

Workers or Residents? Diverging Patterns of Immigrant Incorporation in Korea and Japan

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Industrial democracies in East Asia share with their Western counterparts the challenges of immigration control, immigrant incorporation and social diversity in a globalizing world. In Japan, the foreign population more than doubled in the past quarter-century, from approximately 850,000 in 1985 to almost 2.2 million in 2009. South Korea's (hereafter "Korea") foreign population has grown more than four-fold in less than a decade, from a little over 210,000 in 2000 to over 990,000 in 2009. The numbers in Korea surpass 1.1 million when undocumented immigrants—who made up approximately 15 percent of the total foreign population in 2009—are included.¹

Given the relatively small percentage of immigrants and ethnic minorities in each society, the phenomenal growth of foreign populations immersed both societies in polarized debates about border control, national identity and social order. While some segments of society focused on illegal immigration, foreign criminality and social disorder, others concentrated on immigrant integration, migrant labour rights, and the development of a multicultural society. Until the mid-2000s, immigration policies in Korea and Japan were almost identical; yet, the ways that each society attempted to incorporate immigrant populations diverged significantly. In Korea, the arrival of migrant labour generated centralized rights-based movements and, eventually, national-level rights-based legislation. In 2004, Korea opened its borders to unskilled workers, if only slightly, with the implementation of the Employment Permit System (EPS) that gave foreign workers the same protections and rights as native Korean workers. In 2006, Korea became the

KEYWORDS: Immigration, Incorporation, Diversity, Civil Society, Korea, Japan

* The author thanks Sara Berry, Bill Callahan, Mimi Keck, Daisy Kim, Hyung-Gu Lynn, Keiko Yamanaka, In Jin Yoon and three anonymous reviewers for their comments and suggestions. The research for this article was assisted by a grant from the Abe Fellowship Program administered by the Social Science Research Council and the American Council of Learned Societies in cooperation with and with funds provided by the Japan Foundation Center for Global Partnership.

¹ Korea Immigration Service, "Korea Immigration Service (KIS) Statistics 2009."

first Asian country to grant local voting rights to foreign residents, which is a measure that has been under debate in Japan for almost a decade and that has been rejected by other countries with more liberal immigration and citizenship policies, such as France and Germany. The Korean government proceeded to launch the Korea Immigration Service (KIS) in 2007 to consolidate the management of policies regarding immigration, naturalization and immigrant integration. From 2006 to 2010, Korea's National Assembly also passed a series of bills pertaining to non-citizen human rights, immigrant integration and, most recently, dual nationality.

None of these developments occurred in Japan. Instead, decentralized grassroots movements and partnerships between local governments and civil society organizations generated an assortment of local services and programs for foreign residents that ranged from Japanese language classes, multilingual information distribution, and cultural exchange programs to consultation services, housing and employment assistance, and foreign resident assemblies. The first national-level attempt to establish a comprehensive framework for immigrant incorporation came in the form of a "multicultural coexistence promotion" plan announced by the Ministry of Internal Affairs and Communications (MIC) in 2006, which proposed to coordinate programs that local governments had already developed. Although few structural reforms followed the arrival of recent immigrants, as early as the mid-1980s, social welfare provisions for foreign residents already settled within Japan were among the most generous of industrial democracies.

As traditional immigrant-sending societies, East Asian industrial democracies are rarely included in comparative studies of immigration and citizenship. When they do appear, they are usually categorized as recent countries of immigration or as models of exclusionary citizenship regimes. The former categorization can be misleading because it implies that East Asian societies have not previously encountered immigration, despite the long immigration histories in Korea, Japan and Taiwan. The latter categorization highlights how national membership is defined; yet, it provides a highly limited window into the processes and outcomes of immigrant incorporation. If East Asian democracies adhere to an exclusionary model of immigrant incorporation, how do we account for their relatively generous provisions for alien rights? How do we explain divergent outcomes in both countries given their common immigration and citizenship policies?

By comparing two seemingly similar countries in East Asia, this article proposes to shed insights into the gaps between policy intent, interpretation and outcomes. Rather than begin with the assumption that recent immigration has challenged ethnically homogenous societies in East Asia or assume a particular immigrant incorporation regime, I identify patterns of interaction between recent immigration and existing institutions that have shaped relationships between state and non-state actors, dominant populations and

minority communities, and national and local institutions. Because Korea and Japan maintained official closed-door policies throughout the 1980s and 1990s, immigrants within their borders were, for the most part, populations to be returned or expelled, not incorporated. Patterns of immigrant incorporation until the early 2000s, therefore, were not the products of deliberate decision making by either state to manage the permanent settlement of immigrants. Rather, civil society actors and local governments drew on existing strategies previously applied to incorporate historically marginalized groups in each society to confront the challenges of immigrant incorporation in the *absence* of official programs at the national level.

Rather than treat immigrant incorporation as a two-way relationship between the state and individual immigrants, this article aims to shift our lens of analysis to the role played by intermediary organizations in shaping paths for immigrant incorporation and political empowerment. By “immigrant incorporation,” I am referring to the process by which immigrants and their descendants become permanent members of their receiving societies. Incorporation, as understood this way, is equivalent neither to full legal membership as national citizens nor socio-cultural assimilation. Because this article focuses on political incorporation, I pay special attention to how immigrants and their descendants move from being the objects of political mobilization and policy making to political participants.² I use the term “immigrants” to refer primarily to the first generation but “immigrant incorporation” can refer to policies and practices pertaining to multiple generations of foreign residents.

After a brief review of the comparative scholarship on immigrant incorporation, I analyze the areas where immigrant policies converge and diverge in Korea and Japan, focusing on each country’s first comprehensive proposals for immigrant incorporation. The subsequent sections examine how grassroots movements established the blueprint for distinct patterns of immigrant incorporation in each country. Finally, I discuss how these patterns are reflected in naturalization and permanent residency rates as well as their potential problems for immigrant permanent settlement. Although I use data from Korean and Japanese-language government publications, secondary sources, personal interviews and focus groups, the secondary sources cited in this article are primarily in English. Because this article is limited to industrial democracies in East Asia, I will not include China in my analysis but I acknowledge its importance in shaping migration patterns in East Asia and across the globe.

² See Anthony M. Messina, *The Logics and Politics of Post-WWII Migration to Western Europe* (New York: Cambridge University Press, 2007), p. 233.

