linguistic, and ethnic heritage are certainly key factors in South Korea’s policies. As previously mentioned, in the 1990s, Japan had preferential policies for co-ethnic Japanese, *Nikkeijin*, from South America. As

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<sup>124</sup> Peter Landers and Yuka Koshino. “Japan Moves to Lure More Foreign Workers,” *The Wall Street Journal*. The Wall Street Journal, 8 June 2016. Web. 25 Sept. 2016.

<sup>125</sup> Tomohiro Osaki. “Lower House Committee Passes Foreign Trainee Bill,” *The Japan Times*. The Japan Times, 21 Oct. 2016. Web. 22 Oct. 2016.

<sup>126</sup> “Japan to Open Doors for Foreign Trainees to Assume Care Jobs,” *Nikkei: Asian Review*. Nikkei, 21 Oct. 2016. Web. 22 Oct. 2016.

<sup>127</sup> Tomohiro Osaki. “Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting,” *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

<sup>128</sup> Julian Ryall. “Japanese People Wary of Refugees, Foreign Workers,” *Deutsche Welle*. Deutsche Welle, 10 Oct. 2016. Web. 12 Oct. 2016.

a result, large numbers of Brazilian and Peruvian *Nikkeijin* immigrated to Japan to fill unskilled labor positions.<sup>129</sup> The government felt that shared ethnicity and cultural heritage made *Nikkeijin* workers the best source of foreign labor for Japan.<sup>130</sup> However, these policies were considered fairly unsuccessful, as unforeseen cultural and linguistic barriers caused tensions in the workplace.<sup>131</sup> Unlike South American *Nikkeijin*, *Joseonjok* have maintained their Korean language skills and culture. Furthermore, their economic situations in China have been generally less advantageous than the *Nikkeijin* in Brazil and Peru.<sup>132</sup> In this way, South Korea has been able to enact liberal policies towards “shared blood” foreign workers in nearby China.<sup>133</sup> It is unlikely that South Korea would be quite as lenient towards foreign care workers if the *Joseonjok* population did not exist.

Currently, the EPA agreements are the only real avenue for elderly care workers to legally come and work in Japan. However, this program accepts only a limited number of candidates and has resulted in the success of very few. These experienced workers are forced to do menial jobs while attempting to become proficient in more than just standard Japanese within a short period of three to four years. Being held to the same standards as Japanese counterparts has proven time and time again to be a near impossible challenge for these workers. Furthermore, the MHLW estimates that the care industry will

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<sup>129</sup> Erin Aeran Chung. *Immigration and Citizenship in Japan*. New York: Cambridge UP, 2010. Print.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Dong-Hoon Seol. “Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society.” *Korean Observer* 49.1 (2010): 593-614. Print.

<sup>133</sup> Ibid.

encounter a 300,000 care worker shortage by 2025.<sup>134</sup> As Japan is facing a huge labor shortage and, especially, a shortage of elderly care workers, there should be more barrier-free options with less strict requirements for foreign care workers to come to Japan and be able to stay. The explanation for why the government has been reluctant to loosen restrictions will be discussed in a later section.

### **South Korea**

While Japan targets care workers from Southeast Asia, South Korea targets ethnically Korean workers from China, also known as *Joseonjok*.<sup>135</sup> Like unskilled foreign workers in Japan, these workers are temporary and only allowed to fill positions within industries suffering from a labor shortage.<sup>136</sup> However, South Korea has far more foreign elderly care workers than Japan.<sup>137</sup> In 2012, the Korean Economic and Social Development Commission estimated that half of the entire population of elderly care workers in the private sector in South Korea were Korean-Chinese, roughly 40,000 workers.<sup>138</sup> As previously mentioned, Japan hosts only a few hundred foreign care workers.<sup>139</sup> What is the explanation for this striking difference?

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<sup>134</sup> Tomohiro Osaki. "Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting," *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

<sup>135</sup> Yeong-Soon Kim. "The Institutional Conditions of Welfare Politics towards Virtuous Circulation of the Welfare State, Labor Market, and Gender Regime in Korea," Moo-Kwon Jung(ed.), *Debates on the Korean Welfare State II*, 2009. Web. 20 Feb. 2017.

<sup>136</sup> Ito Peng. "The expansion of social care and reform: Implications for care workers in the Republic of Korea," *International Labour Review*, 149(4): 461-476, 2008. Web. 20 Feb. 2017.

<sup>137</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>138</sup> Seong Gee Um. *At the Bottom: Migrant Workers in the South Korean Long-term Care Market*. Diss.U of Toronto, 2012. Web. 28 Feb. 2017.

<sup>139</sup> Tomohiro Osaki. "Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting," *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

While Japan only recently allowed foreign care workers into the country in 2008, South Korea has been receiving increasing numbers of these workers since 2002.<sup>140</sup> Since then, the government has consistently adapted and created new policies to allow ethnically Korean-Chinese elderly care workers to legally work in South Korea. The *Joseonjok* workers receive special privileges over all other unskilled foreign workers, which allow them to adequately respond to the demand for labor in the elderly care sector. In this section, I will dissect the evolution of current policies and regulations for foreign elderly care workers in South Korea as well as their effectiveness in satisfying the demand.

In May 2016, statistics showed that 42.5 percent of all foreigners in South Korea were ethnically Korean-Chinese persons (see figure 7).<sup>141</sup> However, Korean-Chinese workers were not always welcome in South Korea. In the early 1990s, the government had a closed-door policy for unskilled Korean-Chinese workers in particular.<sup>142</sup> Despite this policy, about 79,000 illegal, undocumented *Joseonjok* were working in South Korea, especially in the elderly care sector.<sup>143</sup> As these workers were vital to the care industry, the South Korean government enacted the Employment Management System (EMS) to legalize their working status in 2002.<sup>144</sup> The EMS allowed ethnically Korean Chinese

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<sup>140</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>141</sup> "South Korea's Foreign Resident Populations." *Statistics Korea*, 2016. Web. 27 Feb. 2017.

