Volume 6 | Issue 5 | Article ID 2762 | May 03, 2008

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Takeyuki Tsuda

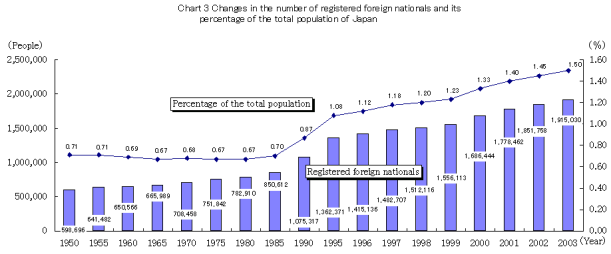
Local Citizenship and Foreign Workers in Japan

Takeyuki TSUDA

Summary: While Japan has a significant population of foreign workers, the national government has done little to provide citizenship rights or social services for them. In a number of cases, local municipalities and NGOs have stepped in to offer basic rights and social services to immigrants residing in their communities, leading to a type of local citizenship. If localities are emerging as important sites for the struggle for immigrant rights and social integration, there remain serious limitations to such efforts in a milieu in which the national government sharply restricts the rights of immigrants.

Introduction: Localities as Sites for Citizenship in Recent Countries of Immigration

In recent decades, Japan has joined a growing number of countries which recently began accepting immigrants, importing large numbers of foreign workers starting in the 1980s (other examples are Korea, Spain, and Italy).[1] All of these countries have suffered acute labor shortages caused by rapid economic growth, negative demographic trends (low fertility rates and rapid population aging), and the depletion of previous labor sources (women, the elderly, rural workers).



(*) "Number of registrated foreign nationals" as of December 31 each year.
(*) The "percentage of the total population of Japan" is calculated based on the population as of October 1 every year from the "National Census"(for 1950–1995 and 2000) and "Estimated Population"(for 1996–1999 and 2001–2003) of the Statistics Bureau, Ministry of Internal Affairs and Communications.

Foreign Nationals in Japan 1950-2003. Ministry of Justice
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The citizenship status of immigrants is frequently precarious in such countries. These countries generally grant immigrants fewer rights than do older countries of immigration, for a number of reasons. Because immigrants have been in these countries for a relatively short period, few have become naturalized citizens or even denizens (permanent residents). In addition, national governments in these countries lack active social integration programs to grant basic rights and services to immigrants who are not citizens or denizens. Because immigrants are recent arrivals, few in number, and more likely to be sojourners rather than settlers, they are not considered prospective long-term residents and potential citizens. Instead, they are frequently marginalized from the national community as both temporary sojourners and culturally alien outsiders, deemed unworthy to partake of the rights and social services reserved for citizens of the nation-state.

Nonetheless, immigrants have become a permanent presence in many local communities in countries of recent immigration as some take up long-term, if not permanent, residence and

https://doi.org/10.1017/S1557466008006657 Published online by Cambridge University Press

are joined by their families. Yet the governments of these countries, instead of addressing the citizenship rights and social needs of immigrant settlers and their dependents, have increasingly focused on immigration control and border enforcement in an attempt to keep their foreign populations small and avoid a flood of illegal immigrants. This situation was exacerbated by the terrorist attacks of September 11, 2001, which caused national governments around the world to tighten immigration controls in the name of national security. The Japanese and Spanish governments have also cracked down on illegal immigration in response to the media-fueled public perception that immigrants are undermining public safety by increasing the crime rate.



Moroccan immigrants arrive in Spain

Because national governments in countries of recent immigration have been largely oblivious to the social needs of immigrants, local governments and institutions have had to deal with the foreigners already residing in their communities. A de facto division of labor has emerged in which the national government is concerned solely with immigration policy (the regulation of immigration flows and border control as well as formal processes of permanent residence and citizenship) while local governments and nongovernmental organizations (NGOs) have taken care of immigrant policy (the provision of basic services and rights that facilitate the social integration of immigrants). In Japan and South Korea, local governments and/or NGOs have become almost exclusively responsible for providing basic social services to their immigrant residents. In Italy and Spain, the implementation of the national government's immigrant integration policies has been delegated to local governments and NGOs, which have been granted considerable autonomy to develop their own programs. The rights and services that local governments and institutions offer immigrants include employment and housing assistance, language programs, cross-cultural activities, education for immigrant children, health care and insurance, welfare benefits, and local political representation. Immigrants' rights have also been improved in Italy, Japan, South Korea, and Spain through activism—direct political mobilization or through the courts—by local immigrant advocacy groups and immigrants themselves.

The Concept of Local Citizenship

Local citizenship refers to the granting, by local governments and organizations, of basic sociopolitical rights and services to immigrants as legitimate members of these local communities (cf. Andrew and Goldsmith 1998; Tegtmeyer Pak 2001). This includes social integration programs and policies, services offered by local governments and NGOs, and local activism to demand and secure basic rights for immigrants. Although this type of citizenship is rarely discussed in the scholarly literature, it has had a significant impact on the lives of immigrants, especially in countries of recent immigration, which makes it imperative to situate local citizenship within broader

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analyses of immigrant citizenship.

Despite citizenship's inclusionary aspects (the conferral of rights to members of a specific community), in the case of immigration, citizenship seems more exclusionary than inclusionary (Joppke 1999: 630). Immigrants have generally been denied the rights granted to national citizens because of their status as outsiders. Nevertheless, the lack of national citizenship does not necessarily mean that immigrants lack substantive citizenship rights since the nation-state also may confer rights on non-national foreign residents. Immigrants who have become permanent residents—referred to as denizens (Hammar 1990)—hold certain rights comparable to those of national citizens in many liberal democracies. Legal immigrants who are not denizens have generally enjoyed a more limited set of rights, and certain liberal democracies have offered some basic rights even to illegal immigrants (although these latter two categories of immigrants have sometimes been referred to as "marginens"). Thus, immigrants' access to rights has frequently come to depend more on residence status in the nation-state than on the possession of national citizenship (Brubaker 1989; Jacobson 1996: 70–72). If we think in terms of formal citizenship (rights that the nation-state formally grants to individuals), citizenship appears to comprise gradations of rights, with national citizens enjoying the most rights and unauthorized immigrants enjoying the least.

