

## Policy and politics of migration post-1945

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## Policy and politics of migration post-1945

Laurence Lessard-Phillips, Glenda Roberts and  
Jenny Phillimore

IRIS WORKING PAPER SERIES, No. 40/2020



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## Introduction

There is a general agreement that the movement of people to a specific location, and their settlement<sup>1</sup> in that location, offers wide ranging opportunities and challenges. For a long time now, national governments have attempted to legislate the movement and settlement of individuals within their territories to optimise opportunities while minimising perceived challenges. This is especially, but not exclusively, the case since the beginning of the 20<sup>th</sup> century. These attempts at controlling entry and establishing guidelines for settlement are embedded within a complex web that includes ideas of nationhood, existing ties with other nations, and, especially in the case of Japan and the UK, colonial and post-colonial relationships and power relations, to only name a few. In recent decades, controlling the movement and settlement of non-nationals in both countries has taken centre stage in policy and public discourses, with a focus on the control of skilled and unskilled migration.

In this paper, our aim is to outline the current state of the policy landscape of Japan and the UK with regard to immigration and settlement. In both countries, we mainly focus on immigration trends in recent decades and discuss the way in which immigration figures have been represented in official statistics. We also outline the evolution of ‘recent’ immigration policy (with some historical background) and review policy approaches toward settlement. We conclude this working paper by drawing main lines of comparison between the approaches in both countries.

## Japan

### *Immigration*

Japan shares an important feature with Great Britain—both are island nations. This has made immigration control relatively easy for Japan in comparison with nations that share borders. Those who make it to Japan either come by ship or by air; mostly, the latter, and pass through immigration control upon arrival.

We begin by mentioning immigration control because this is Japan’s official stance—controlling the entry and exit of foreigners. Japan is not a country of immigration, although there are many avenues by which foreigners have come to Japan and ended up permanently residing, residing with long-term visas, or naturalizing (Roberts, 2018). Japan allows foreigners to gain permanent residency after a minimum of ten years of residence, changed in 1998 to five years in the case of highly skilled who met certain criteria (Kondo, 2008:25), and again revised to three years or even one year in certain cases, for certain highly-skilled foreigners, in 2017 (MOJ, Immigration Control 2018: 78). Furthermore, foreign residents may apply for naturalization to Japanese citizenship with five years of residency. The current number of foreign residents as of October 2019 was 2.8 million, the highest number on record. They hail mainly from China (28%), Korea (16%), Vietnam (13%), Philippines (10%), Brazil (7%) and Nepal (3%) (Hōmushō Zairyū Kanri chō, 2019). They make up 2.2% of the population (see Figures 1 and 2).

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<sup>1</sup> Here we use the term settlement to refer to what others may call integration.

1 Foreign Residents Distribution (By Visa Category) end of June 2019

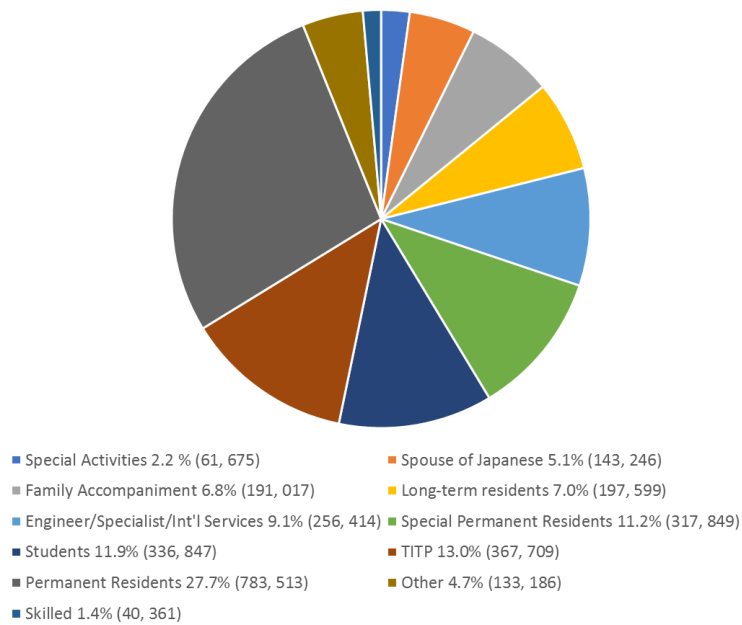


Figure 1 Foreign residents by visa category in Japan, June (2019)

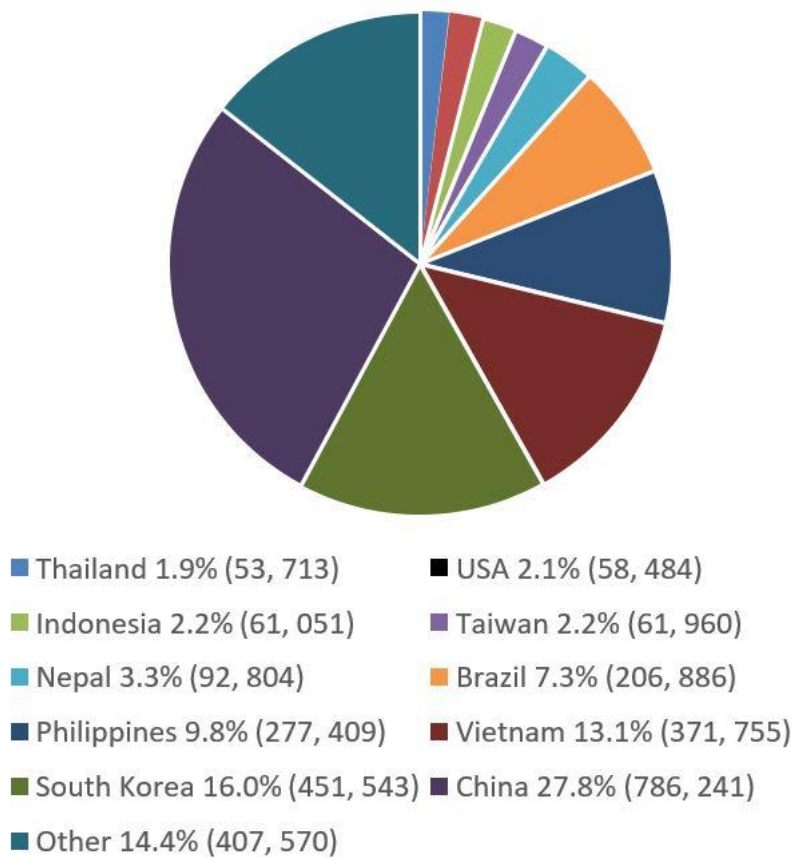


Figure 2 Foreign residents distribution by nationality and region, end of June (2019)