Comparing Immigrant Incorporation

Focusing primarily on North America, Western Europe and Australia, comparative scholarship on citizenship and immigration divides immigrant-receiving countries broadly into settler societies such as the United States, post-guest worker societies that experienced mass immigration after World War II such as Germany, and former sending societies that have recently become countries of immigration, such as Spain.³ Since the publication of Rogers Brubaker's seminal comparative study of France and Germany, much of the scholarship on countries in the last two categories, especially in Western Europe, has concentrated on citizenship regimes, specifically the *jus soli-jus sanguinis* (birthright citizenship vs. descent-based citizenship) distinction.⁴ Differences between citizenship attribution policies have, in turn, become the basis for developing models of immigrant incorporation, which are divided broadly into assimilationist (e.g., France), ethnic or exclusionary (Germany) and multicultural (Sweden).⁵ These models generally compare public policies on citizenship attribution, alien rights and labour market access in order to assess the degree to which states facilitate immigrant integration.⁶

While models of immigrant incorporation offer valuable tools for cross-national comparisons of state policies, recent scholarship on the topic has identified significant gaps between policy intent and social outcomes.⁷ Some scholars argue that no country has a coherent immigrant incorporation regime. Instead, they contend that incorporation must be measured at the local level or according to key institutions in the state, market, welfare and cultural sectors.⁸ Rather than offering comprehensive programs, individual countries often exhibit varied, sometimes conflicting, incorporation practices and strategies. Attempts to classify individual countries according to arbitrary models may obscure cross-national and intra-national variations as well as

³ Gary P. Freeman, "Modes of Immigration Politics in Liberal Democratic States," *International Migration Review*, vol. 29, no. 4 (1995), pp. 881-902.

⁴ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992).

⁵ Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 4th ed. (New York: Guilford Press, 2009).

⁶ See *inter alia* Jan Niessen et al., *Migrant Integration Policy Index* (Brussels: British Council and Migration Policy Group, 2007); and Harald Waldrauch and Christoph Hofinger, "An Index to Measure the Legal Obstacles to the Integration of Migrants," *New Community*, vol. 23, no. 2 (1997), pp. 271-285.

⁷ Ruud Koopmans, "Trade-Offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State in Cross-National Perspective," *Journal of Ethnic and Migration Studies*, vol. 36, no. 1 (2010), pp. 1-26.

⁸ Adrian Favell, "Integration Nations: The Nation-State and Research on Immigrants in Western Europe," *Comparative Social Research*, vol. 22 (2003), pp. 13-42; Gary P. Freeman, "Immigrant Incorporation in Western Democracies," *International Migration Review*, vol. 38, no. 3 (2004), pp. 945-69; Patrick R. Ireland, *The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland* (Cambridge, MA: Harvard University Press, 1994).

intervening variables between state policies and immigrant political behaviour. Are naturalization rates low in countries that do not allow for birthright citizenship because of restrictive naturalization criteria, or because of the informal practices that implicitly discourage naturalization? Do immigrants view naturalization as a path to political empowerment or as a form of undesirable assimilation?

Recent studies of immigration politics in East Asia, including numerous articles that have appeared in this journal, offer an important intervention in the scholarship on immigrant incorporation. The burgeoning English-language scholarship on Korea and Japan, in particular, prioritizes the role played by civil society actors in shaping immigrant incorporation. This body of scholarship can be divided into three interrelated categories. The first and largest category focuses on partnerships between state and civil society actors in formulating immigrant policies at both the national and local levels, which is a significant departure from earlier studies that dichotomized politics between progressive civil society groups and rigid state actors. Instead, these works demonstrate how organized groups of pro-immigrant activists built networks with key state actors that eventually generated innovative programs and policies within the confines of closed immigration policies, in Japan's case, or that generated structural reforms of immigration policies themselves, in Korea's.⁹ The second group analyzes how pro-immigrant advocacy, especially for undocumented workers, has not only secured rights for immigrants but has also furthered the democratic process in both countries.¹⁰ Finally, a third body of scholarship examines how foreign residents themselves mobilize democratic ideals, international norms, and/or local pressures to negotiate the terms of their political incorporation.¹¹

⁹ See *inter alia*, for Japan, Deborah Milly, "Policy Advocacy for Foreign Residents in Japan," and Keiko Yamanaka, "Immigrant Incorporation and Women's Community Activities in Japan: Local NGOs and Public Education for Immigrant Children," in Takeyuki Tsuda, ed., *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective* (Lanham, MD: Lexington Books, 2006); and Glenda Roberts, "NGO Support for Migrant Labor in Japan," and Katherine Tegtmeyer Pak, "Foreigners Are Local Citizens, Too: Local Governments Respond to International Migration in Japan," in Michael Douglass and Glenda Roberts, eds., *Japan and Global Migration* (New York: Routledge, 2000); for Korea, Yong Wook Lee and Hyemee Park, "The Politics of Foreign Labor Policy in Korea and Japan," *Journal of Contemporary Asia*, vol. 35, no. 2 (2005), pp. 143-165; and In Jin Yoon, "The Development of Multiculturalism Discourse and Multicultural Policy in South Korea: With a Focus on the Roles of the Government and Civil Society," *Trans-Humanities*, vol. 1 (2009), pp. 63-99.

¹⁰ See Apichai Shipper, *Fighting for Foreigners: Immigration and Its Impact on Japanese Democracy* (Ithaca, NY: Cornell University Press, 2008) and Joon Kim, "Insurgency and Advocacy: Unauthorized Foreign Workers and Civil Society in South Korea," *Asian and Pacific Migration Journal*, vol. 12, no. 3 (2003), pp. 237-269.

¹¹ See Erin Aeran Chung, *Immigration and Citizenship in Japan* (New York: Cambridge University Press, 2010); Amy Gurowitz, "Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State," *World Politics*, vol. 51, no. 3 (1999), pp. 413-45; and Timothy Lim, "Racing from the Bottom in South Korea? The Nexus Between Civil Society and Transnational Migrants," *Asian Survey*, vol. 43, no. 3 (2003), pp. 423-442.

Building on recent scholarship on Korea and Japan, this article assesses immigrant incorporation by examining the relationship between state policies that inhibit or facilitate immigrant legal incorporation and grassroots movements by immigrants and their advocates. Rather than assume a unified government response to current immigration problems, I argue that immigrant incorporation patterns are the products of interaction between recent immigration and existing institutions for democratic inclusion in a given society. In Japan's case, immigrant incorporation patterns began *prior* to the most recent wave of immigration from the late 1980s. Alien rights, labour market access for foreign residents, multicultural programs and, perhaps most significantly, networks of pro-immigrant activists that came out of earlier movements by multigenerational Korean residents (hereafter, *zainichi* Koreans) established pathways for the incorporation of later waves of immigrants. In Korea's case, human rights activists, labour unions and citizen groups that had played central roles in the earlier democratization movement applied tools used to incorporate labour, women and the poor within Korean society to make claims for migrant worker rights. In both cases, the application of existing institutions and strategies provided immigrants with far more political capital than they would have otherwise had, given their recent arrival and relatively small numbers.