However, as mentioned above, most foreign residents in countries of recent immigration have not yet become national citizens or even denizens, nor have they been granted rights and services by the national government through social integration programs. Unlike their counterparts in countries more familiar with immigration, the immigrants' mere residence has been insufficient for them to be considered as members of the national community, whose basic rights are guaranteed by the nation-state. Nonetheless, their lack of formal citizenship rights does not mean that they are deprived of substantive citizenship rights, because other institutions and organizations besides the nation-state confer rights on immigrants based on their membership in non-national communities.

Although the nation-state has been the predominant framework used in analyses of immigrant citizenship, in recent decades (cf. Holston and Appadurai 1999: 2) non-national organizations—both supranational and subnational—have begun to challenge its status as the exclusive purveyor of citizenship. The result is an increasing discrepancy between the formal citizenship rights granted by nation-states and the possession of substantive citizenship rights. In this manner, citizenship has become somewhat delinked from nation-states, making it possible for immigrants to enjoy considerable rights even without formal citizenship.

When scholars consider non-national forms of citizenship, they invariably refer to rights granted to immigrants by global organizations such as the United Nations, which have produced numerous international conventions relevant to migrant worker rights. These broadly inclusive forms of postnational or global citizenship (see Bauböck 1994; Bosniak 2001; Jacobson 1996; Soysal 1994) challenge—and ultimately may supersede—the more limited formal citizenship rights offered by the nation-state. However, the real power of such international human rights regimes remains weak since there is no global enforcement mechanism that can guarantee the postnational/global citizenship rights conferred upon migrant workers under international conventions. Therefore, nation-states remain the only political actors that can enforce international human rights regimes. Yet only thirty of the world's two hundred countries—and none of the major countries of immigration—have ratified the United Nations

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convention on migrant rights. Although many more governments, including Japan, have ratified the UN conventions against racial discrimination and on the status of refugees, few have seriously enforced the provisions of such international conventions (cf. Castles and Davidson 2000: 18–19; Loescher 1993; Guiraudon and Lahav 2000: 167–68). As a result, postnational/global citizenship is often not a form of substantive citizenship.

A more substantial form of supranational immigrant citizenship involves the rights offered by regional organizations, such as the transnational citizenship extended by the European Union. However, even the European Union (where this type of citizenship is most developed) has no regional policy enforcement mechanism (Geddes 2000: 31), and individual member states have not seriously implemented the EU's migrant and human rights conventions. Only the European Convention on the Protection of Human Rights is legally binding on signatory nations and has a supranational judicial enforcement mechanism—the European Court of Human Rights, which has had some impact on member states (Guiraudon and Lahav 2000; Hammar 1992: 259). Although a regional European citizenship is emerging, its rights remain quite limited, and they do not apply to immigrants who are not EU nationals (see Koslowski 2000).

Instead of focusing exclusively on supranational citizenship as an alternative to formal citizenship, I argue that we need to seriously consider subnational forms of citizenship. In fact, local citizenship is a more viable and independent type of non-national citizenship than supranational citizenship for a number of reasons. First, in contrast to transnational and global citizenship, the local citizenship rights and social services conferred on immigrants by local governments and NGOs are actually enforced—by city and state ordinances, local law enforcement officials, and the courts. Second, national governments sometimes delegate considerable authority (and resources) to local governments and NGO service providers to run their own immigrant integration programs, as in Italy and Spain. Third, in some cases where a national government has neglected the social integration of its immigrant residents (as in Japan and Korea), local authorities have shown considerable autonomous and independent policy initiatives by offering the immigrants in their local communities the citizenship rights and services denied by the nation-state. Therefore, even in the absence of formal citizenship, immigrants have been able to enjoy considerable substantive rights in certain localities.

As a result, local citizenship has become a viable alternative that expands—and at times supersedes—the more restrictive citizenship of nation-states. Even when the state has marginalized immigrants from the national community as non-citizen outsiders, many immigrants have been incorporated into local communities as residents and members entitled to rights—that is, as local citizens. As Joseph Carens (1989) has argued, governments have a moral obligation to offer citizenship to immigrants who are legitimate members of society. Although they are frequently socioeconomically marginalized, it is undeniable that both legal and illegal immigrants make important economic and civic contributions to local communities as workers, taxpayers, consumers, and residents, and as ethnic and institutional participants.

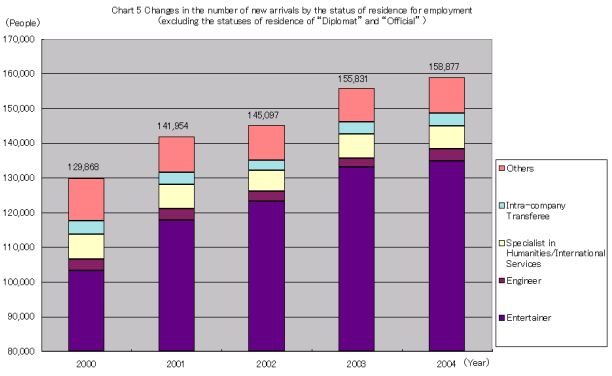
As a result, a number of scholars have begun to focus on local cities (rather than nations) as important sites for the negotiation of citizenship and claims-making (Andrew and Goldsmith 1998; Holston and Appadurai 1999; Isin 2000a; Sassen 1999). As a result, cities remain important in a globalized world, not only as the sites where the financial management and support structures for global capital are concentrated (Sassen 2001) but also

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where global migrants are incorporated as local citizens. In this manner, cities can be better articulated with and more responsive to global forces (whether involving the economy or immigration) than can the nation-state, and hence they have become increasingly drawn into the governance of the local diversity introduced by globalization.

The Importance of Local Citizenship in Japan

Because of severe domestic labor shortages, Japan has accepted significant immigration since the late 1980s. The country's immigrant population is very diverse, with foreign workers coming from East and Southeast Asia, Latin America, and the Middle East. The total number of legal and unauthorized immigrants in Japan is close to 900,000, about 800,000 of them unskilled or semi-skilled.[2] Although immigrants represent only 0.71 percent of Japan's total population of 127 million, their current numbers represent a sharp increase from the late 1980s, when Japan's foreign worker population probably numbered only in the few hundred thousands. This population did not decline appreciably during Japan's decade-long economic recession, demonstrating that the demand for immigrant labor has become structurally embedded.