<sup>142</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>143</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>144</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society." *Korean Observer* 49.1 (2010): 593-614. Print.

workers to work in 8 sectors, including elderly care, childcare and domestic work by issuing two-year visas.<sup>145</sup> Under the EMS, only those who could prove family-ties in South Korea could qualify. In addition, the hiring of other foreign workers into the care industry was made illegal and remains strictly prohibited today.<sup>146</sup>

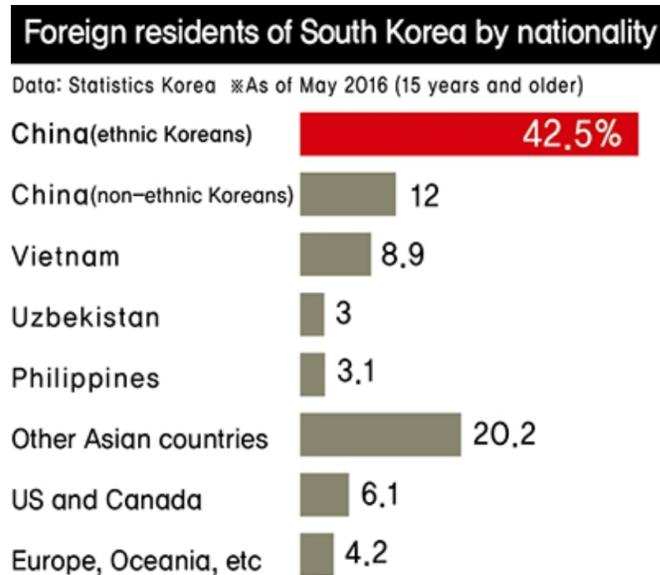


Figure 7: South Korea’s Foreign Residents by Nationality

The government believed that if South Korea had to accept foreign workers, it was better to accept those who were ethnically Korean.<sup>147</sup> Even though there was some concern about the Communist backgrounds of the workers and how the policy would affect the nation’s relationship with China, the government concluded that there would be less cultural conflicts with *Joseonjok* workers.<sup>148</sup> The Ministry of Justice went a step

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Hye-Kyung Lee. “Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?” *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>148</sup> Ibid.

further to legalize the status of undocumented *Joseonjok* in 2005.<sup>149</sup> The Voluntary Departure Program (VDP) made it possible for illegal *Joseonjok* workers to obtain legal visas by temporarily leaving South Korea.<sup>150</sup> After a one-year period abroad, the VDP issued visas that allowed the workers to reenter South Korea and work for a maximum of three years.<sup>151</sup>

In 2007, the government once again expanded the employment opportunities of Korean-Chinese workers with the Visit and Employment System (VES).<sup>152</sup> This system allowed *Joseonjok* to work in 32 occupational categories with labor shortages including care work.<sup>153</sup> Furthermore, it granted these workers the privileges of residence status by issuing H-2 visas.<sup>154</sup> These visas allow simple entry and departure from South Korea for up to five years without requiring re-entry permits.<sup>155</sup> Under the VES, *Joseonjok* without family-ties to South Korea could qualify if they passed the Korean language proficiency test.<sup>156</sup> Unlike other foreigners under the EPS, *Joseonjok* with an H-2 visa can freely choose their workplace and transfer jobs in certain sectors. The EMS, VDP and VES demonstrate how the South Korean government has created special privileges for

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<sup>149</sup> Katharina H.S Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Keiko Yamanaka. "Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy." *Korean Observer* 49.1 (2010): 615-47. Print

<sup>153</sup> Ibid.

<sup>154</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>155</sup> Junmo Kim and Yong-Soo Kwon. "Economic development, the evolution of foreign labor and immigration policy, and the shift to multiculturalism in South Korea" *Philippine Political Science Journal*, 33.2 (2012): 178-201. Print.

<sup>156</sup> Ibid.

*Joseonjok* workers that has allowed them to fill the need for foreign elderly care workers. As they share a language, appearance and culture, *Joseonjok* elderly care workers presumably alleviate potential problems in hiring foreign care workers. In this way, the South Korean government has expressed more comfort in allowing these foreigners to integrate into society.<sup>157</sup>

In 2010, the government introduced a national qualification exam for caregivers to standardize care through the Long-Term Care Insurance (LTCI) system.<sup>158</sup> LTCI provider organizations are required to hire only elderly care workers who have passed the national qualification exam and completed 240 hours of training (80 hours of theory, 80 hours of practice and 80 hours of apprenticeship).<sup>159</sup> In 1997, Japanese policymakers created their version of Long-Term Care Insurance (LTCI) with only in-kind benefits.<sup>160</sup> In Japan, elderly citizens using the LTCI program must go to government-regulated public care institutions. However, South Korea's LTCI offers both in-kind services and in-cash benefits.<sup>161</sup> For this reason, there are two main types of elderly care workers in South Korea.

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<sup>157</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>158</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>159</sup> *Ibid.*

<sup>160</sup> In-kind benefits are goods or services rather than cash benefits.

<sup>161</sup> *Ibid.*

The first are the native-born *yoyangbohosa*, which are certified elderly care workers who have passed the exam and completed the training.<sup>162</sup> The *yoyangbohosa* are allowed to work in LTCI provider organizations.<sup>163</sup> The second type are the *Joseonjok*, whom meet visa regulations but are not officially certified to work in LTCI care facilities.<sup>164</sup> Most *Joseonjok* elderly care workers have not met any official national standards, although, they often receive on the job training or training in private institutions.<sup>165</sup> These foreign workers often work in the less regulated eldercare market.<sup>166</sup> They hold positions in geriatrics hospitals, general hospitals, nursing homes, residential and group homes, which are not under the LTCI system.<sup>167</sup> Unlike the Southeast Asian care workers in Japan, the *Joseonjok* care workers have no examination barrier since they mainly work in the unregulated care sector. They fill many of the available slots for care workers outside of the LTCI system.<sup>168</sup> In recent years, the LTCI Act allowed *Joseonjok* elderly care workers to take the national qualification exam with no restrictions on age, gender, education level, or previous experience.<sup>169</sup> However, there is no official data on how many of these workers have passed the examination.

