OUKA
The University of Osaka
Institutional Knowledge Archive

Title	EMERGING "ILLEGALITY" THROUTH THE INTERACTION OF JAPANESE SOCIETY AND FILIPINO MIGRANTS
Author(s)	Jimenez, Joselito R
Citation	大阪大学, 2015, 博士論文
Version Type	VoR
URL	https://doi.org/10.18910/51872
rights	
Note	

The University of Osaka Institutional Knowledge Archive : OUKA

https://ir.library.osaka-u.ac.jp/

The University of Osaka

TOPIC: Emerging "Illegality" through the Interaction of Japanese Society and Filipino Migrants

Joselito R. Jimenez

Table of Contents

1 INTRODUCTION 1

1.1 Some Relevant Statistics on Filipino Irregular Migrants (with special focus on Japan) 8

2 THEORETICAL FRAMEWORK 22

2.1 Micro Description of "Illegality" in the Social System 23

2.1.1 Four Migrant Spaces 23

2.1.2 Typology of Migrants 25

2.1.3 Summary of Micro Description of "illegality" in the Social System. 35

2.2 Upper Dimension of "Illegality" in the Social System 35

3 METHODOLOGY 36

3.1 Research Areas: Osaka City, Nagoya, Tokyo, Manila, Bulacan, Baguio 36

3.2 Two complementary search strategies 37

3.2.1 Introduced by Organizations 37

3.2.2 Own Search: 37

3.2.3 Some key guidelines in search for respondents: 38

3.3 Data Sources and Respondent (Overstayer Cases and Key Informants) Profile 39

3.4 Data Collection and Analysis 40

3.5 Ethical Considerations 40

4 DATA ANALYSIS AND INTERPRETATION 41

4.1 Representative Profiles of Filipinos Without Legal Status in Japan 41

4.2 At what points do the conceptions of "illegality" of its three main actors converge and diverge? 65

4.2.1 Status of Residence System 66

4.2.2 Differentiated Ethnic Pockets: 71

4.2.3 Compatriot Mechanism 80

4.2.4 Emergence in Vested Interests (Sustenance of Migrant "Illegality") 94

4.2.5 Analytical Dualism in Vested Interests 117

4.3 How has the conception of the "unskilled" migrant worker evolved historically to condition migrant 'illegality'? 126

4.3.1 Defining The Term "Unskilled" 127

4.3.2 "Unskilled" Labor in Japan vs. Selected Host Countries 134

4.3.3 Labor Protectionism in Japan: 1868-1980 139

4.3.4 Cultural Conditioning in the "Unskilled" that conditions "Illegality" 160

4.4 In what ways do Filipino migrants overcome the disadvantages of "illegality" to produce practical benefits? 164

4.4.1 Why Bilog Savings? 165

4.4.2 Two Explanatory Attempts: Comparative and Contextual Themes 166

4.4.3 Savings versus Remittances. 168

4.4.4 Emergent Bilog Savings 169

4.4.5 Bilog Income Baseline 170

4.4.6 Summary Profile of Four Cases 176

4.4.7 Bilog Salary Baseline 178

4.4.8 Bilog Other Income 182

4.4.9 Cash Outflow Baselines: (Living) Expenses, Remittances, Savings 184

4.4.10 Discussion on Baselines 194

4.4.11 Morphogenesis in Bilog Savings. 199

4.4.12 Bilog Savings Thru Analytical Dualism. 205

4.4.13 Research Question #3 Summary 212

5 CONCLUSION 214

5.1 Transacted Migrant "Illegality" 217

5.2 Accretive Migrant "Illegality" 220

5.3 Functional Migrant "Illegality" 224

LIST OF TABLES

Table 1: Stocks and Flows of Filipinos in Japan, 2000-2008 10

Table 2: Stocks and Flows of Filipinos in Japan by Selected Residence Statuses and Other Nationalities, 2004-2008 11

Table 3: Filipino Overstayers in Japan, 1990-2011 12

Table 4: Previous Status of Residence of Overstayers in Japan by Major Nationalities, 2007-2010 14

Table 5: Illegal Work by Type of Work and Gender, 2000-2008 14

Table 6: Illegal Work by Place of Work, 2004-2008 15

Table 7: Illegal Work by Amount of Pay and Gender, 2009 15

Table 8: Illegal Work by Age and Gender, 2009 16

Table 9: Filipino Overstayers by Gender, 2005-2010 17

Table 10: Ranking of Arrest and Surrender of Overstayers by Major Nationalities, 2000-2008 18

Table 11: Status of Detained and Departed ICCRA Violators, 2000-2009 20

Table 12: Violations of the ICRRA, 2000-2009 21

Table 13: Filipino Overstayers in Japan by Average (5-Year) Headcounts, Percentages, Rankings and Other Selected Nationalities, 1990-2012[1] 75

Table 14: Selected Residence Statuses (in average percentages) of Filipino Migrants Versus Other Selected Nationalities, 1987-2011[1] 77

Table 15: Anti-Overstaying Measures of the 2003 Action Plan for the Creation of a Crime-Resistant Society Classified by Place of Implementation (Destination/Source) or Intended Effect (addressing Causes or preventing Sustenance)..... 97

Table 16: Skilled/Unskilled Work Categories in Japan[i]..... 134

Table 17: "Unskilled" Worker Entry Options in Other Host Countries..... 138

Table 18: Data on Key Components (Salary, Other Income, Expenses, Savings) of Bilog Savings Process from Four Empirical Cases: 1987-2010 171

Table 19: Filipino Flows and Stocks in Japan with Selected Indicators, 1954-2004 (Yearly averages in thousands)..... 176

LIST OF FIGURES

Figure 1(a): The Sustenance of Migrant Illegality Framework (SMIF)..... 24

Figure 1(b): SMIF by Origin/Destination Space and Variation in Agency..... 26

Figure 1(c): SMIF by Migrant Qualifications and Intended Destination Space 27

Figure 1(d): SMIF by Direct Migrant Illegality Route 30

Figure 1(e): SMIF Summary by Migrant Origin and Migrant Space 31

Figure 2(a): Status of Residence System (SRS) as Duration and Productivity Axes..... 66

Figure 2(b): SRS – Four Status Groups..... 69

Figure 2(c): SRS – Four Roles of Compatriot Mechanism (cTm)..... 82

Figure 3: Skilled and Unskilled Foreign Workers in Japan by Income and Age (Derived)

..... 136

Figure 4: Japan Labor Protectionism Matrix 158

LIST OF TEXTBOXES

Textbox 1: cTm as Magnet and Starter 83

Textbox 2: cTm as Enabler 85

Textbox 3: cTm as Safety Net 86

Textbox 4: cTm as Legalizer 87

Textbox 5: cTm as Redefining Productivity 94

Textbox 6: Bilog Salary Baseline, 1987-2010 178

Textbox 7: Bilog Other Income, 1987-2010 182

Textbox 8: Bilog Expenses Baseline, 1987-2010 184

Textbox 9: Bilog Remittances Baseline, 1987-2010 187

Textbox 10: Bilog Savings Baseline, 1987-2010 188

Textbox 11: Bilog Surplus Baseline, 1987-2010 197

List of Case Study Narrations

Case Study Narration 1: Subaru (narration supports discussion on Compatriot Mechanism) 41

Case Study Narration 3: Subaru - Arrest and Deportation (narration, presented in the first person perspective of Subaru, supports discussion on Structural and Cultural Conditioning) 51

Case Study Narration 4: Doble-Doble (narration supports discussion on cTm as Legalizer)..... 87

Case Study Narration 5: Etimo (narration in short-story form supports discussion on resultant property of innovation)..... 101

Case Study Narration 6: Boy Chua (narration support discussion on Bilog savings).. 189

1 Introduction

This dissertation investigates how "illegality" emerges in the interaction of Japanese society and Filipino migrants. The term "illegality" is enclosed in quotes to emphasize that its meaning and reproduction is distinctly particular to the social system in which it is located and the specific historical imperatives of specific groups of migrants in the host state, in our case Filipino migrants in Japan. One way, for example, that this particularity manifests is seen in the gender composition of "illegality." In Japan, where Filipina migrants in large numbers entered as entertainers in the last two decades of the 20th century, it is not surprising that two out of every three Filipino overstayers are women(). Contrast this to Middle East destinations where Filipino overseas contract workers were predominantly male and thus undocumented workers were thus, in turn, predominantly male().

"Illegality" emerges from the interaction of three main entities: the migrant, the source "state" and the host "state." As migrants exercise their propensity to move, they become the referents of an "illegality" emanating from and enforced by the host state. Unlike in typical crimes such as murder or theft where accomplices are equally penalized for abetting or complicity, the migrant's source state is not included in the "illegality" ascribed solely to the migrant. In "illegality" then while three entities indisputably produce it only two are cast as the actors: the migrant plays the accused and the host state plays the accuser. The interaction among these three entities that produces "illegality" transcends the porousness of national borders and even the nation state itself. During the periods of unrestricted/free border crossings between

nations, migrants were nevertheless first classified as "unwanted/wanted" before being promoted to the "illegal/legal" dichotomy of today (Fahrmeir et al. 2003, p2). Before nation states existed restrictions were interestingly on exit from one's locality, and were implemented by "source authorities" (Baldwin-Edwards 2010) rather than the present day "illegality" which is applied on non-compliant entry thru closed borders and non-terminated finite residence by the host or receiving (now) nation state.

Moreover, a distinction has to be made between the terms "illegal" and "illicit" as both terms can be applied to an errant migrant. Both terms may refer to activities that are not permitted by law, in other words being unlawful or illegal. However, the term "illicit" has a wider scope, including activities that may be censured by social norms (for example: shouting in the street, stoning a dog, etc) but for which the formal legal code has not explicitly listed as illegal. Since "illicit" has a decidedly social aspect, it almost goes without saying that in the area of international migration what may be "illicit" in one society may be "acceptable" in another. This dissertation chooses to use the term "illegal" rather than "illicit" in order to underscore that migrant "illegality" has both a formal, legal dimension and an informal or culture-specific dimension.

The purpose of the dissertation is to describe the situation of Filipino migrants in Japan, explaining how "illegality" emerges out of a confluence of vested interests, roles and identities, historical imperatives of what I argue are its three main actors. I describe these vested interests, roles and historical imperatives briefly below.

In the current configuration of the international labor market anchored in the nation state model, interests of the source and host countries and the migrant are intrinsically in opposition. In and by itself, this opposition does not create "illegality" and may in fact be argued to be an indispensable source of market competitiveness given the constant negotiation between supply and demand resources. This study will not delve into the merits or demerits of this intrinsic opposition germane to the international labor market but instead will focus on how these vested interests create situations rife in "illegality" among Filipino migrants.

Historical imperatives bear down in ways that set certain predispositions that ultimately are consummated in action when each of these three actors actively make choices (here referred to as the process of "agency").

Lastly, each of the three actors also execute actions and decisions (which I refer to as "roles") that they believe are consistent with their adopted set of meanings (here referred to as "identities"). These roles and identities then interplay with interests that I will describe as creating the situation of "illegality."

The emergence of "illegality" – sometimes misconstrued as the "construction" of "illegality" – will be described by focusing on the social system as the primary object of analyses. Taking the social system as an object is distinct from, say, taking the migrant as the focus of analysis – an approach that would entail looking at individual motivations, psychological impetus to migration strategies implemented by the migrant. The social system as an object is also distinct from taking the host state or a

migration policy perspective as the primary object of analysis – which would involve applying a given migration management model and assessing the strengths and weaknesses of such a model.

Describing the emergence of "illegality" in the perspective of a social system will entail focusing on the problematic and dynamic of structure and agency. Vested interests, roles and historical imperatives are seen as predispositions that resolve themselves into action – in this case the action is the emergence of "illegality" – by either structure dictating outcomes or by agency actively influencing results, or some combination of both.

My main research question then is: How does one conceptualize migrant "illegality"? In building this conceptualization framework, we will focus on three sub-research questions each of which highlights one (among the three) factors out of which "illegality" emerges, as follows:

1. At what points do the conceptions of "illegality" of its three main actors converge and diverge?

   This first sub-research question will highlight the vested interests out of which "illegality" emerges.

   While there is nearly universal agreement that killing another person is a serious crime which deserves punishment, we can see considerable variation in the conceptions of migrant "illegality" and if it is condonable or even justifiable

when viewed thru the differing lenses of its three main actors. For example, Japan may have one of the strictest immigration regimes among top destination states. But even as Filipino overstayers are expelled from Japan with clinical precision, when they arrive back in Manila these migrant "criminals" are indistinguishable from returning legal overseas contract workers on vacation – with no special entry processing procedures to track their migrant "illegality" status imprinted on them by the host state. In the perspective of migrants, on the other hand, "illegality" can even be seen as a justified form of response given the limited choices given them as active agents in the host state.

Thus, one gets to wonder if these varying conceptions of "illegality" by these three actors converge at some point within the social system in which it is brought to existence?

2. How has the conception of the "unskilled" migrant worker evolved to condition migrant "illegality?"

   This second sub-research question will highlight the historical imperatives out of which "illegality" emerges.

   The subject of work is central to the concept of "Illegality" since the economic motive is a primary impetus to "regular" migration within which "irregular" (or "illegal") migration takes place. Maintaining legal status thus becomes secondary to maintaining continued access to work opportunities. The subject of skill, in turn, shapes the quantity and quality of work available to migrants:

highly-skilled migrants are vigorously pursued while low-skilled migrants are carefully controlled. While these labor protectionist policies are argued to be primarily in the service of domestic interests of host nations, a glaring reality that cannot be ignored is that these same policies are in direct opposition to both structural (economic situation) and demographic (large volume of surplus labor) factors in leading source countries (mostly third world/developing countries). The state's policies on migrant skill become like floodgates effectively suppressing what the state would naturally be a great influx of low skilled workers without these floodgates.

This second sub-research question then investigates how "illegality" emerges out of the state's stances on "unskilled" workers which, in turn, are argued to have originated from its recent migration experiences in the late 19th and 20th centuries.

3. In what ways do Filipino migrants overcome the disadvantages of "illegality" to produce practical benefits??

   This third sub-research question will explore the roles and identities out of which "illegality" emerges.

   For Filipino migrants among whom migrant ""illegality"," like any other ethnic group in Japan, is a going concern, so to speak, how do they negotiate day-to-day logistical concerns? Can we say that ethnic loyalty outweighs security of tenure when legal migrants protect and hide compatriot migrant "illegals"?

> What are the boundaries of meaning for Filipino migrants where a tactical label such as "illegality" is successfully rationalized and filtered thru a utilitarian perspective? Put another way, does the Filipino migrant forge through the liabilities of "illegality" with only a short-term timeframe in mind – that is, his sojourn in Japan – or does he apply a long-term timeframe that includes his return to the Philippines and his dependents there?

The significance then of this dissertation is three-fold.

First, now empowered with a working conceptualization of migrant "illegality", we shall be able to better understand the case of Filipino migrants in Japan. An enlightened appreciation may be found somewhere between the belief that, on the one hand, ethnic Filipinos persist and survive in Japan in spite of being among the top three foreigner groups with the highest ratios of migrant "illegality" or, on the other hand, that Filipinos thrive on the strength of their ethnicity regardless of geographic location or legal status. This paper will not advocate any position in this continuum but rather enable its readers to locate their respective convictions within it.

Second, a working conceptualization of migrant "illegality" will allow us to identify the role and contributions of Filipinos in the international labor market now incorporating the substantial numbers of "irregulars" as they are officially counted and classified by the Philippines as a source state. The contributions of Filipino migrant "illegals" are quickly dismissed given a lack of a framework of understanding their existence or just conveniently tucked within the aggregate term "overseas Filipinos." This paper thru its

discussion of actual case studies in Japan and comparing this with varying conceptions of migrant "illegality" in other host countries will highlight what makes Filipino migrant "illegality" in Japan unique.

Third, by operationalizing a conception of migrant "illegality" we will have contributed to discovering any role, significance or importance of the concept of "illegality" to host and source societies. By doing so this dissertation hopes to make modest theoretical contributions in the area of legal Sociology.

1.1 Some Relevant Statistics on Filipino Irregular Migrants (with special focus on Japan)

In 2009, nearly one (8%) of every ten Filipinos overseas is an irregular migrant, that is, one whose presence in a host country is not sanctioned by its laws (Commission on Overseas Filipinos, 2009) . While irregulars are in four of five (179 of 214) countries with Filipino migrants, a good majority of them (68%) are found in just 6 choice destinations: United States of America, Malaysia, Singapore, France, Japan and United Arab Emirates.

Moreover, trends of more recent Filipinos migrant workers in Japan weave quite a unique narrative. In the decade up to 2004, more Filipino migrant workers (132 average daily departures) left for Japan as entertainers than the combined numbers of those who left as domestic helpers for Malaysia, Singapore, United Arab Emirates and Hong Kong (83 average daily departures) (Philippine Overseas Employment Agency,

2004). The strength of this trend was such that by 2000-2004, entertainers dominated both flows (60% average yearly) and stocks (28%, biggest block) of Filipinos in Japan[see Table 1].