New immigrants to Japan 2000-2004 by occupation. Ministry of Justice
Enlarge this image

There are a number of reasons why local citizenship is of particular importance in Japan. The Japanese government has a very restrictive (and disingenuous) immigration policy that has placed many foreign workers in a precarious human rights situation. This includes "entertainers" who are forced to become sex workers and "trainees" who are exploited as cheap unskilled laborers. Even the legally accepted and ethnically privileged nikkeijin are sometimes deceived by labor brokers, who promise them easier jobs and higher pay than is actually available. Unauthorized immigrants in Japan are sometimes forced to toil under poor working conditions and receive low wages without standard worker rights and protections and do not have access to adequate medical insurance and care. Few recent immigrants have become citizens or denizens—naturalization remains difficult in Japan, and most immigrants have not resided there long enough to become denizens. Recent developments in immigration policy indicate that the national government will remain almost exclusively focused on restrictive immigration control, especially with concerns (fueled by the government and media) that foreigners are increasing crime in Japan. Moreover, among recent countries of immigration, Japan has probably done the least to socially integrate its immigrant residents and promote their citizenship rights. As a result, the immigrants' only recourse for gaining citizenship rights and services has been local governments, NGOs, and local activism. In stark contrast to Japan's national government, a number of localities have been quite proactive in incorporating foreign workers into their communities as local citizens.

National immigration policy

The Japanese government, which adheres to the myth of Japan as an ethnically homogeneous nation that is not and never has been a country of immigration, has one of the most restrictive immigration policies among

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advanced industrialized countries. It bases its policy on three fundamental principles:

> • No unskilled foreign workers will be admitted. Even when confronting a crippling labor shortage in the late 1980s, the Japanese government refused to open its doors to unskilled migrant workers. The revised Immigration Control and Refugee Recognition Act (implemented in 1990) maintained Japan's long-standing ban on unskilled foreign workers and imposed tough penalties on employers and labor brokers who knowingly recruit and hire illegal aliens.
>
> • The government should facilitate the admission only of highly skilled and professional foreign workers. While forbidding the admittance of unskilled immigrants, the revised Immigration Control and Refugee Recognition Act expanded the number of legal residence statuses (mainly skilled and professional visa categories) from eighteen to twenty-seven and simplified immigration procedures in order to meet the increasing demand for foreign managerial and technical staff, foreign language instructors, and high-tech workers.
>
> • All foreigners should be admitted on a temporary basis only. All foreign workers in Japan are granted temporary visas, and no foreign workers are admitted as permanent immigrants. Nor does the government permit the immigration of family members of foreign workers residing in Japan (except for the Japanese descent nikkeijin) because family reunification would encourage foreigners to settle in Japan.

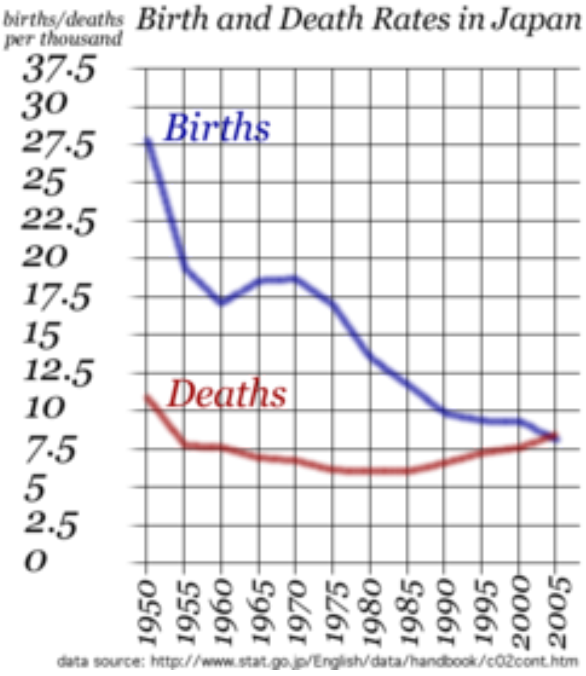
Although the Japanese government has officially prohibited the importation of unskilled foreign labor, it has not been as unresponsive to the economic need for foreign workers as it officially appears on the surface. The Ministry of Justice (responsible for immigration policy) has created various "side-door" mechanisms that enable the legal importation of large numbers of unskilled foreign workers under visa categories officially intended for other purposes. With the front door officially closed to all but skilled and professional workers, over half of the estimated 800,000 unskilled immigrant workers in Japan have entered through a side door.

Japan's company trainee program is one important side door for importing migrant labor. Although officially justified as a form of overseas development assistance that enables trainees from developing countries to acquire technical skills at Japanese companies, the program is being widely abused as a source of inexpensive, unskilled foreign labor. The most numerically important of Japan's immigration side-door mechanisms is the policy that allows Latin American nikkeijin (individuals of Japanese descent who were born and raised outside of Japan) to "return" migrate to Japan. Although the nikkeijin work exclusively as unskilled migrant laborers in small and medium-sized Japanese factories (and were tacitly admitted for this purpose; cf. Kajita 1994: 172), the government officially justified the policy as an opportunity for the nikkeijin to learn the Japanese language and culture, meet their Japanese relatives, travel the country, and thus explore their ethnic heritage. The admission of foreigners on visas for pre-college "students" (shugakusei) represents another of Japan's side-door immigration policies. Although ostensibly in Japan to learn the language or participate in vocational training

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programs, they can work part-time. However, most work illegally in excess of the allowed hours, and many are becoming full-time, unskilled foreign workers, particularly in the service sector (see Komai 1995: 119). A final side-door mechanism for bringing unskilled workers to Japan is the "entertainment" visa. Many of these "entertainers" are from the Philippines and actually work as bar hostesses in sleazy nightclubs or as prostitutes. Many of Japan's immigrant sex workers are undocumented female migrants who are exploited by human traffickers and forced to work as hostesses or prostitutes.

It has become quite apparent that these side-door policies for importing unskilled foreign workers have not sufficed to meet Japan's labor needs at a time of declining population.



Birth and death rates, 1950-2005

Because Japan has maintained its restrictive immigrant admissions policy despite the strong domestic demand for foreign labor, many immigrants have simply entered Japan illegally through the "back door" in order to take advantage of the country's abundance of relatively high-paying jobs. If we include the various different types of unauthorized immigration to Japan (visa overstayers, illegally smuggled immigrants, and those who work illegally in violation of their visa's activity restrictions), the illegal immigrant worker population is probably well over 300,000.