Immigration Control and Immigrant Incorporation in East Asia

Immigration politics in East Asian industrial democracies underline a key point argued by Alan Smart and Josephine Smart in the pages of this journal: "Borders are usually only selectively opened."¹² Although Japan and Korea confront rapidly declining working-age population projections—with total fertility rates of 1.37 in Japan and 1.15 in Korea in 2009 and the percentage of the population aged 65 or older at 23 percent in Japan and 11.1 percent in Korea as of April 2010¹³—they have prohibited the immigration of unskilled workers, until recently in Korea's case, on the claim that their admission would threaten social cohesion. Instead, both countries responded to domestic demands for migrant labour through two key legal loopholes: 1) preferential policies for co-ethnic immigrants and 2) "industrial trainee" programs. First, co-ethnic immigration policies created a relatively ample pool of unskilled workers who would presumably pose a minimal threat to each society's stability and ethnic homogeneity. In Japan, *Nikkei* (ethnic Japanese) immigrants and their descendants (up until the third generation) were granted long-term residency visas with the 1990 revision to the

¹² Alan Smart and Josephine Smart, "Time-Space Punctuation: Hong Kong's Border Regime and Limits on Mobility," *Pacific Affairs*, vol. 81, no. 2 (2008), p. 177.

¹³ Ministry for Health, Welfare, and Family Affairs, *The Basic Plan on Aging Society and Population of Korea*, 2010; MIC, *Japan Statistical Yearbook 2010*.

Immigration Control and Refugee Recognition Act, which gave them unrestricted entrance and employment rights in Japan. Despite the stated purpose of inviting ethnic Japanese to learn the Japanese language, explore their cultural heritage, and visit their relatives, the vast majority of *Nikkei* who entered Japan with long-term visas after 1990 were Brazilian and Peruvian nationals who were recruited to work in the construction and manufacturing sectors.¹⁴ Although Korea did not create a corresponding visa category for co-ethnic immigrants, ethnic Koreans were given preferential treatment within the industrial trainee system and, later, the EPS.¹⁵ Korea also passed the Overseas Korean Act in 1999 that created an “Overseas Korean” (F-4) visa category, which gave eligible co-ethnic immigrants access to health insurance, pensions, property rights, unrestricted economic activity and broad employment opportunities.¹⁶ Until 2003, however, ethnic Koreans from China (*Chosŏnjok*), who make up the largest immigrant population of ethnic Koreans in Korea, and the former Soviet Union (*Koryŏin*) were excluded from this status based on the provision that only those who left the Korean Peninsula after the founding of the Republic of Korea in 1948 were eligible.¹⁷

Second, the Industrial and Technical Training Program for Foreigners (ITTP), established first in Japan and adopted in toto by Korea in 1991, served as de facto guest-worker programs whereby foreign workers were initially granted one-year visas to acquire technical skills. Because “trainees” were not officially recognized as workers, they received only “trainee allowances” and were not protected by labour laws in either country, making them vulnerable to industrial accidents, unpaid wages and employer abuse. As Dong-Hoon Seol points out, they were also denied three basic labour rights: “unionizing, collective bargaining and collective action.”¹⁸ Despite several revisions to better regulate these programs, including extensions to trainee visas, government guidelines prohibiting employers from engaging in abusive practices, and landmark court decisions from 1993 affirming foreign workers’ rights to industrial accident compensation, back wages and severance pay, many trainees continued to be subjected to poor working

¹⁴ See Takeyuki Tsuda, *Strangers in the Ethnic Homeland: Japanese Brazilian Return Migration in Transnational Perspective* (New York: Columbia University Press, 2003).

¹⁵ John Skrentny et al., “Defining Nations in Asia and Europe: A Comparative Analysis of Ethnic Return Migration Policy,” *International Migration Review*, vol. 41, no. 4 (2007), p. 799.

¹⁶ Jung-Sun Park and Paul Y. Chang. “Contention in the Construction of a Global Korean Community: The Case of the Overseas Korean Act,” *Journal of Korean Studies*, vol. 10 (2005), pp. 1-27.

¹⁷ Since the 2003 amendment, ethnic Koreans from China and the former Soviet Union must formally apply for a change of status to that of Overseas Korean in order to be eligible for the aforementioned benefits. The thousands of co-ethnic immigrants from China with undocumented status, however, are not eligible.

¹⁸ Dong-Hoon Seol, “Past and Present of Foreign Workers in Korea 1987-2000,” *Asia Solidarity Quarterly*, vol. 2 (2000), p. 7.

conditions, overstayed their visas, and/or sought employment in higher-paying jobs.

Korea and Japan thus shared analogous immigration policies and exclusionary practices toward migrant workers until the early 2000s. Both countries kept their borders closed to unskilled workers despite labour shortages and, instead, used “side doors” to meet labour demands. By the mid-2000s, however, Korean and Japanese government officials could no longer turn a blind eye to the swelling ranks of immigrants within their borders and announced comprehensive proposals for immigrant incorporation: the Basic Act on the Treatment of Foreigners in Korea (*Chaehan oegukin ch'ou kibonpōp*; hereafter “Basic Act”) and the MIC Plan for “Multicultural Coexistence Promotion in Local Communities” (*Tabunka kyōsei suishin puroguramu*; hereafter “MIC Plan”) in Japan. Unlike previous legislation that focused on immigration and border control, these plans not only acknowledged the need to manage foreigners settled within each country's borders, but they also represent the first attempts by each state to establish an overarching framework for their incorporation. At the same time, they diverge dramatically in their degree of centralization, the scope of reforms and target populations.

Korea's Basic Act

Korea's National Assembly passed the 2007 Basic Act after years of debate, research and negotiations between policy makers and civil society organizations. Following a 2006 meeting of representatives from the major government ministries, migrant advocacy organizations and scholarly community, the government announced plans to enact the Basic Act with the stated purpose of promoting immigrant social integration and mutual respect between foreigners and Korean nationals. This act calls for the implementation of a Basic Plan for Immigration Policy every five years that entails the cooperation of the national, municipal and local governments and the designation of a Foreigner Policy Committee to coordinate all policies regarding foreign residents. The First Basic Plan for Immigration Policy (2008-2012; hereafter “First Basic Plan”), which included a total budget of 612.7 billion Korean won, set the basis for designing and funding programs and assigning specific ministries with tasks related to the following four goals: “1) enhancing national competitiveness with a proactive openness policy; 2) pursuing quality social integration; 3) enforcing immigration laws; and 4) protecting human rights of foreigners.”¹⁹

Although the Basic Act is meant to serve as a general guide for drafting the five-year Basic Plan for Immigration Policy, it is notable for its explicit provision to safeguard the human rights of foreign residents in Korea (Article

¹⁹ KIS, “First Basic Plan for Immigration Policy, 2008-2012,” June 2009.

10). As mentioned above, this provision was adopted as one of the four stated goals of the First Basic Plan with the explanation that, as minorities in Korean society who are vulnerable to “human rights abuse,” foreigners require “national-level protection against discrimination.”²⁰ In addition to outlining broad plans for reviewing and reforming discriminatory practices and institutions, the First Basic Plan offers specific provisions for protecting migrant women, foreigners in detention facilities and refugees.

