

# **Transnational Trajectories in East Asia**

Nation, citizenship, and region

**Edited by  
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## 7 Immigration, nationhood, and transnationalization in industrialized East Asia

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Long known for emigration, the industrialized states of East Asia have begun to play a significant new role in the world as destinations for immigration. The East Asian approaches to immigration, however, have some notable features, with transnational regional effects. Focusing primarily on Japan and South Korea but making comparisons with other industrialized countries as well, we identify three key dynamics in this process.

First, we show the role of migrant labor in increasing transnationalization.<sup>2</sup> The most advanced countries in East Asia are increasingly joining Western countries in their reliance on foreign labor in both low- and high-skilled labor markets. The reliance at the low end is driven by changes in native workforces, which are becoming both smaller and more educated. Notably, however, the low-skilled migration also drives a regional transnationalization, as it remains overwhelmingly intra-Asian and short term. That is, it is very difficult for low-skilled labor migrants to gain permanent residence or citizenship, and visas are invariably of only a few years duration. Lacking family reunification opportunities, these migrants are not likely to settle illegally.

Second, we explore the important role of ethnic return migration in the region. Because it is enabled if not also encouraged by state policy, this migration has important implications for transnationalization in each state. Ethnic return migrants do not easily gain citizenship and most likely see advantages to the lower cost of living in their sending states; this is particularly so in the event of a recession in their host states. Therefore, many if not most return home.

Third, East Asian states have created marital migration as the primary path for low-skilled migrants who are not ethnic return migrants to settle. This has introduced cultural diversity into the intimate setting of family life, as tens of thousands of men, particularly in rural areas, are importing brides from less wealthy Asian countries, particularly Vietnam, the Philippines, and China. However, because these brides cannot bring family members and because they come from poorer countries and have incentives to send remittances home, marital migration also brings a transnational regional dynamic to several East Asian states. Drawing on Oishi's (2005) scholarship on the labor migration of women, we propose that this phenomenon has helped to establish a "culture of migration" within sending communities, whereby local marriage and labor markets in both sending and

receiving states are shaped by the prospect of marriage migration. We conclude by highlighting the complex interplay of the nation and the transnational effects created by exclusionary immigration policies in the East Asian region.

Throughout, we show how the transnational dynamics are mostly unintended consequences of Asian immigration policies directed toward preserving social order, minimizing costs, and preserving or strengthening the nation. We make no claim that these processes are unique. States everywhere make immigration policy according to perceived national interests, and patterns of transnationalization are found in other regions, such as Europe and North America, and also across regions. What may distinguish the East Asian patterns of transnationalization are that they result from a less favorable array of rights and freedoms. While all states make immigration policies according to their national interest, they balance these with migrant rights in different ways. Migrants to East Asia face greater structural constraints to their mobility due to the more exclusionary nature of the policies that regulate migrants' families and their settlement. By regulating immigration, policymakers implicitly reveal their understandings of the boundaries of their respective nations and enact conceptions of nationhood (Brubaker 1994, Fitzgerald 1996). Yet they also show their linkages with other states in the region, and their plans for their own preservation and growth. By limiting opportunities for family reunification and settlement, the East Asian immigration policies reveal a fragile and defensive stance toward the nation, as their exclusionary policies aim to forestall "potentially disruptive" cultural diversity.

East Asian states do not succeed in preserving some presumed ethnic homogeneity (as in the cases of Japan and South Korea), nor does their particular mix of ethnicities remain unchallenged (as in the case of Singapore and Taiwan). Immigration is remaking these nations, particularly as thousands of "multicultural children" are born as a result of marital migration. At the same time, the prohibitions on migrant settlement and family reunification give incentives for regional transnationalization as well as regional integration. By structuring the mobility of migrants, state policies facilitate circular migration<sup>3</sup> and, without intending it, foster the acceptance of migration within sending communities. Despite the increasingly complex controls imposed by states, we may thus observe a growing set of transnational dynamics that are reshaping the nation in East Asia.

### **Low-skilled migrant labor: transnationalization through circular migration**

One can discern a protectionist model of nationhood and the consequent incentives for transnationalization in the low-skilled migrant labor policies of Japan and South Korea as well as other industrialized East Asian states. Despite variations, these policies share a basic similarity: they limit migrant workers in ways that are highly protective (relative to Western states) of the fiscal, economic, and social needs of the various Asian host states. Put another way, the rights of migrant workers are very limited. Most notably and distinctively—except in the case of some co-ethnic migrants as discussed in the following section—low-skilled

migrants working in Asia are not allowed to settle or bring spouses or children with them. Migrant workers settled or living with children in East Asia are exceptions to the norm.

The lack of settlement opportunities or family reunification rights may have various causes, but the fact that there are opportunities for settlement in Europe and the US as well as the fact that family reunification for spouses and children is taken for granted in Europe and in the US while restricted throughout Asia suggests that policy-makers in Asia do not want to offer these opportunities. No sending state, interest group, or political institution has had the leverage and desire to change what in the short term may be an economically sound policy (Seol and Skrentny 2009a). They protect national labor markets by seeking to minimize migrant workers' stay and, by restricting family entry, they make it less likely that migrant workers will overstay their visas or remain in the country if they lose their job—thus less likely to depress wages of native workers. Moreover, by not admitting the children of migrants, the restriction of family rights protects the state's social welfare outlays and thus also protects taxpayers because impacts on schools and health services are minimized.

Another notable feature of Asian labor migration, particularly in South Korea and Japan, is its expression of ethnic or nationality preferences (Freeman and Mo 1996; more on this, see following section). Many of the migrants who play key roles in the economy in Japan and South Korea are ethnic return migrants, so assessing the national origins actually overstates ethnic diversity (see Table 7.1). For example, in South Korea the most numerous migrant group is made up of Korean Chinese, who typically speak Korean. However, other East Asian states express different national interests in the management of migrants' ethnic or national backgrounds. While Japan and Korea have formulated policies that allow for Japanese and Korean populations in South America and China, respectively, to return and fill low-skilled labor positions, this is not the case in the other major migrant-receiving states like Singapore and Taiwan. For complex reasons related to ethnic preferences and economic ties, the former has adopted a policy approach that admits culturally similar Malaysian workers together with other Asian low-skilled workers from "non-traditional sources" in South and Southeast Asia (Kaur 2006). In contrast, the latter has restricted co-ethnics from mainland China due to political concerns over its sovereignty, relying instead on Southeast Asian workers to fill shortages of low-skilled labor (Tseng 2004). Even without ethnic return migration, the ethnic diversity that labor migration has brought to industrialized Asian states remains bounded by its intra-regional orientation. Migrants from Africa, a major source of migrants to Europe for example, remain very rare. This phenomenon also reflects regional political and economic ties that have shaped the cross-border movement of labor (Seol and Skrentny 2004, Tseng 2004).