Undocumented workers perform many unwanted and arduous jobs
Human rights, citizenship, and social integration

The Japanese government's restrictive immigration policy prohibiting unskilled foreign workers, as well as the disingenuous importation of foreign workers through the side door and back door, have led to serious human rights abuses—"entertainers" who are forced into sex work and "trainees" who are exploited as cheap, unskilled laborers. Even the relatively privileged nikkeijin are sometimes deceived by labor brokers, who promise easier jobs and higher pay than are available. Unauthorized immigrants in Japan sometimes toil under poor working conditions, receive low wages, lack standard worker rights and protections, and have no access to adequate medical insurance and care.

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To date, the Japanese government has done little to improve the human rights situation of these foreign workers. Very few of them have obtained formal citizen or denizen status, which would accord them essential rights and protections. Japan has a jus sanguinis ("right of blood") nationality law and therefore grants citizenship only to the descendants of Japanese nationals. But it is even quite difficult for foreign residents to become naturalized Japanese citizens. Although naturalization requirements seem uncomplicated, the paperwork requirements are onerous, discouraging many from applying and causing others to be turned down even before submitting an application (Kashiwazaki 2000: 442–43). In addition, Ministry of Justice officials continue to exercise considerable discretion in determining whether applicants have met the requirements for Japanese citizenship. Even when an applicant's paperwork is in order, these officials have denied citizenship on the grounds that the individual has not demonstrated good moral conduct (for instance, if a person has a previous minor legal infraction such as a traffic violation) or has not shown sufficient indications of cultural assimilation (especially if the applicant refuses to adopt a Japanese name, even though this is no longer legally required). As a result, few recent immigrants have been willing or able to naturalize.

In addition, it remains very difficult for "newcomer" immigrants to become denizens by acquiring permanent residence (which requires ten years of residence in Japan). Since the late 1990s, the Ministry of Justice seems to have relaxed the requirements, taking into consideration an applicant's overall contribution to Japanese society as well as his or her personal situation (such as being married to a Japanese national) and the number of denizens has increased considerably.

As Christian Joppke notes (2001: 59–60), a nation-state can have restrictive rights for immigrants but grant liberal naturalization opportunities, or it can make naturalization restrictive but grant considerable rights to non-citizen immigrants. Unfortunately, the Japanese government has maintained a restrictive policy toward both naturalization and immigrant rights. Indeed, it seems to be increasingly concerned with maintaining a strict immigration control policy and strengthening border enforcement, and it has given no serious consideration to immigrants' social integration and rights. Since the revised Immigration Control and Refugee Recognition Act was implemented in 1990, there has been no discernable shift in the Japanese government's closed-door immigration policy. Therefore, the government is unlikely to consider a liberalization of its immigration, citizenship, or naturalization laws in the near future.

Indeed, recent policy changes have focused mainly on measures to tighten immigration control in order to reduce illegal immigration to Japan and to address domestic security concerns over international terrorism and the country's rising crime rate (attributed in part to foreigners). In 1998 the government began imposing draconian fines and prison sentences on various types of immigrant smugglers (and those who assist them). New penalties were also implemented against visa overstayers beginning in February 2000. Accompanying these measures, there have been stepped-up inspections at airports and seaports, increased screening of visa applicants and airline passengers, increases in the number of immigration officials, a pilot program to introduce machine-readable visas at Japanese embassies, and biometric scanning to prevent illegal entry by foreigners. The government also plans to institute new laws to crack down on human trafficking. Because of increasing public concern over rising foreigner crime (fueled by exaggerated media reporting), the government has determined to halve the number of illegal immigrants in Japan by mobilizing immigration officers and police as

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part of a plan (backed by the prime minister and Cabinet) to keep Japan one of the safest countries in the world.

Because of the government's current preoccupation with immigration control, it will be some time before immigrant social integration and citizenship rights will enter the policy-making agenda. In fact, the Japanese government's continued insistence that all foreign workers are strictly temporary has allowed it to avoid providing them with extensive social services and rights. Regardless of the government's official stance, however, immigrants are beginning to settle for the long term, if not permanently, in Japanese society (see Okuda 2000; Sellek 2001: 104–106; Tajima 2000: 361). Immigrant settlement is most advanced among the nikkeijin; many have brought their families to Japan and have been living there for years (Tsuda 1999). Among other foreign workers, the average stay in Japan had already reached five years by 1996, and over half of the immigrants from the Philippines, China, and Thailand wanted to settle in Japan (1996 survey, in Komai 2001: 66–67). Even among visa overstayers, nearly half have been in Japan for at least three years (Komai 2001: 70–71). Highly visible immigrant communities have sprouted in parts of Tokyo and in outlying Japanese industrial cities and towns in Gunma and Aichi prefectures. These populations are supported by a vast array of ethnic businesses, churches, employment agencies, and ethnic media (see Okuda 2000; Okuda and Tajima 1992, 1993; Tajima 2000: 361; Tsuda 2003).



Immigration children of Japanese descent in school celebrating Peru's independence day

Despite the long-term settlement of immigrants in Japanese society, the economic and social rights that the Japanese government has granted them remain very basic and insufficient. Nominally, Japan's labor laws and protections apply to foreign workers regardless of their legal status. In reality, however, several factors—unscrupulous employers, insufficient reporting and oversight, and fear of apprehension—make foreign workers especially vulnerable to labor law violations (see Terasawa 2000). Most foreign workers are eligible for national or employer-provided health insurance as well as the national pension plan and public housing. However, foreign workers and their employers sometimes are reluctant to join these health insurance programs for a number of reasons, and immigrants who are in Japan illegally are ineligible for the national health plan.

Local government and social integration programs

Because the Japanese national government has done little to provide basic rights and social services to immigrants, it has been left to local governments to integrate the foreign residents who have settled in their neighborhoods and

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communities (see Kashiwazaki 2000: 462–63; Tegtmeyer Pak 2000). Municipal governments in cities with large immigrant populations have generally been receptive, providing foreign workers with language classes and translation services, information handbooks and pamphlets, consultation services (for personal, legal, employment, and social welfare issues), public housing, health insurance and emergency medical coverage, assistance with alien registration, and even limited political representation through foreigner advisory councils (see Miyajima and Kajita 1996; Tegtmeyer Pak 2000). In order to promote inter-ethnic interaction and understanding in local communities, a number of local governments have also established international exchange offices, which organize special events, festivals, and cultural activities to bring Japanese and foreign residents together. Although immigrants are not legally obliged to send their children to school, it is widely recognized that foreign children have a right to receive education and local communities have required immigrants to enroll their children in Japanese schools (Sellek 2001: 201). Local schools with large numbers of foreign students have designed "Japanese classes" with specially trained teachers, developed teaching manuals, hired personal tutors and aides, and offered counseling and translation services for foreign students and parents.