Migrant women, especially marriage migrants, are also central to the First Basic Plan’s second goal of “pursuing quality social integration.” Among the four major tasks assigned to this objective are two that are devoted solely to marriage migrants and their children: “helping immigrants through marriage get settled” and “creating a sound environment for multicultural children.” In a similar vein, the last task in this section concerns the social integration of co-ethnic immigrants or the “Korean diaspora” while the first section that discusses reforms to immigration policies makes clear that they have priority over other foreign nationals in entry and employment rights. This section additionally includes a framework for equalizing working conditions for foreign and Korean workers as well as reducing industrial accidents and protecting foreign workers from workplace abuse. Accordingly, the Basic Act and the First Basic Plan set distinct guidelines for incorporating specific immigrant populations: social integration for marriage migrants, preferential entry and employment rights for co-ethnic immigrants, and human rights protection for migrant workers.

Japan’s MIC Plan

Although the Immigration Bureau within the Ministry of Justice is responsible for immigration policies, there is no single agency in Japan that manages *immigrant* policies akin to the KIS. Instead, immigrant integration programs and services in Japan were, until recently, spearheaded by civil society organizations and local governments. In 2001, a network of 21 cities and one town established the Convention for Cities and Towns with Concentrations of Foreign Residents (*Gaikokujin shuju toshi kaigi*). Local government officials within the network declared that they had exhausted their resources in their attempts to incorporate foreign residents in their communities and called for national-level legislation to coordinate local immigrant incorporation programs and services. In 2005, the MIC established a Committee for the Promotion of Multicultural Community Building that conducted a nationwide survey of local governmental programs and policies and, in 2006, announced an unprecedented proposal that called for all of Japan’s prefectures and major cities to devise plans for “multicultural community building.”²¹

²⁰ KIS, “First Basic Plan,” p. 13.

²¹ Keizo Yamawaki, “The Challenges for Japanese Immigrant Integration Policy,” *Around the Globe*, vol. 4, no. 2 (2008), p. 42-44.

Similar to Korea's Basic Act, Japan's MIC Plan provides general guidelines for implementing policies and programs; however, whereas Korea's Basic Act gives the task of policy and program design, implementation and assessment to the central ministries, Japan's MIC Plan is explicitly designed for adoption by local governments with the stipulation that authorities should make adjustments according to local needs and characteristics. The guidelines for implementing the MIC Plan are divided broadly into four tasks: 1) intercultural communication support; 2) assistance in everyday life; 3) the development of a "multicultural coexistence" (*tabunka kyōsei*) community; and 4) the development of a system to promote "multicultural coexistence" policies. While the focus on social integration and coexistence with foreigners is largely similar to the goals of Korea's Basic Act, the methods for achieving these goals vary considerably. Whereas Korea's First Basic Plan concentrates on providing *support* and *protection* for foreigners through centralized, top-down policies and programs, the MIC Plan rests on the pillars of *support* and foreign resident *participation* in the local community through decentralized coordination between local governments, civil society organizations and foreign residents themselves. Unlike Korea's Basic Plan, the MIC Plan neither targets specific groups of foreigners nor offers any specific guidelines for protecting foreign residents' "human rights."

What is striking about the MIC Plan is the inclusion of foreign residents not only as the beneficiaries of incorporation policies and programs but also as active participants of "multicultural coexistence" community building. An entire section is devoted to encouraging foreign resident participation through support of key foreign resident leaders, the formation of foreign resident advisory bodies, the promotion of foreign resident participation in local civic associations, and public acknowledgement of foreign residents' contributions to their local communities. This framework contrasts strikingly with the comparatively thin proposals for "encouraging foreigners' participation in local communities" found in Korea's First Basic Plan. Aside from a brief reference to future research on the living conditions of foreigners in Korea, the only proposals outlined in this section of the Basic Plan refer to "multicultural festivals," cultural events, and the establishment of a "Together Day" and "Together Week" every May according to Article 19 of the Basic Act.

How do we explain divergent policies for incorporating immigrants in Korea and Japan, given the similarities between each country's immigration and citizenship policies based on ethno-cultural homogeneity, their overlapping immigrant populations largely from neighbouring Asian countries (with the exception of Latin American immigrants in Japan), and their common dilemmas of accommodating social diversity while adhering to liberal democratic principles? As I explain in the following section, the institutionalization of immigrant rights and recognition in Korea and Japan was preceded by protests, lobbying and/or litigation by immigrants and their

supporters. As they developed strategies and services for incorporating immigrants from the late 1980s, civil society actors and local governments in Korea and Japan applied existing tools, strategies and institutions from previous experiences as a blueprint. Migrant workers in Korea made significant inroads in gaining rights largely because of the strong tradition of labour and civil society activism in Korea's democratization movement. In Japan, grassroots movements led by generations of *zainichi* Koreans from the 1960s set the foundation for decentralized, community-based strategies for incorporating new immigrants from the late 1980s.

Migrant Workers and the Struggle for Democracy in Korea

Less than five years after nationwide anti-government protests by a wide segment of Korean civil society toppled Chun Doo Hwan's (Chŏn Tu-hwan) authoritarian regime and led to the declaration of Roh Tae Woo's (No T'ae-u) eight-point program of democratic reforms on June 29, 1987, more than 45,000 migrant workers had entered Korea in 1991 to fill labour shortages in low-skilled jobs. Among them, over 90 percent were undocumented.²² As the government enacted plans to deport undocumented workers and import additional migrant workers, a small number of organizations assisted migrant workers in a series of high-profile protests from 1994 to 1995. During the following year, the Joint Committee for Migrant Workers in Korea (JCMK), an umbrella organization for migrant advocacy groups, drafted a bill to legalize the status of migrant workers, which was submitted to the National Assembly in 1997 with the support of the Ministry of Labor and the ruling party. Although the National Assembly did not pass the bill that year due to strong opposition from key ministries, opposition parties and the Korean Federation of Small and Medium Businesses (KFSB), the government introduced a modified version of the proposal whereby trainees could become legal workers after a two-year training period.²³ Korea eventually terminated its trainee system in 2007 and replaced it with an official guest worker program, the EPS, which was introduced in 2004. The new system treats foreign workers as the equals of Korean workers by guaranteeing their protection under labour laws such as the Labor Standards Act, the Minimum Wage Act and the Industrial Safety and Health Act.²⁴ It also provides foreign workers with three-year visas that can be renewed for an additional two years.

²² Timothy Lim, "NGOs, Transnational Migrants, and the Promotion of Rights in South Korea," in *Local Citizenship in Recent Countries of Immigration*, p. 244; Seol, "Past and Present of Foreign Workers in Korea," p. 8.

²³ See Lee and Park, "Politics of Foreign Labor Policy in Korea and Japan."

²⁴ SOPEMI, "International Migration Outlook: Annual Report" (Paris: Organisation for Economic Co-operation and Development, 2008).