Although Japan has always had multiple ethnic groups as a result of its colonial practices (Lie 2001) and also hosts growing numbers of foreigners, it resembles South Korea and not European states in not allowing family reunification and migrant settlement, particularly for low-skilled foreigners (Peach 2003). South

Table 7.1 Migrant origins in East Asia

	Japan (2009)	2,186,121	South Korea (2009)	1,168,477	Taiwan (2010)	419,086
China	680,518 (31.1%)		China (Joseonjok)	377,560 (32.3%)	Indonesia	142,849 (34.1%)
N. and S. Korea	578,495 (26.5%)		China	177,522 (15.2%)	Vietnam	86,048 (20.5%)
Brazil (Nikkeijin)	267,456 (12.2%)		USA	122,659 (10.5%)	Philippines	73,262 (17.5%)
Philippines	211,716 (9.7%)		Vietnam	90,931 (7.8%)	Thailand	67,442 (16.1%)
Peru (Nikkeijin)	57,464 (2.6%)		Japan	47,718 (4.1%)	Japan	10,202 (2.4%)

Sources: Immigration Bureau of Japan 2010a, Korea Immigration Service 2010, National Immigration Agency, Taiwan, Republic of China 2010.

Korea has adopted some of Japan's immigration control policies; for example, Korea's initiation of its "5-year plan against illegal immigration" in 2008 followed a similar plan implemented in Japan from 2003 to 2008 (Korea Immigration Service 2009: 75–6, Shipper 2008: 50). However, unlike South Korea, Japan has maintained its formal policy stance of not admitting low-skilled migrants despite continuing pressure from civil society and major industrial groups (also see Yamanaka 2010).

Japan offers no work permits or visas to low-skilled workers. Foreigners who take up manufacturing, agricultural, or service jobs in Japan come on special visas as industrial "trainees" to work in the Technical Intern Training Program and are not officially workers. Ostensibly, they are in Japan to learn skills valuable to multinational companies that also operate in their homelands. While Japan's admission of trainees as *de facto* "guest workers" may be traced to the Technical Development Plan that the Ministry of Labor adopted in 1971, policy-makers expanded this source of labor in terms of the number of trainees allowed per firm and the number of eligible firms and industries in the early 1990s (Bartram 2005: 115, Shimada 1994: 70). Foreigners on student visas also do low-skilled work in Japan (Liu-Farrer 2011, Shipper 2008).

Furthermore, Japan reserves settlement and family visas for professionals and specialty occupations only (with the exception of family members of ethnic Japanese who had previously emigrated, as discussed in the following section).<sup>4</sup> Not surprisingly, there has been relatively little research published in English on migrant settlement or permanent migrant communities in Japan; scholarship has focused instead on various short-term or isolated migrants such as entertainers, migrant wives, and international students (see, for example, Faier 2009, Liu-Farrer 2011, Parreñas 2010, 2011, Shipper 2002, 2008). One study of "migrants and their children" discusses only the children of migrants who had children with Japanese nationals (Terasawa 2000).

These legal constraints on migrant settlement for low-skilled migrant workers are backed up by a state that has the capacity to enforce its immigration laws. As Shipper (2002) argued, illegal Asian workers "cannot form a permanent community" due to their fear of immigration raids. For instance, he observed that:

When a close-knit community of several thousand Thais was formed in Tsuchiura-shi in the Ibaraki Prefecture in the early 1990s, the Immigration Office conducted several raids that effectively dissolved the local Thai community. Thereafter, Thais were afraid to come together in large numbers, fearing that they would again be an easy target for raids.

(Shipper 2002: 46)

Similarly, as Seol and Skrentny (2009a: 609) discuss, evidence from field research on international migrants in East Asia reveals how Chinese migrants' awareness of such punitive measures in Japan have shaped their decisions regarding migration with or without authorization, leading some of them to prefer destinations in

Europe over Japan. Such perceptions may be related to the reduction of illegal migration in Japan. Japanese policy-makers noted that the creation of stricter enforcement measures resulted in the steady decrease in illegal migration from a peak of 300,000 in 1993 to 92,000 in 2010 (Ministry of Justice, Japan 2010: 15).

Although officially available, settlement and family visas are also rare in South Korea and, like Japan, mostly involve cases that are not likely to lead to significant migrant settlement. According to Justice Ministry regulations, dependent family visas are available only to certain classes of professionals and specialty occupations, such as artists and athletes, and ethnic Koreans from developed countries. Similarly, permanent resident visas are limited to professionals and specialty occupations with the visa decision ultimately being based on the discretion of the Justice Ministry. Not surprisingly, these individuals are relatively few in number and mostly from developed states.

Low-skilled workers originally came to South Korea as part of the Industrial Technical Training Program (ITTP), which was modeled on Japan's trainee program, and similarly designed to meet low-skilled labor needs. The ITTP restricted the rights and wages of migrant workers so much that many found better opportunities as illegal workers (Seol and Skrentny 2004). To introduce more effective controls on the labor conditions and mobility of foreign workers, Korean policy-makers enacted and began to enforce the Employment Permit System (EPS) Act in 2004 (Seol and Lee 2011). Notably, the Korean state's policy change occurred amidst political contention over the recognition of migrant rights. Yamanaka (2010) argues that Christian churches and other civil society advocates, who had staged intensive public campaigns for the recognition of foreign labor as workers, were instrumental in the replacement of the ITTP, which was finally abolished at the end of 2006, by the EPS. However, except for the few that called for amnesty for undocumented workers, the pro-migrant groups did not press for family reunification or migrant settlement (Seol and Skrentny 2009a: 600–1). According to the EPS Act, low-skilled migrants may come in on a work permit that allows a stay of up to three years and can be extended once, without provision for family unification or settlement (Ministry of Government Legislation, Republic of Korea 2010). Consequently, the number of foreigners holding permanent resident or dependent family member visas is small (relative to Europe) with developed states well represented.