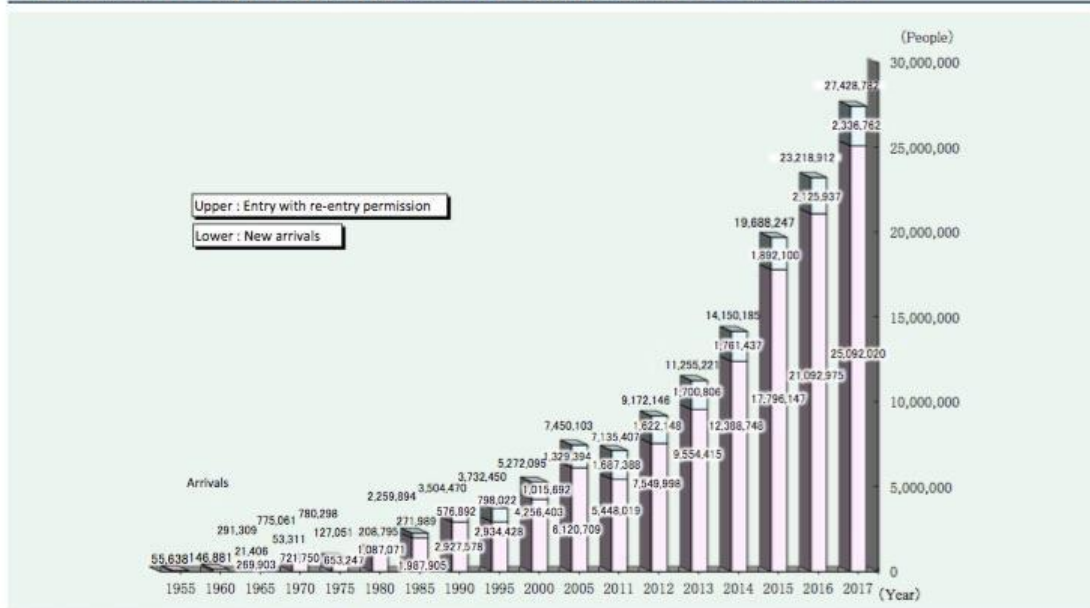
One might wonder why Japan is not a country of immigration in this era of declining birthrate and rapidly aging population, when in 2019, labour shortages are readily apparent. Indeed, the population began declining in 2010 from a peak of over 127 million, and is projected to decline to 87 million by 2060, at which point the proportion of those over 85 years of age among the elderly will have gone from 13 percent in 2010 to 33 percent (Tsuya, 2014:4).

In fact, in the Post-WWII era until the real estate bubble era from the mid-1980s, unlike most developed nations, Japan did not need immigrant labour. Japan took workers from the countryside and war repatriates to fill the needs of industry in the cities (Morita and Iyotani, 1994; Weiner, 2003). In addition, there were residents from former colonies of Korea (colonized in 1910) and Taiwan (colonized in 1895) who remained in Japan after the war, although they were stripped of their Japanese citizenship in the San Francisco Peace Treaty in 1952 (Chung, 2010:77). From that time on, they were given the status of 'Special Permanent Resident' of Japan, with a possibility to apply for naturalization. For a complex of reasons based in colonial and wartime memory, however, many of this population (those of Korean ethnicity called '*Zainichi Kankoku and Chosenjin*') did not naturalize, but remain in Japan today as 'Special Permanent Residents' (Yamawaki, 2001; Chung, 2010) now into the 4<sup>th</sup> generation, without voting rights. While increasing numbers of Special Permanent Residents have naturalized in recent years, there remain in 2019 a substantial number (317,849 in 2019, down from 512,269 in 2000) who maintain their Special Permanent Resident status (MOJ White Paper on Immigration Control, 2005; Houmuchi, 2019).

Aside from the population of Special Permanent Residents mentioned above, Japan had very few foreign nationals residing until the economic bubble period from the mid-1980s. Tourism numbers were also relatively low. For instance, if we look at the number of foreign entrants since 1955 (Figure 3, MOJ), we can see the remarkable growth, especially from 1985 onward. These numbers reflect entrants, not necessarily long-term residents, however. Part of the remarkable growth in entrants since 2013 is due to the government's decision to make Japan a major tourism destination. While over 7m tourists entered Japan in 2013, the number grew to almost 10m in 2014, 15m in 2015, 18m in 2016, and 22m in 2017 – a three-fold increase in the course of four years (MOJ 2018:7).



### Reference 1 Changes in the number of foreign nationals entering Japan



(\*) There are no separate categories for arrivals for 1955 and 1960.

**Figure 3 Foreign nationals entering Japan, 1955-(2017). Source: MOJ (2018)**

There are several reasons for this turn to tourism; among them, the government’s desire to boost the economy in a time when the demographic decline was imminent, to revitalize the regions after the 2011 Great East Japan Earthquake, Tsunami, and nuclear power plant disaster, as well perhaps to keep Japan in the hearts and minds of others even as the nation’s economic strength was waning, a kind of “soft power”. While these tourism figures are interesting, however, it is the resident foreigners who are actually working and residing in Japan, so let us turn to them.

#### Foreign workers during the Bubble era

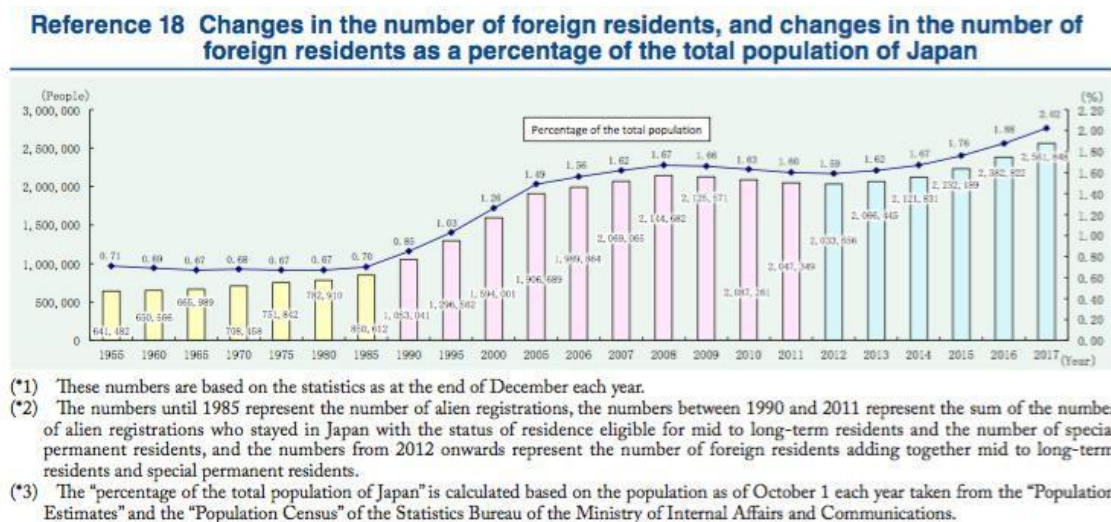
There were labour shortages in some sectors during Japan’s Bubble Period (1985~1991). During this period, many foreigners entered Japan on tourist visas, or with visa-free temporary status due to international agreements, and worked in factories or in construction. Some overstayed and went underground (Pak, 2003). From the mid-1980s for a decade, some 50,000 Filipina women per year also entered Japan on short-term ‘entertainer’ visas to work in bars and clubs (Douglas and Roberts, 2001). After the Bubble burst (c1991), however, immigration control was mobilized, visa-free agreements with were dismantled, overstayers were rounded up and deported, their status broadcasted as ‘illegals’. From this time on, visa overstaying was taken very seriously by the immigration authorities. General amnesty for undocumented residents has never been sanctioned, although some overstayers are allowed a special permission for residence if they meet certain criteria, on a ‘case by case’ basis. In 2004, the Ministry of Justice launched the ‘Five-year Plan to Halve the Number of Illegal Foreign Residents’, and continued with a similar initiative until January 2014, by which time the number of ‘illegal foreign residents’ had gone down from about 250,000 to approximately 59,000 (MOJ 2015:108 and 2018:94). Furthermore, in 2005 the ‘entertainer’ visa, a legal category which had increasingly been providing workers for Japan’s ubiquitous water trade, was curtailed significantly after the U.S. in 2004 downgraded Japan to Tier 2 on its watchlist for human trafficking (Roberts, 2008:131). It is noteworthy to add, however, that it was not only this US foreign pressure that hastened the clamp down, but also labour activists and some feminist groups within

Japan had been lobbying for change. From 2005, after Japan made the criteria for ‘entertainer’ much more difficult to achieve, the numbers of visas allotted in this category plummeted to some 36,000, from a high of almost 135,000 in (2004)

In order to figure out how many foreigners actually reside in Japan on a longer-term basis, we need to look at how many people have long-term, permanent, or working visas.