A sudden tightening of visa rules in 2005 reduced entertainer flows by almost 80%, allowing in an average of only 11,000 new Filipino entertainers from 2005-2009. In this same period, temporary visitor visas became the majority entry route (between 60-70% of Filipino flows) to Japan. After the 2005 crackdown, Filipino entertainers remained (up to 2008) the far majority nationality (71%) of entertainers in Japan (followed by Chinese, Koreans, Indonesians at 3-7%)[see Table 2].

Filipinos who remain in Japan beyond the period specified in their visas become "overstayers" or, as local compatriots refer to them, "Bilog." Literally meaning "round" in the Filipino vernacular, the term Bilog also equates with the image of a zero, or nothingness, signifying overstayers' invisibility, their exclusion from the mainstream.

In the last two decades since 1990, roughly one of every six (30,000 average yearly) Filipinos in Japan have become Bilog, peaking in 1998 at 42,600 and dropping to its lowest level yet this 2011 at 9,329 [see Table 3].

Table 1: Stocks and Flows of Filipinos in Japan, 2000-2008

COMPRISING MAJORITY	OTHER CATEGORIES OF INTEREST	TOTAL
STOCKS, Year 2008 *HEADCOUNT** 125,786 *Percent* 60% ---------- *RANKING*: -Permanent Resident,1 (36%); -Spouse or Child of a Japanese National, 2 (24%)	STOCKS 2008 52,346 25% ---------- -Long-Term Resident, 3 (17%); -Entertainer, 4 (4%); -Trainee, 8 (2%); -Spouse or Child of a Permanent Resident, 10 (1%)	2008 210,617 100%
FLOWS 2008 54,678 72% ---------- -Temporary Visitor , 1 (72%)	FLOWS 2008 17,807 24% ---------- -Trainee, 2 (8%); -Spouse or Child of a Japanese National, 3 (7%); -Long-Term Resident, 4 (5%); -Entertainer, 5 (4%)	2008 75,651 100%
STOCKS 2005-2007 108,735 56% ---------- -Permanent Resident,1 (31%); -Spouse or Child of a Japanese National, 2 (25%)	STOCKS 2005-2007 51,770 27% ---------- -Long-Term Resident, 3 (15%); -Entertainer, 4 (8%); -Trainee, 8 (2%); -Spouse or Child of a Permanent Resident, 10 (1%)	05-07 194,447 100%
FLOWS 2005-2007 63,796 62% ---------- -Temporary Visitor , 1 (62%)	FLOWS 2005-2007 36,021 35% ---------- -Entertainer, 2 (20%) -Spouse or Child of a Japanese National, 3 (7%); -Trainee,4 (5%); -Long-Term Resident, 5 (3%);	05-07 102,806 100%
STOCKS 2000-2004 92,508 54% ---------- -Entertainer, 1 (28%); -Spouse or Child of a Japanese National, 2 (26%)	STOCKS 2000-2004 54,553 32% ---------- -Permanent Resident, 3 (20%); -Long-Term Resident, 4 (11%); -Trainee, 8 (2%);	00-04 171,106 100%
FLOWS 2000-2004 73,930 60% ---------- -Entertainer, 1 (60%)	FLOWS 2000-2004 48,335 39% ---------- -Temporary Visitor , 2 (30%) -Spouse or Child of a Japanese National, 3 (4%); Trainee, 4 (3%); -Long-Term Resident, 5 (2%);	00-04 124,021 100%

Source: Japan Ministry of Justice (2010)

1. Table 3-2, page 110: http://www.moj.go.jp/content/000007332.pdf
2. Table 5-2, page 189: http://www.moj.go.jp/content/000007271.pdf
3. Table 3-1, page 110: http://www.moj.go.jp/content/000007332.pdf
4. Table 5-1, page 189: http://www.moj.go.jp/content/000007271.pdf
5. Tabulated data aggregated from these sources above is found here: http://goo.gl/XQb1uv.

Table 2: Stocks and Flows of Filipinos in Japan by Selected Residence Statuses and Other Nationalities, 2004-2008

RESIDENCE STATUS	FLOWS			STOCKS		
	TOTAL	PHILIPPINES	OTHER TOP 5/MAJORITY	TOTAL	PHILIPPINES	OTHER TOP 5/MAJORITY
ENTER-TAINER	2008 34,994 100%	2008 *[YEAR]* 3,185 *[PERS]* 9% ---------- *[RANKING]:* PHL, Rank 2	2008: 15,312 (44%) *[YEAR]:[PERSONS]* ---------- -USA,1 (19%); -GBR, 3 (8%); -RUS, 4 (6%); -CHN, 5 (5%); -DEU, 6 (5%)	2008 13,031 100%	2008 9,199 71% ---------- PHL, Rank 1	2008: 2,024 (16%) ---------- -CHN, 2 (7%); -KOR, 3 (3%); -RUS, 4 (3%); -USA, 5 (3%);
	2004-07 80,331* 100%	2004-07 36,162 45% ---------- PHL, Rank 1	2004-07: 19,458 (24%) ---------- -USA, 2 (8%); -CHN, 3 (8%); -RUS, 4 (5%);-GBR, 5 (3%)	2004-07 34,477 100%	2004-07 24,887 72% ---------- PHL, Rank 1	2004-07: 6,546 (19%) ---------- -CHN, 2 (9%); -IDN, 3 (4%); -ROM, 4 (3%); -RUS, 5 (3%)
PERMANENT RESIDENT	N.A.	N.A.	N.A.	2008 492,056 100%	2008 75,806 15% ---------- PHL, Rank 3	2008: 335,818 (68%) ---------- -CHN,1(29%); -BRA, 2(22%); -KOR, 4 (11%); -PER, 5 (6%)
	N.A.	N.A.	N.A.	2004-07 374,251 100%	2004-07 57,048 15% ---------- PHL, Rank 3	2004-07: 254,829 (68%) ---------- -CHN,1(30%); -BRA, 2(19%); -KOR, 4 (12%); -PER, 5 (6%)
SPOUSE OR CHILD OF A JAPANESE NATIONAL	2008 19,975 100%	2008 5,133 26% ---------- PHL, Rank 2	2008: 11,063 (55%) ---------- -CHN,1(33%); -BRA,3(14%); -KOR, 4 (4%);-THA, 5 (4%)	2008 245,497 100%	2008 49,980 20% ---------- PHL, Rank 3	2008: 147,359 (60%) ---------- -BRA, 1(24%);-CHN,2 (23%); -KOR, 4 (9%); -THA, 5 (4%)
	2004-07 24,404 100%	2004-07 6,378 26% ---------- PHL, Rank 2	2004-07: 14,409 (58%) ---------- -CHN,1(22%); -BRA,3(30%); -KOR, 4 (3%);-THA, 5 (3%)	2004-07 258,721 100%	2004-07 47,309 18% ---------- PHL, Rank 3	2004-07 ---------- -BRA, 1(29%);-CHN,2 (21%); -KOR, 4 (8%); -THA, 5 (4%)
LONG-TERM RESIDENT	2008 20,123 100%	2008 3,811 19% ---------- PHL, Rank 2	2008: 14,838 (74%) ---------- -BRA,1(48%); -CHN,3(18%); -PER, 4 (6%);-VNM, 5 (2%)	2008 258,498 100%	2008 35,717 14% ---------- PHL, Rank 2	2008: 198,296 (77%) ---------- -BRA, 1(53%);-CHN,3 (13%); -PER, 4 (7%); -KOR, 5 (3%)
	2004-07 30,098 100%	2004-07 3,370 11% ---------- PHL, Rank 2	2004-07: 25,425 (84%) ---------- -BRA,1(66%); -CHN,3(11%); -PER, 4 (6%);-VNM, 5 (1%)	2004-07 263,453 100%	2004-07 28,452 11% ---------- PHL, Rank 3	2004-07: 212,506 (81%) ---------- -BRA, 1(57%);-CHN,2 (13%); -PER, 4 (8%); -KOR, 5 (3%)
TRAINEE	2008 101,879 100%	2008 5,678 6% ---------- PHL, Rank 4	2008: 85,901 (84%) ---------- -CHN,1(68%); -VNM,2 (7%); -IDN, 3 (6%);-THA, 5 (4%)	2008 86,826 100%	2008 4,938 6% ---------- PHL, Rank 4	2008: 79,888 (92%) ---------- -CHN,1(76%); -VNM,2 (8%); -IDN, 3 (6%);-THA, 5 (3%)
	2004-07 88,386 100%	2004-07 4,683 5% ---------- PHL, Rank 4	2004-07: 72,750 (82%) ---------- -CHN,1(66%); -IDN, 2 (6%); -VNM,3 (6%);-THA, 5 (4%)	2004-07 66,757 100%	2004-07 3,613 5% ---------- PHL, Rank 4	2004-07: 60,986 (91%) ---------- -CHN,1(75%); -VNM,2 (7%); -IDN, 3 (6%);-THA, 5 (3%)

Source: Japan Ministry of Justice (2009)
1. Table 1-1 (Page 102) to Table 12-1 (Page 107): http://www.moj.go.jp/content/000007332.pdf
2. Tabulated data aggregated from these sources above is found here: http://goo.gl/hZ3dnp.

Table 3: Filipino Overstayers in Japan, 1990-2011

	TOTAL	PHILIPPINES	OTHERS COMPRISING MAJORITY
Year	1990-1994	1990-1994	1990-1994
Headcount*	227,533	31,189	92,988
Percent	100%	14%	41%
Ranking		3	Thailand,1; Korea,2;China,4
Year	1995-1999	1995-1999	1995-1999
Headcount	280,410	41,467	129,649
Percent	100%	18%	57%
Ranking		2	Korea,1; Thailand,3;China,4
Year	2000-2004	2000-2004	2000-2004
Headcount	229,571	31,844	102,563
Percent	100%	14%	45%
Ranking		2	Korea,1; China,3;Thailand,4
Year	2005-2009	2005-2009	2005-2009
Headcount	166,948	26,383	71,093
Percent	100%	12%	31%
Ranking		2	Korea,1; China,3;Thailand,4
Year	2010	2010	2010
Headcount	91,778	12,842	39,482
Percent	100%	14%	43%
Ranking		3	Korea,1; China,2;Taiwan,4
Year	2011	2011	2011
Headcount	78,488	9,329	34,382
Percent	100%	12%	44%
Ranking		3	Korea,1; China,2;Taiwan,4

Notes:
1. Source: Ministry of Justice, 2010 and 2011
a. 2010: http://www.moj.go.jp/content/000007330.pdf
b. 2011: http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri04_00008.html
c. Tabulated data aggregated from these sources above is found here: http://goo.gl/xqPnmY.
2. Multi-year headcounts represent average yearly figures for the period indicated.

By 2007-2010, four of every five (79%) current overstayers in Japan were either previously temporary visitors(54%) and entertainers(25%) [see Table 4]. Bilogs have historically (1990-2010) been among the biggest groups of overstayers (hovering at 13-17% or 3rd largest), second only to Korea (24% in 2010, largest) and China (14% in 2010, 2nd largest)[revisit Table 3].

Clearly, Bilogs persevere in their workplaces, maybe even thriving to hitherto unreached potential when a confluence of societal forces cooperate with their own investments of effort, diligence, sacrifice and guts. Majority of overstayers (56%) hold down any of the following three types of jobs: factory work(rank 1, 26%, mostly male), attendants/hostess (rank 2, 16%, predominantly female) and construction work (rank 3, 14%, virtually all male)[see Table 5].

Some key characteristics of Bilogs in Japan include, among others:

1. Geographical location: Seven of ten overstayers (69%) are found in just 5 (of 47) prefectures of Japan: Tokyo(31%), Aichi(10%), Kannagawa(11%), Chiba(8%), Saitama(9%)[see Table 6].
2. Income levels: Two of every three overstayers (66%) earn lower than 7,000yen/day [see Table 7].
3. Age: Majority of overstayers (55%) are between 30 to 40 years old[see Table 8].
4. Gender: Majority of Bilogs are women (71% in 2010), and this is also true for overstayers from Korea, Thailand, Malaysia and Singapore. Male Bilogs are more vulnerable to arrest. Women Bilogs earn slightly less in terms of salary than male Bilogs. [see Table 9].

Table 4: Previous Status of Residence of Overstayers in Japan by Major Nationalities, 2007-2010

NATIONALITY	PREVIOUS STATUS OF RESIDENCE BEFORE OVERSTAYING
Koreans	Temporary Visitor (91%)
Chinese	Temporary Visitor (20%) Pre- and College Student (37%) Trainee (6%)
Filipinos	Temporary Visitor (54%) Entertainer (25%)
Total	Temporary Visitor (68%) Entertainer (5%) Pre- and College Student (7%) Trainee (2%) Others (17%)

Sources: Ministry of Justice
1. 2010: http://www.moj.go.jp/content/000033382.pdf
2. 2009, Table 2: http://www.moj.go.jp/nyuukokukanri/kouhou/press_090217-2.html
2. 2008, Table 2, Page 4: http://www.moj.go.jp/content/000009396.pdf
3. 2007, Table 2, Page 4: http://www.moj.go.jp/content/000002043.pdf
4. Tabulated data aggregated from these sources above is found here: http://goo.gl/Rew7wY.

Table 5: Illegal Work by Type of Work and Gender, 2000-2008

Rank	Type of Work/ Frequency
Rank 1	Factory Worker, 26% Predominantly male (71%)
Rank 2	Attendants/Hostess, 16% Overwhelmingly female (95%)
Rank 3	Construction Worker, 14% Virtually all male (99%)
Others	Waitress, Bartender, 8% Cook/Other Service Jobs, 7%

Source: Ministry of Justice:
1. 2004-2008 Table 27, Page 45 http://www.moj.go.jp/content/000007330.pdf
2. 2000-2003 Table 31, Page 59 http://www.moj.go.jp/content/000007269.pdf
3. 2009 http://www.moj.go.jp/nyuukokukanri/kouhou/PRESS_100309-1-1.html
4. Tabulated data aggregated from these sources above is found here: http://goo.gl/IWdJY1.

Table 6: Illegal Work by Place of Work, 2004-2008

Rank	Prefecture/Metropolis
Rank 1	Tokyo, 31%
Rank 2	Aichi, 10%
Rank 3	Kanagawa, 11%
Rank 4	Chiba, 8%
Rank 5	Saitama, 9%
Other Top 10	Ibaraki, Gunma, Osaka, Tochigi, Shizuoka

Source: Ministry of Justice
1. 2004-2008, Table 28, Page 46, http://www.moj.go.jp/content/000007330.pdf
2. 2009, http://www.moj.go.jp/content/000025097.pdf
3. Tabulated data aggregated from these sources above is found here: http://goo.gl/j7dA7P.

Table 7: Illegal Work by Amount of Pay and Gender, 2009

Amount of Pay	Total	Male	Female
Lower than 3,000yen/day	653	250	403
	2%	2%	4%
3,000yen to 4,999yen/day	4,140	2,084	2,056
	16%	13%	21%
5,000yen to 6,999yen/day	12,733	8,020	4,713
	48%	49%	47%
7,000yen to 9,999yen/day	7,132	5,211	1,921
	27%	32%	19%
10,000yen to 29,999yen/day	644	324	320
	2%	2%	3%
30,000yen/day or higher	484	238	246
	2%	1%	2%
Unknown	759	395	364
	3%	2%	4%
Total	26,545	16,522	10,023
	100%	100%	100%

Source: Ministry of Justice
1. 2009: Source: http://www.moj.go.jp/content/000025090.pdf
2. Tabulated data aggregated from these sources above is found here: http://goo.gl/3eJJtZ.

Table 8: Illegal Work by Age and Gender, 2009

Age	Total	Male	Female
15 Years Old	36	18	18
	0.1%	0.1%	0.2%
20 Years Old	770	429	341
	3%	3%	3%
25 Years Old	3,444	2,002	1,442
	13%	12%	14%
30 Years Old	5,221	3,222	1,999
	20%	20%	20%
35 Years Old	5,033	3,159	1,874
	19%	19%	19%
40 Years Old	4,346	2,820	1,526
	16%	17%	15%
45 Years Old	3,252	2,133	1,119
	12%	13%	11%
50 Years Old	2,209	1,427	782
	8%	9%	8%
55 Years Old	1,242	776	466
	5%	5%	5%
60 Years Old	709	393	316
	3%	2%	3%
Higher than 60	283	143	140
	1%	1%	1%
Total	26,545	16,522	10,023
	100%	100%	100%

Source: Ministry of Justice

1. 2009: http://www.moj.go.jp/content/000025094.pdf
2. Tabulated data aggregated from these sources above is found here: http://goo.gl/AZ1DjD.