Local municipal governments have demonstrated considerable independent policy-making initiative by granting such local citizenship rights and services to their foreign residents (Tegtmeyer Pak 2000: 245). Undoubtedly, this is partly by default, as the national government has effectively withdrawn from this policy domain. Nonetheless, local governments' willingness to take independent action is quite remarkable given that they are pursuing a policy objective that conflicts with that of the national government. By treating foreign workers as settled residents and local citizens, local governments are seemingly challenging the national government, which views immigrants as only temporary labor power. In this, Japan differs notably from Italy and Spain, whose national governments have officially endorsed the social integration of immigrants and delegated to local governments and NGOs the responsibility for crafting and implementing specific programs.

Some scholars have questioned the ability of local governments to provide civic citizenship based on equal rights for all residents (Beauregard and Bounds 2000: 249; Borja and Castells 1997), noting a decline in local governments' power and authority as well as their relative inability to deal with global changes. However, local governments are not merely subordinate service deliverers that implement national government policies. They have become important and independent policymakers in their own right, especially in terms of immigrant social integration (Body-Gendrot and Schain 1992; Isin 2000b: 8–9). Although Japan's relatively centralized governmental system limits independent action by localities in a number of ways (more so perhaps than in some Euro-American countries), local governments have shown considerable autonomy in certain policy areas. Since the 1960s they have engaged in progressive local policy making in areas ignored by the national government or in active opposition to national priorities (Jain 1989; Tegtmeyer Pak 2000: 245; Steiner 1980). Likewise, in terms of immigrant citizenship and social integration, localities in Japan have emerged as innovative policymakers and the main source of rights and services for foreign residents.

There are a number of reasons why local governments have become actively engaged in immigrant social integration policy and citizenship rights despite a lack of support or guidance from the national government (see Tegtmeyer Pak 2000, 2001). Unlike national

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governments, localities cannot ignore the foreign residents in their midst, who have social needs that cannot be neglected without negative social repercussions on the surrounding community. In particular, local governments are concerned about the potential for conflict between Japanese and foreign residents, and they realize that proactive immigrant incorporation policies can do much to relieve local tensions. In addition, local governments are legally responsible for the welfare of all local residents (including foreign ones), and they benefit from immigrants, who support the local economy as workers, consumers, and taxpayers. NGOs and academics representing foreign workers have lobbied local governments for immigrant rights, especially because the national government has been unresponsive in this area. Finally, local governments have created an autonomous policy-making space for themselves by conveniently appropriating and redefining the national government's project of "local internationalization" to include immigrant incorporation programs.[3]

NGO service providers and immigrant activism

Nongovernmental organizations have also been active in providing services and rights to local immigrant residents. Although local governments have been much more inclusive of foreign workers than has the national government, their citizenship still has limits because it does not encompass the most marginalized of foreign workers—the undocumented. Local officials feel that their social incorporation programs cannot include undocumented foreign workers, who generally do not register with municipal governments and are therefore not considered part of the local community (Tegtmeyer Pak 2000: 250). In fact, under Japanese immigration law, all government officials are required to report illegal immigrants to the Immigration Bureau (Komai 2001: 121). As a result, local NGOs have stepped in to provide undocumented foreigners with basic services and to protect their human rights, thereby granting them a limited form of local citizenship by implicitly recognizing them as legitimate local residents, even if municipal governments have not.

Shipper (2002) counts about two hundred NGOs assisting foreign workers in Japan. Many are volunteer citizens groups supported primarily by donations, foundations, membership and service fees, and local governments. They assist unauthorized immigrants to resolve labor disputes and problems with abusive employers; to gain access to medical services and coverage, education, and housing; and to handle issues related to immigration status, arrest, and detention. Others are faith-based (mainly Christian) NGOs or women's support groups that protect immigrant women from prostitution, sexual exploitation, and violence (both at work and at home). In addition, Japanese Christian churches have welcomed foreigners into their congregations, providing an informal means of social support. Japanese community labor unions[4] have also been somewhat involved in the defense of migrant workers' rights, interceding in cases of employer exploitation, labor law violations, or workplace accidents. Some professional associations also assist foreign workers. These include medical support groups that offer low-cost treatment, medical information, translation and consultation services, health insurance, and assistance in the case of workplace accidents. Lawyer associations have published human rights handbooks for immigrants and offered legal consultation services to resolve various types of disputes. Although many NGOs primarily assist unauthorized immigrants, they also serve legal foreign residents.

Although local governments and NGOs are generally serving two different immigrant constituencies (legal versus illegal foreign

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workers), their efforts are not mutually exclusive. Local governments support NGO networks (sometimes including financial support), and NGO service providers lobby local governments, request their assistance, and work with them to develop programs (see Tegtmeyer Pak 2000; Shipper 2002). In fact, some local governments rely so heavily on NGOs for some immigrant service delivery and community outreach, that they shirk the responsibilities of local governments.

In addition, NGOs are not mere service providers for marginalized foreign residents, but activist organizations that defend and fight for these residents' rights. In this sense, citizenship is not simply a conferral of rights; it has an active, performative dimension in which its boundaries are contested and challenged by marginalized, excluded groups (cf. Chung 2002; Isin 2000b; Marx 1996). Again, local cities have become the primary site for such claims-making and activism because they are where the socioeconomic inequalities produced by global capital are most concentrated, causing disadvantaged and marginalized immigrant groups to mobilize politically for citizenship rights (Marx 1996; Sassen 1999, 2000).

NGOs have struggled to improve immigrant rights in a number of ways. First, by offering rights and services to unauthorized immigrant residents, they have contested and expanded the local government's definition of who is a legitimate community member worthy of local citizenship. Second, they have protected and defended foreign workers whose human rights have been infringed by unscrupulous employers who violate labor laws or force women into prostitution, by husbands who abuse their immigrant wives, by local businesses or landlords that discriminate against foreigners, and by a national government that does not provide health coverage or social welfare to undocumented immigrants and detains them in inhumane conditions. In addition, NGOs often monitor compliance with laws and regulations that apply to foreign workers (especially in the workplace), helping to ensure that they are properly implemented. Finally, they have fought to expand foreign workers' rights through lobbying of local and national governments, legal action through the courts, appeals to international human rights conventions and organizations, and grassroots political mobilization.