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<sup>162</sup> Young Jun Choi. *Long-term care for older persons in the Republic of Korea: Development, Challenges and Recommendations*. United Nations Economic and Social Commission for Asia and the Pacific, 2014. Web. 17 Mar. 2017.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015): 376-93. Print.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Junmo Kim and Yong-Soo Kwon. "Economic development, the evolution of foreign labor and immigration policy, and the shift to multiculturalism in South Korea" *Philippine Political Science Journal*, 33.2 (2012): 178-201. Print.

Most *Joseonjok* elderly care workers are middle aged women, in their fifties and sixties from northeast provinces in China.<sup>170</sup> They are typically second-generation Koreans whose parents left the homeland during the Japanese colonization of Korea.<sup>171</sup> Many of these women migrate to South Korea alone in order to earn some money to send to their husbands and families back in China.<sup>172</sup> As they maintained their Korean language and culture, they have an advantage in securing elderly care positions.<sup>173</sup> Unlike the Southeast Asian care workers in Japan, they face no linguistic and cultural barriers. These women are often recruited through outsourcing agencies that place them in their institutional care facilities or directly with patients upon signing an employment contract.<sup>174</sup> At eldercare facilities, working conditions are generally poor, with long working hours and low wages.<sup>175</sup> Despite these situations, many *Joseonjok* continue to fill elderly care needs throughout South Korea.

While *Joseonjok* workers with H-2 visas make up the majority of foreign elderly care workers, marriage migrants also make up a portion.<sup>176</sup> According to various studies, foreign spouses, mostly women, provide a noteworthy amount of unpaid care work for

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<sup>170</sup> Seong Gee Um. *At the Bottom: Migrant Workers in the South Korean Long-term Care Market*. Diss.U of Toronto, 2012. Web. 28 Feb. 2017.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>175</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>176</sup> Young Jun Choi. *Long-term care for older persons in the Republic of Korea: Development, Challenges and Recommendations*. United Nations Economic and Social Commission for Asia and the Pacific, 2014. Web. 17 Mar. 2017.

their husbands' older Korean parents.<sup>177</sup> As international marriages now make up about 15 percent of all new marriages in South Korea, the number of marriage migrants has greatly increased.<sup>178</sup> Between 2002 and 2010, international marriages caused nearly 787,000 people to migrate to South Korea.<sup>179</sup> *Joseonjok* comprise 32 percent of these people, with ethnic Chinese and Vietnamese comprising 23 and 18 percent respectively.<sup>180</sup> These spouses serve as elderly care workers within their new families.

South Korea has taken a very different approach than Japan when it comes to foreign care workers. Indeed, both countries operate under the assumption that care workers should be temporary guest workers. However, South Korea has taken many strides to ensure empty positions in the elderly care sector are being filled with *Joseonjok* foreigners. Conveniently, South Korea is close in proximity to a large number of these Korean-Chinese workers in China who eagerly pursue economic opportunities in their ancestors' homeland. Unlike the Southeast Asian care workers of Japan, these co-ethnics face no linguistic, cultural or examination barriers. This is part of the reason why they have been more readily embraced than other foreign workers.

The South Korean government does not regulate and monitor the standard of elderly care as closely among these workers as Japan. However, Japan's strict regulations ensure far fewer foreign care workers than necessary. Why does South Korea pursue a more open-door policy for foreign elderly care workers, making policies to invite them in

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<sup>177</sup> Sun-Hee Baek, Eunsoo Sung and Sung Hee Lee. "The Current Coordinates of the Korean Care Regime," *Journal of Comparative Social Welfare*, 27:2: 143-154, 2011. Web. 17 Mar. 2017.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

and not placing detrimental restrictions on them? Why does Japan maintain its closed-door policy and strict regulations for foreign care workers? The next sections will address these questions with an examination of national leadership and the influence of civil society in these two countries.

## Chapter 4: National Leadership

In order to explain why these policies have diverged, we must understand the role of the national leaders and government in Japan and South Korea. Japan's Liberal Democratic Party (LDP) has controlled the government for decades. Fundamentally conservative, the LDP has made little effort to ease the strict regulations on foreign care workers.<sup>181</sup> Only recently, in 2016, has the current prime minister, Shinzo Abe, made mild adjustments to the restrictive policies.<sup>182</sup> However, in South Korea the regime has been more liberal in the past few decades.<sup>183</sup> Throughout the 2000s, presidents from different political parties have fostered the idea of "Multicultural Korea" and have led their governments towards the enactment of more open policies for foreign workers.<sup>184</sup> The different national leadership in these two countries has greatly influenced the directions of their policies. The following subsections will illuminate national leadership in Japan and South Korea, as well as how the governments have contributed to different policies for foreign elderly care workers.

### Japan

In Japan, the ruling Liberal Democratic Party (LDP) has controlled the Japanese government almost uninterrupted for most of the postwar period. This powerful, center-right party frequently promotes a closed-door immigration policy for unskilled foreign

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<sup>181</sup> Junichi Akashi. "New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors?" *Contemporary Japan* 26 (2014): 175-96. 2014. Web. 18 Sept. 2016.

<sup>182</sup> Tomohiro Osaki. "Lower House Committee Passes Foreign Trainee Bill," *The Japan Times*. The Japan Times, 21 Oct. 2016. Web. 22 Oct. 2016.