Immigration to post-war Japan pre-1990: Resident foreign population

First, if we look at the trends in foreign residency (Figure 4), we see that the numbers went up gradually from 1955-1985, from about 640,000 to 850,000 people, with the percentage of foreign residents in the entire population in 1955 being about 0.7%--low indeed (MOJ 2018, Ref.18, p.21).



**Figure 4 Change in number and share of foreign residents, 1955-(2017). Source: MOJ (2018).**

As mentioned above, 1985 marks the beginning of Japan’s Bubble economy era. At this time, although there was no immigration policy per se, the ‘front door’ to becoming a resident and worker was to obtain a visa through one’s authorized activity. Before 1990, the Immigration Control and Refugee Recognition Law (ICRRL) stipulated 18 categories of residency, of which seven allowed employment. A 1990 revision to the Immigration Control and Refugee Recognition Law stipulated 28 categories for residence for ‘authorized activities’ and fourteen for employment (Weiner, 2001:60). Usually the employee must have particular credentials such as an advanced degree or other qualification (such as Professor, Artist, Religious activity, Journalist, Highly Skilled Professional, Medical Services, Skilled Labor, Technical Intern Training, etc (MOJ, 2016:112-115).

In addition are visas based on one’s personal status (such as Spouse or Child of a Japanese National, Spouse or Child of Permanent Resident, or Long-term Resident.

Aside from the above ‘front-doors,’ there were also ‘side doors’ to migration and work in Japan. One was to acquire a visa to study Japanese language at a language school or to enter a university (students were allowed to work 20 hours/week; some ‘went black,’ abandoned their studies, overstayed their visas and worked full-time (Liu-Farrer, 2011). Another was marriage to a Japanese citizen, since spouses of citizens were also allowed to work in any job. The so-called ‘back door,’ visa-overstaying in order to work, was used increasingly during the Bubble period, the mid-1980s to 1991.

### Immigration Control and Refugee Recognition Law of 1990: Increasing Side-doors to migration

It was during the Bubble era that the government made some significant changes to the Immigration Control and Refugee Recognition Act. The 1990 revision stipulated 28 categories for residence for 'authorized activities' and fourteen for employment. In light of increasing labour shortages, the government opened what scholars referred to as 'Side Doors' to migration, with plans to greatly boost the number of student entrants, as well as to allow ethnic Japanese Brazilians and Peruvians as well as other South Americans of Japanese heritage and their families up to the third generation to return to Japan to work freely, on long-term, renewable residency permits. The ostensible rationale was not labour, but (temporary) family reunion, to make this change palatable to the public, who were cautious about allowing in foreign labour. Most of them went through brokers to work in the automobile industry, though others also worked in translation services, education, elder-care, small businesses, or other occupations (Roth, 2002, Tsuda, 2003, Yamanaka, 2001, Kondo, 2009, Takenoshita, 2013). While Japan did go into over two decades of recession in the aftermath of the bursting of the economic bubble in late 1991, the Nikkei workers were able to hold on and build thriving ethnic communities in Japan, until the worldwide economic downturn of 2008, which is mentioned below.

Others who were allowed to enter from 1972, when diplomatic channels were opened between Japan and the PRC, were those Japanese people who had been 'orphaned' by their parents, and the Japanese colonial settler wives left behind (*zanryū koji* and *fujin*) when the Japanese army retreated from Manchuria at their defeat in WWII. The children had been raised to adulthood by their adoptive Chinese parents and were seeking to 'return' to their home country (Ward, 2006).

Last, in 1993 the government created the Technical Intern and Trainee Program (TITP). As with the Nikkei population, the acceptance of these workers was not framed as a short-term labour scheme, but as 'technical transfer' to developing nations; hence, they were dubbed 'technical interns and trainees,' and they were sent to work in farms and small businesses across Japan, for a maximum of three years. By 2019 their number had grown to over 367,000 (Homuchō 2019). They hailed mainly from Vietnam, China, the Philippines, and Indonesia, in that order. The ICCRL has been changed a number of times, to better protect these workers' health and welfare, but NGOs and the media have uncovered numerous human rights violations, and the main association of lawyers, *Nichibenren*, called for the cessation of the program in 2014 (Roberts, 2018:96). Another remaining issue is that these TITP workers have no freedom to change employers unless they can demonstrate that they have been abused by them.

These legal changes are largely responsible for the increases we see in residents' numbers from 1990 to (2008). Over that time period, the number of foreign residents grew from just over 1m to over 2.1m. At their peak at the end of 2007 there were 313,771 Nikkei Brazilian workers in Japan, but the Great Recession in 2008 saw many layoffs, and for a short time the government was even subsidizing and encouraging return migration. Their numbers declined steadily, reaching a low of 173, 437 in 2015 before rising slightly again to 191,362 in 2018 (MOJ, 2018:22). Due to government interest in increasing the number of students, however, student numbers more than doubled from about 146,000 in 2009 to over 336,000 in 2019 (MOJ, 2014, Homuchō, 2019). Students form a dual function in the current era: they fill the declining enrolments in universities as the number of Japanese youth decline, and they also provide much-needed part-time labour particularly in the restaurants and retail

sectors. As mentioned above, the student visa is a side-door to working in Japan. The number of hours per week that students are allowed to work is now up to 28, and in the past there were calls from the business sector to raise this even further response to the demand for labour in these sectors.

The Great East Japan Earthquake and Tsunami of 3/2011 led to a further decline in the number of foreign residents, as some decided not to remain in the country. By 2012 the foreign resident population was down to 2,033,656, a number which it had not seen since before 2007 (MOJ, 2007; 2012).

### EPA Agreements

Economic Partnership Agreements were signed with Indonesia (2008), the Philippines (2009) and Viet Nam (2014) to accept foreign nationals as nurses and certified care worker candidates. To date, however, these programs have remained small, as the hurdle to pass the qualifying exam at the end of the probationary period is extremely high (the exam must be taken in Japanese language only). There was a lack of political will for these programs to succeed, hence, the requirements for these professionals to stay in Japan were too stringent for most people in the program to qualify to remain (Ogawa, 2012, Roberts, 2012, Ogawa, 2012, Vogt, 2012). Up until 2017 there were only about 2,000 Indonesians and Filipinos each in these programs and 673 people from Viet Nam (MOJ, 2018: 108). Much has been written about these workers' difficulties in fulfilling the requirements of the program (Vogt, 2011, Ogawa, 2015, Switek, 2017). In general, the public response was very sympathetic to these workers' difficult circumstances, which resulted in de-skilling and ultimately repatriation due to the low pass-rate on the examination, especially for nurses.

### Refugee Recognition

As mentioned in a previous paper (Roberts, 2018), Japan accepts very few asylum seekers and refugees, although the numbers of applicants have increased. In 2017, there were 19 people recognized as refugees among 11,367 applicants. In addition, 45 applicants were allowed special permission to stay in Japan (MOJ, 2018: 64). While Japan did accept some 14,086 refugees, refugees for resettlement, and others between 1978-2012 from Indo-China and Myanmar, since then the numbers accepted, including those receiving Special Permission, have never exceeded 175 per year. The official reason for the low numbers is that Japan has its own demographic issues to deal with (see Kameda, 2015). Furthermore, the Japanese government responded to the Syrian refugee crisis by expanding by threefold its 2014 allocation for refugees and internally displaced persons from Syria and Iraq, in addition to newly implemented financial assistance to Lebanon, the Republic of Serbia and the Former Yugoslav Republic of Macedonia (Abe, 2015 in Roberts, 2018:92). In a recent article, Konrad Kalicki points to the Japanese government's 'democratic communitarian' model that emphasizes bowing to the will of the people in its refugee admissions policy. As opinion polls have repeatedly found the public to be not in favour of large-scale refugee admission, the government has upheld its strict standards (Kalicki, 2019).