What is most significant about Korea's pro-immigrant advocacy organizations is their position within Korea's democratization movement and post-1987 democratic consolidation. As Joon Kim describes, these groups represent a cross-section of Korea's civil society that includes moderate and radical labour organizations, Protestant, Catholic and Buddhist groups, women's organizations, and a range of progressive citizen groups that either have a long history within the democratization movement or that emerged after 1987 amidst the expansion of intermediate, voluntary associations in Korean civil society.²⁵ For example, the NGO that organized the 1994 rallies involving undocumented migrant workers, the Citizens' Coalition for Economic Justice (CCEJ), was established in 1989 by approximately 500 individuals representing various walks of life—"economics professors and other specialists, lawyers, housewives, students, young adults and business people"—as the first civic organization "in pursuit of economic justice" in Korea.²⁶ Their strong tradition of activism coupled with the reconfiguration of political power from the late 1990s—with the inauguration of the first opposition president, Kim Dae Jung (Kim Tae-chung), in 1998 and a former human rights activist and labour lawyer, Roh Moo Hyun (No Mu-hyŏn), in 2003—lent the struggle for migrant labour rights significant potency and magnitude in Korean society. By employing the tactics, symbols and language of the democratization movement, foreign workers and their advocates reframed the debate from the dangers that migrant workers posed for Korean society to the threat that an exploitative industrial trainee system posed for the hard-fought rights of workers in Korea.²⁷ How could a pro-labour government condone exploitative practices toward migrant labourers that many in the administration, including the president himself, had struggled against for decades?

As partnerships between Korean state officials and human rights activists paved the way for ground-breaking legislation on migrant workers' rights from the late 1990s, another group of immigrants began to grow precipitously: marriage migrants. Between 2000 and 2004, when the EPS was announced, the number of marriage migrants in Korea grew from approximately 25,000 to over 57,000. This number reached over 125,000 in 2009.²⁸ Their arrival

²⁵ Kim, "Insurgency and Advocacy," p. 253.

²⁶ "Citizens' Coalition for Economic Justice Celebrates 20th Anniversary," *Han'gyŏre sinmun*, 2 November 2009.

²⁷ See Timothy Lim, "Rethinking Belongingness in Korea: Transnational Migration, 'Migrant Marriages' and the Politics of Multiculturalism," *Pacific Affairs*, vol. 83, no. 1 (2010), pp. 51-71; and Katharine Moon, "Strangers in the Midst of Globalization: Migrant Workers and Korean Nationalism," in Samuel Kim, ed., *Korea's Globalization* (New York: Cambridge University Press, 2000), pp. 147-169.

²⁸ "KIS Statistics 2009." For comparative studies of marriage migrants in Northeast and Southeast Asia, see the special issue on "Citizenship and Migration," ed. Apichai Shipper, *Pacific Affairs*, vol. 83, no. 1 (2010), pp. 11-132.

during a critical period of cooperation between the Korean government and civil society organizations proved momentous for this group. Pro-immigrant NGOs offered social and legal support, activists and the media publicized cases of domestic violence and human trafficking, and the Ministry of Gender Equality established a women's hotline and changed its name to the Ministry of Gender Equality and Family in order to expand its services for marriage migrants.²⁹ In 2006, the government announced a "Grand Plan" for integrating marriage migrants and, in the following year, the National Assembly passed two related bills: the Plan for Social Integration of Mixed-bloods and Migrants and the Plan for Social Integration of Marriage Immigrants.

Two significant developments altered the course of immigrant incorporation patterns in Korea such that the spotlight shifted from migrant workers to marriage migrants. Prior to the commencement of the EPS in 2004, the government announced plans to deport all undocumented workers so that the program could be implemented with a "clean slate." Not surprisingly, this announcement was met with vehement protests by pro-immigrant activists. Although the government eventually conceded with a proposal to grant amnesty and a one-year visa to undocumented workers who agreed to leave Korea within the designated period, the movement for legalization continued. Unlike earlier movements, however, the renewed push for legalization lacked both state and public support. Having abolished the despised industrial trainee system, the government could now gain political capital by concentrating on the much less volatile issue of integrating marriage migrants into Korean society.

Second, the heyday of progressive administrations in Korea ended with the inauguration of Lee Myung-bak (Yi Myōng-pak) as president in 2008. Whereas some pro-immigrant activists had access to the highest echelons of previous administrations, they had few political allies within the conservative Lee administration. The honeymoon period between pro-immigrant activists and the Korean government had come to an end. As one activist explains, "We used to meet regularly with top officials. Four-star generals have visited my [migrant] center and have shared a meal with migrant workers. ... The government now doesn't even invite us to participate in their committees and conferences on migrant issues. Instead, they consult with scholars who don't have any experience with migrants to create new programs. ... We are simply trying to survive now."³⁰

²⁹ See Hye-Kyung Lee, "International Marriage and the State in South Korea: Focusing on Governmental Policy," *Citizenship Studies*, vol. 12, no. 1 (2008), pp. 107-123.

³⁰ Personal interview, 1 June 2010, Seoul, Korea.

The Foreign Resident Citizen and Local Community Building in Japan

Japan's industrial trainee system generated many of the same problems that arose in Korea: exploitative practices by employers and a rapidly growing population of undocumented workers among trainees. Rather than abolish the system, however, Japan established the Technical Intern Training Program (TITP) in 1993, which allows foreign workers with an employment contract to stay in Japan for up to three years and explicitly prohibits exploitative practices. Although liberal and conservative lawmakers alike have criticized the trainee system—such as Kōno Tarō of the Liberal Democratic Party who deemed it a “failure”—there have been no legislative moves for its abolition.³¹

Similar to Korea, hundreds of civil society organizations have played a key role in providing services and advocacy for foreign workers who were subjected to dangerous working conditions, unpaid wages and exploitation due to their “trainee” status.³² Additionally, two national organizations—the National Network in Solidarity with Migrant Workers (SMJ) and the Zentōitsu Labor Union (ZWU)—established themselves in the early 1990s as network organizations to fight for migrant labour rights and policy change. While their efforts have garnered international attention, the industrial trainee system remains intact and Japan's borders remain closed to unskilled immigration. Likewise, although the Ministry of Justice announced that it would adopt a more “humanitarian” approach to those who overstayed their visas, special permission to stay in Japan has been granted only on a case-by-case basis.³³

Why has pro-immigrant advocacy in Japan failed to generate structural reforms regarding migrant labour rights? Two key features of Korea's migrant rights movement are missing in Japan: 1) mass mobilization and 2) a key ally who played a pivotal role in previous rights movements. First, immigrant incorporation in Japan has occurred largely at the local level, with decentralized grassroots organizations taking the lead. Apichai Shipper uses the term “associative activism” to describe pro-immigrant advocacy in Japan, which is typically characterized by local attempts to solve specific problems that lead to partnerships involving like-minded activists, NGOs and local government officials, but that eventually dissolve after the problems are resolved.³⁴

³¹ Kōno Tarō, lecture on “Prospects of Japan's Immigration Policy,” Waseda University, 14 April 2010, Tokyo, Japan.

³² See Apichai Shipper, “Foreigners and Civil Society in Japan,” *Pacific Affairs*, vol. 79, no. 2 (2006), pp. 269-289; and Shipper, *Fighting for Foreigners*.