The lack of migrant settlement among the low-skilled in South Korea may be further evidenced by the particular policies that policy-makers have enacted in the face of different policy problems. For instance, the Korean response to the onset of the 1997 Asian financial crisis included an amnesty for undocumented migrant workers in 1998. Rather than allowing legalization opportunities, this amnesty only lifted penalties for visa overstayers to encourage their voluntary repatriation, resulting in the departure of more than 53,000 undocumented workers (roughly one-third of the estimated undocumented population) (Lucas 2005: 242, Seol and Skrentny 2004). This was accompanied by a similarly sharp decrease in the number of foreign trainees in the same period. As Lucas

(2005: 243) observed, labor migration in South Korea offered “considerable flexibility to the host country,” since the sharp dip in the stock of undocumented workers and trainees in 1998 was subsequently followed by a rebound in 1999 as economic conditions recovered.

Finally, another way to highlight probable transnational ties from circular migration is with population statistics: the number of foreign children in schools can be an indicator of current or incipient migrant settlement. By this measure, South Korea is not a country of settlement for migrant workers and their families. As Lee (2014: 178–9) reports, in 2010, there were only 1,748 children of migrant workers attending elementary, middle, and high schools in South Korea. While this figure omits most of the children of undocumented migrant workers (less than 20 percent of the over 17,000 children of undocumented migrant workers of school age were enrolled in school in this period), even a high estimate of the total number of children of migrant workers of school age would still be less than 4 percent of the estimated total number of migrant workers (556,746) in 2010. The highly limited settlement of migrant workers and their families may be directly contrasted with the growing presence of marriage migrants and their children in South Korea: there were 30,040 children of international marriages studying in elementary, middle, and high schools, the majority of whom (78.6 percent) were enrolled in elementary schools (Lee 2014: 177).

The numbers from Japan are similar. Japan’s Ministry of Education, Culture, Sports, Science and Technology (2011) reported that, in 2010, there were 28,511 foreign children who required special Japanese language instruction in Japanese schools (excluding higher education institutions) in 2010. While this figure does not include foreign children who do not need Japanese language instruction, the latter group includes the children of long-term residents or special permanent residents who are descended from Koreans and Taiwanese displaced during World War II and may not be a sound indicator of migrant settlement as a result (Green 2013: 13). More importantly, the small number of such students relative to the registered foreign population in 2010 (2,134,151) (Immigration Bureau of Japan 2011) suggests that migrants to Japan, like those to Korea, do not bring family members or have children because they do not intend to stay. Instead, they maintain ties with their homelands for eventual return.

While we have stressed the relative lack of settlement by migrant labor and pointed to its implications for the transnational movement of low-skilled persons within Asia, our claim here is not that patterns of transnationalization and regionalism are unique and may not be found in other regions like Europe.<sup>5</sup> Europe’s migration patterns clearly reveal regional integration (Van Selm 1999). Our point is that these dynamics are of a different nature to those in Asia and shaped by exclusionary state policies. This corroborates Cornelius and Tsuda (2004: 16), who observe that policy convergence has been occurring on a regional scale. Importantly, despite the restrictions imposed on the settlement of low-skilled labor migrants in East Asia, we observe a set of transnational activities mostly constituted by the circular and regular flows of migrants between sending and receiving nation-states in the region.

### **Ethnic return migration: transnationalization through “hierarchical nationhood”**

East Asian policy-makers have not considered national membership to be coterminous with territory, nor do they consider it to be an equalizing status. Instead, the people of the nation encompass those citizens within the territory, and also co-ethnics who live abroad and are citizens of foreign states and their descendants. When they come to the ancestral homeland as “ethnic return migrants,” they do not simply replenish nations—they remake them. This is true because ethnic return migrants have in various mixtures characteristics of both their original sending state and their adopted homelands. At the same time, these differences are exacerbated because neither citizens nor policy-makers typically consider co-ethnic foreigners to be equal to citizens. While immigration policy recognizes these individuals’ co-ethnicity, and places them closer to the nation and above foreigners from different backgrounds, it also limits their rights and excludes them from some of the core aspects of membership. These states thus maintain a “hierarchical nationhood” (Seol and Skrentny 2009b) in which policy and public attitudes show both preferences and national closeness but also exclude and maintain a system of unequal membership.

In Japan, the largest group of co-ethnic foreigners, the *Nikkeijin*, is the ethnic Japanese from South America. Japanese emigration to Brazil began in 1908 and continued, interrupted by the world wars, until the 1950s (Herbert 1996). Japan began to receive large numbers of ethnically Japanese return migrants from this region in 1989. Their migration increased rapidly and they numbered about 325,000 in 2010 (see Table 7.1). Most are from Brazil, which is home to about 1.2 million ethnic Japanese. Peru is the next largest sending state, and considerably smaller numbers arrived from Argentina, Paraguay, and Bolivia (Cornelius 1994). The majority are second and third generation, and are consequently culturally Latin American, with limited Japanese speaking ability (Tsuda 2003). Though usually well-educated white collar workers in Latin America, in Japan they typically do blue-collar work, especially in manufacturing, which remains attractive due to wage differentials with their home countries (Cornelius 1994).

Preferential admission policy regarding the *Nikkeijin* began in 1990 (Herbert 1996, Mori 1997). In its revision of Japan’s immigration policies in 1990, the Ministry of Justice crafted a residential status that allowed anyone with Japanese ancestry, with no geographical distinctions but up to the third generation, unrestricted access to the Japanese labor market. Japanese ancestry was determined through links to a family registry system, which is common in East Asia. The Justice Ministry began to issue three-year “long-term resident” visas that are renewable and are similar to permanent residency (Cornelius 1994, Yamanaka 1993). As suggested above, the law led to an immediate influx of the *Nikkeijin* and employers began replacing other migrant workers with these ethnic Japanese (Yamanaka 2004). Even though the revised law recognized the *Nikkeijin* as long-term residents by virtue of their familial ties, there were no preferential policies to actively promote their naturalization. Neither were there policies designed to ease

adjustment or help to settle the *Nikkeijin*. In 2009, in the context of the global economic downturn and increased unemployment among the *Nikkeijin* and their strained ability to afford housing and education for their children, the Japanese government set up the Council for the Promotion of Measures for Foreign Residents. The Council introduced a set of ameliorative measures including employment assistance, vocational training, housing, and educational support, but also the option of voluntary repatriation (Roberts 2012: 52; for more on this, see concluding section).