### *Demographic Challenge and Migration*

#### Impetus for new policies since 2012: Demographic Decline

One really cannot discuss the new policies on immigration without discussing the demographic challenge Japan now faces, that was touched on earlier in this paper. Japan's economy has not seen

glory days since late 1991. Why would the government decide to make efforts to increase the number of foreign residents? Although the economy has not been thriving, there are sectors where workers are in short supply. These shortages are at both ends of the spectrum, from the so-called 'unskilled' worker, in factory or farm or fisheries labour, as well as the service industries, nursing and elder care, to highly skilled, highly educated IT or other professionals. The former shortages are in part due to Japanese youth's reluctance to take on 'dangerous, difficult and dirty' jobs of 3D occupations. The latter shortages are due to Japan being one of the most rapidly aging and low-birth rate societies on the globe. There are not sufficient Japanese qualified workers to fill these jobs.

#### Policy for highly skilled labour with fast track to permanent residency (2012~)

Japan is very keen on attracting 'foreign talent,' and, following many other nations, Japan introduced a points-based system to promote the reception of 'highly-skilled' foreign professionals. While it got off to a slow start with only 845 people in this category in 2013, it has climbed steadily after policy reforms in (2013) By 2018 the program had received 12,945 people. The government has set targets to increase the number of the 'highly skilled' to 20,000 by the end of 2022 (MOJ, 2018:77). Those in this category enjoy several privileges, among them a five-year period of stay, permission for one's spouse to work, and lower hurdles to permanent residency (MOJ, 2018: 76). Several scholars have written about this new initiative (Achenbach, 2017; Wakisaka, 2018).

#### Policy to bring in 'Special Skilled Workers I and II' bona-fide guest-worker program

After another revision of the ICCRL, a new 'Special Skilled Workers I and II' program began in April (2019) This is a bona-fide short-term labour scheme, not under the guise of technical transfer, wherein workers will be allowed to work for up to five years, with freedom to change jobs within the sector, and the possibility of family reunification for the Special Workers II category (of whom there are none as of yet). They will work in 14 sectors that have labour shortages. It is still too early to tell how this program will be received by its stakeholders and the public, but at this stage, at least, it is only a short-term scheme. Another new feature is that under the Special Skilled Workers program, caregivers for eldercare will be allowed to enter. Hence, although nurses and caregivers under the EPA scheme had to pass rigorous tests in order to be qualified, this new category will enable many foreigners to enter this sector with a much lower hurdle. The Prime Minister emphasized that this does not mean that Japan is welcoming *immigrants* (Roberts, 2018). Furthermore, with this new scheme, the government has attempted vigorously to emphasize that these are *skilled*, not unskilled, workers, as the ranks of these workers are coming largely from those who already have experience as TITP workers or have worked in these sectors already. In June 2019 there were only twenty workers who had entered under this status, and in October, there were over 600 workers in this status (Kyodo, 2019). Kyodo reports this is a slow start for a program that the government expected would have over 47,000 people in it by March 2020. With this most recent revision of the ICCRL, the Immigration Bureau was upgraded to the status of an Agency and given a bigger budget to deal with the increase in foreign workers, and their integration into society.

#### *The Question of Integration Policy*

As the Japanese government does not admit that it has 'immigrants', there has been a vacuum of policy at the national level to assist and integrate the foreign resident population. Instead, local governments have stepped in to fund initiatives to help foreigners to learn Japanese and to

understand myriad regulations (how to pay taxes, how to sort the garbage, etc., see Nagy, 2012). There is no legal requirement for foreigner residents to send their children to school, so this has meant that many children have failed to be schooled either in Japan's public schools or in private schools. When foreign children do attend Japanese public schools, the locales often hire volunteers to assist with learning the language, but these efforts are largely insufficient. Many children fall behind in their studies, ending up neither proficient in their home language nor in Japanese (i.e. Baron von Baeyer, forthcoming). Into this gap of governance have stepped non-profit organizations that seek to help newcomer foreign residents in all manner of problems with their residency in Japan. The largest is Solidarity Network with Migrants Japan (SMJ), founded in 1997, a national organization which has been tireless in its efforts to advocate for foreign residents and bring their concerns to the government ministries through lobbying sessions held several times yearly (Roberts, 2001, Shipper, 2008, Hosoki, 2015). Their most recent campaign, '*Koko ni iru*' (We are here), seeks to underline the fact that Japan is already a society of immigration, and needs to acknowledge that and embrace the immigrants who populate the archipelago (SMJ, 2019). Part of the issue is that the majority of the foreign resident population are from the rest of Asia, often sharing phenotypes with those who are of Japanese ethnicity, so in effect they are invisible foreigners. There are also many children from international marriages who have one foreign-background, and one Japanese-national parent. There has been a tendency to hide one's roots of foreignness and 'pass' as a Japanese ethnic national, due to the discriminatory treatment people often face as foreigners (Chung, 2010:143). Yet concealing one's ethnic origin is quite counter-productive when considering the importance of the contributions of the foreign population to the greater society, not to speak of cultural identity and pride. Hence, the campaign seeks to emphasize and celebrate the long-term presence of foreigners within Japan's population.

Although there has been a dearth of national policy for the social inclusion of foreigners, the major thrust, as mentioned above, has come from the locales where foreigners reside in the greatest numbers. "*Tabunka Kyōsei*," (multicultural co-existence) policy began on the local levels in the 1990s after the Hanshin-Awaji Earthquake, and was taken up by the Ministry of Internal Affairs and Communications (MIAC) in 2005, when they formed a study group on multiculturalism (Kibe in Vogt and Roberts, 2011; Yamashita, 2010). Kibe (ibid, 61) reports MIAC's initiative as largely an effort on "how to overcome language and culture barriers in public services and information distribution." Funding for these policies has been left to the local governments, but not all local governments with significant foreign residents fund such programs. Even before MIAC's interest, however, NGOs and scholars had been discussing the need to make policy to support and include foreign residents as members of the society (Yamawaki, 2002, 2005, Shipper, 2008). As early as 2002, Yamawaki even proposed that a 'Basic Law for a Multicultural Society' be promulgated, although this has not come to pass (Yamawaki, 2002). It remains to be seen what direction the local 'multicultural coexistence' policies will take as increasing numbers of foreign workers come to Japan and end up staying long-term.

### *Summary*

To sum up, Japan, with a foreign resident population of 2.2%, has not yet embarked on any full-fledged immigration strategy to counter the effects of rapid demographic decline. Policies to date have been largely labour-market driven, short-term schemes made up of a variety of side-door initiatives, but also including new front-door strategies as the demographic decline becomes more apparent. There