<sup>183</sup> Katharina H.S Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>184</sup> *Ibid.*

workers. In an interview in 2016, Takeshi Noda, an adviser to the LDP panel, spoke of immigration “Domestically, there is a big allergy. As a politician, one must be aware of that.”<sup>185</sup> The LDP, a fundamentally conservative party, risks losing votes from professional associations, conservative voters and workers if they promote a more open policy. In particular, the Japanese Nurse’s Association (JNA) is plays an important part in gathering the vote for the LDP. Rural regions, where anti-immigrant sentiments are prevalent, are also strong voter bases. In this way, the dominant LDP must be careful in its actions towards foreign workers and immigration. However, these organized voters are less influential since the 1994 electoral reforms. The LDP’s primary opposition party, the Democratic Party of Japan (DPJ), has also taken a reluctant stance towards loosening immigration policies. Although in power from 2009-2012, this center-leftist party did not advocate for any strong immigration policy.<sup>186</sup>

Perhaps one of the biggest leaders in shaping immigration policy is the Ministry of Justice (MOJ). In Japan’s “bureaucracy-dominated policymaking regime,” power over immigration legislation is concentrated in this ministry.<sup>187</sup> The MOJ is responsible for legal registration, federal litigation, criminal prosecution and enforcement, as well as immigration and naturalization. In the past, the MOJ has strongly rejected any proposals

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<sup>185</sup> Linda Sieg and Ami Miyazako. “Japan Eyes More Foreign Workers, Stealthily Challenging immigration Taboo,” *Reuters*. Reuters, 26 Apr. 2016. Web. 25 Sept. 2016.

<sup>186</sup> John Haffner. “Immigration as a Source of Renewal in Japan,” Policy Innovations. *Carnegie Council*, 19 Jan. 2012. Web. 10 Apr. 2017.

<sup>187</sup> Takeyuki Tsuda and Wayne A. Cornelius. “Japan: Government Policy, Immigrant Reality,” *Controlling Immigration: A Global Perspective*. Ed. Wayne A. Cornelius, Takeyuki Tsuda, Philip L. Martin, and James F. Hollifield. 2nd ed. Stanford: Stanford UP, 2004. 439-76. Print.

advocating for the loosening of restrictions.<sup>188</sup> It continues to be very conservative in making any adjustments to Japan's immigration policy.

Prime Minister Shinzo Abe (2006-07, 2012-) has continued to echo a conservative immigration stance through his administration. However, under his leadership, there have been some minor policy adjustments. Since he began his second term as prime minister at the end of 2012, the number of foreigners living in Japan has increased almost 10 percent.<sup>189</sup> This is not to say that Abe has been a strong proponent for immigration policy change. In 2015, Abe stated "as an issue of demography, I would say that before accepting immigrants or refugees, we need to have more activities by women, by elderly people and we must raise our birth rate. There are many things that we should do before accepting immigrants."<sup>190</sup> Prime Minister Abe has promoted an increase in temporary foreign workers only as a last resort to compensate for Japanese labor needs.

Under the Abe administration, small-scale changes were made to alleviate some of the difficulties of the exam for EPA candidates and increase the numbers of foreign elderly care workers in Japan. In 2013, modifications were made to make the exam questions more understandable for foreigners.<sup>191</sup> The exam now uses more common expressions, *furigana* is given for kanji characters and names of diseases are now

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<sup>188</sup> Betsy Brody. *Opening the Door: Immigration, Ethnicity, and Globalization in Japan*. New York: Routledge, 2002. Print.

<sup>189</sup> Robin Harding. "Japan Opens Doors To More Temporary Foreign Workers; Labor Shortages," *Financial Times*. Financial Times, 15 Sept. 2016. Web. 23 Sept. 2016.

<sup>190</sup> Justin McCurry. "Japan Under Pressure To Accept More Immigrants As Workforce Shrinks," *The Guardian*. The Guardian, 26 Nov. 2015. Web. 25 Sept. 2016.

<sup>191</sup> Junichi Akashi. "New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors?" *Contemporary Japan* 26 (2014): 175-96. 2014. Web. 18 Sept. 2016.

provided in both Japanese and English.<sup>192</sup> In addition, candidates are given thirty percent longer to complete the exam.<sup>193</sup> In 2015, the government allowed EPA candidates to have an additional year for training. This extension made it possible for caregivers to take the exam twice and nursing candidates to take the exam four times.<sup>194</sup> In 2016, foreign care workers were granted the ability to seek employment at providers of home-based nursing care. Previously, workers were not allowed to work as visiting caregivers.<sup>195</sup> Although this change has not been implemented yet, the government hopes it will widen the employment prospects for these workers. Despite these changes, Abe's stance is still limited, not completely transformative, and will surely face opposition as well as support. Currently, Abe still refuses to refer to any changes towards foreigners as 'immigration policy', maintaining his belief that migrants are short-term guests who will return home.<sup>196</sup>

National leadership in Japan has been conservative and has spoken out against immigration as a means to combat labor shortages. Major political parties, as well as the Ministry of Justice, have taken conservative positions towards acceptance of foreign workers. As a result, elderly care workers have very limited opportunities to come to

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<sup>192</sup> Ibid.

<sup>193</sup> "Indonesian, Filipino Nurses To Stay Extra Year To Pass Exam." *Japan Today*. Japan Today, 25 Feb. 2015. Web. 24 Sept. 2016.

<sup>194</sup> "Filipino, Indonesian Trainee Nurses To Get More Time To Pass Japan Exams." *The Japan Times*. The Japan Times, 24 Feb. 2015. Web. 24 Sept. 2016.

<sup>195</sup> "Japan To Ease Restrictions On Foreign Guest Workers." *Nikkei: Asian Review*. Nikkei, 27 Feb. 2016. Web. 24 Sept. 2016.

<sup>196</sup> Colin Moreshead. "Japan: Abe Misses Chance on Immigration Debate," *The Diplomat*. The Diplomat, 6 Mar. 2015. Web. 24 Sept. 2016.

Japan. As I will explain in a later section, attitudes towards immigration in Japan tend to be negative.

### **South Korea**

In South Korea, leaders from both the conservative and liberal parties have promoted the acceptance of foreign workers. While the nation has had conservative leadership for almost a decade, presidents since the 2000s have promoted more liberal policies for foreign elderly care workers.<sup>197</sup> Previously, presidents, Roh Tae-woo (1988-1993) and Kim Young-sam (1993-1998), contributed to an increase in foreign workers through the establishment of training programs, such as the ITTP.<sup>198</sup> However, the acceptance of *Joseonjok* care workers was only strongly advocated by the pro-reunification oriented political regimes of Kim Dae-Jung (1998-2003) and Roh Moo-hyun (2003-2008).<sup>199</sup> Under these progressive presidents, the Employment Management System, Voluntary Departure Program, and the Visit and Employment System were all instituted.<sup>200</sup> As previously discussed, these programs greatly assisted *Joseonjok* elderly care workers in legally working in South Korea.