The Limits of Local Citizenship and Activism in Japan and Other Countries of Recent Immigration

Despite the dominant focus on nation-states as the source of citizenship, localities in countries of recent immigration have proven to be a much more inclusive, effective, and reliable source of rights and services for migrant workers. In contrast to national governments, many of which continue to view immigrants strictly as temporary labor power and as culturally alien outsiders, local governments and nongovernmental organizations (NGOs) have welcomed foreign residents into their communities as local citizens even though the nation-state has refused to do so. When the guarantees of local citizenship have been insufficient, NGOs and local activists have stepped in to defend and expand the rights of immigrants. As a result, migrant workers have been able to enjoy substantive citizenship rights even in the absence of nation-state recognition.

As an alternative to the formal citizenship granted by the nation-state, local citizenship is more substantial and viable than the nominal and ultimately unenforceable rights of transnational and postnational citizenship. Nonetheless, our enthusiasm for local citizenship should not blind us to its serious limits. When citizenship is left to localities, each with its own local conditions and contingencies, it becomes subject to regional variation, ultimately sacrificing uniformity and

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quality. Even proactive local governments and NGOs have limited geographical jurisdiction and resources. In addition, foreign workers themselves do not always claim and exercise their local rights, partly because of their sense of social and cultural marginalization in the host country. Activism on behalf of migrant workers also faces constraints that limit its effectiveness.

Lack of uniformity: local variation in immigrant rights

One of the hallmarks of formal citizenship is geographical uniformity. National citizens receive the same rights and privileges regardless of where in the country they reside. Of course, citizens who are ethnic minorities or members of the underclass do not always enjoy equal rights, but the unevenness of national citizenship derives from social group membership, not geographical location. Likewise, the formal citizenship rights that nation-states grant to denizens and legal immigrants are also constant across geographical localities within the country's borders.

In contrast, local citizenship rights lack geographical uniformity, even within the borders of a single nation-state and can vary considerably from city to city. Because a municipal government's jurisdiction is limited to a specific locality, it can only grant rights and services to immigrants who reside in the local community. Although NGO service providers are not strictly limited to the local community (especially when they advise immigrants over the telephone or through Web sites), most local NGOs have offices in only one location (at most, they have offices in a few cities) and offer services only to immigrants living in their municipalities. There are very few nationwide NGOs that have branch offices in all major cities and localities.

Therefore, if immigrants move from a specific community, they lose the rights and services they were granted by that community's municipal government and local NGOs. Although they join a new community as local citizens, the rights that the new local authorities and organizations offer are likely to vary considerably in substance and quality. Therefore, in contrast to formal citizenship rights, which remain constant across localities, local citizenship is geographically uneven and subject to regional contingencies and variation.

There is substantial variation in citizenship rights that different localities have offered foreign workers in countries of recent immigration, including countries in which the national government has promulgated (and subsidizes) a unified immigrant integration policy that supposedly applies across regions. With implementation of national immigrant integration policy delegated to the localities, considerable regional differences arise. In Italy, some regions have active and well-funded programs, while others have yet to implement legislation for such a program. The disparities in local citizenship policies are even greater in Japan, which has no national immigrant integration policy and no federal funding earmarked for developing such programs. Certain cities, such as Kawasaki in Kanagawa Prefecture, have promoted foreign residents' incorporation and civic participation through active welfare, language, counseling, educational, outreach, and intercultural programs, as well as through municipal antidiscrimination ordinances and even limited local political representation via advisory councils. Other cities with significant immigrant populations, such as Kawaguchi in Saitama Prefecture, have minimal incorporation programs that are limited to information brochures, language classes, and special events (see Tegtmeyer Pak 2000, 2001). Moreover, numerous migrant workers in Japan reside in cities with few foreign residents, cities that offer virtually no rights and services specifically for this population.[5]

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There are multiple reasons for the unevenness of immigrant citizenship and integration policies across localities in countries of recent immigration. The first is the continuing strength of regionalism. Italy and Spain were among the last Western European countries to be formally unified as nation-states, and both have pronounced regional disparities in economic development, ethnic composition and culture, and local histories, which influence their reception of immigrants. Spain continues to have semiautonomous ethno-national regions that have been granted more local authority than other regions to develop their own immigrant policies. In general, more prosperous localities with greater need for foreign labor have implemented more proactive integration programs than have less developed regions. In addition, certain regions have received more central government funding for such programs, depending on the size of their immigrant populations, their proposed projects, and their political leverage.

Japan also has had a strong history of regionalism. For most of its modern history, it was divided into local kingdoms, and the country continues to display prominent regional differences in identities, dialects, cuisine, and local culture. In general, localities with more extensive historical experience with foreigners and immigrant minority groups, as well as more active local internationalization programs in the past, have been more receptive toward the recent wave of immigrants. Further, Japanese cities that have larger immigrant populations and that depend on and benefit economically from foreign workers generally have more developed immigrant citizenship policies and programs and a greater number of active NGO service providers. Undoubtedly, more prosperous localities with correspondingly greater tax revenues are willing to commit more funds for immigrant programs and for NGOs. Finally, local governments in cities where migrant workers have a more positive image and are more locally visible (that is, more Japanese-descent nikkeijin, fewer illegals and sex workers) also have more active immigrant incorporation programs (Tegtmeyer Pak 2000: 264–66).

In contrast, it could be argued that NGOs are more active in cities with more undocumented immigrants and foreign sex workers. Because these immigrants are the most victimized but also generally neglected by local governments, they have the greatest need for NGO services and protection. However, it is important to note that NGO services vary in scope and quality not only by locality but also from one organization to another in the same locality, depending on institutional and financial resources, staff competence and experience, and local government support.

Although local citizenship for immigrants will continue to be geographically uneven, there has been considerable horizontal sharing of immigrant incorporation programs among local governments. According to Richard Samuels (1983), Japanese local governments have often relied on horizontal linkages and cooperation with other localities for policy-relevant information, and this “translocal policy interdependence” has been just as important, if not more important, than policy guidance from the national government. The horizontal dissemination and adoption of policy ideas is most prevalent among neighboring local governments (which create regional councils for information and policy exchange) and among those with similar characteristics. It has also been driven by competitive rivalries among municipal governments (Muramatsu 1988: 51). Such policy dissemination and sharing has made local immigrant citizenship more uniform across localities and less subject to regional contingencies and variables. The result has been an improvement in the quality and coverage of local immigrant citizenship nationwide.