³³ Chris Burgess, “Immigration Showing Signs of Ninjo,” *Japan Times*, 27 October 2009; SOPEMI, “International Migration Outlook, 2009.”

³⁴ Shipper, *Fighting for Foreigners*, pp. 11-12.

To be sure, local governments and civil society actors in Japan have applied innovative strategies to solve immediate problems for foreign residents in their local communities and to give voice to foreign residents' interests and concerns. Nevertheless, many recurring issues—such as housing discrimination, workplace abuse and police harassment—are difficult to resolve without national-level legislation, which underlines the limits of locally based immigrant incorporation programs. While local state and non-state actors can build a “multicultural coexistence” community that gives voice and agency to foreign residents along the lines of the MIC plan, they often lack the capacity and authority to respond effectively. Short-lived pro-immigrant advocacy, furthermore, has not generated sufficient momentum for sustained pressure and, ultimately, structural reforms of immigration policies.

Mass mobilization by foreign residents in Japan's recent past, however, resulted in significant structural reforms of policies regarding *foreign residents*, most notably the repeal of the fingerprinting requirement. What is missing in the current struggle for migrant workers' rights, therefore, is not so much the tradition of immigrant mass mobilization but, rather, the leadership of a key ally: *zainichi* Koreans. Rather than push for immigration reform, *zainichi* Korean activists have absorbed recent immigrants into programs and movements that reflect more the interests of their multigenerational community and less those of recent immigrants.

By the time that Japan encountered its most recent wave of immigration from the late 1980s,³⁵ *zainichi* Korean activists and their supporters had reached the final stages of what I call a “noncitizen civil rights movement.”³⁶ Beginning with the landmark Hitachi Employment Discrimination Trial of the early 1970s, in which a Korean plaintiff successfully sued the Hitachi company for employment discrimination, Korean residents made dramatic gains in claims to citizenship rights and access to the labour market through lawsuits and local campaigns. By 1980, foreign residents were eligible for social welfare benefits and public sector jobs in cities such as Nagoya, Osaka, Kawasaki, Kobe and Tokyo. Some of these rights were subsequently centralized following Japan's ratification of the International Covenants on Economic, Social, and Cultural Rights and on Civil and Political Rights in 1979 and the Convention Relating to the Status of Refugees in 1982. Even without national-level reforms, *zainichi* Koreans and their advocates succeeded in removing the nationality requirement for employment in public secondary schools, public universities and semi-public companies such as the Nippon Telegraph and Telephone Public Corporation (NTT) as well as entry into the Legal Training and Research Institute, which provides mandatory training for those who have passed the bar examination. These series of lawsuits and local

³⁵ From the late 1970s to the mid-1980s, female immigrants who were recruited into the entertainment industry constituted the bulk of foreign workers.

³⁶ See Chung, *Immigration and Citizenship in Japan*.

campaigns culminated in the largest mass mobilization of Korean residents and their supporters in postwar Japan: the decade-long anti-fingerprinting movement in the 1980s that succeeded in abolishing the fingerprinting requirement for special permanent residents in 1993 and for all foreign residents in 1999.³⁷

Having gained a secure legal status, social welfare benefits, access to public-sector employment and, in some localities, the institution of ethnic or “multicultural” education in public school curricula, as well as the repeal of the fingerprinting requirement, *zainichi* Koreans and their advocates concentrated on securing local voting rights as growing numbers of new immigrants began to settle in communities throughout Japan. The timing of new immigration in relation to developments within the foreign resident community already settled in Japan defined their paths to political empowerment. On the one hand, immigrants with a secure legal status benefitted from earlier movements by *zainichi* Koreans that made foreign residents eligible for a range of social welfare benefits and legal protections against employment discrimination that were out of their reach until the late 1970s and early 1980s. Rather than an insular society unprepared for immigration, numerous civil society organizations and local governments had already been engaged in initiatives that directly addressed foreign residents’ rights and duties in Japan well before the arrival of new immigrants. While some communities had to create incorporation programs from scratch, local governments with relatively large foreign populations such as those of Osaka, Kanagawa and Hyōgo absorbed new immigrants into a range of existing programs; likewise, networks of grassroots organizations that had provided services and advocacy to *zainichi* Korean residents expanded the scope of their activities to address the needs of new immigrants.

On the other hand, because existing foreign resident services and programs were created for permanently settled, highly assimilated and, in many cases, native-born non-national residents, most local communities were ill-equipped to address some of the specific needs of migrant workers. Although civil society organizations stepped in to provide advocacy for immigrant populations whose needs were overlooked by existing local programs, the residence-based approach to incorporating recent immigrants—in contrast to the rights-based approach in Korea—widened the gap between legally registered long-term foreign residents and undocumented workers. Because the *zainichi* Korean movement from the 1960s made claims to citizenship rights on the basis of their permanent settlement as tax-paying, *law-abiding* residents, temporary and, especially, undocumented immigrants have no voice in their movement.

³⁷ See Michael Strausz, “Minorities and Protest in Japan: The Politics of the Fingerprinting Refusal Movement,” *Pacific Affairs*, vol. 79, no. 4 (2006), pp. 641-656. The fingerprinting requirement for foreign residents was reinstated in 2007 for all but special permanent residents.

Potential Citizens or Permanent Foreign Residents?

Naturalization rates in Japan remain among the lowest of all industrial democracies and have continually fallen behind those of Korea since 2002 (see table 1). The number of permanent residents among registered foreign residents in Japan, in contrast, has risen significantly, from approximately 63,500 in 1995 to more than 943,000 in 2009.³⁸ In 2009, permanent residents—including both “general permanent residents” (*ippan eijūsha*, 24.4 percent) and “special permanent residents” (*tokubetsu eijūsha*, 18.7 percent)³⁹—accounted for over 43 percent of the total foreign resident population in Japan (see figure 1). Among the remaining categories of registered foreign residents are some whose visas allow for unrestricted employment and multiple visa renewals, making them de facto permanent residents.⁴⁰ When combined, permanent residents and “quasi-permanent residents” made up over 63 percent of registered foreign residents in Japan in 2009.

Table 1
Annual Naturalizations in Korea and Japan

Year	Korea			Japan		
	Total	Simplified Naturalization (Marriage)	% of Foreign Population	Total	(North and South) Korean Nationals	% of Foreign Population
2001	1,680		0.8	15,291	10,295	0.9
2002	3,883		1.7	14,339	9,188	0.8
2003	7,734		2.8	17,633	11,778	1.0
2004	9,262		2.0	16,336	11,031	0.9
2005	16,974	7,075	3.5	15,251	9,689	0.8
2006	8,125	3,344	1.6	14,108	8,531	0.7
2007	10,319	4,190	1.5	14,680	8,546	0.7
2008	15,258	7,916	1.7	13,218	7,412	0.6
2009	26,756	17,141	2.9	14,785	7,637	0.7

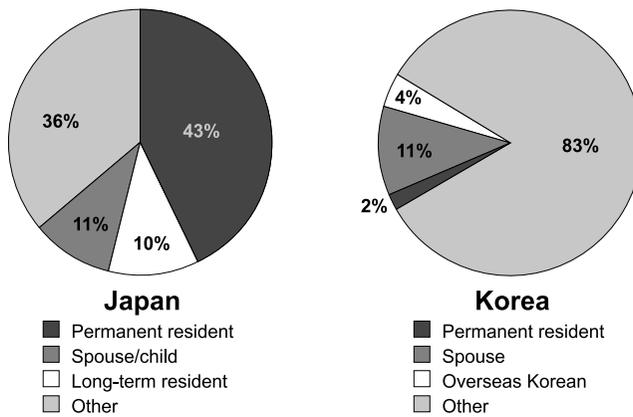
Sources: Korea Immigration Service 2010; Japan Ministry of Justice 2010; SOPEMI Annual Report 2010.