Roh Moo-hyun's administration was especially proactive in issuing a series of reforms to improve the treatment of foreign workers. During the presidential campaign of 2002, immigrant rights were an important issue as the NGO community was a significant

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<sup>197</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>198</sup> Frank Rudiger, James E. Hoare, Patrick Kollner, and Susan Pares. *Korea 2011: Politics, Economy and Society*. Leiden: Brill, 2011. 2011. Web. 11 Apr. 2017.

<sup>199</sup> Katharina H.S Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>200</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

voting force.<sup>201</sup> When Roh had won the presidency, he had campaigned on the platform to end discrimination against foreign workers and possessed close ties to human rights groups.<sup>202</sup> Under Roh's administration, the Industrial Trainee Program was replaced with the Employee Permit System. Furthermore, Roh announced that South Korea would embrace "Multiculturalism" and begin a campaign towards acceptance of foreigners.<sup>203</sup> The Act on the Treatment of Foreigners, which provides assistance to immigrants of all cultures and occupational levels, was established during his presidency.<sup>204</sup>

Even the leaders from the center right Liberty Korea Party (LKP), also known as Saenuri, have supported efforts to loosen immigration and embrace foreigners.<sup>205</sup> Under conservative president Lee Myung-bak (2008-2013), the Multicultural Families Support Act was enacted.<sup>206</sup> The Multicultural Families Support Act helps marriage migrants and multicultural families of any status with language classes, child rearing classes, educational support for children, employment support, emergency centers and hotlines for victims of violence.<sup>207</sup> This act has created a more hospitable environment for foreign care workers and showed a step toward a more open policy for foreigners in South Korea.

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<sup>201</sup> Deborah J. Milly. *New Policies for New Residents: Immigrants, Advocacy, and Governance in Japan and beyond*. Ithaca: Cornell UP, 2014. Print.

<sup>202</sup> Ibid.

<sup>203</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society." *Korean Observer* 49.1 (2010): 593-614. Print.

<sup>204</sup> Ibid.

<sup>205</sup> Katharina H.S Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>206</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society." *Korean Observer* 49.1 (2010): 593-614. Print.

<sup>207</sup> Ibid.

As previously mentioned, South Korea has been receiving large numbers of illegal immigrants, mainly from China, since the early 1990s.<sup>208</sup> While former president Park Geun-hye (2013-2016) has cracked down on the high number of illegal immigrants, she also advocated for more immigrant support programs.<sup>209</sup> Park's administration expressed the importance of helping immigrants better settle down in South Korea by expanding diverse community adjustments programs to prevent any kind of discrimination.<sup>210</sup> Under Park's leadership in 2016, the government allocated over 676 billion won, or roughly \$588 million US dollars, to execute projects targeting foreign populations in South Korea.<sup>211</sup> Park's publically promoted the rationale that immigrants were essential for economic competition and government.<sup>212</sup>

The current acting president, Prime Minister Hwang Kyo-ahn, follows Park's policies closely.<sup>213</sup> In 2016, he stated "Over the last decade, the number of foreigners in the country dramatically increased from some 750,000 in 2005 to 1.9 million last year, accounting for 3.7 percent of the whole population. A sound foreigners policy is needed now more than at any other time to induce social integration, secure national security, and boost economic growth."<sup>214</sup> As presidential elections will be held in May 2017, political

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<sup>208</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>209</sup> Katharina H.S Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>210</sup> Ibid.

<sup>211</sup> "South Korea to Crack Down on Illegal Immigrants," *Yonhap News Agency*. Yonhap News Agency, 4 Apr. 2016. Web. 20 Feb. 2017.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

analysts predict the election of a liberal president in light of Park's recent scandals.<sup>215</sup> A liberal president would likely carry on the ideas of "Multiculturalism" as well as an open immigration policy that would continue to invite foreign elderly care workers to work in labor shortage industries.

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<sup>215</sup> Choe Sang-Hun. "Ouster of South Korean President Could Return Liberals to Power," *The New York Times*. The New York Times, 10 Mar. 2017. Web. 20 Mar. 2017.

## Chapter 5: The Political Influences of Civil Society

While national leaders have a direct impact on policy, civil society organizations have varying levels of political influence. In Japan and South Korea, the level of political influence possessed by civil society groups is quite different. According to Deborah J. Milly, advocacy for immigrant policies has generally had a limited impact in Japan and a substantial impact in South Korea.<sup>216</sup> In Japan, immigration revisions are not a major agenda as public discourse on the issue is not nearly as strong as in South Korea.<sup>217</sup> Immigrant rights groups and international NGOs in South Korea have far more political impact than their counterparts in Japan.<sup>218</sup> This discrepancy helps explain why South Korea has moved toward a more open policy for foreign elderly care workers and foreign workers. This section will discuss the level of political influence that civil society groups have in Japan and South Korea.

### Japan

The Japanese government has a lot of support in maintaining a restrictive stance toward immigrants, despite the growing labor demands. Although surveys show sentiments are changing, there is still a deeply rooted anxiety about foreigners eroding Japan's "homogenous" national identity and provoking social unrest.<sup>219</sup> Acceptance of

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<sup>216</sup> Deborah J. Milly. *New Policies for New Residents: Immigrants, Advocacy, and Governance in Japan and beyond*. Ithaca: Cornell UP, 2014. Print.

<sup>217</sup> Katharina H.S. Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>218</sup> Young Jun Choi. Long-term care for older persons in the Republic of Korea: Development, Challenges and Recommendations. United Nations Economic and Social Commission for Asia and the Pacific, 2014. Web. 17 Mar. 2017.