A similar process is under way among NGOs

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that assist immigrants in Japan. They are beginning to collaborate across cities in order to share expertise and experiences, offer similar services, and assist one another in fund-raising (Shipper 2002). Various NGOs have created support groups to accumulate and share new knowledge about assisting foreign workers and to strengthen their collective bargaining power on behalf of immigrants (Shipper 2002: 60–63). Annual meetings and conferences for NGOs have also been organized, bringing organizations together from across the country. Finally, NGOs are creating trans-local (and even national) networks to improve collaboration, information sharing, and service delivery (see Shipper 2002). These collaborative efforts have likely created more evenness in the quality of local citizenship services that NGOs offer to foreign workers in various localities in Japan. Similar processes of policy emulation and information sharing may also exist among local NGOs in Italy, Spain, and South Korea, resulting in enhanced uniformity in local citizenship programs in these countries.

Lack of substantive citizenship: low civic participation among foreign residents

Another factor that hampers the effectiveness of local citizenship in countries of recent immigration is foreign workers' under-participation in integration programs and services. Citizenship is not simply a bundle of rights that governments or institutions bestow on individuals as members of a community. Unless these rights are actively claimed and exercised through individuals' recognition of their civic belonging and commitment, citizenship is not substantive.

However, in many recent countries of immigration, foreign workers do not feel the strong sense of civic attachment and belonging to their residential communities that is necessary for effective local citizenship. Many worker migrants, particularly recent migrants, view themselves as temporary sojourners whose primary objective is to save as much money as possible in a short period of time. Their work-centered lives make them uninterested in utilizing the immigrant services and programs that municipal governments and NGOs offer, except for basic necessities such as health insurance or emergency medical care. Their general status as migratory transients also means that they may be less concerned about local citizenship issues than are long-term or permanent immigrants: issues such as rights to equal employment, education, institutional access, and local political representation.

Moreover, foreign workers in recent countries of immigration tend to be culturally unassimilated and face significant cultural and linguistic barriers in the host society. As a result, they are socioculturally marginalized by the native residents in local communities and self-segregate in immigrant enclaves, further dampening their sense of civic community and engagement as local citizens. In fact, a certain amount of cultural citizenship may be a prerequisite for active substantive citizenship.

In addition, foreign workers in countries of recent immigration often work on temporary contracts and/or switch jobs frequently in search of better wages or working conditions, leading them to move from one city to another. They do not remain anywhere long enough to feel a sense of participatory belonging as local citizens. Moreover, foreign workers in recent countries of immigration tend to be culturally unassimilated and face significant cultural and linguistic barriers in the host society. As a result, they are socioculturally marginalized by the native residents in local communities and self-segregate in immigrant enclaves, further dampening their sense of civic community and engagement as local citizens.

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Brazilian immigrant children play near their homes in Izumi

Therefore, even if local governments and NGOs regard foreign workers as long-term community residents entitled to citizenship rights, many migrants view themselves much as does the national government—as temporary, transient outsiders who are in the host society solely for economic gain. Although various municipalities have accorded them local citizenship, many of them have neither felt like nor acted like substantive citizens. This contrasts with countries with longer and deeper traditions of immigration, which have had stable, settled foreign-born populations for decades, along with growing numbers of culturally assimilated second-generation immigrant minorities. Not only have these immigrants developed long-term civic commitments to their local communities, they also have more complex sociopolitical needs and have demanded a further expansion of rights. In Japan, the experience of several hundred thousand Korean residents (migrants who came to Japan prior to 1945 and settled), may eventually motivate more recent immigrants to become engaged as local citizens.

Although there are no comprehensive statistics, one can surmise that only a small minority of Japan's total population of foreign workers participates in the programs and services offered by local governments and NGOs. This is certainly true for the Japanese-descent nikkeijin, the most settled immigrant population in Japan with the highest level of Japanese cultural competence (Roth 2002, Tsuda 2003). In fact, many immigrants in Japan are even unaware of the limited rights to which they are entitled under Japanese national law (Terasawa 2000) and the services offered by local governments. Apichai Shipper (2002: 60) reports, for example, that most migrant workers have not heard about the approximately two hundred NGOs that assist immigrants in Japan. Similar situations may prevail in other countries. For instance, many foreign workers in South Korea are also unaware of their immigrant rights and the services offered by local NGOs. The situation is exacerbated for illegal immigrants, whose fear of apprehension and deportation often cause them to refrain from using government services or exercising worker rights even when they are aware of them (see, for example, Terasawa 2000).

Demand for local citizenship programs may also be relatively low if local institutions are not delivering the rights and services that address immigrants' most pressing social needs. Even though some municipal governments in Japan have conducted surveys to identify foreign residents' needs and have created foreigner advisory councils, their social integration programs are run by Japanese officials, with limited immigrant input and participation. In addition, NGOs that serve immigrants are mainly staffed by Japanese (in contrast to NGOs in Spain, which actively recruit immigrants for their organizations). Many NGO volunteers are middle-class Japanese citizens who sympathize with the marginalized and dispossessed and are committed to social equality and human rights (Stevens 1997), turning these NGOs into largely paternalistic organizations that bestow services based on their own assumptions about what is best for their foreign residents.

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To date, Japan has few NGOs created and run primarily by immigrants. Some immigrant-run organizations have had difficulty sustaining activities because of the transient nature of their members, internal conflicts over leadership and organizational objectives, and lack of interest among their own compatriots. Even "multicultural" NGOs in other countries of recent immigration such as Spain which use immigrant staff to deliver culturally sensitive services end up running highly specialized programs tailored to a single immigrant group, and many of these programs are inferior to or duplicate the more generalized services offered by governmental welfare agencies. However, in Japan, where few government welfare agencies are assisting foreign workers, immigrant-run NGOs could serve a crucial function not covered by Japanese NGOs or local governments.

In addition, local citizenship in countries of recent immigration tends to be "episodic"; the foreign workers who do claim their rights and utilize services do so not as long-term civic participants, but in response to immediate problems or emergencies. This is partly a result of social integration programs that are as yet underdeveloped and often limited to crisis management, and partly attributable to the intention of most foreign workers to repatriate after a temporary sojourn, which causes them to draw on immigrant services only for short-term, instrumental purposes.