Table 9: Filipino Overstayers by Gender, 2005-2010

	TOTAL (Averages)	PHILIP-PINES	COUNTRIES WITH MORE FEMALE IRREGULAR MIGRANTS			
			KOREA	THAILAN	MALAYSIA	SINGAP
Year	2005-2009	2005-2009	2005-2009	2005-2009	2005-2009	2005-2009
Headcount*	166,948	26,383	35,126	8,987	5,688	2,647
Percent	100%	12%	15%	4%	2%	1%
Male	85,703	8,702	12,573	3,465	2,409	1,113
M%	51%	33%	36%	39%	42%	42%
M Reduction%	-14%	-14%	-13%	-21%	-22%	-4%
Female	81,245	17,680	22,552	5,522	3,278	1,534
F%	49%	67%	64%	61%	58%	58%
F Reduction%	-14%	-12%	-13%	-15%	-17%	-8%
			THAILAN	MALAYSI	KOREA	SINGAP
Year	2010	2010	2010	2010	2010	2010
Headcount*	91,778	12,842	4,836	2,661	21,660	2,107
Percent	100%	14%	5%	3%	24%	2%
Male	46,324	3,669	1,592	941	7,796	988
M%	50%	29%	33%	35%	36%	47%
M Reduction%	-21%	-32%	-24%	-21%	-10%	0%
Female	45,454	9,173	3,244	1,720	13,864	1,119
F%	50%	71%	67%	65%	64%	53%
F Reduction%	-17%	-23%	-17%	-4%	-11%	-1%

Source: Ministry of Justice

1. 2010: http://www.moj.go.jp/content/000033380.pdf
2. Tabulated data aggregated from these sources above is found here: http://goo.gl/numlBQ.

In 2004, the immigration bureau of Japan set an aggressive goal: to reduce all current overstayers by half in a period of 5 years (until 2008). In addition to the tightening of rules for entertainer visas implemented in March 2005, the Departure Order System (Ministry of Justice, 2005) was instituted 6 months earlier (in October 2004), allowing overstayers to voluntarily surrender and, by doing so, be able to return to Japan after only 1 year as compared to a 5-year ban if an overstayer is arrested.

Relative to pre-DOS surrender numbers, it can be said that the offer was effective, Bilog surrender rates increasing five-fold (from 276 surrenders in 2004 to 1,488 average yearly surrenders in 2005-2009). Relative to the total number of current Bilogs, the DOS program had a negligible effect (only 1%). The aggregate response of overstayers of all nationalities was stronger (in quantity and percentage) than that of

the Bilogs: 11-fold increase from pre-DOS surrender rates and 5% surrender rate based on total overstayer population. In the period 2005-2008, four Bilogs surrendered every day (4th rank) while for the Chinese (1st rank) nine overstayers surrendered daily[see Table 10].

Table 10: Ranking of Arrest and Surrender of Overstayers by Major Nationalities, 2000-2008

RANK	ARREST		SURRENDER [Yr 2005-2008]
	[Yr 2000-2008]	[Yr 2004-2008]	
Rank 1	China, 27.5% 8,262: Yearly 23: Daily	China, 33% 9,986: Yearly 27: Daily	China, 10% 3,396: Yearly 9: Daily
Rank 2	Indonesia, 26.8% 1,648: Yearly 5: Daily	Indonesia, 30% 1,913: Yearly 5.2: Daily	Indonesia, 8% 646: Yearly 2: Daily
Rank 3	Philippines, 19% 5,682: Yearly 16: Daily	Sri Lanka, 28% 1,151: Yearly 3: Daily	Sri Lanka, 6% 299: Yearly 1: Daily
Rank 4	Korea, 16% 7,574: Yearly 21: Daily	Philippines, 23% 6,747: Yearly 18: Daily	Philippines, 4.3% 1,488: Yearly 4: Daily
Rank 5	Thailand, 15.7% 2,081: Yearly 6: Daily	Thailand, 19% 1,967: Yearly 5: Daily	Korea, 3.7% 1,739: Yearly 5: Daily
Rank 6	Sri Lanka, 15.5% 639: Yearly 2: Daily	Malaysia, 16% 1,089: Yearly 3: Daily	Peru, 3.5% 239: Yearly 1: Daily
Rank 7	Malaysia, 14.7% 1,197: Yearly 3: Daily	Korea, 15.2% 6,055: Yearly 17: Daily	Thailand, 3% 368: Yearly 1: Daily
Rank 8	Peru, 13.6% 917: Yearly 3: Daily	Peru, 15% 876: Yearly 2.4: Daily	Malaysia [No Data]
TOTAL	18% 36,592: Yearly 100: Daily	21% 38,544: Yearly 106: Daily	5% 10,374: Yearly 28: Daily

Source: Ministry of Justice

1. 1990-2005 Table 20, Page 45, Row "Total" http://www.moj.go.jp/content/000007269.pdf
2. 2005-2009 Table 16, Page 37, Row "Total" http://www.moj.go.jp/content/000007330.pdf
3. 2010 Table 1, Page 1 http://www.moj.go.jp/content/000033380.pdf
4. 2004-2008 Table 24, Page 42 http://www.moj.go.jp/content/000007330.pdf
5. 2000-2003 Table 28, Page 53 http://www.moj.go.jp/content/000007269.pdf
6. 2004-2008 Table 38, Page 53 http://www.moj.go.jp/content/000007330.pdf
7. Tabulated data aggregated from these sources above is found here: http://goo.gl/IznGY0.

From 2000-2009, for every 1 Bilog who decided to surrender, 4 were arrested. Getting arrested did not automatically mean deportation, as violators of Japan's Immigration Control and Refugee Recognition Act (ICRRA) are allowed to file a protest if they desire to do so. One of every four who were detained or arrested were subsequently given provisional release orders and special permissions to stay. It is important to understand that not all who are deported are overstayers[see Table 11].

Deportations are also meted out those who are charged with illegal entry, illegal landing, engaging in unauthorized activities and doing criminal offenses[see Table 12].

All told, from 2000-2009, over 50,000 Bilogs returned to the Philippines (through deportation or through departure orders).

Table 11: Status of Detained and Departed ICCRA Violators, 2000-2009

STATUS			HEADCOUNT *AVERAGES*	COL.
Current Overstayers		Total, All [For Period 1990-2009]	213,299	A
		Philippines [For Period 1990-2009]	30,754	B
Detained		Total, All [For Period 2000-2009]	46,655 (22% of A)	C
		Philippines [For Period 2000-2009]	7,678 (25% of B)	D
	Deportation Grounds	Non-Overstay [2000-2009]	11,172 (24% of C)	E
		Overstay [2000-2009]	35,483 (76% of C)	F
	Judgment of Violations	Data Gap(?)	NA	G
		Departure Order Issued [2000-2009]	33,003 (71% of C)	H
		Provisional Release [2000-2009]	3,935 (8% of C)	I
		Special Permis to Stay [2000-2009]	8,354 (18% of C)	J
	Actual Deportation	Data Gap(?)	NA	K
		Total, All [2000-2009]	32,845 (99.5% of H)	L
		Philippines [2000-2009]	4,595	M
Departure Order		Total, All	NA	N
		Philippines	NA	O
	Departure Grounds [Philippines]	24-(iv)-(b)	NA	P
		24-(vi)	NA	Q
		24-(vii)	NA	R
	Actual Departure	Data Gap(?)	NA	S
		Total, All [2004-2009]	8,576	T
		Philippines [2004-2009]	1,259	U

Notes:

1. Sources: Ministry of Justice, 1990-2009
2. Please note that figures used represent average amounts for the periods indicated.
3. Tabulated data aggregated from these sources above is found here: http://goo.gl/8FNoAz.

Table 12: Violations of the ICRRA, 2000-2009

Type of Violation	Total, All [2000-2009]	Philippines [2000-2008]
Total, All	46,655 (100%)	7,823 (100%) ———————— Others Nationalities: China, 12,445 (26%) Korea, 8,468 (18%)
Illegal Entry	8,798 (19%)	1,700 (22%)
Illegal Landing	611 (1%)	28 (0.4%)
Activity Other Than Permitted	1,151 (2%)	345 (4%)
Overstay	35,483 (76%)	5,682 (73%)
Criminal Offenses	611 (1%)	69 (1%)

Source: Ministry of Justice, 2000-2009
1. Table 22-29, Page 48-54: http://www.moj.go.jp/content/000007269.pdf.
2. Table 18-25, Page 39-43: http://www.moj.go.jp/content/000007330.pdf.
3. 2009 Press Release: http://www.moj.go.jp/content/000025091.pdf
4. Tabulated data aggregated from these sources above is found here: http://goo.gl/lqmcPx

2 Theoretical Framework

A conceptualization of migrant "illegality" within a social system involves a two-step process. The first step is a micro description of this social system, clarifying the essential assumptions and terminologies of human mobility within the current nation state era from which "illegality" emerges. More specifically, this micro description will involve a) an identification of four meaningful spaces (which I call "migrant spaces") derived from the assumptions of the nation state model (source state vs destination state) juxtaposed with the two essential life cycle stages of "illegality" (causes vs. sustenance) and b) a delineation of a topology of migrants against which we may understand better the underlying dynamics of migrant spaces.

The second step is a description of the upper dimension of this social system, tackling what possible coherence "illegality" holds within a macro perspective of the social system itself as a unit of analysis. Coherence is to be found in answering wholly or partly one or all of the following inquiries: what purpose does "illegality" serve in the perpetuation of Japanese society? How do members of the social system, particularly compatriots of "illegal" Filipino migrants, forge some kind of benefit or vested interest in the continued existence of "illegality" within their ranks? Our interrogation of the coherence of "illegality" in the upper dimension of the social system will be assisted by the application of a Critical Realist (CR) perspective on emergence. Emergence in CR theory will help expound on the mystery of why "illegality" persists or is sustained in the social system, identifying the individual societal parts from which "illegality" may

arise but in which the "emergent" properties of "illegality" may not be fully attributable to.

2.1 Micro Description of "Illegality" in the Social System

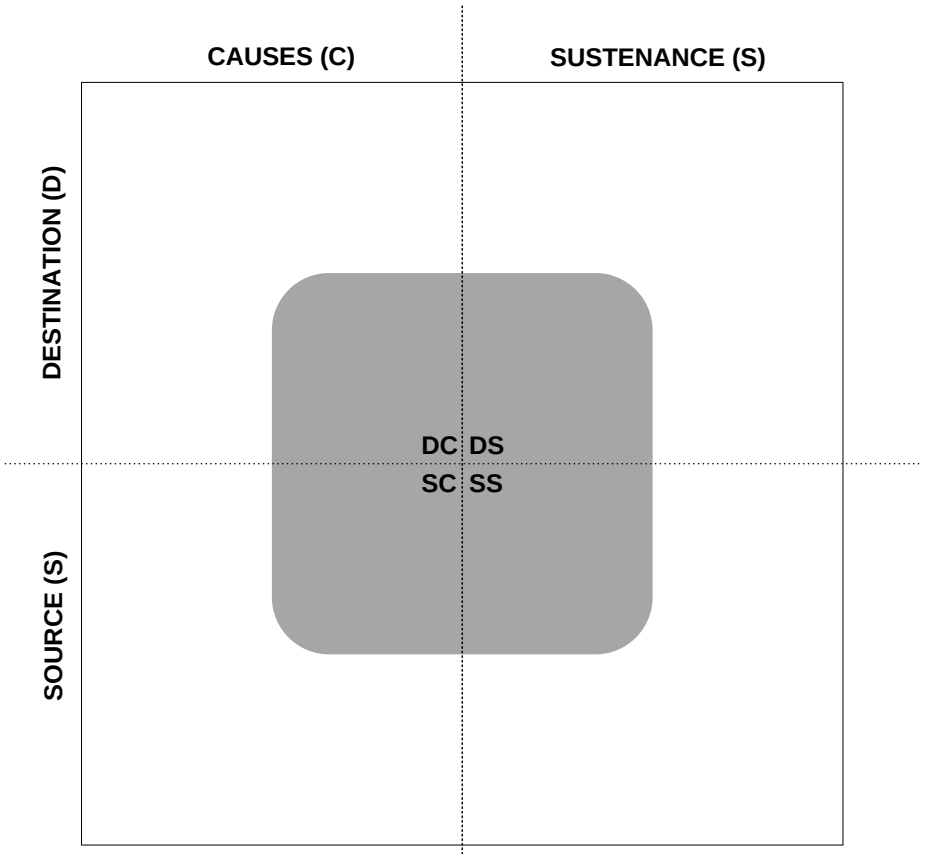
2.1.1 Four Migrant Spaces

International migration taking place within today's nation state model is conceived in the inescapable duality of a source state and a destination state. The nation state to which a national owes his nationality is the source state, sometimes also referred to as the origin country. The nation state within which a national from an origin state finds his current residence is the destination state, sometimes also referred to as the host country. A national not physically in his origin state and holding residence in a destination state for a period of more than one year is called a migrant (cite official definition by UN).

This dissertation makes a distinction between two key points within the life cycle of migrant ""illegality"," that is, its causes and its sustenance. At this point it is worthy to note that the life cycle of "illegality" has not seen its end point as "illegality" persists up to the present day. Individual migrants who are "illegal" may be deported, thus ending their "illegal" status applied by the destination state and reclaiming their default legal status in their origin state. But we can conceive "illegality" as a process that persists and has not seen its end despite termination of individual "illegality" since new "illegal" migrants promptly replace them in the destination state. Causes of

"illegality" then are those variables that are said to produce or be the impetus to its creation. Sustenance of "illegality" refers to the variables that, one, determine the duration of "illegal" tenure of individual migrants and, two, define the perpetuation of the process of "illegality."

Four migrant spaces can then be derived from the



Legend:
1. Four migrant spaces: DC (Destination, Causes); DS (Destination, Sustenance); SC (Source, Causes); SS (Source, Sustenance).
2. Areas within migrant spaces: White areas (spaces of migrant regularity); Shaded areas (spaces of migrant irregularity/illegality).

juxtaposition of the origin/destination duality and the cause/sustenance life cycle points, as shown in **Error! Reference source not found.**(a) below.

Figure 1(a): The Sustenance of Migrant Illegality Framework (SMIF)

Causes(C) and Sustenance (S) of migrant "illegality" occur at both the Destination (D) and Source (S) states, as reflected in the four migrant spaces – DC, DS, SC, SS. Migrant ""illegality"," represented by the shaded areas, is located within each of the four migrant spaces. These four migrant "illegality" sub-areas, in turn, form their own coherent whole spanning causes and sustenance in both destination and source countries.

The interaction among the four SMIF migrant spaces can be best described as systemic in that each aspect or action occurring in one space (done by a migrant or spurred by a policy impetus) will always have a counterpart aspect or action in any of the other

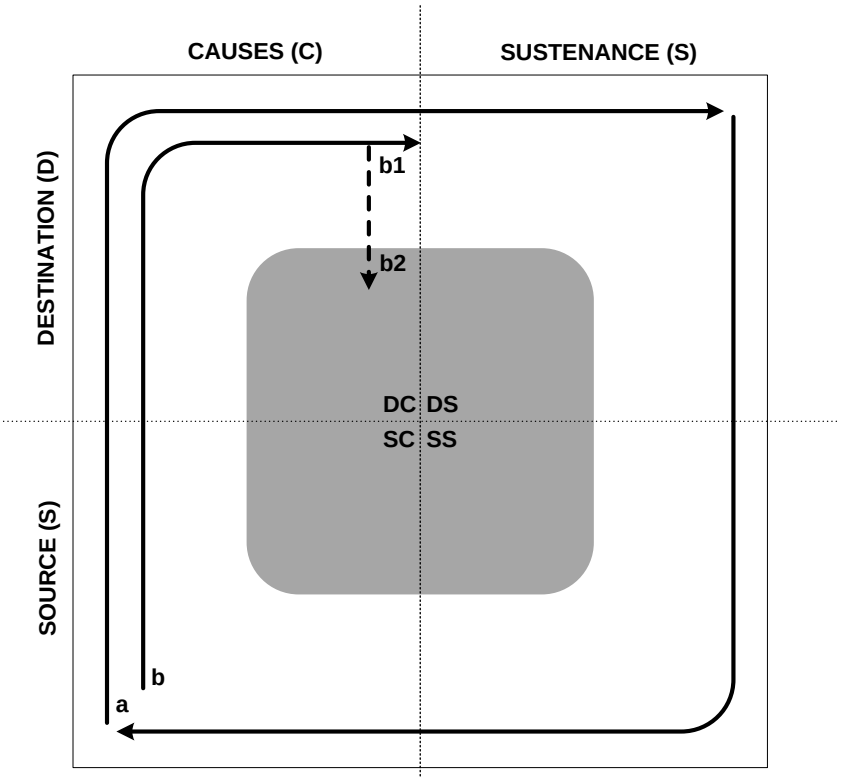
spaces that result in either complementation or negation of effect. All four spaces are essential components of a systemic whole.