<sup>219</sup> "A Narrow Passage: Begrudgingly, Japan Is Beginning to Accept That It Needs More Immigrants," *The Economist*. The Economist, 20 Aug. 2016. Web. 23 Sept. 2016.

foreign workers is often seen as a threat to Japanese collective ideas of their country as a racially and culturally homogenous nation.<sup>220</sup> Crime and terrorism in the wake of international terrorist attacks have also contributed to resistance.<sup>221</sup> Many of these ideas are relatively unfounded, as both crime rates and other studies have shown; however, they remain popular sentiments. Negative attitudes towards the acceptance of foreigners are most prevalent in rural Japan, ironically where elderly care workers are needed the most, as aging populations and low birth rates there are severe.<sup>222</sup> In these more isolated areas, lack of exposure and interaction with immigrants is perhaps an explanation for the most conservative views.<sup>223</sup> Japanese organizations that promote these anti-immigrant views are often influential than immigrant support groups in policy decisions. Not only do many politicians take similar stances, but these groups have connections with media outlets to get their messages out to the public.

Public discourse is not very focused on immigration revisions, but groups do protest immigration inclusion. One well-known anti-immigrant group in Japan is Zaitokukai, or the Citizen's Association to Oppose Special Privileges of Zainichi.<sup>224</sup> Although the exact membership numbers are not known, Zaitokukai claims to have over 15,000 members.<sup>225</sup> This extremist group promotes an anti-foreigner message through its

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<sup>220</sup> Ito Peng. "Japan and Its Immigration Policies Are Growing Old," *East Asia Forum*. East Asia Forum, 7 June 2016. Web. 23 Sept. 2016.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

<sup>224</sup> Erin Aeran Chung. *Immigration and Citizenship in Japan*. New York: Cambridge UP, 2010. Print.

<sup>225</sup> Tomohiro Osaki. "Head of anti-foreigner group Zaitokukai to step down," *The Japan Times*. The Japan Times, 12 Nov. 2014. Web. 10 Feb. 2017.

ultranationalist rhetoric and demonstrations.<sup>226</sup> Zaitokukai also has connections with cable television channels and manga artists, which help them bring their messages to the general population.<sup>227</sup> Founder Makoto Sakurai has appeared on programs such as Channel Sakura to promote his organization.<sup>228</sup> In addition, they have had some loose political connections to the LDP and the Japan Restoration Party, formerly known as the Sunrise Party.<sup>229</sup>

As immigration policy change and the acceptance of foreign workers remain controversial topics in Japanese society, ultranationalist groups are not the only organizations with anti-immigrant sentiments. Numerous professional associations have voiced opposition to these changes as they feel the acceptance of more foreign care workers would lead to a widespread decline in quality and professionalism of the care service industry.<sup>230</sup> Not only does the level of knowledge and education worry these associations, but also the perceived low language requirement. Under the trainee system, care worker trainees will need Japanese proficiency of N4 or higher under the five-tiered Japanese Language Proficiency Test.<sup>231</sup> This level is the second lowest and is described on the test's website as the "ability to understand basic Japanese."<sup>232</sup> The Japanese

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<sup>226</sup> Ibid.

<sup>227</sup> Keiko Yamanaka. "Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy," *Korean Observer* 49.1 (2010): 615-47. Print.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

<sup>230</sup> Tomohiro Osaki. "Lower House Committee Passes Foreign Trainee Bill," *The Japan Times*. The Japan Times, 21 Oct. 2016. Web. 22 Oct. 2016.

<sup>231</sup> Tomohiro Osaki. "Caregiver Trainee Program Coming Up Short, But Options On Table Also Daunting," *The Japan Times*. The Japan Times, 19 Apr. 2015. Web. 10 Sept. 2016.

<sup>232</sup> Ibid.

Nursing Association (JNA) has claimed this low level of language comprehension will create language and communication barriers that could risk the lives and safety of patients. Furthermore, the Society for Teaching Japanese as a Foreign Language has said these low requirements “severely compromises their care giving duties.”<sup>233</sup> The JNA and other professional organizations have significant political influence, as they often gather the vote for the ruling LDP.

Japanese labor unions are also vocal advocates for restrictive immigration policies.<sup>234</sup> Japan’s largest labor union, the Japanese Trade Union Federation, also known as RENGO, published “Views Regarding Premises and Criteria for Acceptance of Foreign Workers” in 1988.<sup>235</sup> This group is concerned with both increased crime and job security; workers worry about losing their jobs to foreign workers. RENGO continues to hold a negative attitude toward the loosening of immigration policies that may allow more foreign workers into the country.<sup>236</sup> Although it has backed LDP leadership, RENGO has widely known ties to another one of Japan’s biggest political parties, the DPJ.<sup>237</sup> However, these labor organizations do not have a strong political outlet to influence immigration policy.

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<sup>233</sup> Ibid.

<sup>234</sup> Jiyeon Song. “Labor markets, care regimes, and foreign care worker policies in East Asia,” *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

<sup>237</sup> Keiko Yamanaka. “Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy,” *Korean Observer* 49.1 (2010): 615-47. Print.

Japan's business sector has been an important advocate for the expansion of foreign worker programs.<sup>238</sup> The Japan Chambers of Commerce have been known to directly challenge the government's stance on acceptance of foreign workers.<sup>239</sup> Keidanren, also referred to as the Japanese Business Federation, has also repeatedly urged the government allow more foreign workers to fill labor shortages.<sup>240</sup> In 2016, Keidanren issued a policy proposal emphasizing the need for foreign workers.<sup>241</sup> The proposal highlighted the need for further expansion of training programs to cover more industries, as well as the desire to target international students to fill positions.<sup>242</sup> As Japan's biggest business lobby with strong ties to the LDP, Keidanren has been influential in impacting policy.

Lawyers' associations, such as Nichirenben, advocate for foreign worker rights and more broadly human rights. Also known as the Japan Federation of Bar Associations (JFBA), Nichibenren sponsored a symposium, "Toward Achieving a Society of Multiethnic and Multicultural Coexistence," in 2008.<sup>243</sup> Furthermore, Nichibenren drafted a bill to protect foreigners' rights and issued a report calling for the abolishment

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<sup>238</sup> Ibid.