The rationale for the overall *Nikkeijin* policy is apparently economic, though official statements imply that other goals are also at stake. While the policy served to supply cheap labor to small and medium-sized companies in Japan, Yamanaka (1993) reports that official documents from 1989 emphasize concerns with forestalling ethnic diversity. The *Nikkeijin* were desirable because policy-makers believed Japanese economic development was aided by its ethnically and linguistically homogenous population. They assumed, according to documents, that the *Nikkeijin* “would be able to assimilate into Japanese society regardless of nationality” (quoted in Yamanaka 1993: 9). Through co-ethnic guest workers, Japan could continue its economic development with minimal social disruption. Policy-makers ignored the fact that the *Nikkeijin* were in fact very different culturally. In this, the policy continued a Japanese tendency to conflate Japanese ethnicity or race with Japanese culture, which justifies the preference for those of Japanese descent, regardless of origins, over those with Japanese culture but of different descent (Lie 2001, Yoshino 1997).

South Korea’s ethnic preference policy is more complex than Japan’s, though it similarly gives preferences to ethnic Koreans unavailable to other foreigners. The primary overseas Korean communities include the approximately two million *Joseonjok*, ethnic Koreans who live in China, and a smaller group, the *Goryeoin*, who number about 800,000 and are more scattered throughout Russia, Kazakhstan, and Uzbekistan. Koreans have lived in China in large numbers since the late nineteenth century, with most arriving during the Japanese occupation of Korea, 1905–45. As with the *Goryeoin* and a much smaller number of Koreans who went to Hawaii and later California (Schmid 2002), many of the *Joseonjok* were fleeing Japanese oppression or plotting Korean independence. The Japanese also forcibly sent many Koreans to China to cultivate the land (Lee 1986, Piao 1990).

Ethnic Koreans, especially the *Joseonjok*, began to return in the late 1980s. After an initial period of indecision, South Korea avoided giving the *Joseonjok* free access to the labor market comparable to what the *Nikkeijin* enjoy in Japan. In addition, South Korea separated them from ethnic Koreans in the West by creating provisions for the *Joseonjok* to participate in the ITTP (Seol and Skrentny 2004). The government gave the *Joseonjok* the largest quota in the program, separate from other Chinese workers, and originally ordered them to be paid higher wages. Even after the replacement of the ITTP by the EPS in 2007, they remain the largest source of foreign labor and the largest group among undocumented workers.

In 2002, policy-makers created another program for importing *Joseonjok* labor. Under the Employment Management Program for Overseas Ethnic Koreans (*Chuijeop Gwanri Jedo*), overseas Koreans over the age of 40 and with family (cousins

or closer relatives) in South Korea would receive special two-year visas to work in the labor-starved service industry, especially restaurants, cleaning companies, and nursing facilities (not as nurses, but as “caregivers”); construction was added later. Employers could hire up to ten overseas Koreans provided they showed they could not find workers domestically (Seol and Skrentny 2009b).

Another policy giving preference to foreign co-ethnics came in 1999’s “Law of Entry and Status of Overseas Koreans (*Chaeoe dongpo*),” or the Overseas Koreans Act. The law defined *Chaeoe dongpo* as “Korean citizens who live abroad in order to get the citizenship of the resident country and overseas Koreans who had South Korean citizenship in the past and their descendents.” This definition excluded both the *Joseonjok* and the *Goryeoin* because they had left the peninsula before the establishment of South Korea. Those classified as *Chaeoe dongpo* were entitled to register as “domestic residents” if they wanted to stay longer than 30 days. This status gave rights that made the *Chaeoe dongpo* almost equal to Korean citizens, such as in banking, owning property, medical insurance, and pensions.<sup>6</sup> On the other hand, the law prohibited the *Chaeoe dongpo* from unskilled manual work. The state’s recognition of this transnational linkage aimed to secure economic benefit from the migration of skilled labor of Korean ancestry—there were no cultural or language tests.

The Ministry of Justice, which drafted the law, originally intended it to apply to all overseas Koreans, but this plan faced opposition from outside and inside the South Korean state. First, both Chinese and Russian governments resisted the Korean state’s transnational grab, expressing the concern that the law would compromise the loyalty of their *Joseonjok* and *Goryeoin* citizens. Second, some policy-makers feared the economic and social problems that a mass influx of unskilled *Joseonjok* would cause. Third, there was a national security concern that North Korea might use the allowance “as a route for infiltration, thereby causing immediate security threat.”<sup>7</sup> After three *Joseonjok* appealed to the Constitutional Court on their exclusion, the National Assembly eliminated the requirement of prior linkage to the South Korean state in 2004. However, because the law retains its prohibitions on unskilled labor, it offers few opportunities for ethnic Koreans in East Asia.

A final Korean policy creating transnational links to co-ethnics abroad deals with North Koreans. The South Korean constitution defines North Koreans as part of its own polity; technically, they are not foreigners at all (Lee 2003). Indeed, the main group of refugees that Korea accepts are those from North Korea,<sup>8</sup> and because of their lack of familiarity with a capitalist economy, they are a burden on the state, requiring extensive settlement packages and adjustment. However, though their numbers are growing, they are still very few (under 25,000 in 2012) (Ministry of Unification, Republic of Korea 2014).