2.1.2 Typology of Migrants

The four migrant spaces shown in the SMIF framework enable a closer analysis of the dynamics of migrant agency in "illegality." Skeldon (2009) explains the multiple routes that may result in migrant ""illegality"," highlighting those processes that can move only with some measure of migrant agency, particularly the contracting of human smugglers. Similarly, Massey (1999) makes sure to include the importance of the decision-making of migrant actors based on pre-existing plans together with three other structural determinants of international mobility.

Thus, migrant "illegality" occurring through intentional (high level), consequential or accidental agency is represented in the SMIF framework (as shown in **Error! Reference ource not found.**)) by which space the arrow originates from and which space the arrow intends to go (as shown by the direction of its arrowhead). Solid arrow lines indicate migrant regularity/legality. Non-solid arrow lines represent migrant "illegality."

Figure 1(b): SMIF by Origin/Destination Space and Variation in Agency



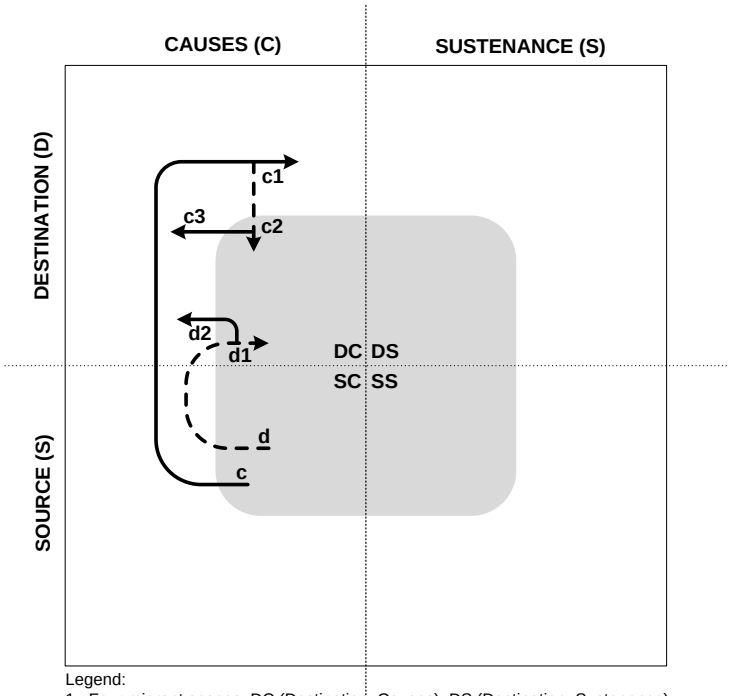
Legend:
1. Four migrant spaces: DC (Destination, Causes); DS (Destination, Sustenance); SC (Source, Causes); SS (Source, Sustenance).
2. Areas within migrant spaces: White areas (spaces of migrant regularity); Shaded areas (spaces of migrant irregularity/illegality).
3. Arrows: Solid arrow (migrant regularity); Non-solid arrow (migrant irregularity).

Based on **Error! Reference source not found.**) above, six types of migrants will be iscussed in three groupings organized according to their origin within the SC space and their destination in the DC space.

2.1.2.1 Group 1: Compliant Migrants

Potential migrants who meet the requirements of the destination state originate from the 'regular' (white) portion of the SC space (see arrows a and b). They are qualified and can afford the costs of becoming and maintaining themselves as regular migrants, fully intending to stay regular migrants. There are also migrants who started out as intentional regular migrants and do become regular migrants (b1) but eventually some of them lose their legal status (b2) as a result of administrative procedures (Baldwin-Edwards and Kraler 2009) that they are unable to comply with, a situation which has been called 'institutional irregularity' (Abella 2000 cited in Baldwin-Edwards and Kraler 2009).

Figure 1(c): SMIF by Migrant Qualifications and Intended Destination Space



Legend:
1. Four migrant spaces: DC (Destination, Causes); DS (Destination, Sustenance); SC (Source, Causes); SS (Source, Sustenance).
2. Areas within migrant spaces: White areas (spaces of migrant regularity); Shaded areas (spaces of migrant irregularity/illegality).
3. Arrows: Solid arrow (migrant regularity); Non-solid arrow (migrant irregularity).

2.1.2.2 Group 2: Non-Compliant Migrants

Not all potential migrants in the SC space meet the quality standards set by destination states, mainly: an education, skills, experience.[i] Originating from the shaded area in the SC space are potential migrants (see **Error! Reference source not found.**) above) ho propel themselves into qualified status, acquiring required credentials through any means possible. Those who invest what are small fortunes relative to their asset base but employ only legal methods to acquire credentials are determined to stay regular migrants (arrow c), succeed in doing so (c1), but may also fall out of regularity due to administrative factors (c2).

With equal migrant determination though opposite in selection of means and ultimate destination some migrants are fully aware that that they cannot enter destination states legally with their current credentials. They thus acquire credentials fraudulently, enter into the DC space legally, but with the clear objective of violating the terms of their visa and losing their legal status (d1).

One compelling question among c2 and d1 migrants is whether they aspire to regain legal status? Stated differently, was the quality of their lives as migrants with legal status inherently better than their lives without it? Ultimately, the paths to regain legal status made available by destination states – occurring in the DC space and prompting corresponding responses occurring in other spaces –may play some role in their decision-making to aim for regularisation but are, in fact, far from defining it.

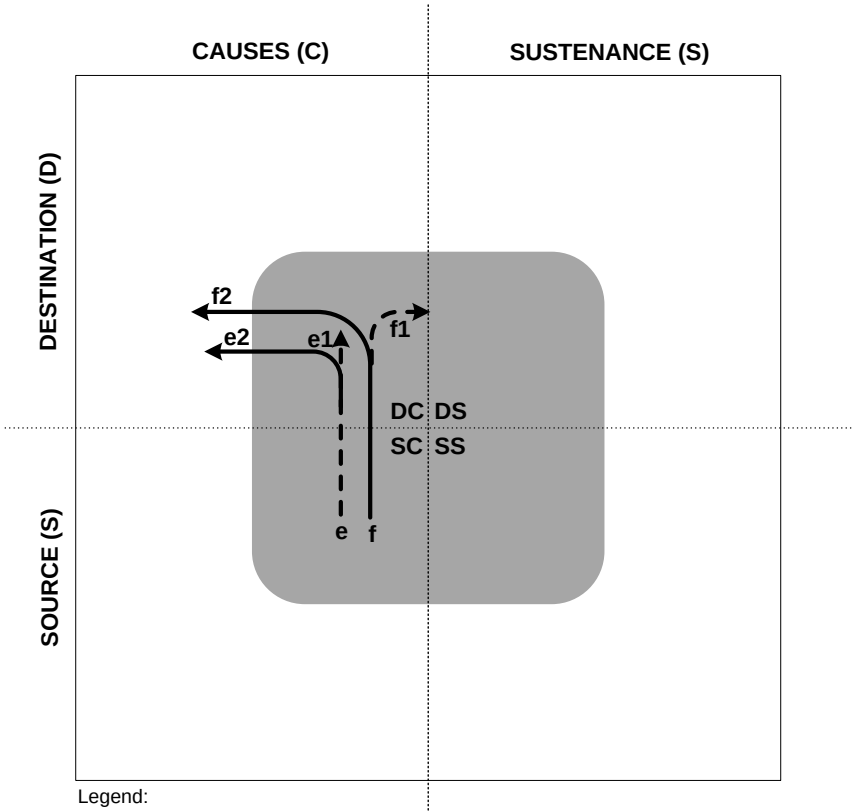
For example, unlike in Greece, Italy, Spain and Portugal where the frequent staging of regularisation programs virtually become the de-facto immigration management tactic (Baldwin-Edwards and Kraler 2009), Japan's attempts at introducing proactive strategies to lessen its overstayer population has been conflicted, at best. Overstayers are offered a reduction in the length of the re-entry ban (from five years to one year) or a chance to apply for the 'Special Permission to Stay' and regain their legal status(Japan Immigration Bureau, 2004; Japan Immigration Bureau ca.2005). Yet this applies only to overstayers who voluntarily surrender and only to those where overstaying is the only violation committed. Considering that many overstayers enter Japan through the d1 route and knowing that their fraudulent entry is another violation, it becomes simpler and more practical to stay without legal status.

This will be discussed in more detail at later parts of this paper but suffice it to say at this point that the overstayers' decision not to take the voluntary surrender route to regain legal status does not deter his determination to legalize his stay. Given sustenance by compatriots in the DS space and buoyed by validation sustenance from significant others in the SS space, some overstayers are able to secure legal status though still thru fraudulently means (d2). The badly-designed voluntary surrender program aimed at reducing the number of overstayers in Japan now acting in confluence with pre-existing, sustenance inputs in other spaces ends up reinforcing irregularity rather than reducing it.

2.1.2.3 Group 3: "Directly Illegal" Migrants (temp term).

Whereas migrants in Group 1 (a and b) and Group 2 (c and d) had varying origins within the SC space, all reached the destination state passing through its legal entry points though with varying authenticity of documentation. Group 3 migrants skip legal entry points altogether and enter straight into illegal status (see **Error! Reference ource not found.**) below).

Figure 1(d): SMIF by Direct Migrant Illegality Route

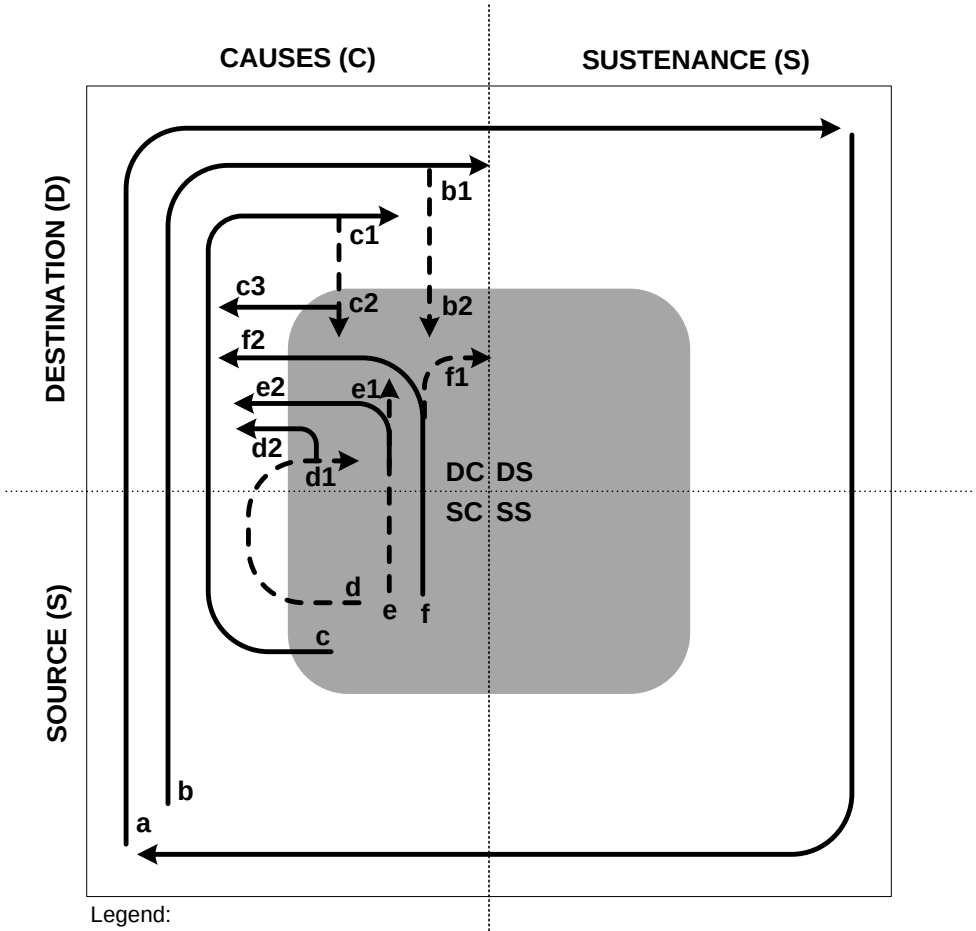


Legend:
1. Four migrant spaces: DC (Destination, Causes); DS (Destination, Sustenance); SC (Source, Causes); SS (Source, Sustenance).
2. Areas within migrant spaces: White areas (spaces of migrant regularity); Shaded areas (spaces of migrant irregularity/illegality).
3. Arrows: Solid arrow (migrant regularity); Non-solid arrow (migrant irregularity).

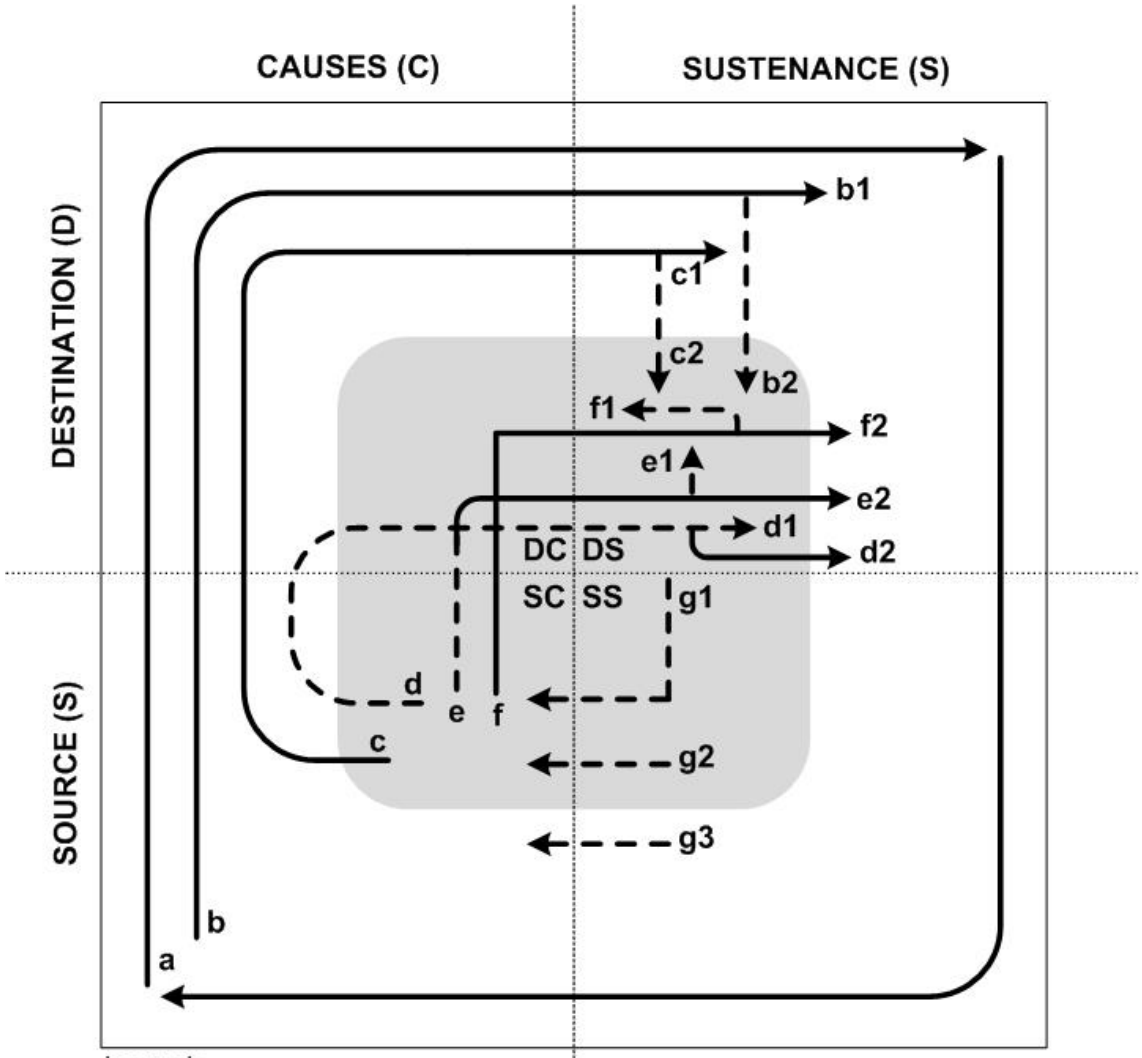
When land or sea borders of a destination state allow it, economic migrants (those seeking work) who otherwise would not qualify to receive legal entry

permission choose this most direct entry path though often also the most perilous (arrow e). Some of these migrants are able to gain legal status fraudulently (e2). Those under some form of persecution at their home country, or under life-threatening situations due to a natural disasters or wars may also enter – by force of circumstance – not through the legal entry points (arrow f). Their departure impetus defines their goal of achieving regular refugee or asylum-seeking status (f2) though those not granted such may then lose legal status (f1).