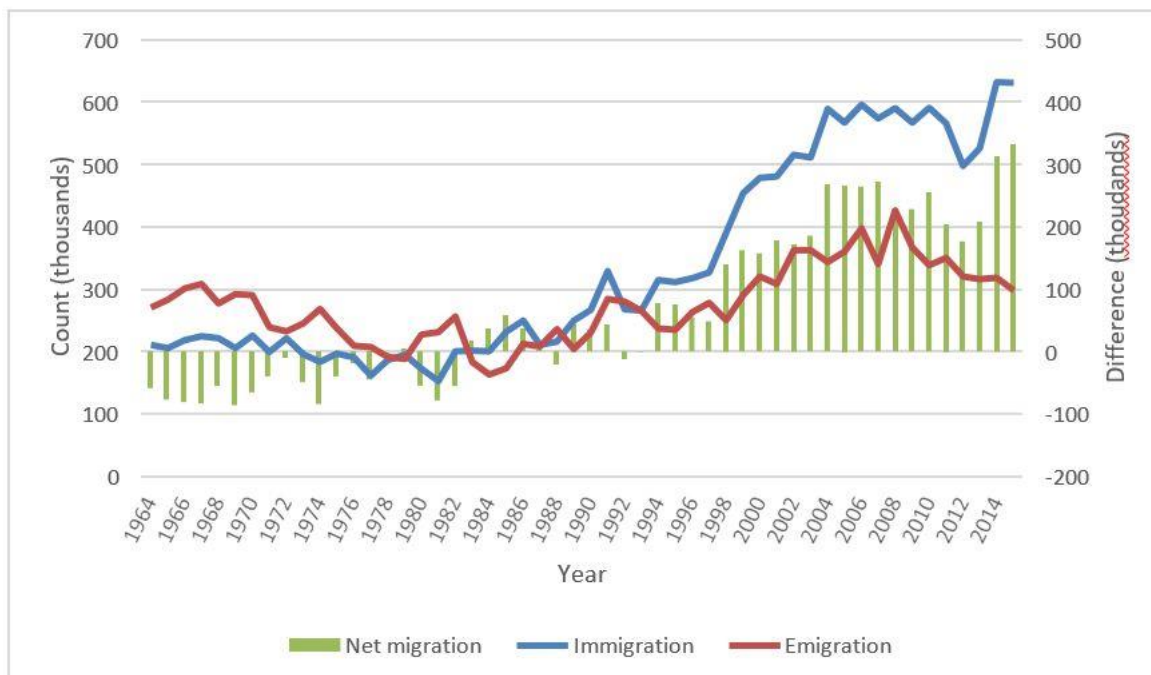
has been no coordinated vision of long-term settlement and integration into the body politic of these workers, many of whom will end up as permanent residents or even naturalized citizens. While the Immigration Control Bureau of the Ministry of Justice has been upgraded to an Agency in anticipation of the need to control the increasing flow of foreigners into Japan in the coming years, there is still no discussion at the national level of a bona-fide immigration program that would provide a path to citizenship.

## UK

### *Historical and Recent Immigration Trends*

The UK does not record immigration numbers on a systematic basis (Anderson and Blinder, 2019). Given the fact that exit and entry is not systematically registered and that EU citizens are currently exempt from immigration control, the actual immigration figures are hard to come by. Instead, official migration statistics produced by the Office for National Statistics (ONS) are derived from different sources to estimate the number of individuals in-migrating and out-migrating, which are updated on a biannual basis (Office for National Statistics, 2018a). These are the figures that are widely used to describe immigration trends in the country, but have more recently been reclassified as ‘experimental statistics’ (Office for National Statistics, 2019) so should be interpreted with caution.

According to these official estimates, and shown in Figure 5, the narrative that is often associated with in- and out-migration to the country is that, before the 1980s, and especially before the early 1990s, the UK was a country of net out-migration rather than of net in-migration (Office for National Statistics, 2016a).



**Figure 5** Immigration, Emigration, and Net Migration in the UK, 1964-2015  
 Source: ONS 2016. © Crown Copyright 2016. Contains information under the terms of the Open Government Licence

Looking at these figures, however, there are a few peculiarities that are worth mentioning. First of all, up until the 1990s, between a third and half of the people in-migrating to the UK were British citizens, either in the form of return migration or the entry of British citizens from the Commonwealth. Since then, the number of British citizens in-migrating has steadily decreased to account for 13% of all in-migration in 2017. This decrease could be linked to the increasing restrictions to British nationality acquisition for Commonwealth citizens that occurred since the 1960s, as we will briefly outline below. Secondly, and quite relevant given current debates around the exit of the UK from the European Union (EU), the level of net migration for EU<sup>2</sup> and non-EU citizens has followed different patterns. In the former case, net migration has been positive in and around years of the accession of newer Member States (mainly because this meant that new nationalities were being counted within that category), and has remained positive in recent years, with some recent decreases (Office for National Statistics, 2019a). For non-EU citizens, net migration figures have been positive, with larger positive net migration since the beginning of the 2000s (Office for National Statistics, 2016a; Sumption and Vargas-Silva, 2019).

It is also possible to look into the main reasons for migration for people coming (or exiting) the UK. There exist detailed statistics on individuals who are subject to immigration control in the UK (see, for example, the latest statistics from the Home Office (2019a)), which allow to identify broad reasons for migration amongst qualifying individuals. The latest figures for visa nationals<sup>3</sup> allow us to differentiate between people having been allowed entry for work, study or family reunification. As shown in Figure 6, between 2007 and 2017, the share of individuals coming to the UK for work purposes ranged roughly between a fifth and a third, whereas studying was the main reason for coming to the UK for the large majority (59-79%) (Home Office, 2019a). Individuals coming to the UK for family reasons has been relatively low and decreasing in recent years.<sup>4</sup> Data related to asylum are treated separately. According to the most recent figures available (Home Office, 2019a), the number of individuals offered protection in the form of 'asylum, alternative form of protection, and resettlement' has been more or less stable since 2015, at around 15,000 per year from around 30,000 applicants meaning about 50% of applicants eventually receive some kind of positive decision. More recently, post the so-called refugee crisis in Europe, which in fact did not impact upon UK asylum applications, the UK Government has introduced a new resettlement programme and pledged in 2016 to resettle 20,000 vulnerable refugees from camps and urban areas in the Levant, over a five year period. As yet those targets have not been reached but they are likely to be achieved by the middle of 2020.

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<sup>2</sup> Non-UK EU countries include Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. Nationals from the European Economic Area (EEA) - Iceland, Liechtenstein, Norway – and from Switzerland also have similar rights to EU nationals and are often included here.

<sup>3</sup> Individuals who are subject to immigration controls: non-EEA nationals.

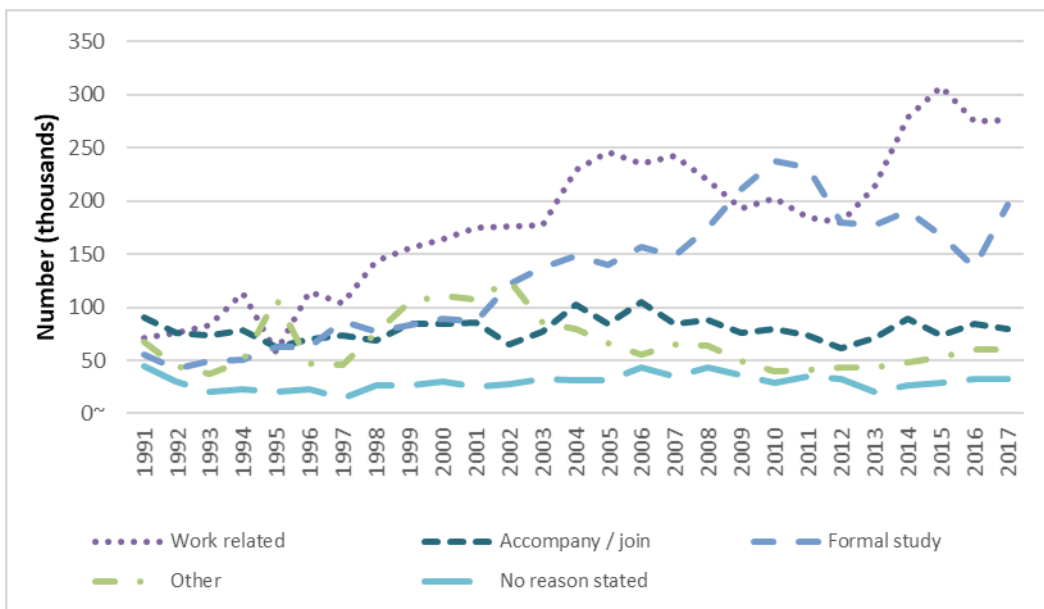
<sup>4</sup> Note that dependents of people coming for work or study purposes are counted within that category.