The rationale for co-ethnic preference in South Korean policy appears similar to that of Japan: providing needed labor or skills for economic development with minimal disruption of Korean society and the Korean labor market. The policies all bring economic benefits and at almost no cost. The trainee program was ostensibly for transferring skills to foreign workers, though that rarely happened. According to Lim (2002:19), South Korea preferred *Joseonjok* trainees because

they would “pose less of a threat to South Korea’s tight-knit, homogenous society.” The service-job visa for the *Joseonjok* was also justified as an aid to this group (allowing them opportunities to work in a relatively high-wage economy), but obviously the Korean economy has benefited. The Overseas Koreans Act also stated a nominal “helping” goal by explaining that one of the purposes of the act is to aid ethnic Koreans’ adjustment to their countries of residence, and in fact Korean Americans lobbied for it (Park and Chang 2004). However, the law’s goals of economic growth through targeted ethnic transnationalism was stated explicitly in several places in the law itself and in the Constitutional Court opinion striking down part of the act’s exclusion of the *Joseonjok*. It stated that the law’s purpose was “to promote globalization of the Korean society by encouraging more active participation of ethnic Koreans living abroad in all spheres of the Korean society” and that “[t]he Act aims to encourage investment in Korea by simplifying regulations” on business dealings.

In summary, Japan and South Korea promote an ethnic transnationalism by recognizing co-ethnicity across borders and even oceans, and migrants have utilized these opportunities in great numbers. At the same time, limitations on ethnic return migrants’ rights encourage them to return home rather than settle. *Joseonjok* and *Nikkeijin* migrants generally do not show the same interest in settling in the ancestral homeland as do ethnic return migrants to Europe, many of whom enjoyed immediate or preferential paths to citizenship (Seol and Skrentny 2009b). Like the *Nikkeijin*, of whom only about 30–40 percent intend to stay in Japan (Kajita 1998: 127, Kuwahara 1998: 371–2), most *Joseonjok* migrants prefer to simply work in South Korea and use those earnings to increase their buying power in China (Choi 2001, Seol and Rhee 2005). They thus engage in circular migration, as do other low-skilled migrants, maintaining ties with their homelands even while remaking their host states.

### **Marital migration: transnationalization through international marriage**

The primary challenge to East Asian nationhood, and another dynamic for regional transnationalization, comes from Asian women who migrate to East Asian states in order to marry men who were not able to find partners domestically. South Korea and Japan, as well as other Asian states such as Taiwan and Singapore, have allowed these often poorly educated young women the right to settle permanently. Though many are actually ethnic return migrants, many are not, and these states have established policies that sacrifice the putative purity of the nation in order to ensure the reproduction of future generations, particularly in rural areas where tradition dictates that the eldest son stays to manage the farm, while women have fled to pursue greater opportunities in the cities.

The terms of marriage migrants’ social and political integration have been conditional upon their fulfillment of their roles as wives, mothers, or daughters-in-law of citizens. This has shaped East Asian nations’ multicultural transitions, particularly so for those states that have claimed to be mono-ethnic, such as Japan and Korea.

Despite the nascent public discourse on multiculturalism and the adoption of “passive multicultural” provisions, however, policy-makers in Japan, Korea, and Taiwan have remained resistant to the idea of the ethnic diversity of the nation (Kim and Oh 2011; for Japan, see also Iwabuchi in this volume). Notably, they have designed policies to ensure that the full inclusion of foreign wives in their host societies, including naturalization, is based on their acquisition of the language and cultural skills of the host society. As a measure to offset the forming of ethnic enclaves, marriage migrants are typically barred from bringing any family members, except for dependent children they may already have. Integration policies, in this regard, are not based on the recognition and incorporation of cultural diversity. Even in the case of Singapore, which has been a multicultural nation-state since independence, marriage migration has yet to alter the official racial categories of CMIO (Chinese, Malay, Indian, Others). Nevertheless, we recognize the remaking of nationhood in East Asia through marriage migration. In the face of assimilationist integration and naturalization policies, marriage migration has brought about the development of transnational activities that tie together families as well as the marriage and labor markets of the sending and receiving nation-states.

The rise in international marriages in East Asia since the early 1990s has been closely associated with the establishment of international trade and capital flows within the region. It has consisted mainly of men from more developed countries marrying women from developing countries in East and Southeast Asia. Based on available estimates, Jones and Shen (2008) state that Taiwan (32 percent), Singapore (17 percent), Korea (14 percent) and Japan (5 percent) had the highest proportion of international marriages (out of all marriages) in East and Southeast Asia in 2005. However, the majority of these marriages were marriages between persons of the same ethnicity, e.g. marriages between *Joseonjok* women and Korean men.

In South Korea, the increase in international marriages began in 1992 with the normalization of relations with China (Lee 2008). Since then, marriages between *Joseonjok* women and Korean men have accounted for the largest proportion of international marriages in Korea. Initially, these marriages were promoted by local governmental groups who introduced Korean farmers to *Joseonjok* women. Similarly, state-arranged marriages had become a relatively widespread (and well-known) phenomenon in Japan by the late 1980s mostly due to the shortage of brides in rural areas (Nakamatsu 2003, Shipper 2008). This initial wave of international marriages contrasts with the privately arranged (through commercial brokers or social networks) marriages that have characterized international marriages in East Asia since the late 1990s. Like labor migration, marriage migration has had a strong regional orientation. Jones and Shen (2008) identify China, Vietnam, the Philippines, and Indonesia as the major countries of origin of marriage migrants in Taiwan, Korea, Japan, and Singapore.

The legal status and rights of foreign spouses in South Korea has been the subject of several policy changes, marking a tentative but gradual progression towards greater economic and social inclusion (Lee 2008). One of the first changes was the granting of F-2 residence visas in 2002, which allowed marriage migrants to seek employment. In 2005, marriage migrants who had not been naturalized could

apply for permanent residency after two years of residence. One key policy change affected the right to settlement of foreign wives. Previously, a foreign wife had to return to her country of origin (without her children) if she divorced her husband during the first two years of marriage. This was changed in 2003 such that a foreign wife could extend her residence visa and apply for naturalization if 1) her husband was deceased or missing, 2) they had separated or divorced because of her husband's actions, or 3) she had been the caregiver of their children or his parents. Despite this change, the legal status of the foreign wife was still defined through her past or present duties as a wife (especially with the second and third conditions). Lastly, foreign wives and their families were included in the social security system in 2007.