<sup>239</sup> Deborah J. Milly. *New Policies for New Residents: Immigrants, Advocacy, and Governance in Japan and beyond*. Ithaca: Cornell UP, 2014. Print.

<sup>240</sup> "Keidanren urges government to boost number of foreign workers," *The Japan Times*. The Japan Times, 22 Nov. 2016. Web. 10 Apr. 2017.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> Deborah J. Milly. *New Policies for New Residents: Immigrants, Advocacy, and Governance in Japan and beyond*. Ithaca: Cornell UP, 2014. Print.

of the Technical Intern Training Program (TITP) in 2014.<sup>244</sup> The report claimed the TITP had created “an endless series of human rights violations.”<sup>245</sup> Despite these recommendations, the TITP remains active. Advocacy organizations such as the Solidarity Network with Migrants Japan and the Council to Promote Multicultural Society have similarly proposed several policy changes towards better treatment of foreigners.<sup>246</sup> However, like several other immigrant-rights groups in Japan, their political influence at the national level is marginal. According to Deborah J. Milly, “Civil society groups in Japan advocating national policy changes have remained largely outside of formal governance relationships.”<sup>247</sup> This is due to the strength of the bureaucracy in Japan’s political structure.<sup>248</sup> In Japan, policy-making is shaped more internally by initiatives coming from within the bureaucracy. As a result, Japan maintains its current closed-door policy.<sup>249</sup>

### **South Korea**

In South Korea, the situation is different. Immigrant support groups and active NGOs, the majority of which are affiliated with religious organizations, have been very

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<sup>244</sup> *Statement Concerning the “Review Results Regarding the Direction of Revision of the Technical Intern Training Program for Foreigners,”* Publication. Japan Federation of Bar Associations, 2014. *Japan Federation of Bar Associations*, 18 June 2014. Web. 10 Apr. 2017.

<sup>245</sup> *Ibid.*

<sup>246</sup> Deborah J. Milly. *New Policies for New Residents: Immigrants, Advocacy, and Governance in Japan and beyond.* Ithaca: Cornell UP, 2014. Print.

<sup>247</sup> *Ibid.*

<sup>248</sup> Katharina H.S. Moon. *South Korea’s Demographic Changes and their Political Impact.* Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>249</sup> Erin Aeran Chung. *Immigration and Citizenship in Japan.* New York: Cambridge UP, 2010. Print.

influential in pressing the government for major policy changes.<sup>250</sup> Immigrants and foreign workers have also taken their own initiatives to organize their own civil groups, which engage in activism for better working conditions.<sup>251</sup> Together foreign spouses, documented and undocumented foreign workers, and native South Korean activists advocate for further acceptance and promotion of foreign workers' rights.<sup>252</sup> The business sector has also been successful in advocating for more foreign workers, as it maintains close connections with conservative political parties, such as the Korea Liberty Party.<sup>253</sup>

In South Korea, organized immigrant advocacy groups have considerable political influence. Social movements in South Korea have contributed to a more open immigration policy for foreign workers. For example, the removal of the Industrial Technical Training Program and replacement Employment Permit System was the result of pressure from immigrant support groups and NGOs.<sup>254</sup> Furthermore, there has been growing public awareness of the challenges facing foreign care workers.<sup>255</sup> In 2015, a popular newspaper, Yonhap, ran a story in Korean about the many kinds of discrimination foreign workers face in South Korea.<sup>256</sup> Government think tanks such as the Korea Development Institute (KDI) have begun issuing policy papers stressing the

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<sup>250</sup> Young Jun Choi. *Long-term care for older persons in the Republic of Korea: Development, Challenges and Recommendations*. United Nations Economic and Social Commission for Asia and the Pacific, 2014. Web. 17 Mar. 2017.

<sup>251</sup> Dong-Hoon Seol. "Which Multiculturalism? Discourse of the Incorporation of Immigrants into Korean Society," *Korean Observer* 49.1 (2010): 593-614. Print.

<sup>252</sup> Ibid.

<sup>253</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015): 376-93. Print.

<sup>254</sup> Ibid.

<sup>255</sup> Steven Denney. "South Korea's Migrant Workers in Public Eye," *The Diplomat*. The Diplomat 10 Sept. 2015. Web. 24 Feb. 2017.

<sup>256</sup> Ibid.

importance of accepting foreign workers as a response to labor shortages.<sup>257</sup> In one policy paper, the KDI stated “Because it is currently difficult to guarantee success with birth rate promotion policies, immigration policy should be set as a key state strategy and related laws and institutions should be adjusted to broaden the societal debate.”<sup>258</sup>

Television, radio, Internet and other media outlets have also promoted support and inclusion for foreigners.<sup>259</sup> Through public service news and entertainment, these media outlets have supported foreign workers and multicultural families. For example, Migrant World Television (MWTV) is operated by immigrants and temporary foreign workers.<sup>260</sup> It serves as a popular multi-ethnic broadcaster.<sup>261</sup> In addition, radio stations such as EBS, TBS, Arirang, and Woongjin Foundation promote multiculturalism and diversity in their content.<sup>262</sup> Furthermore, in 2008, the Woongjin Foundation established Multicultural Music Broadcasting in order to serve the needs of foreign workers, multicultural families and marriage migrants.<sup>263</sup> This station showcases music from around the globe, as well as provides living tips, guidance and support for immigrants in South Korea.<sup>264</sup>

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<sup>257</sup> Su-ji Park. “A Country Where, without Foreigners, the Factories Would Close,” *The Hankyoreh*. The Hankyoreh, 30 Dec. 2016. Web. 24 Feb. 2017.

<sup>258</sup> Ibid.

<sup>259</sup> Katharina H.S. Moon. *South Korea’s Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> Jiyeon Song. “Labor markets, care regimes, and foreign care worker policies in East Asia,” *Social Policy & Administration* 49.3 (2015); 376-93. Print.

<sup>264</sup> Ibid.