**Figure 6 Reasons for Migration for Individuals Subject to Migration Control, 2007-2019.** Source: Home Office (2019a). © Crown Copyright 2019. Contains information under the terms of the Open Government Licence

Official estimates also discuss the main reasons for migration, for the years 1991 to 2017 (Home Office, 2019a). We graph those in Figure 7. It shows us that, again, work and study are the main reasons for individuals to come to the UK. The number of people coming to the UK for formal study follows the trend shown in Figure 2 (Office for National Statistics, 2018b), where there has been a recent decrease in the numbers from 2011 to 2016, which could be linked to some of the policy changes we will discuss below. The number of people coming for family reunification (either accompanying or joining a family member) has remained relatively stable during that period.



**Figure 7 Main Reason for Migration from Official Estimates, 1991-2017.** Source: ONS (2018b). © Crown Copyright 2018. Contains information under the terms of the Open Government Licence.

Not only has the extent of immigration changed in the UK, but so have the countries of origin of people coming to the UK. The most recent historical estimates from the (decennial) UK Census (Office for National Statistics, 2013), which cover a period between 1951 and 2011, show that, until 2001, people

born in the Republic of Ireland were the largest group among the non-UK born. In 1951, the main countries of origin were mostly linked to post-war movement and included Ireland, Poland, India, Germany, and Russia. In 1971, after the Commonwealth labour recruitment and the start of the restrictions, they were Ireland, India, Jamaica, Germany and Pakistan. In 1991, after the introduction of visas for Commonwealth nationals but before EU free movement, the countries were Ireland, India, Pakistan, Germany, and Bangladesh. In 2011, after the 2004 EU Accession period, the top five countries of birth were India, Poland, Pakistan, Ireland, and Germany. Most recent estimates, which cannot be directly compared with Census figures, show that the top countries of birth were India and Poland (similar percentage), Pakistan, Romania, and Ireland (Vargas-Silva and Rienzo, 2018). Thus, the overall trends show the growing shares of individual born in 'New' Commonwealth countries, as well as an increase in the share of EU nationals from 'newer' Member States.

With regard to asylum applications (Home Office, 2019a), the main nationalities of applicants in recent data were Iran, Iraq, Albania, Eritrea, and Pakistan. As seen in Figure 8, which shows the nationalities with larger shares of asylum application for the 2010-2018 period, there has been periods where applications were more prominent, with certain nationalities showing consistently larger share within that period. Most of these nationalities are different than the countries of birth outlined above, but do also include some of the main ones discussed above (i.e. Pakistan and Bangladesh). On the whole the nationalities of applicants vary over the years according to the nature of global crisis with high numbers arriving in the UK in the 2000s following the genocides in the Great Lakes region of Africa and more recently substantive arrivals from Syria and Iraq.

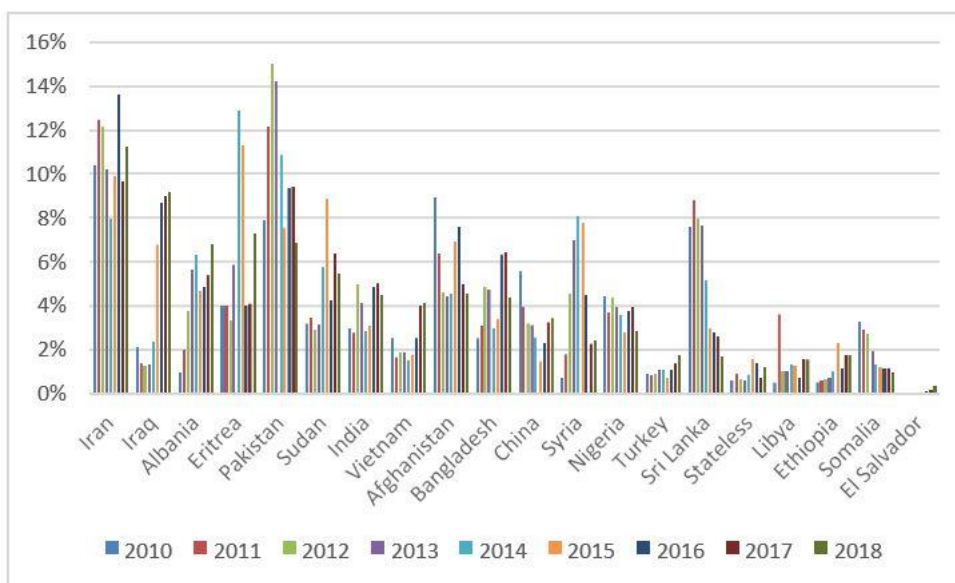


Figure 8 Asylum applications by nationality, 2010-2018. Source: Home Office (2019a). © Crown Copyright 2019. Contains information under the terms of the Open Government Licence

### The UK's 'Recent' Immigration Policy

In the UK, attempts at controlling the entry of immigrants into the country have been more prominent in the post-WW2 period, despite some immigration enforcement being in place beforehand. In the early 20<sup>th</sup> century, policies restricting the entry of individuals from outside the Empire include the 1905, 1914 and 1919 Aliens Restriction Acts (see, e.g., Hansen, 2000). It is the case that the different Acts were not commonly enforced (Sales, 2007). Whereas earlier attempts only targeted individuals

from outside the British Empire, from the 1962 Commonwealth Immigrants Act onwards, the UK's immigration policies have slowly eroded Commonwealth<sup>5</sup> citizens' rights to enter (Hansen, 2000; Solomos, 1989). These culminated with the introduction of visas for Commonwealth citizens as well as restrictions on family reunification in the 1988 Immigration Act (Sales, 2007). Once an important source of labour for the UK benefiting from 'free' entry, and for a long period of time the largest share of in-migration to the UK, citizens from the Commonwealth countries have experienced ever-restricting rights to enter and/or remain in the UK.<sup>6</sup> Geo-political changes including the creation of the European Union (as it is now known) as well as a desire to maintain a certain racial landscape, coupled with popular and political backlash against immigration, have influenced these restrictive trends (Solomos, 1989; 2003). Commonwealth nationals are now treated the same as any national who is not exempt from immigration control.<sup>7</sup> At the time of writing this paper, the only non-UK nationals exempt from immigration controls are nationals from European Economic Area (EEA) countries (with some controls on the entry of non-EEA spouses). All have been exempt from immigration controls since the Maastricht Treaty in 1992 (with free movement of workers since the accession of the UK to the European Community in 1973).

In between the introduction of visa controls for Commonwealth citizens and the late 1990s/early 2000s, most policy efforts were targeted at asylum seekers, with various Immigration and Asylum Acts restricting access to benefits and rights to appeal, introducing vouchers, and focussing on dispersal and relocation across the country (Hatton and Wheatley Price, 2005; Sales, 2007). Most notably, as it changed the ethno-national landscape of Britain was the introduction of the National Asylum Support Service in 1999 (subsequently there have been numerous name changes with the current iteration UK Visas and Immigration). The advent of NASS saw the support for asylum seekers removed from social welfare services and responsibility for housing shifted from local authorities to the central NASS service. NASS procured housing from across the UK both from municipal and private providers. In recent years most provision has been private. Asylum seekers needing housing are dispersed across the UK to NASS housing on a no-choice basis and must share housing and sometimes a room with unknown others. There has been much criticism of the dispersal programme since it disperses individuals away from support infrastructures and to areas with high levels of deprivation (Phillimore and Goodson, 2006). Further the level of support offered by the state has gradually declined over the past two decades to a point where it is well below Income Support level, an amount acknowledged to itself be below the poverty line.