³⁸ Ministry of Justice, Japan, “Heisei 10-nenmatsu genzaini okeru gaikokujin tōrokusha tōkeini tsuite” [Report on Current Foreign Resident Statistics at the End of 1998]; “Heisei 21-nenmatsu genzaini okeru gaikokujin tōrokusha tōkeini tsuite” [Report on Current Foreign Resident Statistics at the End of 2009].

³⁹ Only former colonial subjects and their descendants are eligible for the status of “special permanent resident,” the vast majority of whom are South Korean and *Chōsen* (de facto North Korean) nationals. Chinese nationals made up the largest group among “general permanent residents” in 2009.

⁴⁰ The three visa categories that allow for unrestricted employment are 1) spouse or child of a permanent resident, 2) spouse or child of a Japanese national and 3) long-term resident. *Nikkei* Brazilians made up the largest group among the last two categories while Chinese nationals made up the largest group among the first in 2009 (Ministry of Justice, “Heisei 21 nenmatsu” report).

Figure 1
Registered Foreign Residents in Japan and Korea (2009)



Sources: Korea Immigration Service 2010; Japan Ministry of Justice 2010.

In Korea, permanent residents (those with F-5 visas) make up only 2 percent of foreign residents; among them, over 90 percent are multigenerational Taiwanese nationals known as the *hwagyo*.⁴¹ Although Korea has additional visa categories that allow for multiple renewals and that confer many of the same rights granted to Korean nationals—including spouses of Korean nationals and overseas Koreans (F-4)—those with temporary visas that permit only a single two-year renewal make up the largest category of foreign residents in Korea by far.⁴² Naturalization rates, however, indicate that eligible foreign residents—especially spouses of Korean nationals—have chosen to become Korean nationals rather than permanent foreign residents. The number of naturalization applications in Korea went up by more than 18 times in less than a decade, from 1,268 in 2000 to 23,846 in 2009.⁴³

⁴¹ Multigenerational *hwagyo* residents, whose roots in Korea date back to 1882 when Korea and China signed a trade agreement permitting Chinese merchants to own and lease land in Korea's treaty ports, were automatically granted permanent residency upon the system's implementation in 2002. See Chulwoo Lee, "Us' and 'Them' in Korean Law: The Creation, Accommodation, and Exclusion of Outsiders in Korean Law," in A. Rosett, L. Cheng and M. Woo, eds., *East Asian Law: Universal Norms and Local Cultures* (London: RoutledgeCurzon, 2002), p. 120.

⁴² Overseas Koreans with Work-Visit (H-2) visas, who made up approximately 26 percent of all registered foreigners in 2009, are given preference in employment and entry under the EPS but cannot reside continuously in Korea for more than 4 years and 10 months.

⁴³ "KIS Statistics 2009."

Korea's and Japan's naturalization rates highlight differences in naturalization procedures between the two countries. Formal naturalization criteria in both countries are comparable to each other as well as to those of other industrial democracies whereby applicants must meet a five-year continuous residency requirement, demonstrate financial self-sufficiency and have a history of "good conduct." Eligible applicants must submit with their applications extensive documentation, such as those related to their family histories, tax records and, in Korea, two recommendation letters from Korean nationals in positions of authority.⁴⁴ In Japan, naturalization applicants are also required to give up their existing nationality. This requirement will no longer apply to specific categories of foreign nationals in Korea from 2011 onward, according to a dual nationality bill passed by the National Assembly in April 2010.⁴⁵ Naturalization applicants in Korea must additionally take a formal citizenship examination.

At the same time, the informal practices and symbolic significance associated with naturalization in Japan have posed considerable hurdles for individuals attempting to naturalize. Until 1985, local officials typically required naturalization applicants to adopt a Japanese name (family name and surname) based on Ministry of Justice guidelines and conducted painstaking evaluations of applicants' cultural assimilation to determine eligibility for the "good behaviour and conduct" requirement. Although naturalization procedures have become more relaxed in the past two decades, local officials continue to have a high degree of discretionary power and can reject applicants deemed "incongruous" with the general understanding of a Japanese national.⁴⁶ For many former colonial subjects and their descendants, these practices are reminiscent of the colonial period's cultural assimilation policies, which included the forced adoption of Japanese names (*sōshi kaimei*). While native-born *zainichi* Koreans who are generations removed from the colonial era and non-(*zainichi*) Korean immigrants may not necessarily associate naturalization, or *kika* in Japanese, with the colonial

⁴⁴ Applicants in Japan must also have no history of attempting to "overthrow the Japanese Constitution or government, either individually or as a member of a group." See Ministry of Justice website, available online at <http://www.moj.go.jp/ENGLISH/index.html>, last accessed 18 August 2010; and KIS, e-government for foreigners website, available online at www.hikorea.go.kr, last accessed 18 August 2010.

⁴⁵ Korea's dual nationality bill applies to three categories of foreign nationals: 1) "exceptionally talented foreign nationals in science, economics, culture and sports"; 2) overseas Koreans over the age of 65, ethnic Koreans who lost their Korean nationality as minors, and ethnic Koreans who lost their Korean nationality through marriage; and 3) foreign spouses of Korean nationals. The bill notably excludes three categories of foreign nationals: 1) so-called "anchor babies" who were born in a country with birthright citizenship and returned to Korea shortly thereafter; 2) divorced foreign nationals previously married to Korean nationals; and 3) native-born generations of *hwagyo* residents. See Lee Tae-hoon, "Dual Citizenship to Be Allowed," *Korea Times*, 21 April 2010; and Lee Tae-hoon, "Who Will Be Eligible for Multiple Citizenship?" *Korea Times*, 3 May 2010.

⁴⁶ See Asakawa Akihiro, *Zainichi gaikokujin to kika seido* [Naturalization and Foreigners in Japan] (Tokyo: Shinkansha, 2003).

policy of forced assimilation, the concept of *kika* continues to evoke negative connotations among many who are politically active. For example, a Chinese resident and founding member of the China-Japan Volunteer Association described the concept of *kika* as follows: “I have some conflict with this word [*kika*]. ... It means that if you acquire Japanese nationality, you must become Japanese on the inside and outside.”⁴⁷ With a few exceptions, pro-immigrant advocacy groups in Japan rarely encourage foreign residents to naturalize as a means of political empowerment.