Figure 1(e): SMIF Summary by Migrant Origin and Migrant Space



Legend:
1. Four migrant spaces: DC (Destination, Causes); DS (Destination, Sustenance); SC (Source, Causes); SS (Source, Sustenance).
2. Areas within migrant spaces: White areas (spaces of migrant regularity); Shaded areas (spaces of migrant irregularity/illegality).
3. Arrows: Solid arrow (migrant regularity); Non-solid arrow (migrant irregularity).



Legend:
1. Four policy spheres: DC (Destination, Causes); DS (Destination, Sustenance); SC (Source, Causes); SS (Source, Sustenance).
2. Areas within spheres: White areas (spaces of migrant regularity); Shaded areas (spaces of migrant irregularity/illegality).
3. Arrows: Solid arrow (migrant regularity); Non-solid arrow (migrant irregularity).

2.1.2.4 Summary of Migrant Topology:

Error! Reference source not found.) above presents the six migrant types arrows a-f) altogether, allowing us to theorize two critical points on the dynamics of migrant spaces, that is, the interplay between migrant origin (or migrant eligibility),

migrant destination (or migrant goals and aspirations) and migrant entry route, as follows:

1. Migrant origin (i.e. eligibility) alone does not determine migrant destination (i.e. which portion within each migrant space).

    - Ineligible potential migrants (c, d, e, f) may acquire credentials through any means in order to pass through legal entry points, if those are the only possible entry routes given the destination country's geography, but may still target and achieve both legal status (c1, d2, e2, f2) and illegal status (c2, d1, e1, f1).

    - Conversely, eligible potential migrants (a, b) achieve legal status in destination states (a, b1) but may also, inadvertently or consequentially, fall into illegal status (b2, c2).

2. Migrant space alone does not define migrant legal status, or the absence of it.

    - There may be irregular migrants fraudulently occupying regular migrant spaces (see trajectory of arrow d).

    - There may also be potential migrants with valid humanitarian reasons yet without valid documentation who enter via the irregular migrant spaces (f) and gain legal status (f2) or fail to secure or are denied legal status (f1).

Migrants with prior fraudulent transactions (d, e) may have no recourse but to reinforce or repeat their administrative infractions in ultimately gaining legal status in regular migrant space (d2, e2).

2.1.3 Summary of Micro Description of "illegality" in the Social System.

This section described four migrant spaces – DC, DS, SC and SS – within which "illegality" is theorized to be caused and to be sustained. We saw that "illegality" is not forced upon the migrant from purely external sources. Instead, its causation and sustenance involves varying degrees of migrant agency, as seen in the various migrant types discussed above. The complex nature of "illegality" is seen in the virtual seamlessness and homogeneity of the theorized four migrant spaces as both origin space and destination space are not in themselves co-determinants of the other.

2.2 Upper Dimension of "Illegality" in the Social System

As these five types of migrant "illegality" achieve protracted existence in the theorized four migrant spaces, some function or benefit – at the very least, coherence – may be attributed to migrant "illegality" in the social system. This coherence may be found in a) some matching of complementary vested interests (or some equilibrium or truce between opposing ones), b) some realization or expression of internalized roles and identities, and c) some alignment or tension between historical predispositions and migrant agency.

3 Methodology

Given the nature of my respondents – a hidden population embedded in and protected by ethnic pockets – the methodology of this dissertation was informed by its theoretical framework but tempered by day-to-day, field-level realities. I quickly realized that two hurdles were critical. The first was finding my respondents. And the second was after finding them how I could forge enough trust so that they would answer my questions. Where I found respondents defined the research areas I operated in. The effectivity of the process I employed to build trust defined both the breadth and depth of the questions I fielded and the answers that I got.

Thus, the research methodology I discuss in this section was forged through an iterative process that constantly juxtaposed my research objectives against respondent accessibility and ultimately budget considerations. I

3.1 Research Areas: Osaka City, Nagoya, Tokyo, Manila, Bulacan, Baguio

Finding Respondents: Importance of Two Search Strategies

In preliminary field work conducted in Nagoya City last August 2009, I was able to interview a handful of Filipino irregular migrants who were introduced to me by a local non-profit organization helping overseas Filipino workers. While finding subjects is undoubtedly faster through referrals by organizations, the effectiveness and depth of findings of the researcher may be defined and thus delimited by his default association or identification with the organization that introduced the irregular migrant. To be sure,

interviewees introduced by an organization may conform to any given set philosophies or results that are being currently promoted. Answers to questions may be guarded, filtering out information that may jeopardize the continued assistance being received by the interviewee from the organization.

> Thus, it was necessary to develop an alternative method of finding subjects, not only to ensure objective data, but as a way of triangulating and corroborating information given by multiple sources.

3.2 Two complementary search strategies

3.2.1 Introduced by Organizations

Respondents here were reached thru groups in "associative activism" (Shipper 2008) or "immigrant activism" (Tsuda 2006): immigrant ethnic organizations, support groups (including church-based groups)

3.2.2 Own Search:

i. thru direct participation in social life of Filipino migrants (drinking sessions, significant events (holidays, birthdays, religious events) I slowly gained trust and confidence of selected legal migrants
ii. thru visiting snack bars, nightclubs, street markets
iii. thru snowballing/referrals

3.2.3 Some key guidelines in search for respondents:

Guideline 1: The choice of search strategy to use will most likely define "illegality" tenure (or length of stay) of overstayer found.

It is theorized that most newly-entered irregulars, since they are by default distrustful/conservative in terms of who they trust, operate within a trusted core of acquaintances (Best search method: Own Search).

As they stay longer as irregulars, their social and economic needs progress from simple to complex, as their children may need educational services or advanced medical care thus irregulars approach organizations and seek their assistance (Best search method: Introduced by Organizations).

After they avail of the services they need or after they learn of how they can tap into readily accessible government services, these irregulars again drop out of the radar of the organizations (Best search method: Own Search).

Guideline 2: Overstayer tenure shapes depth and breadth of experiences shared

Shorter tenure: raw emotions, preliminary experiences; Longer tenure: advantage of hindsight.

Method of return (via surrender or via arrest) reveals variation in perspectives.

Legalization efforts (via authentic or bogus legalization) reveals hierarchy of interests and thus prioritization of actions

3.3 Data Sources and Respondent (Overstayer Cases and Key Informants) Profile

	CAUSES	**SUSTENANCE**		
DESTINATION (JAPAN)	2. Doble-Doble (C2+D2) 3. Iking (D1+C2/C3) 5. Manong (B2+C1+C1) 16. Yumi (C1+C1+C1/C2)	1. Subaru (D1); 2. Doble-Doble (C2+D2) 3. Iking (D1+C2/C3) 4. Gandi (D1) 5. Manong (B2+C1+C1) 6. Etimo (D1) 7. Bigote (D1) 8. Putik (D1) 9. Bingo(D1)	10. Pogi (D1) 11. Boy (D1) 12. Boy BF (D1+D1) 13. Boy BW (D1) 14. Susan (D1) 15. Ellen (C2) 16. Yumi (C1+C1+C1/C2) 17. Billy (D1/D2) 18. Cathy (D1)	19. Max (D1/D2) 20. Erap (D1) 21. Erap Fat (D1/D2) 22. Erap Clyde (D1) 23. Chona (C1) 24. Archie (D1/D2) 25. Chona B (D1) 26. Tindera (C1) 27. Bigote 2 (D1)
SOURCE (PHIL)	1. Subaru (D1) 7. Bigote (D1) 9. Bingo(D1) 10 Pogi (D1) 11. Boy (D1) 12. Boy BF (D1+D1) 14. Susan (D1) 15. Ellen (C2)	2. Doble-Doble (C2+D2) 3. Iking (D1+C2/C3) 5. Manong (B2+C1+C1) 12. Boy BF (D1+D1) Yumi (C1+C1+C1/C2)		

Note: Format of name: Respondent Alias (Migrant Type: Search Strategy)

3.4 Data Collection and Analysis

Research Question:	Respondent Cases	Key Informants
Vested Interest: At what points do the conceptions of "illegality" of the three main actors converge?	Subaru, Doble-Doble, Iking, Gandi, Manong, Etimo, Bigote, Putik, Bingo	Fr. Pan, Fr. Resty, Toriumi, Polo, Rosana, Sis. Eva, Sis. Lina, Sis. Remy, Matsutani, Immigration Bureau/MOJ, Kikumoto
Historical Imperatives: How has the conception of the "unskilled" migrant worker evolved to condition migrant "illegality"?	Billy, Cathy, Ellen, Chona	Fr. Bob, Fr. Elmer, Fr. Pan, Fr. Resty, Toriumi, Polo, Rosana, Sis. Eva, Sis. Lina, Immigration Bureau/MOJ
Roles and Identities: In what ways do Filipino migrants overcome disadvantages in "illegality" to produce practical benefits?	Bingo, Boy, Yumi, Subaru	Fr. Bob, Fr. Elmer, Fr. Pan, Fr. Resty, Rosana, Sis. Eva, Sis. Lina, Sis. Remy, Matsutani, Immigration Bureau/MOJ

3.5 Ethical Considerations

All interviews were recorded when respondent agreed (as evidenced by agreement also on recording) to the recordings; otherwise only notes were taken. All names of respondents are protected with the use of Aliases.

4 Data Analysis and Interpretation

The analysis and interpretation to be done on the three research questions shall be employing primarily critical realism's concept of emergene, as discussed in the Theoretical Framework. Moreover, the analysis and interpretation of the first research question will apply only structural conditioning concepts; the second research question will apply only cultural conditioning concepts; and the third research question will employ both the full morphogenetic approach including both structural and cultural conditioning factors.

4.1 Representative Profiles of Filipinos Without Legal Status in Japan

Case Study Narration 1: Subaru (narration supports discussion on Compatriot Mechanism)

Born in 1966 in Bulacan, a province just a few miles North of Manila, Philippines, Subaru was not able to complete a university degree, reaching only up to the second year, but he was employed at his mother's meat store at a local wet market.



Subaru with his wife and three daughters in 1991 (Picture above)

In 1986, at 20 years old, Subaru married his 17-year old childhood sweetheart and they had three children in quick succession. By the time Subaru was 24, family expenses were alarmingly high, pushing him to seek work overseas.

Subaru entered Japan in 1992 thru a 72-hour shore pass, the last stop in a three-country shopping trip covering Hong Kong and Macao.



Subaru's Shore Pass in 1992 (Picture above)

He was 25 years old. It was his first time outside of Philippine shores, and he could not speak a single Japanese word. Now at year 2010, Subaru is an 18-year, veteran worker fluent in Japanese. Almost two decades of grueling, manual labor has taken its toll on Subaru's physical condition. He has developed arthritis and diabetes, and when the seasons change, and temperatures fluctuate wildly, his foot becomes swollen and the debilitating pain keeps him bedridden for weeks during which time he is without any income.

Not all is well in his family. Subaru has cohabitated with 3 women in Japan, the longest lasting 6 years and the shortest, 1 year. At present Subaru is living alone and longs for

his family but he painfully admits that his wife, also herself now cohabitating with another man, and their three children are hopelessly alienated from him. He is very quick to point out that he blames himself for not taking care of his wife and three daughters and allowing them to fall through his grip, his attention as their father. He sincerely wishes that his wife and "three angels" - as he so lovingly calls his three daughters -- will find the happiness that they deserve so much.



Subaru in 1992 (Picture above)

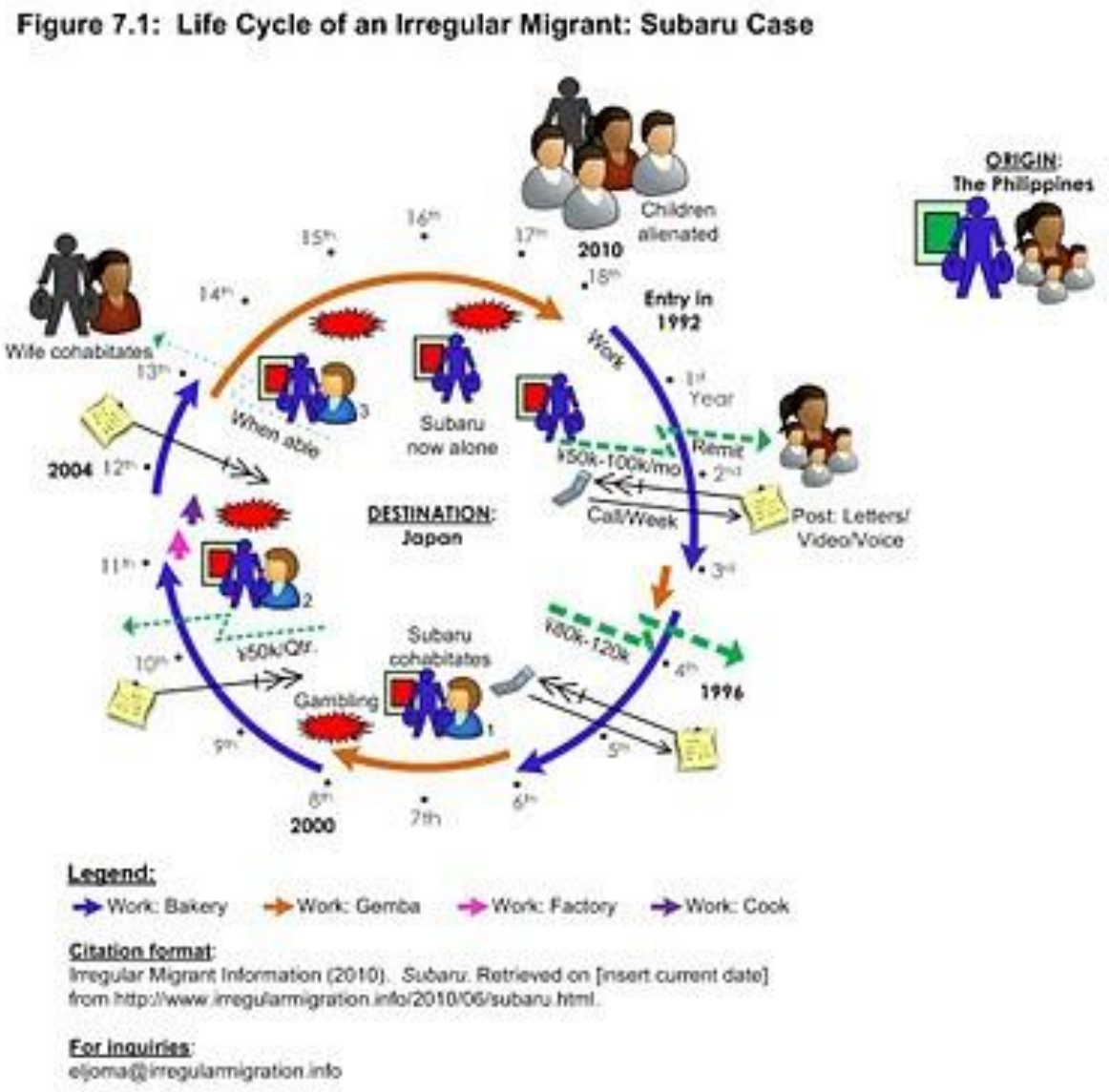


Subaru in 2010 (Picture above)

Subaru mentioned the Filipino word "buryo" to describe his current predicament. "Buryo" is a variant of the Filipino word "buro" which is the act of preserving meat or fish. The formerly vibrant, living thing, now dead, now preserved, stays inert, immobile, imprisoned.

What did Subaru gain in his 18 years as an illegal migrant worker in Japan? More importantly, what did he lose? What price is one willing to pay for that one chance to secure your family's economic future? And was that economic security reached, if at all? If, at some point, it became clear to Subaru that his original objective in working overseas was not being realized, why did he not just go back home and fight to regain the trust and love of his wife and daughters?

There are no easy answers. A closer look at the life cycle of Subaru (see next page) as an irregular migrant worker may provide some clues.



Subaru Life Cycle as an Irregular Migrant (Diagram above)

The life cycle diagram above plots five areas of Subaru's life as an irregular migrant in Japan, namely: work, remittances, family communication, extra-marital relationships and, lastly, gambling. I present it as a cycle because Subaru stated that he plans to go home by the end of 2010.

The starting point of the life cycle diagram is the symbol in the upper right hand corner of Subaru (man in blue color with square-shaped, green background, green signifying his legal status) and his family (wife and 3 babies) based in the Philippines, the country of origin.

Subaru enters Japan in 1992, and his loss of legal status in Japan is represented by the square background changing in color from green to red. This clarifies an issue pertaining to the term "illegal migrant," that is, who or what is illegal: is the person illegal or is the situation he is in (or his status) which is illegal? This is to be explored in further detail in succeeding posts.

Work. Work is represented in the life cycle diagram by arrows of various colors, each representing a different type of job. The length of the arrow measures the duration that Subaru stayed in each job, though not necessarily with the same employer.

After his entry into Japan in 1992, Subaru hid out at a cousin's house in Gifu for one month. He then contacted a close friend of his in Manila who he knew had a brother in Japan. It was through the recommendation of that brother of his friend that he got his first job at a local bakery. He worked in that bakery for a total of roughly 12 years, leaving three times to try out other work, making sure that each time he left he did so properly and with the blessing of the Japanese bakery owner.