From the mid-2000s onward however, and most likely as a result of the in-migration figures discussed above, the focus has been on regulating the entry of nationals from outside the EEA based on skills,

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<sup>5</sup> The countries of the Commonwealth include: Anguilla, Antigua and Barbuda, Australia, Bahamas (The), Bangladesh, Barbados, Belize, Bermuda, Botswana, British Indian Ocean Territory, British Overseas, British Virgin Islands, Brunei, Cameroon, Canada, Cayman Islands, Christmas Island, Cocos Island, Cook Island, Cyprus [part of EU since 2004], Northern , Dominica, Falkland Islands / British Antarctic, Gambia (The) [withdrew], Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati (and other Pacific Islands), Lesotho, Malawi, Malaysia, Malta [part of EU since 2004], Mauritius, Montserrat, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Niue Island, Norfolk Island, Pacific Islands (including Palau), Pakistan, Papua New Guinea, Pitcairn Island, Rwanda [admitted in 2009], Samoa, Western, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa South Georgia and South Sandwich Islands, Sri Lanka, St Helena / Ascension / Tristan da Cunha, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Turks and Caicos Islands, Tuvalu, Uganda, Vanuatu, Wallis and Futuna Islands, Zambia, Zimbabwe [withdrew] (Office for National Statistics, 2016b, 2015).

<sup>6</sup> Although in practice this may not always be the case.

<sup>7</sup> Once in the country, however, there is a specific privilege bestowed upon Commonwealth citizens: the right to vote in General Elections

as well as restricting access to public funds. In the first two decades of the 21<sup>st</sup> century, the various UK governments have enacted a large number of immigration acts (2002, 2004, 2006, 2007, 2009, 2014, 2016): about a third of the total of those ratified in the 20<sup>th</sup> century.<sup>8</sup> Given the potential upcoming change of regulating entry of EU nationals to the UK, it is likely that the next few years will lead to even more changes. Among these are the introduction of a new Australian style points-based system that the current Home Secretary argues will provide the opportunity for the UK to attract highly skilled labour from across the globe without offering preferential access to EU migrants. As yet little is known about policy measures that will enable the UK to access sufficient low skilled migrants to meet burgeoning needs in social care, hospitality and agriculture – jobs that have been filled since 2004 by migrants from mainland Europe who will no longer be able to move freely to the UK post-Brexit and will not be eligible for access under points based systems. Further it is expected that the UK Government will reverse existing legislation that prevents students remaining in the UK after they have graduated and allow them to seek employment for a fixed period directly following graduation.

### Focus on skilled migration

In this paper we wish to focus on the era beginning the introduction of the points-based system (PBS) in 2008 (Home Office, 2019b; UK Visas and Immigration, 2019). This is a system that regulates the entry of non-EEA economic migrants and students and is still in place to this day, with changes along the way. In theory, it grants entry to individuals who manage to amass sufficient number of points for characteristics such as qualifications, proof of earnings/funds, age, language, experience, and evidence of sponsorship/place of study. The points allocation tends to vary depending on the type of visa category one applies for.

The PBS can be divided in different tiers, which can be seen as categories of entry. The original 5 tiers, which have changed overtime, are as follows:

- Tier 1: Highly skilled workers  
This category is for visa nationals with ‘exceptional’ talent who do not need a concrete job offer for entry. The sub-categories within this tier included:
  - Entrepreneurs and Graduate entrepreneurs (for applicants wishing to start or take up a business in the UK; it requires a large cash flow, as well as an endorsement or a test of genuineness- this has recently been replaced);
  - Exceptional talent (for applicants showcasing leadership in specific areas);
  - Investors (for applicants able to invest a substantial amount of money in UK companies or bonds);
  - General (for any applicant satisfying the entry requirements – note that this sub-category does not exist anymore);
  - Post-study (for individuals who graduated from a UK educational institution, allowing them to look for a job within a specific time limit after graduation – this sub-category has been abolished); and
  - Start-up and innovators (replacing the entrepreneur and graduate entrepreneurs sub-categories).
- Tier 2: Skilled workers with job offers  
This category is for individuals with job offers with UK-based companies, who need to be recognised as an official sponsor by the UK Government and acquire a certificate of

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<sup>8</sup> See Home Office (2019c) for details of recent c.hanges

sponsorship for individual migrants, which incurs costs. This tier can be separated into sub-categories:

- General (an applicant with a job offer who satisfied the Resident Labour Market Test, where it shows that no other applicants from the UK or the EEA were suitable for the position if the position is not on the shortage occupation list; note that certain jobs, such as those requiring a PhD have a different salary threshold);
  - Intra-company transfers (for applicants who already hold a job with a specific company outside of the UK);
  - Ministers of religion (applicants who will perform a religious role in a faith community); and
  - Sportsperson (for sportspeople and coaches endorsed by an official body).
- Tier 3: Low skilled workers.  
This tier was never implemented.
  - Tier 4: Students  
This includes visas for children (<16) and adults (>16) who have a place to study in the UK, as well as short-term student visas. This place must be with an accredited educational institution. Time spent within this tier is restricted depending on the course of study and eligibility to work is restricted.
  - Tier 5: Temporary workers and youth mobility.  
These are for temporary work visas in specific categories and ‘working holidays’ for nationals from specific countries.

The above are the various routes through which economic migrants from outside the EEA. Over time, and especially since the introduction of the ‘Hostile Environment’ policy of the UK government, which has attempted to render entry and settlement difficult for migrants (Kirkup and Winnett, 2012; Yuval-Davis et al., 2018), regulations have become stricter. With regard to the tier system, some of these regulations include time limits that individuals can spend in different tiers. Since 2011, there are also time limits before individuals can apply for settlement or re-applying for a new visa (in Tier 2, there is now a ‘cooling off’ period during which someone who has held a Tier 2 visa is unable to re-apply). Such limitations on time spent in various tiers has affected migrants’ opportunities to apply for settlement. In earlier years, there was the possibility to switch between categories, but these have eroded over time. Application fees have increased, and any new visa application or visa renewal application is now subject to an additional ‘healthcare surcharge’ fee that goes directly toward the National Health Service (despite applicants who are renewing their visas having already contributed towards it). Moreover, additional measures implemented to ‘tackle illegality’, such as eligibility checks for housing and employment, have also been implemented with some negative consequence for visa nationals (Yuval-Davis et al., 2018). Note that these are not the only routes for entry. There are other types of entry clearances, such as short-term visitors and family reunification of EEA and non-EEA nationals, and these are also governed by various rules such as salary thresholds and relationship genuineness tests.

This brief overview of recent developments in UK immigration policy allows us to see a general intensifying of regulations with regard to entry to the UK, if eligible to immigration controls. These have been especially targeted at regulating skilled migration and limiting long-term stays, as well as limiting student settlement and regulating asylum. If we are to pay attention to recent debates on changes to immigration policy these are likely to continue going in that direction.

## *From Immigration to Settlement: 'Policy' Approaches in the UK*

The UK's approach to settlement, which includes the acquisition of permanent residence and/or naturalisation as well as policies linked to integration, has changed in recent years. If anything, there has been quite a lot of activities related to settlement issues. We briefly outline these below.

### Residence and naturalisation

Within the UK system, there are ways in which non-citizens can obtain official permanent residence. These are again ever-changing. Here we focus on a brief overview of the current state of affairs. At the time of writing, this varies broadly according to nationality status (EEA vs. non-EEA) and is likely to be affected by the UK's exit from the EU. Generally speaking, non-EEA nationals who are eligible can apply to be recognised as legally settled via the Indefinite Leave to Remain. Eligibility for settlement includes being able to show a minimum length of continuous residence<sup>9</sup>; mastering of the English language; knowledge of 'life in the UK'; meets a certain income thresholds; and shows 'good character'. It is also a relatively costly endeavour. EEA nationals, who previously did not need any sort of official proof of settlement to live in the UK, are now required to apply for the EU Settlement Scheme<sup>10</sup> in order to legalise their right to be in the UK following the exit from the EU. This is unless they wanted, for example, to apply for British citizenship or sponsor a non-EEA spouse to come to the UK, in which case a permanent residence card was required. Following legal settlement, there is also an option to acquire British citizenship after another period of continuous residence and fulfilling specific requirements. These vary depending on the immigration route.