The gradual inclusion of marriage migrants has constituted the primary pathway for immigration to remake nationhood in the major migrant-receiving Asian states. In South Korea, the official adoption of multiculturalism as a policy was institutionalized through the Plan for Promoting the Social Integration of Migrant Women, Biracial People, and Immigrants, or the "Grand Plan," as announced on 26 April 2006 (Kim 2007, Lee 2008). The plan identified the Ministry for Gender Equality and Family as the main coordinating agency for a set of social policies aimed at the comprehensive support and protection of foreign wives and their children, and at increasing Koreans' acceptance of a multicultural society. The Korea Immigration Service's (2009) First Basic Plan for Immigration Policy echoes the "Grand Plan" in its section on "High-quality Social Integration." Notably, in both plans, the provision of social rights (mostly in the form of social services) only extends to foreign wives and their multicultural children. No other groups were named as targets of the proposed policies.

Despite the Korean state's efforts at integration, many non-Korean foreign wives have not naturalized. Korean policy-makers have identified migrants' lack of language and cultural skills as a source of the problem, citing, for example, the relatively low rates of success of Cambodian (20 percent) and Vietnamese (18.5 percent) marriage migrants in their applications for naturalization (Korea Immigration Service 2009: 46). The basis of their concern is not rights of migrants but, similar to the rationales for their labor and ethnic return migration policies, the minimization of disruption: "The failure of immigrants through marriage to adapt to Korean society undermines the foundation of families and incurs major social costs" (Korea Immigration Service 2009: 46).

Japan's treatment of female marriage migrants has been similar to South Korea's gradual integration of "multicultural families." In Japan, the admission and settlement of foreign wives have been conditional upon their status as the spouses of Japanese nationals. This was reinforced by a 2009 amendment to the Immigration Control and Refugee Recognition Act. It introduced a provision [see Article 22-4(1)(vii)] that made the residence of foreign spouses revocable if they do not "engage in the activities of a person with a status under a spouse of a Japanese national ... for six months or more while residing in Japan" (Immigration Bureau of Japan 2009). Therefore, even though marriage migrants possess more rights (such as the right to work and full access to the national health care system) than

ethnic return and labor migrants, their lack of citizenship nevertheless leaves them in a precarious state (Shipper 2008: 50-1).

In their implementation of naturalization policy, similar to South Korean practices, Japanese policy-makers have expected marriage migrants to assimilate despite the fact that there is no such requirement in the Nationality Law. This has been reinforced by the perceptions and attitudes shared by marriage migrants and their Japanese families. Faier (2009) argued that Filipina wives and the rural families that they have married into have evaluated their moral and social standing in their families and community in relation to the Japanese ideal of being a *ii oyomesan* (good bride and daughter-in-law). Critically, conformity with this cultural ideal has facilitated marriage migrants' acquisition of permanent residency and citizenship because of the way immigration bureaucrats have investigated applications for residency and citizenship.<sup>9</sup> In this regard, Parreñas (2011: 178-9) noted that the Filipina wives of Japanese men often distinguished themselves as "real" members of Japanese society" from their co-ethnic brethren, particularly those working under the legal status of "entertainers" in hostess bars, due to their more privileged social and legal status.

Framed in cultural terms, marriage migrants' attainment of social and legal status in Japan demonstrates the importance of socio-cultural assimilation to their settlement and incorporation. As a whole, these social and political practices highlight the centrality of the culture of the nation and the family in structuring the settlement of foreign wives. However, Faier (2009) observed that the effective performance of the cultural ideal of *ii oyomesan* also allowed Filipina wives to achieve economic and political benefits that could help them better support their families in the Philippines. This points to the series of transnational practices that marriage migration makes possible, and to the fact that the study of marriage migration cannot be limited to its occurrence within the host society alone. For one, the phenomenon of marriage migration, like all forms of migration, occurs in both sending and receiving communities. And, second, the extent of the nation-state's control of marriage migrants and their practices is necessarily limited by the fact that their social actions and interests often cross the nation's borders.

To put it differently, Japanese policy-makers' emphasis on the socio-cultural integration of foreign wives does not preclude the continuation of transnational practices by those who view socio-cultural integration as a pragmatic means to securing greater social, political, and economic gains in both sending and receiving communities. The same may be said of foreign wives in South Korea whose fulfillment of their social and cultural roles as wife, daughter-in-law, and mother of Korean nationals would allow them to secure residency and, eventually, citizenship. In turn, this grants them greater security in their engagement in cross-border activities that help sustain their natal families in their country of origin.

The implications of marriage migration on regional transnationalization in East Asia may be also illustrated by its impact on sending communities. Bélanger and Tran (2011) document the impact that marriage migration has had on gender and familial relations within sending communities in southern Vietnam, from where most Vietnamese marriage migrants who left for South Korea and Taiwan



originated. They found that the status of migrant wives in their natal families increased because of their financial contributions to their families. In addition, families that have had the experience of marriage migration seemed more willing to consider marriage migration as an option for their younger daughters. These findings highlight how the interests of marriage migrants may not be well understood if framed only in terms of their integration into the host society. They also reveal the increasing ties that link the marriage markets in both sending and receiving communities.

Since its development in the early 1990s, international marriages have gained greater acceptance as more men and women have crossed borders in search of marital partners. We note that the increasing migration of women from developing Asian countries as wives mirrors the increasing mobility of women as labor migrants. As Oishi (2005) noted, the increasing social acceptance of women's cross-border movements in sending communities indicates a "culture of migration." Despite this similarity with labor migration, the transnational practices linked to marriage migration have a greater potential to create long-term transnational connections within the region because foreign wives may settle and are even expected to integrate as members of the nation.

### Prospects for transnational connections and regional integration

We have discussed how East Asian policies governing labor migration, ethnic return migration, and international marriages have expressed policy-makers' distinct understandings of nationhood. The forestalling of family reunification, migrant settlement, and racial diversity demonstrate the commitment of East Asian states to form multi-ethnic societies that are distinct from the European and North American approach. As Manuel Castells (1998: 308) has observed with regards to the industrialized states of East Asia, "the process of development has been, and is, enacted by parallel nationalisms, which are absolutely not ready to downplay their identity." Our comparative analysis of immigration policies has, likewise, pointed to the effect of policy-makers' conceptions of nationhood in creating exclusionary policies geared toward social order that nevertheless remake the nation.

East Asian states have developed policies that allow for needed migrant labor but have also sought to protect the nation from the perceived social and cultural disruption brought about by immigrants. Ironically, such a defensive approach to policy-making may in turn encourage regional transnationalism and integration. Indeed, these policies have fostered circular migration and transnational ties between migrants and their homelands, and they have encouraged states to cooperate in order to manage migration.