His work tasks at the bakery included, among others, preparing all kinds of bread mixtures, cooking the bread and managing the assignments and tasks of other workers. His salary began at ¥160,000 per month, increasing by ¥10,000 per year, and

eventually topping at ¥250,000 per month in 2005 when he left the bakery for the last time.

Various reasons prompted Subaru to leave his otherwise secure bakery job four times. Subaru decided to ride on the construction boom after the Kobe earthquake of 1995, joining work teams rebuilding the city. He was paid ¥14,000 per day – double his current rate – but because housing costs were expensive and work was not continuous, he was back in his bakery job after just two months. Subaru tried construction work again, this time lasting a longer period of two years. Quick work attempts at a factory making belts and as a cook also did not last long. Since 2005, however, till the present (2010), Subaru has stuck to construction work consistently.

While the arrows in the life cycle show the duration that Subaru did a particular kind of job, it does not show the days or weeks randomly interspersed within that duration that Subaru was out of work. Like any temporary laborer, an irregular migrant has no pay if there is no work. If Subaru gets sick or if the weather prevents on-site work teams from assembling, then he has no work.

Remittances. Subaru remittances to his family back in the Philippines started at ¥50,000-¥100,000 per month during his first three years (1992-1995) working in the bakery. As his monthly salary was increased by ¥10,000 for every year of work, Subaru was able to increase his remittances by roughly 20%, topping at ¥80,000-¥120,000 monthly from his 4th to the 6th year (1996-1999) in Japan.

By around year 2000 Subaru's remittances started to decrease not only in amount but also in frequency. From a high of ¥120,000 a month, Subaru's remittances went down to a low of ¥50,000 per quarter, and then worsened into a "send when able" basis.

Family Communication. Family communication is represented in the life cycle diagram by the paper and mobile phone symbols. There are two directions to family communication – Subaru towards his family, and his family towards Subaru. For Subaru's family, "communication" consisted of written letters, voice recordings on cassette tapes, video footages on VHSs, CDs and DVDs sent via postal service to Japan. Subaru's only method of communication was through international long-distance voice calls made through his mobile phone.

In his early years in Japan Subaru made regular calls to his family at least once a week, each call lasting not lower than 20-30 minutes. This frequency and duration of family communication was not sustained by Subaru, however. By the year 2000, 8th years into Japan, communication became only one way. His family continued to send messages and packages but Subaru was not able to communicate back through calls. His last voice call to his family was in 2005. The last package Subaru received from his family (sent by his mother) was in 2008 containing a DVD showing the 18th birthday of his second daughter.

In 2010 April, while I was interviewing Subaru and I learned that he had not been able to talk with his daughters for years, I told him about Facebook. Using my laptop and wireless internet connection, we searched for his three daughters, now aged 22, 21

and 19yrs, and, as expected, all three were in Facebook. To our great surprise, his second daughter was online and responded to a message we sent. With me typing and Subaru talking, we chatted with his daughter for hours. Unknown to his daughter, Subaru was in tears throughout the entire duration of our chat.

Extra-Marital Relationships. Extra-marital relationships are represented in the life cycle diagram by the symbol of a woman beside Subaru. Subaru has cohabitated with three women, all Filipinas, all with legal basis to be in Japan. His cohabitation with these three women bore no children. His longest cohabitation lasted 6 years and the shortest, 1 year.

Subaru explained that during these three cohabitation periods he was very much aware that one way for him to acquire legal status was to enter into a marriage with one of his cohabitation partners. Subaru, however, wanted to keep himself unencumbered from any issues that would prevent him from reuniting with his wife and daughters. He accepts his human frailties and, while he recognizes that this cannot justify his cohabitation, he nevertheless cites his extreme loneliness and longing for intimacy (emotional, psychological and physical) as the probable culprit for his mistakes.

Subaru's wife had also cohabitated with another man in the Philippines and this took place somewhere along the last quarter of Subaru's life cycle. (It must be noted here that, at this point, my sole source of information is an interview with Subaru, and thus

events or situations back in the Philippines mentioned by Subaru have yet to be triangulated).

Gambling. Gambling is represented in the life cycle diagram by the red, exploding cloud. Subaru got hooked to gambling around the year 2000. He has tried all sorts of gambling events ranging from horse racing to slot machines (pachinko), settling for the latter as his personal favorite.

He realizes that one of the reasons why he is unable to send any money back home is because when he receives his salary in cash he goes straight to the pachinko parlors.

Life Cycle Patterns: Some preliminary patterns in Subaru's life cycle diagram are discernible, as follows:

1. Subaru had two main job experiences: bakery work (10.5 years) and gemba work(7 years as of 2010). From these two main jobs, he has thus developed the following functional skills: baking bread, demolition (sequencing of dismantling, separation, segregation and classifying of extracted building materials) and carpentry.

2. Remittances sent by Subaru initially increased during his early years (relative to his total years in Japan) but then eventually decreased in the latter half of his life cycle.

3. The communication from Subaru's family toward him was sustained more consistently than his communication towards his family. The communication media remained mostly analogue and written despite the availability of alternative, and

cheaper digital or electronic means (by 1995 in the Philippines and 1990, or earlier, in Japan).

4. Subaru's cohabitation episodes happened somewhere along the latter half of his life cycle.

5. Subaru's gambling habit started also somewhere along the latter half of his life cycle.

Case Study Narration 2: Subaru - Arrest and Deportation (narration, presented in the first person perspective of Subaru, supports discussion on Structural and Cultural Conditioning)

The day I dreaded had finally come. After nearly two decades of overstaying in Japan, I was finally arrested. Within two weeks I was deported back to Manila. From the airport, I went straight to Quiapo Church - as I promised myself that that would be the first thing I'd do when I got back. I knelt at the front pew, closed my eyes and began to pray.

I became acutely aware of my surroundings. The heat inside the Church was bearable as the peak of Japanese summers easily rival those of Manila. But the sounds outside - street vendors and buyers bargaining, children playing, jeepney horns honking - were music to my ears. They were sounds I hadn't heard for a very long time. They were sounds of my countrymen. Truly, I was home.

I was arrested on a Tuesday, just after 1pm. I was selling some items in the street market. Just about anyone with anything to sell would bring their stuff to this particular street in this particular part of the city. Starting as early as 4:30am, vendors

start positioning themselves along the sides, bringing out their items and displaying them for passers-by to see and easily touch and inspect.



Street Market (Picture above)

But that fateful day was a weekday and, unlike weekends when selling normally lasted up to early evening, by 1pm buyers were becoming scarce. I decided I would go back to my room and rest. I had some leftovers from dinner the night before and, having no refrigerator, I wanted to eat them before they went bad. I started gathering my unsold items, carefully placing them back in my bag. I could see other vendors beside me also beginning to pack up for the day.



Packing-Up My Unsold Items (Picture above)

As I made my way out of the market area, I remember that I was not my usual self. I remember that I was worried about whether I'd be called in for work the following day -- and this affected my alertness. Instead of taking the side streets which is normally safer, I took the shorter, faster route through the main street. I was careless.

I was not at work that day because some trouble was brewing with my co-workers and I was told to take a few days off. A new Japanese official had been assigned to my work team, and for some reason this new guy was always scolding the foreign workers. I had 12 Chinese and 4 Indonesian co-workers. I was the only Filipino. All of us were illegal workers.

Then, someone tapped me on the shoulder. My wandering mind was brought back instantly to the present.

Man: Sumamisen, gaijin desu ka? (Excuse me, are you a foreigner?)
Me: Hai, gaijin desu. (Yes, I am.)
Man: Doko no kuni? (From what country are you?)
Me: Phiripin desu. (Philippines)
Man: Pasopoto motteru? (Do you have a passport?)
Me: Hai, pasopoto mottemasu. Isshu heya ni ikimasu. (Yes, I have. Let's go to my room together [to get it].)

This wasn't the first time I had been stopped. In the past the police officer would just let me go when I invited him to come with me to my room to check my passport. And by this time I had sort of gotten to know the faces of the local police officers.

But this time was different. The man that stopped me was not in a police uniform, but in plain clothes. When I invited him to come and go with me to my room to check my passport, he agreed. His face was also an unfamiliar one. And he was carrying a radio, which he used to quickly call two more of his companions, also in plain clothes. As we walked back to my Doya room, I was surrounded by three men.

Frantic thoughts were now quickly racing through my mind. I tried to walk as slowly as possible to buy myself some time to think. Should I make a run for it? Could I call anyone? Did I have money on me? Where were my important documents? Could I talk them out of arresting me? I realized that I wasn't prepared for what was happening. I had heard of stories of how other Bilogs were arrested, but I couldn't recall learning anything about what to do while I was being arrested. I was beginning to panic.

I decided against making a run for it. I was surrounded, and even if I could get away initially from the three men guarding me, I knew I wouldn't get far. They could easily

radio in for reinforcements from among the others also doing spot checks in that area - and I'd be cornered in no time.

After around 20 minutes of walking, we then reached my Doya. The front desk person didn't seem surprised at all that I was coming in, and going up, with three Japanese men. Our rooms could only fit a maximum of 1 person, and tenants never had guests. I realized that he must have assumed that the three men were Japanese authorities coming to arrest me. Though I never discussed with him that I was an overstayer, I now realize that he must have known all along but was keeping quiet as long as I paid the rent.

I opened the door to my room. The man that had stopped me put his foot on the door, keeping it open. The other two men were still on their way up, as the building's elevator could only fit two people at a time. At that point, I decided I'd make a run for it. I told the man that I was going to the toilet. As I had calculated, he didn't follow and just waited in front of my room. I knew I only had a few seconds before the elevator door would open, and out of it would come the other two men. My room was on the 5th floor, so sneaking out through the fire escape was not an option. I could make a faster run for it using the stairs.

I walked past the elevator door and saw that the number indicator had a light at "4." It was now or never, I remember thinking. I stole a quick glance at the man in front of my room to check if he was looking at me. Seeing that he wasn't looking, I quickly turned for the stairs. I heard the sound of the elevator doors swinging open. I then

started jumping two then three flights of stairs at a time. "Thug-ug, thug-ug," I could hear my heartbeat bouncing against the narrow staircase walls.

As I reached the first floor, I was surprised to find one of the three guys waiting at the staircase exit. That's why I couldn't hear anyone run after me, I remembered thinking. They knew I would try and escape and were ready for it. Only one of them had taken the second trip upward.

When I reached the 5th floor again via the elevator, this time with the 3rd man, the other two men were not a bit surprised. Their facial expressions were blank and all business. They asked me again to show my passport. I had just gotten a new passport a few months back. Inspecting it and not seeing a valid and current visa, they then asked if I had a Gaikoku-jin tōroku shōmei-sho (Alien Registration Card). Not being able to show any, they then asked that I come with them to the police station.

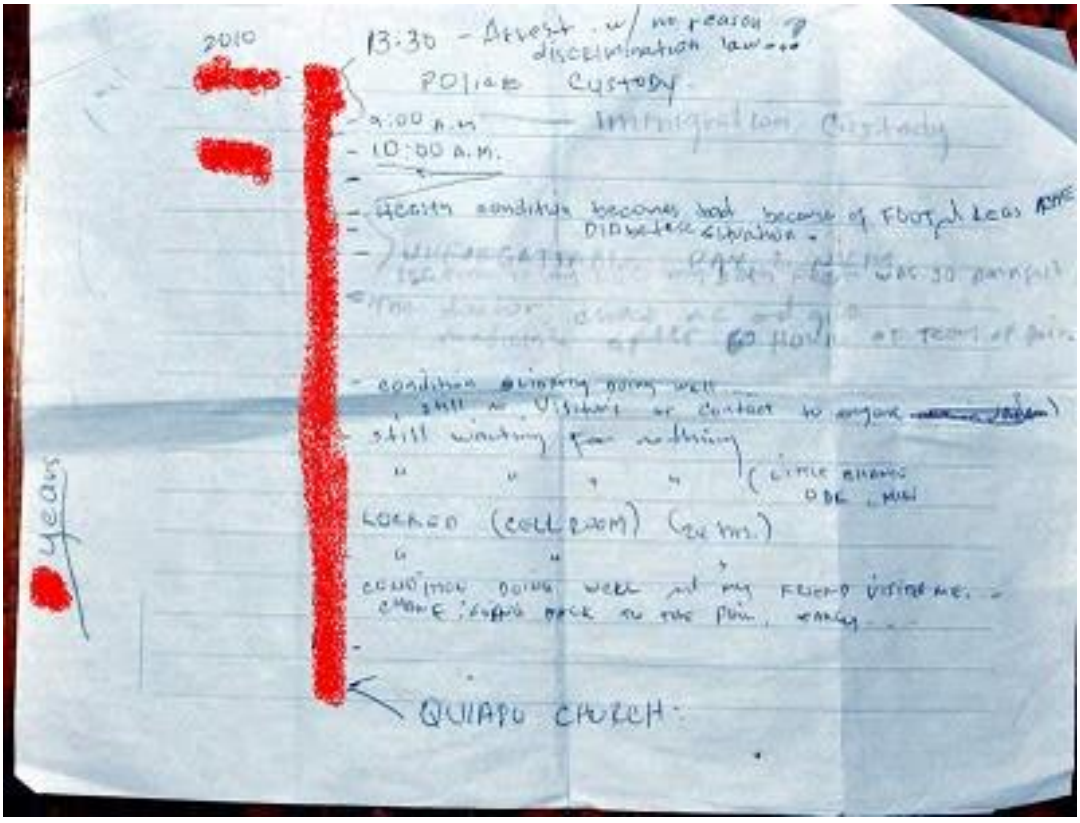
I asked if I could change clothes first, and they let me. What could I bring? What should I not bring? I looked around my room and knew that I'd have to leave all my stuff, save for some clothes. I also left my mobile phone so as to avoid the police calling everyone on my phone contact list, or so I heard from previous stories of arrests of Bilogs. I had two laptop computers, one of which was a borrowed one. I had to leave them also. Some rare coin collections and other electronic gadgets which I was carefully stockpiling for disposal in the street market on weekends, I also had to leave behind. The only thing I decided to bring was one bag containing all the pictures and

letters and video tapes sent by my family. I also picked up around ¥70,000 cash from my previous week's salary.

On our way out of the Doya, the front desk person asked what to do with my things. I told him to wait till the week's end as I was already paid up in advance for 1 week. At that point, I was still wishing that I could be lucky and they'd release me after being interrogated at the police station. I had heard stories of some Bilogs still managing to get themselves released even after detention at the police station.

The drive to the police station took about 45 minutes. I remember that I was quite surprised at how far their station was. At that point I realized that the men who arrested me weren't from the locality where I lived. Apparently they were on an "external inspection visit," I gathered from the Japanese they were speaking to each other and to someone on the radio. That explained why I couldn't recognize any of their faces, or why they were so determined to apprehend me.

In the police car, I began writing on a small piece of paper the dates and key events that had happened. This list I continued till the day I was deported (see below).



My Diary of My Arrest (Picture above)

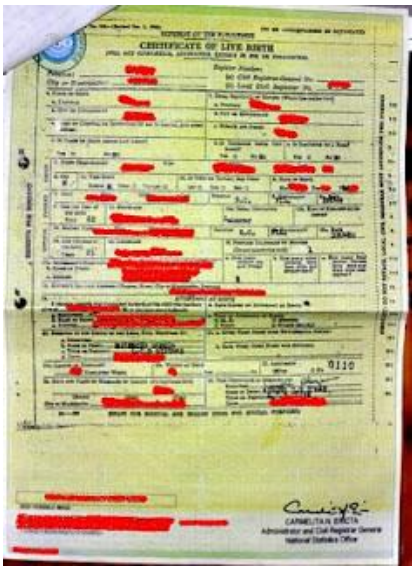
I spent two nights at the police station. Life at the Police jail was very regimented. Eating, brushing teeth, sleeping, waking up was all done by the minute. If we didn't fold our bedsheets properly we were scolded. During these two days, the police asked me how I was living, where I worked, who my Japanese employer was, who my Filipino friends were, and if I knew any other Bilogs. This was all conducted in Japanese, and I answered also in Japanese. Thru all their questions, I gave no names, Filipino or foreign.

In the late afternoon of my second day with the police, I showed them my "red ribbon," that is, an authenticated (certified true copy) birth certificate. They hadn't specifically asked for it, but I was showing them all the documents I had brought with

me. When they saw it, they were surprised, telling me that if I had shown that document earlier, I would have been transferred to the immigration department immediately. As I learned, my "red ribbon" document established my official identity, thus setting in motion my transfer to the immigration detention center.



"Red Ribbon"Document (Picture above)



Certified True Copy of Birth Certificate (Picture above)



Official Receipt of Birth Certificate Request (Picture above)

By 10am of the third day since my arrest I was at the Immigration Detention Center. Compared to the police station, the food and the facilities were much better at the Immigration Detention Center. At the time I was there, there were about 30 detainees, mostly of Chinese descent.