### Integration

With regard to integration, which can occur independently of the above, and where naturalisation/citizenship acquisition is deemed one dimension of it (Ager and Strang, 2008; Ndofo-Tah et al. 2019; Sobolewska et al., 2017), the picture is somewhat complex. The 2014 Immigration Act makes an explicit mention of the promotion of integration as a priority. Yet, for the time being, the UK does not have an 'integration policy' that targets all migrants regardless of status per se or an integration programme (Spencer, 2011), but the focus on refugee integration has been more prominent (Phillimore, 2012). This can be in part due to the fact that integration is considered a devolved area of responsibility, which implies that the UK's constituent countries (England, Wales, Scotland, and Northern Ireland) are responsible for this policy area (Hepburn, 2015).

There have however been policies that can be broadly related to integration. These include anti-discrimination legislation (via the Race Relations and Equalities Acts – note, however, that immigration policy takes precedence over equality legislation, see (Equality and Diversity Forum, 2011, p. 5)); Citizenship Education; the now-defunct Ethnic Minority Achievement Grants for schools; some entitlements to healthcare access (although recent crackdowns on 'unauthorised access' to care have had an effect on utilisation of services); and voting rights (varying depending on nationality). According to research by the Migrant Integration Policy Index (MIPEX) team, in the period between 2010 and 2014, UK policies related to integration have decreased from being 'slightly favourable' to 'halfway favourable' (MIPEX, 2015). Using the MIPEX analyses, we see that policies around settlement, citizenship acquisition, and integration have always been present. In recent years there has been an

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<sup>9</sup> This can vary depending on the route to settlement and has changed over time.

<sup>10</sup> This has been through several permutations since the triggering the exit of the UK from the UK.

increase in restrictions toward settlement, citizenship, and integration-like policies. As we will see below, this has been developed alongside a renewed interest in enacting 'new' integration policies.

There have been a few integration strategies put forward by various governments in recent years, but no clear policies. Currently there is an Integrated Communities Strategy Action Plan (HM Government, 2019) for England which is in theory aimed at all communities but actually focuses rather heavily on ethnic minority residents and migrants. The focus herein is upon language and employment. It can be argued, however, that earlier efforts toward race relations and equality as well as social and community cohesion can find themselves under the umbrella of integration. Wales, and Scotland, for example, have specific strategies toward the inclusion of asylum seekers and refugees (Scottish Government, n.d.; Welsh Government, 2019). There is no specific refugee integration strategy for England and indeed a declaration by the Home Office that asylum seekers cannot begin to integrate until they receive refugee status. However in July 2019 a new Indicators of Integration framework was published (Ndofor-Tah et al., 2019) which sets out what integration might look like across multiple domains and outlines the responsibilities of refugees, local and national state as well as the actions needed to help support integration. This document covers the whole of the UK. In Scotland, the overall narrative over integration is that 'integration happens on arrival' (Scottish Government, n.d.). In England, policy and public discourses seem to be oriented toward the 'lack of integration' of certain communities rather than emphasising an assets approach focussing on the strengths of communities (Lessard-Phillips and Galandini, 2017). There have been a few recent developments with regard to articulating the English position toward integration other than the above action plan which although comes with a small amount of funds for five integration pilot areas to test some integration ideas in reality is just an advisory document.

The 'revival' in interest in integration issues, with a strong link on the recognition that integration is comprised of multiple domains, can be linked to the 2012 document 'Creating the conditions for integration' (DCLG, 2012). This document is widely seen as a shift toward localism with regard to integration strategy, yet without the level of funding previously available (Saggar and Somerville, 2012). The Casey Review (Casey, 2016) and the report from the All Party Parliamentary Group on Social Integration (All Party Parliamentary Group on Social Integration, 2017) focussed on isolated communities (Casey) and social integration (APPG) and led the way for the elaboration of the recent 'Integrated Communities' strategy and action plan (HM Government, 2019; 2018). These documents have focussed on areas of government intervention and investment that have included the involvement of local government; the support of new and established communities; civic education and social mixing; language; community relations; employment; and rights and entitlements. These are likely to influence future UK policy toward integration.

Moreover, in 2019, the Home Office published its updated 'Indicators of Integration' (Ndofor-Tah et al., 2019), a framework whose aims are to provide guidance on how to assess and measure integration for. Offering a complete renewal of Ager and Strang's framework for refugee integration (Ager and Strang, 2004), this document provides the domains and sub-domains of integration that are deemed of relevance to measure and assess integration (see Table 1), and the way in which these can be evidenced. These include a varied range of indicators, as well as a definition of integration that recognises the complexity of the phenomenon. The new Indicators of Integration publication also provides a toolkit to enable users to access instruments to help them measure integration outcomes at different spatial levels and for different groups as well as a Theory of Change document to aid

planning integration interventions and a What Works in Integration document setting out the current evidence base on effective integration initiatives. The Home Office in conjunction with the International Organisation for Migration (IOM) are currently training local authorities across the UK to support them to use the Indicators of Integration to develop local integration strategy and programmes and to measure the effectiveness of their interventions.

**Table 1 Main domains of the Home Office’s Indicators of Integration**

Domain	Sub-domains
Markers and means	Work; housing; education; health and social care; leisure
Social connections	Bonds; bridges; links
Facilitators	Language and communication; culture; digital skills, safety; stability
Foundation	Rights and responsibilities

Source: Ndofor-Tah et al (2019), adapted from Ager and Strang (2008; 2004)

Thus, recent years have seen a resurgence of policy interest in integration in the UK, which is not a complete departure from earlier attempts at tackling social and community cohesion. This policy interest has not, however, yet developed into a national policy.

### *Summary*

In recent decades, the UK has experienced sustained immigration from varying origins. This experience, however, cannot be defined as new. What is new, however, is the policy responses that these movements of populations have generated. In the last two decades, a large number of policy initiatives related to immigration control have been enacted. These have been increasingly restrictive and involved policing from non-policy actors, especially since 2012 with the introduction of the Hostile Environment. Measures to tackle issues related to settlement have also appeared in the policy landscape, with an emphasis on ‘social integration’ (often targeting specific communities) and a rising importance of the different domains of integration. Such measures have, however, been devolved to the different nations and to some extent to local areas, which is not the case with immigration policy, and add further complexity to a policy domain in development.

### **Conclusion: Comparisons and Concluding Remarks**

As we have seen above, Japan and the UK differ quite widely in terms of their policy approaches toward immigration. In recent years, however, both countries have focussed on the promotion of skilled migration and the links to labour market needs, with unskilled migration occurring through specific channels. The UK has had a longer history with regard to immigration control, but in both instances, border control has featured extensively in the countries’ histories. There has been a keenness on the part of both countries to control entry, with Japan also controlling exit, which also comes hand in hand with more administrative knowledge about foreign nationals in the country. Their specific geographical locations and geo-political pasts have also led to specific mobility patterns and responses to such patterns, as well as immigration enforcement. This is represented in the way in which both countries have recognised the presence of immigration in their territories and also dealt with the settlement of foreign nationals. One interesting difference to note here is the way in which



Japan and the UK deal with international students and work in recent years: whereas Japan has expanded the right to work for students, the UK has gone in the opposite direction. Perhaps for Japan, because 'front-door' immigration continues to be an anathema despite an increasingly tight labour market, permitting students to work offers businesses much-needed hands without public disapproval. Overall, however, policies that deal directly with the 'integration' of immigrants have not taken centre stage in either country (at least up to quite recently, at least in the UK, and in Japan, the national government is only now starting to seriously consider integration policy). Given recent events linked to immigration, such as Brexit in the UK and the new 'front door' Special Workers scheme in Japan, it is likely, however, that the policy landscape with regard to immigration and settlement will continue to evolve.

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