The services Japanese NGOs provide for undocumented immigrants offer the most visible example of this episodic citizenship. Instead of being active, contributing members of these organizations, most foreign workers only appear at NGO offices when they need help with a serious problem and leave quickly once the issue is resolved (Shipper 2002: 60, 63). This is especially true for medical NGOs which tend to focus on emergency assistance for workplace accidents, sudden illness, or lack of medical access or insurance. For instance, foreign workers enroll in these NGOs' health insurance programs but may stop paying premiums once their illness has been treated (Shipper 2002: 41–42). Japanese labor unions that welcome foreign workers have also experienced episodic participation. Instead of becoming active union members working to improve conditions for all immigrants, foreign workers often join labor organizations in order to resolve a specific dispute with an employer and then stop paying dues thereafter (Roberts 2000; Shipper 2002: 22).

Some local-government social integration programs (such as counseling services) also offer crisis assistance to foreign residents who generally do not participate in the civic community. Participation in these local programs tends to be less episodic. These programs (language classes, cultural exchange activities, and foreigners' advisory councils) require some ongoing commitment. For example, local education for immigrant children usually involves a long-term institutional commitment by settled immigrant families. A number of immigrant parents (especially the Latin American nikkeijin) have become actively involved in their children's education and school activities, and even participate in local parent-teacher groups. Sustained participation in such programs, however, is limited to a small portion of the immigrant community.

Conclusion: Toward Local-National Collaboration in Immigrant Citizenship Policy

The importance of local citizenship in countries of recent immigration such as Japan is of great importance. With national governments frequently hostile toward immigration, or emphasizing immigration control over protection of immigrant rights, local governments and NGOs have been the only official organizations providing essential rights and social services to foreign residents who

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have settled in local communities. In the process, they have demonstrated that immigrants can enjoy substantive rights even without the formal citizenship conferred by the nation-state. A number of localities have crafted innovative programs and services that are sensitive to local needs and sufficiently specialized to address basic needs of Japan's increasingly diverse foreign worker population.

Nonetheless, the emerging local citizenship does suffer from some serious limitations. The immigrant integration programs of municipal governments and NGOs are each restricted to a single geographical locality, and they vary widely in quality and coverage from city to city. Although some Japanese cities have provided extensive rights and services, most have been less welcoming to their foreign residents (Komai 2001: 120; Machimura 2000: 191). Even the more supportive municipal governments are hampered by a lack of resources--they have limited local tax revenues, and the national government has generally been unwilling to offer financial support. Likewise, some NGO services are also underfunded and understaffed. These organizations have also tended to become highly specialized, sometimes focusing on a specific group of immigrants or a narrow set of issues. In sum, local citizenship remains at best an uneven and uncoordinated conferral of rights without firm governmental guarantees. In the final analysis, only the national government can implement policies that provide a uniform set of services and rights for immigrants across localities.

There have been a number of significant steps toward extending formal citizenship rights to immigrants and offering social and welfare programs to assist them. For instance, in 1996 Japan's Ministry of Health and Welfare finally began compensating hospitals for some of the unpaid medical bills of foreign workers who had no health insurance, thus relieving local governments of this costly responsibility. There have also been initial steps toward a national education policy for immigrant children. In the early 1990s the Ministry of Education began a program to increase the number of Japanese-language teachers for foreign students, set aside hours for special Japanese language classes, and issued a language textbook and teaching guide. In recent years, the government has decided to provide specialized Japanese language instructors in schools with large numbers of nikkeijin children, and improve social insurance coverage and working/housing conditions in communities with high nikkeijin concentrations. At minimum, the Japanese government, like those of Italy and Spain, needs to provide funding to localities for their immigrant service and welfare programs and provide some national coordination and guidance by issuing a pro forma immigrant integration policy or a set of guidelines.

National governments can implement extensive programs that provide uniform services and rights nationwide that are characteristic of formal citizenship. However, such general (one-size-fits-all) programs may not be sufficiently sensitive to the needs of specific immigrant groups or localities when compared to the particularity of local citizenship. In addition, federal programs and services may be even more underutilized than those offered by localities, especially among the large number of illegal immigrants who are afraid of federal authorities. For instance, although the Japanese government has shelters for abused migrant women, the shelters are not fully utilized because most of the women are undocumented and hence reluctant to come to the attention of federal authorities (Shipper 2002: 32). Although the Ministry of Justice's Human Rights Bureau has consultation services for foreign residents, it is doubtful that many illegal immigrants use this service, since they fear being reported to the Immigration Bureau (also part of the Ministry of Justice).

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In the end, any coherent, effective immigrant citizenship and social integration policy must strike a balance between national and local policy making and service delivery, and the role of NGOs in supporting immigrant rights.

Takeyuki Tsuda is associate professor of anthropology, Arizona State University. He is the author of Strangers in the ethnic homeland: Japanese Brazilian return migration in transnational perspective and coeditor with Wayne Cornelius of Japan: Government policy, immigrant reality. In Controlling immigration: A global perspective.

He wrote this article for Japan Focus. Posted on May 26, 2008.

Notes

[1] This does not mean, of course, that they have never experienced significant immigration in the past or that immigration has never been important for their past nation-building (see Tsuda and Cornelius 2004 for the Japanese case). From 1910-1945, when significant numbers of Japanese left the country to colonize Asia and then fight in World War II, 2.1 million Koreans immigrated to Japan -- some as forced laborers -- to work in Japanese factories (see Weiner 1994). Although a good number of them repatriated after the war, many remained in Japan, creating a Korean-Japanese minority of well over 1.5 million that continues to suffer from ethnic discrimination and economic marginalization. Thus, the post-1985 influx of foreign workers is just the latest chapter in Japan's immigration history.

[2] This does not include the Korean Japanese who are born and raised in Japan but have not naturalized and are still registered as "foreigners."

[3] The national government's local internationalization programs also included funding for localities and the authority to raise funds locally (see Tegtmeyer Pak 2001: 15–16).

[4] Most of Japan's workers are organized in company-specific enterprise unions, not by industry. However, since most foreign workers are not formal employees of these companies (virtually all are on temporary contracts), they can only join community unions (Shipper 2002: 20).

[5] The notable exceptions are local schools, which require even the children of illegal immigrants to attend as long as they have local addresses and emergency medical coverage, which some local governments have offered to illegal foreign workers (Sellek 2001: 149–52, 201).

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