By the 4th day, or just 1 day after I arrived at the Immigration Detention Center, I had received a document entitled "Notice of Decision," as shown below.

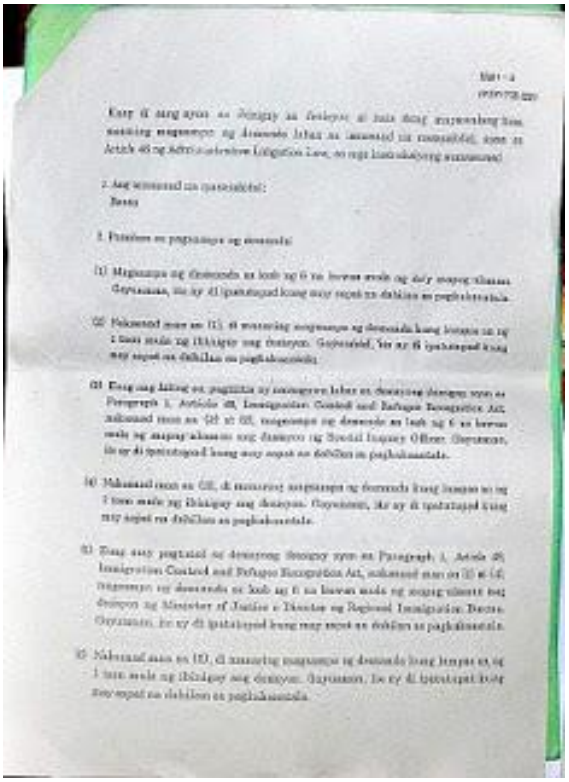


NOTICE OF DECISION

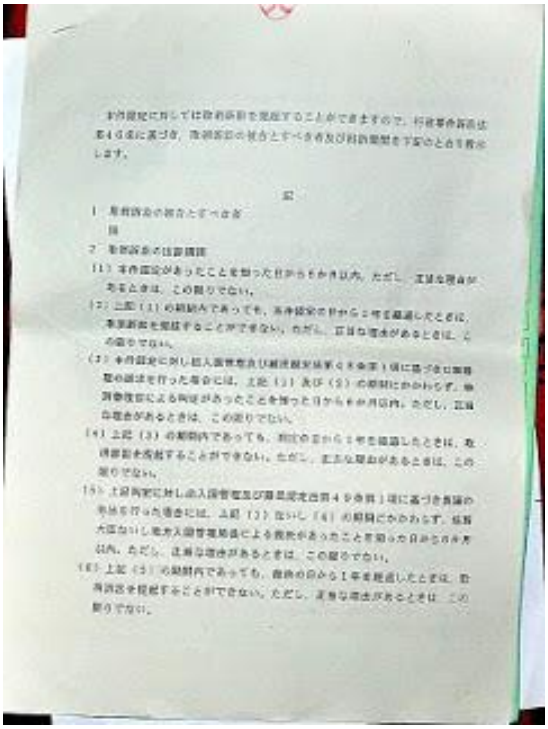
Notice of Decision (Picture above)

This Notice of Decision document declared that I was to be deported out of Japan based on Article 24, Item 6 of the Immigration Control and Refugee-Recognition Act. Since I was arrested by an Immigration Control Officer I was not entitled to the Departure Order System which allows overstayers to voluntarily turn themselves in and leave the country on their own accord, rewarding them with a shortened ban on re-entry to Japan. Deported overstayers are banned for 5 years from re-entering Japan while those leaving via the Departure Order System can return after 1 year.

I was also given another document - written with a translation in Filipino (see below) - that advised that if I wanted to contest this Notice of Decision that it was well within my rights to do so and that I had 3 days from receipt of the Notice of Decision to file an appeal.

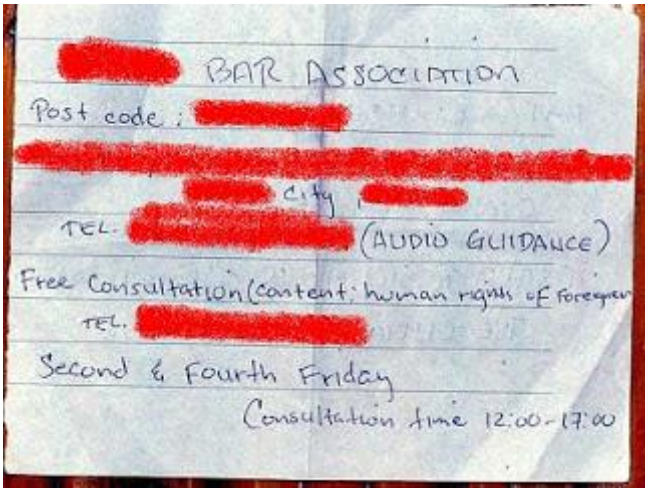


Document Explaining My Right to Appeal the Notice of Decision (in Filipino) (Picture above)



Document Explaining My Right to Appeal the Notice of Decision (in Japanese) (Picture above)

I was given access to information on where I could access free legal consultation services (see below). They gave me free access to both local and international calls.



Information on Where to Access Legal Services (Picture above)

By the end of the 4th day, I was mentally exhausted. I had never known my feelings, emotions and disposition to be more conflicted as they were that day.

The reality of my impending expulsion from the country that had been my home for nearly two decades finally sunk in. Just a week earlier I had been earning ¥13,000 a day doing construction and demolition work. Now I was faced with the prospect of becoming and staying unemployed in the Philippines. Missing my family was a daily struggle for me and going home meant that this would end. Yet I would cringe at the thought of my wife and kids holding me accountable for my indiscretion and irresponsibility during my time in Japan. Would I appeal the deportation order, and extend my life of denial, or did the time finally come for me to face the consequences of my actions and decisions?

And if I were to suddenly show up back in Manila, what would I have to show for it? I was essentially broke. I had not been able to accumulate any savings that could kick start my life back in the Philippines. I felt that I had squandered my priceless opportunity of being in Japan and having access to work. Truly, regret always comes at the very end. I slept with a very heavy heart that 4th night.

When I woke up (5th day), both my legs were burning with pain. I had long suspected that I had developed diabetes and as I had no choice on what food to eat in the last four days in detention, I knew that my legs were complaining. I requested for some medical attention, which the immigration officers said they would arrange immediately. The fifth day ended and no doctor had come. The 6th day passed and still no doctor. At that point, I was already bedridden as the pain was so overwhelming. The 7th day came and went, and all I had to fight the pain were my tears. This wasn't the first time this kind of pain in my legs paralyzed me, and each time, a quick visit to the neighborhood drug store for some over-the-counter drugs got me back working in no time.

Finally, a doctor showed up on the 8th day, and I was given a number of medicines to take. As a result of my 3 days of being in pain, I missed the chance to appeal the deportation decision, not that I had made the decision to do so. Still, I had crossed the point-of-no-return. My deportation was final. The only question at that point was when it would be implemented.

I spent most of my 9th day in detention resting and recovering from my leg pain. Slowly, depression was getting to me. I had no visitors. I made little or no contact with any of the other detainees. Since I had left my phone at my doya room I didn't have any contact with any of my local friends.

My 10th day in detention I spent alone in my cell, waiting for nothing.

On my 11th day, I was able to contact another friend. I asked him to help me get some uncollected salary at the construction company where I worked. I needed that money so that I could buy a plane ticket home.

My 12th and 13th days in detention were spent alone in my room.

On my 14th day, the friend I had called on my 11th day visited me, bringing with him my uncollected salary. The following day, my 15th day in detention, I bought myself a one-way plane ticket to Manila.

On my 16th day of detention, I was escorted to the airport and finally deported back to Manila.

4.2 At what points do the conceptions of "illegality" of its three main actors converge and diverge?

To answer this research question, we will look at how vested interests of the three main actors (host country, source country and migrant) -- reflected in their conceptions of "illegality" – converge and diverge within the Status of Residence (SRS)

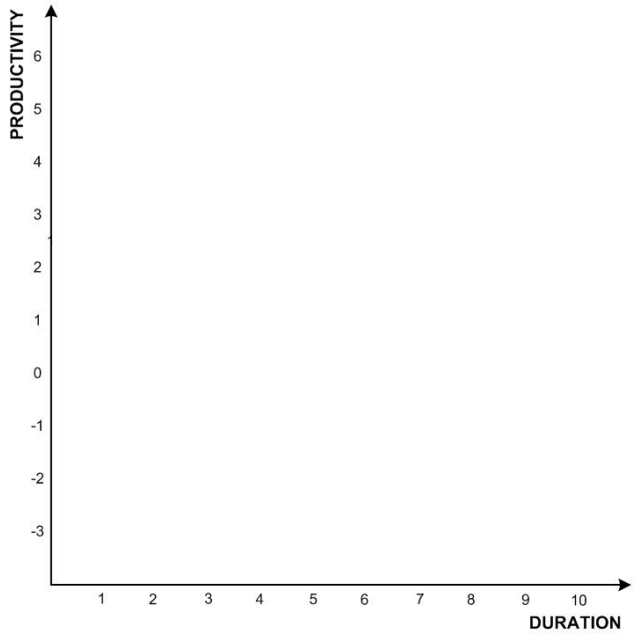
system. I will describe this SRS and discuss how what I call a Compatriot Mechanism (cTm) operates within the SRS in order to sustain migrant "illegality" in Japan. A mechanism, in its crudest form, is a process through which inputs become outputs. In more complex manifestations, mechanisms involve a confluence of intervening factors that bear down on inputs in ways that create outputs other than those originally envisioned. Japan's immigration policies when constituted as process and input, reveal the interlocking variables that conspire to make Japan's illegality regime at once intractable yet emergent: that is to say, transcendent of its constituting parts and transformed by its participating individuals (Archer 1998, p.359-360).

Furthermore, beyond explaining the dynamics (convergence and divergence) of the vested interests of the three main actors in immigration as seen in their varying conceptions of illegality, this section will interrogate the interplay between the "people" and the "parts" of social system (using the approach of analytical dualism). This will be done in order to explain not just what the dynamics of vested interests are but why they are so and not otherwise.

4.2.1 Status of Residence System

We will analyze the Status of Residence System (SRS) of Japan as an input, breakdown its expected process and intended outputs, and see how the cTm wedges itself in this equation. Figure 2(a) converts the SRS into a two-axes framework.

Figure 2(a): Status of Residence System (SRS) as Duration and Productivity Axes



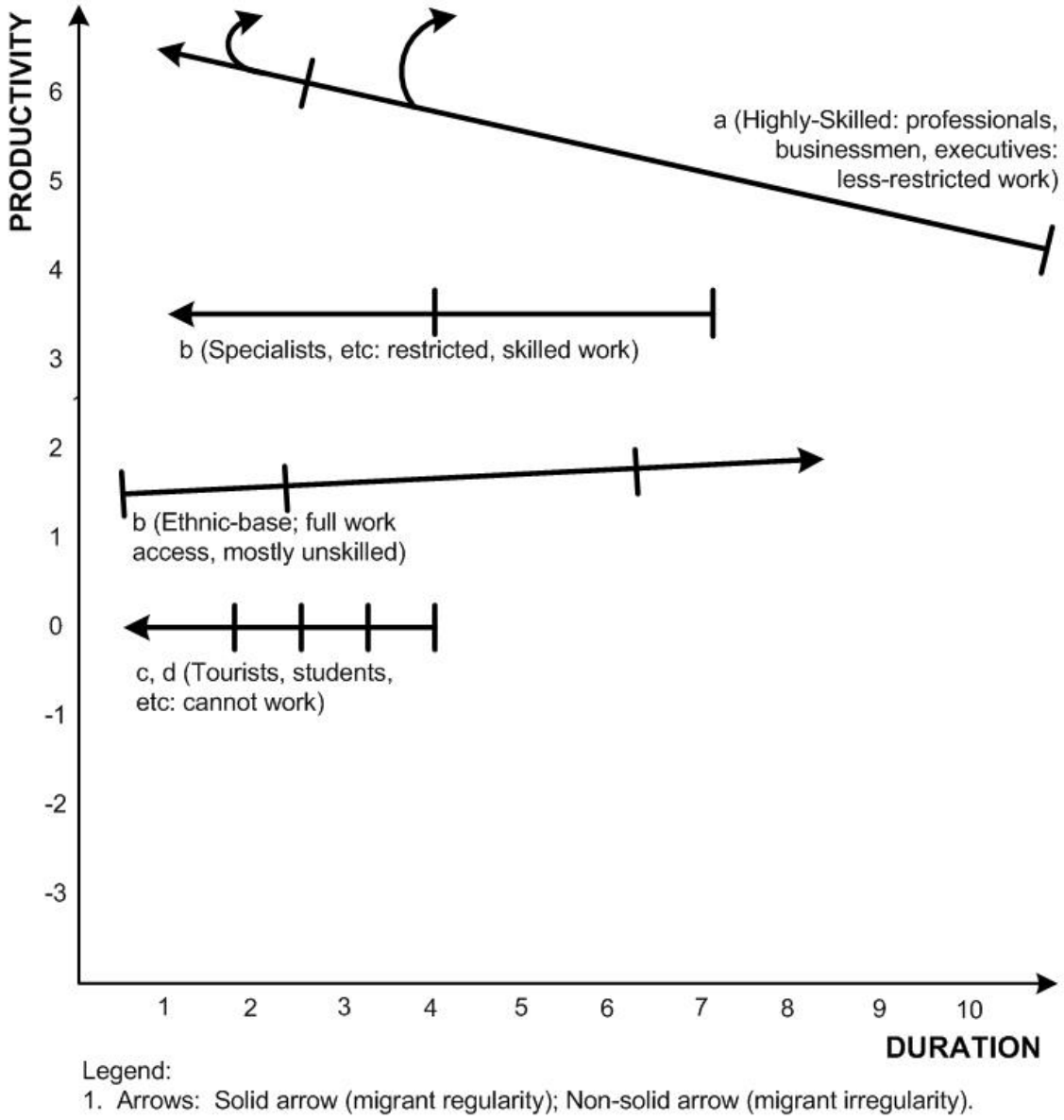
4.2.1.1 As Input

Instituted in 1981 as Japan's framework for immigration control (Mori 1997), SRS has two components, expressed as a formula as follows: status or position + authorized activities = SRS (Japan Immigration Bureau 1994). Status or position is essentially a proxy for the variable 'duration,' expressed in time (months/years), plotted on the x-axis of Figure 2(a). Authorized activities is, I argue, a proxy for the variable 'productivity' – or the unit of output produced per unit of input – as plotted on the y-axis in Figure 2(a). This is because "authorized activities" essentially refers to the control of the labor variable input of foreigners, that is, the right to work in Japan.

Figure 2(b) thus plots duration against productivity, culling out four core SRS status groups.[ii] Except for ethnic-based statuses (arrow b - Koreans/Taiwanese special permanent residents, permanent residents, Nikkeijin/Japanese descendant long-term

residents, spouse/child of Japanese – to be discussed in further detail below), all statuses have residency permissions with finite durations, as shown by the direction of the arrows heading towards the left, or heading back to the source country. Duration is directly correlated with productivity, that is, the greater a migrant's type and permission to work – as shown by the steeper arrow incline, the longer the allowed periods of stay (seen thru the vertical lines along arrows) and, corollary to this, the more lenient the application of renewal requirements.

Figure 2(b): SRS – Four Status Groups



Arrow c, d and b (Specialists, etc) have zero productivity incline as they are either fully prohibited from working or are restricted to a particular type of work and a particular company. Highly-skilled migrants (arrow a) have the greatest productivity (steepest arrow incline) since they are offered a slew of motivators – including, for example,

allowing household helpers to be brought in from the source country, or allowing multiple activities (read as: work) to be done. While there are still limits to their duration of stay(arrow heading left), the SRS system has built in generous permanent residency options (small arrows heading back to the right side) within the program. It must also be noted though that duration limits are applied even to ethnic-based statuses which, theoretically, have no limits to their residency period in Japan (arrow heading toward right side).

4.2.1.2 As Process:

Duration and productivity as SRS inputs then funnel through the Japanese bureaucracy in a process implemented by the local government and enforced by the local police. The Alien Registration System in Japan, recently abolished and now nationalized thru the 2012 New Residency Management System, was handled previously by local governments (the role of the local government in the analysis of this paper will thus be analyzed retrospectively). In terms of SRS enforcement, while regional or national immigration officers may also conduct inspections, raids or other immigration control activities at the local level, it is the local police that have a consistent presence at the community level.

4.2.1.3 As Output:

Inputting duration and productivity rules and implemented locally by the local government and police, the intended output thus will be foreigners whose existence in the country are compliant with a defined timeframe and defined activities.