In limiting the ability of low-skilled migrant workers to stay for long periods and settle, receiving states like South Korea and Japan have facilitated the circular migration of low-skilled migrant workers between certain sending and receiving states. For example, in the case of the Korea's Employment Permit

System (EPS), guest workers are allowed one extension of their work contracts and they may not return immediately on new contracts after their final departure. Even the *Joseonjok* face a similar situation as they are granted five-year, multi-entry visas that only allow them to stay in Korea continuously for up to three years, unless requested otherwise by their employers.

In comparison, Japan's immigration policies are even more restrictive since they still maintain the principle of not admitting low-skilled foreign workers despite their presence as "trainees." Research shows that restrictive visa policies have given rise to different patterns of migration among Filipina women employed in Japan's nightlife industry depending on their individual trajectories (Faier 2009, Parreñas 2010, 2011). The vast majority of them have not settled because of the short stays allowed by "entertainer" visas (six months); within this group, some have been able to return to Japan one to two more times, making them circular migrants. An analogous pattern may be observed for the *Nikkeijin*, even though they qualify as "long-term residents" in Japan.

The circulation of migrants between states also indicates the underlying transnational networks (as mediated by kin and/or labor recruitment agencies) that have shaped a "culture of migration" in the sending countries. As Oishi (2005), drawing from Massey *et al.* (1993), defines it, migration becomes an accepted part of a sending community's practices and values as the younger generation begins to accept, idealize and follow the migratory paths of its family members. In our view, circular migration highlights the distinct transnational connections and "culture of migration" that have been conditioned by the restrictive immigration policies within migrant-receiving states. These transnational connections are thus different from the transnationalism of settled diasporas, which are simultaneously invested in both sending and receiving states. Given the limitations on their mobility, circular migrants maintain a greater identification with and loyalty to their homelands (Parreñas 2010).

Though Japan and South Korea have policies designed to attract ethnic return migrants, it is not the case that they have sought to encourage permanent stay for the low-skilled among them. This may give incentives for them to engage in transnational practices. For example, during the 2008 global economic downturn, the Japanese state encouraged the *Nikkeijin* to return to their countries of origin by creating a voluntary return program that provided financial support for the departure of the *Nikkeijin* and their families. According to one official source, as reported in McCabe *et al.* (2009), this program has received 13,188 applications (11,329 approved) from a population of about 350,000 *Nikkeijin* between April and October 2009, with the majority being Japanese Brazilians. In contrast, McCabe and her colleagues show that only about 5400 migrants applied for a Spanish voluntary return program (4100 approved) of a total eligible migrant population of about 1.2 million. However, as they state, the actual rate of return may be even higher in Japan; one study reports that the number of registered foreigners from Brazil decreased by 49,511 persons (16 percent) between 2008 and 2009 (Roberts 2012: 53). As such, the ethnic return migration of the *Nikkeijin* may be more circular than permanent, as is the case with the *Joseonjok* in Korea.

Marriage migrants, on the other hand, have engaged in transnational practices while negotiating their settlement and naturalization in their host societies. Like labor migrants, they have sent remittances back to their countries of origin. The main difference is that state policies have allowed them to settle and gain citizenship based on the fulfillment of their social and cultural roles as the wives, mothers, and daughters-in-law of citizens. Being immigrants, their mode of transnationalism is different from temporary labor and ethnic return migrants. Also, the "culture of migration" that marriage migration creates in sending communities—whereby women view foreign men from more developed countries as ideal prospective partners—may foster the creation of greater and more sustained cross-border linkages within the region despite restrictive immigration policies. Even so, as we have argued, marriage migration is still shaped by state policies that seek to preserve the social and cultural boundaries of the nation.

In this chapter we have discussed three different forms of migration (labor, ethnic return, and marriage) and their implications for transnationalization in relation to the two largest migrant-receiving states of East Asia, Japan and South Korea, but what of other states in the region? Comparisons with two other industrialized, migrant-receiving states in the region, Singapore and Taiwan, are illuminating. Though operating in very different contexts (Singapore is a former British colony and a multi-ethnic state, while Taiwan exists with a continuous sovereignty threat from China's irredentist aspirations), both share with Japan and Korea highly restrictive policies toward low-skilled migrants that similarly appear to lead to regionally oriented, transnational practices.

In terms of labor migration, both Singapore and Taiwan have enacted work permit programs that admit low-skilled foreigners for work in several industries without rights to settlement or family reunification; this leads guest workers to engage in circular migration instead. There are also similarities in marriage migration patterns since foreign wives have increasingly settled in Singapore and Taiwan due to the bride shortages faced by less-educated men who have struggled to find marriage partners in their local society. Because of their ability to settle, marriage migrants from Vietnam in particular have become increasingly visible in Singapore and Taiwan. This has introduced greater ethnic diversity into their mostly Chinese multicultural societies. One key area of difference, however, lies in the domain of ethnic return migration. Singapore lacks a large emigrant population and Taiwan has national security concerns regarding the mainland Chinese. Neither therefore provides preferences for ethnic return migrants to enter and work as low-skilled workers.

This suggests that Japan and South Korea, as well as Singapore and Taiwan, exemplify how state policies, while protective of nationhood and the nation's perceived interests, have also fostered an unintended set of transnational practices by guest worker, ethnic return migrants, and marriage migrants. The incentives for transnationalization created through the prohibition of settlement and family reunification contrast with European patterns, where family reunification rights have led to significant migrant settlement (for a detailed comparison, see Lee and Skrentny forthcoming). Further research may examine the role of sending state

policies and their interactions with migrants as well as the policies of migrant-receiving states. One possible area of further investigation is the role of interstate relations in structuring transnational activities. To conclude, we offer a brief discussion of the emergent role of bilateral agreements between Asian states in shaping the region's transnationalization.