In contrast, pro-immigrant advocacy organizations in Korea, such as the Ansan Migrant Center, routinely help foreign residents with their naturalization applications and government-sponsored “Multicultural Family Centers” provide preparatory citizenship exam courses and “Korea Immigration and Integration Programs” that eligible applicants can take in lieu of the written exam.⁴⁸ Although the naturalization process in Korea is not easy, the Korean government actively encourages specific categories of foreigners to naturalize through government-run support centres, the KIS “e-government for foreigners” website, simplified naturalization procedures and, most recently, the introduction of dual nationality.⁴⁹

Rates of naturalization and permanent residency registrations in Korea and Japan highlight divergent patterns of immigrant incorporation in each country as well as their potential problems. Korea’s policies are rapidly coming to resemble those of traditional countries of immigration, in which citizenship acquisition for settled residents is seen as a “regular procedure terminating a process of immigration,” rather than an exceptional measure.⁵⁰ At the same time, the minute percentage of permanent residents within the population of foreigners widens the gap between marriage migrants, who are pressured to assimilate culturally and politically through targeted integration programs, and migrant workers, who are expected to leave the country after their temporary contracts expire.

These patterns pose significant problems for immigrant incorporation in Korea. Targeted policies based on occupational categories classify immigrants according to the value of their labour, not their humanity. While this approach may not be unusual for visa classifications, it directly contradicts the human rights norms upon which many of Korea’s immigrant policies

⁴⁷ Focus group interview, 10 April 2010, Tokyo, Japan. Zhong Zhizhi moderated the focus group in Mandarin and Jing Hongtao translated the transcript into English.

⁴⁸ Personal interviews with Ryu Sung-hwan of the Ansan Migrant Center, 25 May 2010, Ansan, Korea and Shin Sang-rok of P’och’ŏn Multicultural Family Support Center, 24 May 2010, P’och’ŏn, Korea.

⁴⁹ Foreign spouses of Korean nationals are eligible to apply for naturalization after two years of residency in Korea (while married) or one year of residency for those who have been married for longer than three years; information available online at www.hikorea.go.kr.

⁵⁰ Kay Hailbronner, “Citizenship Rights for Aliens in Germany,” in A. Kondo, ed., *Citizenship in a Global World: Comparing Citizenship Rights for Aliens* (Houndmills and New York: Palgrave, 2001), p. 102.

and programs rest. When foreign residents no longer fit into their designated categories—because of divorce, injury or visa expiration—they are likely to be excluded from targeted services as well as their group-specific rights. A Catholic priest and long-time activist put it bluntly: “To the government, they [female marriage migrants] are simply baby-makers. When they can’t fulfill their obligations or flee from their husbands, they become disposable, just like migrant workers.”⁵¹ Integration thus becomes not a matter of choice or will but of survival. A 75-year old ethnic Korean immigrant from China describes her decision to apply for Korean nationality accordingly: “I was getting too old to work but I couldn’t stay in Korea if I didn’t have a work permit. If I didn’t acquire Korean nationality, then I would have become illegal.”⁵²

In Japan, foreign permanent residency has become the norm despite closed-door immigration policies. Early movements by *zainichi* Koreans and their supporters that championed foreign residents’ membership and rights specifically as permanently settled residents of their local communities have shaped current policies and practices that encourage immigrants to maintain their status as foreign residents with substantive rights. Among a wide spectrum of immigrants and local officials alike, permanent residency is treated as the final step of immigrant settlement. A Chinese national who has lived in Japan for 11 years recalls that when his permanent residency application was finally accepted, the presiding official remarked, “You’re free now. You can do whatever you want.”⁵³ While this trend may signal the enlargement of foreign resident rights, it has also contributed to the growth of permanently settled foreign residents who remain indefinitely “migrants-turned-immigrants in an intermediate status,” to use Rogers Brubaker’s words, or “denizens” according to Tomas Hammar.⁵⁴ As this population expands, their incorporation into the political community must be addressed. As a member of Germany’s Christian-Liberal government admitted in the early 1980s, “no state can in the long run accept that a significant part of its population remain outside the political community.”⁵⁵

Conclusion

Overall, patterns of immigrant incorporation in Korea and Japan reflect the interaction between new immigration and existing practices that have shaped

⁵¹ Personal interview, 26 May 2010, Seoul, Korea.

⁵² Focus group interview, 29 May 2010, Ansan, Korea.

⁵³ Focus group interview, 10 April 2010, Tokyo, Japan.

⁵⁴ Rogers Brubaker, ed., *Immigration and the Politics of Citizenship in Europe and North America* (Lanham, MD: University Press of America, 1989), p. 6; Tomas Hammar, *Democracy and the Nation State: Aliens, Denizens, and Citizens in a World of International Migration* (Brookfield, VT: Gower Publishing Company, 1990).

⁵⁵ Quoted in Brubaker, *Citizenship and Nationhood in France and Germany*, p. 173.

relationships between dominant and minority communities and between state and non-state actors. In the absence of national incorporation programs for new immigrants, institutions previously employed to incorporate traditionally disadvantaged groups in each society became central to incorporating new immigrants. Because there was no directive coming from the national government to be implemented below, local communities and civil society actors used the tools that were already available to them to confront the challenges faced by both new immigrants and the communities in which they lived. In Korea and Japan, therefore, the processes of immigrant incorporation—in the forms of advocacy, support and political mobilization as well as the establishment of services, institutions and local programs for foreign residents—*preceded* either state's acknowledgement of immigrants that needed to be incorporated within their borders.

Contrary to Korea's and Japan's restrictive citizenship and immigration policies, based on descent and ethnocultural homogeneity, grassroots movements and local incorporation strategies are built on the principles of *jus domicile*, human rights and democratic inclusion. They also contradict the official stance that Korea and Japan are culturally homogenous societies that cannot accommodate ethnically diverse immigrant populations. Intra-national gaps between exclusionary policies and inclusionary outcomes as well as cross-national variations between two seemingly similar systems, in turn, reflect the divergent ways that civil society actors apply the tools of democratic institutions and principles to demand democratic accountability.

Industrial democracies face similar challenges as a result of international migration. At the same time, the tools that state and non-state actors employ to negotiate those challenges are dependent on existing institutions and strategies that have been applied in previous efforts to reconcile equality and diversity. Efforts to incorporate immigrants, moreover, may result in legally unincorporated to quasi-incorporated to naturalized citizens among immigrant populations. Further research is needed not only on explaining differences between national incorporation policies but also on the intervening variables between state policies and immigrant political behaviour. By approaching immigrant incorporation as a relational process that involves interaction and negotiation between the state, civil society actors and immigrant groups, as opposed to a unidirectional process by which states integrate immigrants into the polity, we may better understand *why* foreign residents make the political choices they do as they become permanent members of their receiving societies.

The Johns Hopkins University, Maryland, USA, August 2010