Since democratization, South Korean labor unions have been very active and influential in industrial relations.<sup>265</sup> The Federation of Korean Trade Unions (FKTU or Inochong) as well as the Korean Confederation of Trade Unions (KCTU or Nodong) have promoted better treatment for all workers.<sup>266</sup> These unions have not only openly advocated for foreign workers in the country, but actively recruit them into their unions.<sup>267</sup> In 2015, the Ministry of Labor granted the Korean Migrants' Trade Union (MTU) official legal registration, following a Supreme Court ruling.<sup>268</sup> Labor unions together with South Korean NGOs supported this group's struggle during this ten-year legal battle.<sup>269</sup> This court ruling marked a great success for foreign workers all over South Korea. Like the Nichibenren in Japan, the Seoul Bar Association (SBA) is an active advocate for foreign workers. Since 1994, the SBA has had a consultation office specifically for foreign workers.<sup>270</sup>

Just as in Japan, South Korea has their share of anti-immigrant groups. However, their influence remains marginal.<sup>271</sup> Groups such as the Citizen's Alliance Against Foreign Workers, Republic of Korea Patriotic Society, and Society of Victims of Pakistani and Bangladeshi Foreign Nationals strongly oppose looser immigration laws

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<sup>265</sup> Keiko Yamanaka. "Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy," *Korean Observer* 49.1 (2010): 615-47. Print.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Steven Denney. "South Korea's Migrant Workers in Public Eye," *The Diplomat*. The Diplomat 10 Sept. 2015. Web. 24 Feb. 2017.

<sup>269</sup> Ibid.

<sup>270</sup> Deborah J. Milly. *New Policies for New Residents: Immigrants, Advocacy, and Governance in Japan and beyond*. Ithaca: Cornell UP, 2014. Print.

<sup>271</sup> Jiyeon Song. "Labor markets, care regimes, and foreign care worker policies in East Asia," *Social Policy & Administration* 49.3 (2015); 376-93. Print.

and immigrant support.<sup>272</sup> The largest of these groups, the Citizen's Alliance claimed to have about 6,000 members in 2015, while the others had between 3,000-5,000 members.<sup>273</sup> These groups are similarly concerned with crime, terrorism and job security.<sup>274</sup> In South Korea, anti-immigrant groups rarely get any media coverage and, if they do, it is always negative.<sup>275</sup> This is true even in the politically conservative media.<sup>276</sup> They also have no relationships to any major political parties. In this way, anti-immigrant groups are very isolated and have little opportunity to influence policy or the public.<sup>277</sup>

South Korea's active civil society can be attributed to the recent period of oppressive military dictatorship from 1973 to 1987.<sup>278</sup> Under authoritarianism, human rights violations and labor abuses were rampant.<sup>279</sup> This legacy has contributed to a collective memory amongst the political leaders and activists, whom remain sensitive to human rights abuses.<sup>280</sup> In Japan's older democratic system, public discourse on these issues is less prominent.

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<sup>272</sup> Ibid.

<sup>273</sup> Ibid.

<sup>274</sup> Junmo Kim and Yong-Soo Kwon. "Economic development, the evolution of foreign labor and immigration policy, and the shift to multiculturalism in South Korea," *Philippine Political Science Journal*, 33.2 (2012): 178-201. Print.

<sup>275</sup> Katharina H.S. Moon. *South Korea's Demographic Changes and their Political Impact*. Policy Paper. No. 6. Brookings Institute, Center for East Asia Policy Studies, Oct. 2015. Web. 20 Feb. 2017.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Keiko Yamanaka. "Civil Society and Social Movements for Immigrant Rights in Japan and South Korea: Convergence and Divergence in Unskilled Immigration Policy," *Korean Observer* 49.1 (2010): 615-47. Print.

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

## Conclusion

In order to respond to increasing demands for elderly care, Japan and South Korea have turned to a temporary foreign labor source. However, despite similar immigration trajectories in the past as well as issues of labor shortages, aging populations, and low fertility rates, these two countries have elected different strategies and policies to respond to their demands in recent years. While Japan has only moderately opened its doors to foreign elderly care workers through EPAs with Southeast Asian countries in 2008, South Korea has consistently adapted its policies since 2000 to allow *Joseonjok* care workers to fill their elderly care needs. As a result, Japan has accepted only a few hundred care workers, while South Korea's *Joseonjok* workers constitute over half of the elderly care workforce, some 40,000 workers.<sup>281</sup>

This policy divergence can be explained by national leadership and the political influence of civil society. Japan's LDP is a dominant national leader, which has maintained strict immigration laws and views foreign labor as a last resort to solving any demographic issues.<sup>282</sup> In this way, their policies have been more conservative. Meanwhile, South Korea's national leadership from both progressive and conservative parties has advocated for the acceptance of foreign workers and enacted policy to assist foreign workers with legal employment. As a result, their policies have been more liberal. Furthermore, South Korea has a lively civil society with many immigration support

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<sup>281</sup> Hye-Kyung Lee. "Preference for Co-ethnic Groups in Korean Immigration Policy: A Case of Ethnic Nationalism?" *Korean Observer* 41.4 (2010): 559-91. Print.

<sup>282</sup> Junichi Akashi. "New Aspects of Japan's Immigration Policies: Is Population Decline Opening the Doors?" *Contemporary Japan* 26 (2014): 175-96. 2014. Web. 18 Sept. 2016.

groups with enough political influence to sway the president and the bureaucracy. In Japan, different groups have political connections. Recent democratization in South Korea has also sparked a public discourse on human rights activism. However, the same issues are not a major agenda of civil society in Japan. As a result, South Korea has enacted a more open immigration policy than Japan.

In the context of transnational migrant care, this comparative analysis shows how countries coming from similar immigration trajectories have produced divergent immigration policies. This paper demonstrates how a relatively closed country like South Korea transformed its policies to meet elderly care demands, while a similar country like Japan has chosen to maintain restrictive policies. In a larger context, this analysis has highlighted the political factors and influences involved in the enactment of different policy responses by nations facing similar demands. In light of the looming elderly care crisis, Japan's LDP leaders should follow South Korea's example and enact less restrictive immigration policies for foreign elderly care workers.

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