Restrictive immigration policies within industrialized Asia have engendered a distinct form of international cooperation within the region. Unlike Europe, where the European Union acts as an international institution that facilitates the free movement of goods and persons between its member states, no equivalent institution or policy has emerged in Asia. While the Asia-Pacific Economic Cooperation (APEC) and the Association of Southeast Asian Nations (ASEAN) have existed as possible platforms for regional cooperation on migration issues, they have only developed regional agreements aimed at the mobility of business and skilled persons (Chia 2006). For instance, APEC has set up the APEC Business Travel Card Scheme to ensure the smooth passage of business visitors into participating states, while the discourse over the creation of the ASEAN Economic Community only envisions free movement for skilled labor. This lack of regional coordination over the mobility of low-skilled migrant workers reflects the greater influence wielded by migrant-receiving states, which have "asymmetric policies" towards skilled and low-skilled labor migration, over the formulation of regional bodies and agreements (Chia 2006: 364). In this regard we identify an alternative avenue towards regional integration in the bilateral agreements and negotiations between sending and receiving states.

Bilateral agreements have been a significant component of the labor importation schemes in Japan, South Korea, and Taiwan. Japan has been most restrictive. For instance, while Japan agreed to accept nurses and caregivers from 2008 because of its Economic Partnership Agreements (EPAs) with Indonesia and the Philippines, its designation and admission of care-workers as relatively skilled labor migrants has been very limited in magnitude, numbering only in the hundreds. Foreign care-workers are expected to pass a national examination in either nursing or caregiving that is administered in the Japanese language in order to stay beyond their three-year training period; not surprisingly, the passing rates have been low (Roberts 2012: 55). Hence, like other foreigners, the vast majority of care-workers return home after their practical training in Japan. Within this context, even though Japan has agreed to a similar agreement with Vietnam, with India and Thailand to follow, it is unlikely that these EPAs signal Japanese policymakers' openness to the official importation of foreign labor. Instead, as Oishi (2005: 42) points out, the admission of care-workers from abroad should be seen as a concession within the negotiations of free trade agreements that would serve Japanese interests in trade and investment.

We contrast the limited nature of EPAs to the use of bilateral agreements to manage low-skilled labor migration in South Korea and Taiwan. Bilateral cooperation and infrastructure is a key component of Korea's Employment Permit System, allowing the state to oversee and control the recruitment and subsequent return of guest workers. To date, South Korea has signed "memoranda of

understanding" with 15 countries (all within Asia) to supply low-skilled labor under the E-9 visa or the H-2 Working Visit Visa (for ethnic Koreans) (Ministry of Government Legislation, Republic of Korea 2010). In the eyes of the Korean state, the maintenance of these agreements may be made dependent upon the successful return of guest workers to their home countries (Skeldon 2009). Another dimension of these bilateral agreements over labor mobility is the potential role they play in international diplomacy, which is a particularly acute problem for Taiwan. As Tseng discusses, the Taiwanese state has selected source countries in its guest worker scheme according to "the degree of support given to state's interests in international political forums" (Tseng 2004: 113).

As these cases demonstrate, bilateral agreements are ultimately subject to national interests and they may be instrumental in articulating states' responses to political, economic, and social concerns; such as the access to foreign markets (Japan), the avoidance of illegal immigration (Korea), and recognition in the international system (Taiwan). The precedence of the nation-state's interests in the crafting of these bilateral agreements highlights the competitive nature of this nascent mode of regional integration. Nevertheless, as Skeldon (2009: 20) notes, these bilateral agreements are still "in their infancy," and may "become more open to design, monitoring and implementation within some common regional or multilateral facility."

The future trajectories of migration policy, transnationalization, and regional integration in East Asia are far from clear. The low birthrates in the region and the ensuing shrinkage in the national workforces will put pressure on these states to increase immigration to keep their economies growing and their pensions funded. Will they tip their balance away from national interests and more towards the rights of migrants and more institutionalized regional transnationalism, like the European approach? Whether or not they can address demographic challenges through circular migration and without family reunification and settlement—and more significant challenges to conceptions of nationhood—will be a question of great significance in the next decades.

## Notes

- 1 Jack Jin Gary Lee would like to acknowledge the support provided by the Tan Kah Kee Foundation. We thank Satoko Kakihara and Yusuke Mazumi for timely advice on our referencing of Japanese-language sources.
- 2 As an initial point of departure, we refer to "transnationalism" as consisting of the "trans-state social action," or cross-border activities, that migrants engage in (Waldinger and FitzGerald 2004). Going beyond, we demonstrate how these practices result in changes in the social organization and the national demographic profile of both sending and receiving countries despite state controls.
- 3 Following Parreñas (2010), we define circular migrants as short-term migrants who are involved in temporary stints of employment abroad and maintain strong loyalties and ties to their sending societies. In addition, we understand circular migration as a social fact that primarily consists of the circulation of labor and ethnic return migrants between sending communities and receiving states.
- 4 Article 50 of Japan's Immigration Act allows the Ministry of Justice to issue permits for special permission to remain at the discretion of the minister and based on

humanitarian considerations. In some instances the ministry has issued permits to entire immigrant families. This is not a mass amnesty, however, and not a settlement or family reunification policy. The numbers are very limited: from 2003 to 2006, for example, the ministry has given permits to not more than 30 persons in any year (Immigration Bureau of Japan 2010b).

- 5 For a historical overview of migration and its implications for transnationalization in Europe, see Lucassen 2005. For transnational patterns in marriage migration, see Beck-Gernsheim 2007.
- 6 Originally, in the enactment process, allowing dual citizenship was considered, but it was excluded because of issues with military conscription, taxation, and social sentiments.
- 7 Act on the Immigration and Legal Status of Overseas Koreans Case (13-2 KCCR 714, 99Hung-Ma494, November 29, 2001) ([http://english.court.go.kr/home/english/decisions/mgr\\_decision\\_view.jsp?seq=284&code=5](http://english.court.go.kr/home/english/decisions/mgr_decision_view.jsp?seq=284&code=5), accessed January 2011).
- 8 While North Koreans are recognized as refugees in public discourse, they are legally defined as "residents escaping from North Korea." See the Act On The Protection And Settlement Support Of Residents Escaping From North (Act No. 10188, March 26, 2010) ([http://elaw.kri.re.kr/eng\\_service/lawView.do?hseq=20154&lang=ENG](http://elaw.kri.re.kr/eng_service/lawView.do?hseq=20154&lang=ENG), accessed May 2014).
- 9 Their investigation could entail interviews with the applicant's family and their neighbors with regards to her role in the family.

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