4.2.2 Differentiated Ethnic Pockets:

The SRS is significant to my theorized 'Compatriot Mechanism' because it mirrors vibrant ethnic populations that have successfully differentiated themselves along the unskilled-skilled divide in the local labor market of Japan. As represented in Figure 2(b), SRS translates to Duration and Productivity variables that are carefully wielded by policymakers, applying them to migrant workers in ways that are consistent or supportive of the requirements of the local labor market.

The SRS concretizes and formalizes the existence of thriving foreign ethnic populations in Japan (Korean, Taiwanese) – forged thru very specific historical conditions.

Unlike other residence visa systems in other destination countries, Japan's SRS has two extra specialized categories for those it considers permanent residents. The status named 'Special Permanent Resident' is applied to Koreans and Taiwanese who were in Japan before and during World War II, including their descendants. The status named 'Long-Term Residents' is applied to returning migrants who are direct descendants of Japanese overseas who, as we shall see in the succeeding discussions below, originated mostly from Brazil and other South American countries. Lastly, the status named simply as 'Permanent Resident' is applied to any migrant, not part of the two specialized two categories discussed above, who is eligible for permanent residency.

The point I would like to make here is that the specific historical conditions that gave birth to these ethnic pockets – their complete embeddedness in Japanese society now actualized thru the SRS – have essentially produced individuals that have full local knowledge yet, at best, with loyalties looking inward. Simply put, these ethnic pockets are essentially local survival experts who are eager to help compatriots in any way regardless of legal status.

I will now briefly expound on the historical conditions that gave rise to the Korean and Filipino ethnic pockets in Japan (not touching on the Taiwanese group).

4.2.2.1 On Koreans in Japan

Despite more than a century, or more than three generations, of residence in the country, the attainment of definitive legal status by Koreans in Japan has only recently (only by 1981) been fully settled. Their legal status has swung both ends of the pendulum, so to speak, twice over.

Koreans were full foreigners as the Japan-Korea Treaty of Amity was consummated in 1876, as excluded from certain jobs by Ordinance 352 and through the protectorate period by 1905. As an annexed state from 1910 to 1945, Koreans then became Japanese though not "true" Japanese but "colonial" Japanese (Iwasawa 1986 cited in Kearney 1998: 201). Koreans, who were by that time technically Japanese citizens, were viewed as those from *Gaichi* -- external territories -- who had family registers or *Koseki* that were separate from those of the *Naichi* Japanese - or those in Japan proper (Morris-Suzuki 2010, p.43). Koreans enjoyed the benefits of citizenship without fully

receiving it, realized as it were only to the extent that they helped in serving out their economic function as a colony (Weiner 1994, p.47). Koreans in Japan then reverted back to foreigner status by 1952 when the San Francisco Peace Treaty took effect but, through a special regulation, were allowed to stay indefinitely even without clear residence status (Morris-Suzuki 2010, p.114). By 1965 when the Treaty of Basic Relations between South Korea was signed, Koreans in Japan up to the second generation who chose South Korean nationality were granted permanent resident status. By 1981, all Koreans were granted special permanent resident status.

Decades of tenuous legal status proved fertile ground for discrimination. This ethnic-based exclusion was most felt in employment opportunities the technical and language skills for which Koreans, now fully integrated residents, were in direct competition with local workers (Shipper 2008). Other critical social security services (loans, scholarships, health benefits, etc) were out of reach by Koreans (Hwaji 2010).

It must be noted at this point that Koreans were not in fact being singled out in discriminatory practices which were theoretically being applied to aliens in Japan. However, that Koreans comprised the single, most overwhelmingly dominant ethnic pocket – from a high of 80-90% of all aliens in the first decades after WWII to eventually being equaled and surpassed in number by Chinese aliens in 2007 (Japan Ministry of Justice ca.2013) – meant that Koreans bore the brunt of the pain of exclusionary policies so much so that discrimination in Japan could be said to have become nearly synonymous to discrimination against Koreans. It didn't help that a number of high-profile legal challenges against these discriminatory practices – notably

when Pak Chong-sok sued Hitachi for employment discrimination during the 1970s (Chung 2010) and the refusal of Han Jong-Seok to have himself fingerprinted during the 1980s (Morris-Suzuki 2010) – were mounted by Koreans.

Truly, 'too little, too late' may be one overriding theme when thinking of Koreans in Japan. For such an intimate ethnic group, whose members, as full Japanese citizens, had gone through two world wars with their beloved sovereign, to be kept at arm's length, at best, even through Japan's glorious high-growth decades, is a legacy that has inevitably ricocheted in a Korean-Japanese ethnic identity that is still in high flux. From devoting full loyalties to their homeland as overseas nationalists, to becoming fully assimilated and thus essentially indistinguishable from the Japanese, and now struggling to carve out a differentiated-and-proudly-Korean-within-Japan niche – identity struggles called the First, Second and Third-Way (Morris-Suzuki 2010) – Koreans as an ethnic pocket, when re-interpreted as input and process within my 'Compatriot Mechanism' formulation, constitute, at the very least, either a neutral factor or, conversely, a wild card within the SMIF (kindly recall our discussion citing Figure 1(a-e).

That Korean overstayers have consistently ranked number one for virtually most of the past two decades (1995 to 2012 – see Table 13) may be interpreted within the SMIF to mean that their neutrality or unpredictability has tilted towards becoming a vibrant sustaining factor for migrant illegality.

Table 13: Filipino Overstayers in Japan by Average (5-Year) Headcounts, Percentages, Rankings and Other Selected Nationalities, 1990-2012[1]

	PHILIPPINES	OTHER NATIONALITIES COMPRISING MAJORITY	TOTAL
Year Headcount Percent Ranking	1990-1994 31,189 14% 3	1990-1994 92,988 41%[2] Thailand,1; Korea,2; China,4	1990-1994 227,533 100%
Year Headcount Percent Ranking	1995-1999 41,467 18% 2	1995-1999 129,649 57% Korea,1; Thailand,3; China,4	1995-1999 280,410 100%
Year Headcount Percent Ranking	2000-2004 31,844 14% 2	2000-2004 102,563 45% Korea,1; China,3; Thailand,4	2000-2004 229,571 100%
Year Headcount Percent Ranking	2005-2009 26,383 12% 2	2005-2009 71,093 31% Korea,1; China,3; Thailand,4	2005-2009 166,948 100%
Year Headcount Percent Ranking	2010 12,842 14% 3	2010 39,482 43% Korea,1; China,2; Taiwan,4	2010 91,778 100%
Year Headcount Percent Ranking	2011 9,329 12% 3	2011 34,382 44% Korea,1; China,2; Taiwan,4	2011 78,488 100%
Year Headcount Percent Ranking	2012 6,908 10% 3	2012 29,305 44% Korea,1; China,2; Taiwan,4	2012 67,065 100%

Notes:
1. Averages are computed based on data sourced from printed and online sources of the Japan Ministry of Justice (1990-2012). See full references at the end of this article. For additional reference, the listing of actual data from which averages were derived can be found at Table 3 at http://www.irregularmigration.info/search?q=kumusta+ka+na+bilog of the Irregular Migration Information (2010) website.
2. This percentage represents the total percentage of the three countries listed below it.

4.2.2.2 On Filipinos in Japan

If Koreans in Japan originated from Japan's imperialist past, I would venture to say that a key feature of Filipinos in Japan – while taking place in a completely different era and context – was also born out of no less an impactful extension of influence, possibly even through explicit national policy. No other foreigner group in Japan has completely appropriated for itself – or been allowed to totally dominate – a single visa

or residence status category, that is, the entertainer category. The numbers bear this out, without contest.

For over two decades (1980s to 2004) majority (57%) of Filipinos who came to Japan were entertainers and majority (55%) of entertainers in Japan were Filipinos (see Table 14, cells T14a-c). The magnitude of the lopsidedness of this virtual mono-nationality situation, as it were, in the entertainer visa category is shown by the fact that the nearest competitors of the Filipina entertainers are 25-times less in size, in terms of proportion within nationality group (T14b), and 6-times less in share, in terms of total entertainers in Japan (T14c). Beyond being the overwhelming entertainers of choice for so long a period, this flagship group of Filipino migrant workers also stayed longer in Japan (80% of all registered entertainers, T14i).

Table 14: Selected Residence Statuses (in average percentages) of Filipino Migrants Versus Other Selected Nationalities, 1987-2011[1]

	YEAR	PHILIPPINES	OTHER COUNTRIES[4]	TOTAL
FLOWS	1987-2004	Total:[2] 57% [E] Entertainer: 53% [SCJ] Spouse or Child of Japanese: 3% [SCPR] Spouse or Child of Permanent Resident: 0.03%[3] [LTR] Long-Term Resident: 1% T2a	[E] China: 1.4%; Korea: 2%; UK: 2%; US: 1% [SCJ] Brazil: 18%[5]; [SCPR] China: 0.1% [LTR] China: 3% T2b	[E] Philippines: 55%; China: 3%; Korea: 5%; UK: 4%; US: 9% [SCJ] Brazil: 39%; Philippines: 17%; China: 17% [SCPR][7] China: 31%; Philippines: 8% [LTR] Brazil: 41%; China: 35%; Philippines: 6% T2c
	2005-2011	Total: 19.2% [E] 9% [SCJ] 6% [SCPR] 0.2% [LTR] 4% T2d	[E][6] China: .5%; Korea: 3%; UK: 1%; US: 1% [SCJ] Brazil: 10% [SCPR] China: 0.1% [LTR] China: 0.5% T2e	[E] Philippines: 17%; China: 6%; Korea: 3%; UK: 7%; US: 18% [SCJ] China: 31%; Philippines: 25%; Brazil: 17% [SCPR] China: 50%; Philippines: 12% [LTR] Brazil: 44%; Philippines: 20%; China: 20% T2f
STOCKS	2000-2004	Total: 85.3% [E] 28% [PR] Permanent Resident: 19% [SCJ] 27% [SCPR] 0.3% [LTR] 11% T2g	Totals: Brazil: 98%; China: 39%; Korea: 89% [E] China: 0.7%; Korea: 0.1%; Brazil: 0.1% [PR] China: 17%; Brazil: 11.3%; Korea: 6% [SPR] Special Permanent Resident: Korea: 78%; China: 0.9% [SCJ] Brazil: 34%; China: 13%; Korea: 3% [SCPR] China: 0.6%; Korea: 0.5%; Brazil: 0.1% [LTR] Brazil: 52%; China: 9%; Korea: 1% T2h	[E] Philippines: 80%; China: 5%; Korea: 2%; Brazil: 0.4% [PR] China: 32%; Korea: 17%; Philippines: 15%; Brazil: 13% [SPR] Korea: 99% [SCJ] Brazil: 34%; China: 19%; Philippines: 17%; Korea: 8% [SCPR] Korea: 41%; China: 29%; Philippines: 7%; Brazil: 3% [LTR] Brazil: 58%; China: 14%; Philippines: 8%; Korea: 4% T2i
	2005-2011	Total: 82% [E] 5% [PR] 37% [SCJ] 22% [SCPR] 1% [LTR] 17% T1j	Totals: Brazil: 98%; Korea: 86%; China: 40% [E] China: 0.3%; Korea: 0.1%; Brazil: 0.1% [PR] Brazil: 37.5%; China: 23%; Korea: 9% [SPR] Korea: 72%; China: 0.5% [SCJ] Brazil: 19%; China: 9%; Korea: 4% [SCPR] China: 0.9%; Brazil: 0.6%; Korea: 0.5% [LTR] Brazil: 42%; China: 5%; Korea: 1% T2k	[E] Philippines: 68%; China: 8%; Korea: 3%; Brazil: 1.5% [PR] China: 30%; Brazil: 21%; Philippines: 16%; Korea: 11% [SPR] Korea 99% [SCJ] China: 24%; Brazil: 22%; Philippines: 20%; Korea: 9% [SCPR] China: 35%; Korea: 16%; Philippines: 13%; Brazil: 9% [LTR] Brazil: 49%; Philippines: 15%; China: 14%; Korea: 4% T2l

Notes:

1. Percentages are computed based on data sourced from printed and online sources of the Japan Ministry of Justice (1987-2011). See full references at the end of this article. Data availability constraints caused my tabulation of flows to begin at 1987 but Figure 2 on page 71 of Abe (2009) complete the figures from 1980, with no change in the trends I highlight in the discussion.
2. In Flows, refers to total of E+SCJ+SCPR+LTR. In Stocks, refers to same Flows total plus Permanent Resident [PR](for Brazil) and Special Permanent Resident [SPR] or both(for China and Korea).
3. SCPR and LTR percentages for the Philippines (Flows) are based on the years 1990-2011 only.
4. I compare the Philippines' percentages with, mainly, China, Korea as the top overstayers in Japan have historically been from these three countries. Other countries (such as Brazil, UK and USA) are cited where their comparison highlights important points in Table 2. For further reference, Table 2 and Table 3 found at http://www.irregularmigration.info/search?q=kumusta+ka+na+bilog of the Irregular Migration Information (2010) website compares a wider set of residence statuses among both stocks and flows of a fuller list of nationalities of migrants in Japan.
5. SCJ percentages for Brazil are based on the years 1987-1994 and 2000-2004.
6. Entertainer percentages for UK and US are based on the years 2005-2006 only.
7. All SCPR and LTR percentages are based on the years 1990-2004 only.

The tightening of visa rules on entry of entertainers in March 2005, while it in fact lessened significantly the total flows of entertainers (T14d), did not end the preference for Filipina entertainers (T14f). In the 2005-2011 period, nearly seven of every ten (68%) resident entertainers were still Filipinas (T14l).

While there are no explicit figures that can trace where the excess population of Filipina entertainers went after the visa tightening, it is common knowledge (and is consistent with my respondent and key informant interviews) that those who could switched to spousal visas (SCJ) and eventually to permanent resident visas (PR). The substantial increases in the numbers of all ethnic-based visa categories of Filipinos in both flows and stocks between the 2005-2011 (T14d,f,j,l) and 1987-2004 (T14a,c,g,i) period may support this belief.

Various narratives attempt to explain the fact that entertainers spearheaded the phenomenal growth in the numbers of resident Filipinos between 1980 and 2000 (nearly 25 times larger: from roughly 6,000 in 1980 to 145,000 in 2000) (Japan Ministry of Justice ca.2013). Yu-Jose first highlights the difference between, on the one hand, earlier Filipino musicians in Japan in the late 19th and first half of the 20th century who played various musical instruments -- thus constituting 'real' entertainment, and, on the other hand, the more contemporary entertainers who were mostly perceived by the Japanese as prostitutes (Yu-Jose 2007, p.63). Strict Japanese visa regulations, Yu-Jose argues, which most Filipino workers at current skill and financial resource levels could not qualify for, combined with Japanese cultural preferences excluding foreigners from certain service jobs, resulted in Filipinas embracing the entertainer

work option. Sellek similarly emphasizes the primacy of economic motivations of Filipinas taking entertainer work (Sellek 2001). Suzuki cautions against simplistic, uni-dimensional narratives, emphasizing the historical, contextual and multi-faceted decision-making processes of the entertainer (Suzuki 2011). Abe suggests that the peak of Japanese economic prosperity in the 1970s and 1980s spawned what he calls 'sex tourism' by Japanese male tourists throughout Asia became the foundation of the later mass entry of Filipina entertainers to Japan in the succeeding two decades (Abe 2009).

I will purposely limit my dialogue with the narratives I cited above to cover only how the phenomenon of the Filipina entertainer contributed to the sustenance of migrant illegality in Japan. The main point I would like to make is that specific historical conditions created the ubiquitous Filipina entertainer and this, in turn, became a stepping stone into ethnic-based statuses – as spouses of Japanese, and subsequently as permanent residents, or through their offspring, as children of Japanese, or through their descendants now entering Japan as long term residents.

The entertainer visa represented for the Filipinos what the SPR visa was for the Koreans and Chinese and what the LTR visa was for the returning Brazilian descendants of Japanese (T14h,i,k,l): that is, a catapult to the top of a pecking order of closely-calibrated, outsider access to insider information through their entry into ethnic-based residence statuses. With much closer, more intimate and wider access to Japanese society as spouses, children and permanent residents than other residence statuses,

an enculturated, fine-tuned Filipino survival sense inevitably became the default operating mode, ready to be accessed by all compatriots who needed it.

That Filipinos have consistently been among the top three groups of overstayers in Japan over the past two decades (1990s to 2012, Table 1) may indicate that these ethnic-based Filipinos in Japan, through the SMIF, provide critical sustenance to migrant illegality in Japan.

4.2.3 Compatriot Mechanism

The Compatriot Mechanism is defined as inputs provided and processes catalyzed by ethnic pockets, occurring in the DS and SS spheres of the SMIF (of Figure 1) and impacting SRS duration and productivity (of Figure 2), resulting in the sustenance of migrant illegality.

To be sure, that established compatriots help newly-arriving or struggling fellow migrants in a variety of ways is empirically established. Employment continuity through referrals, preferential ethnic-based hiring and overall information dissemination (Liu-Farrer 2011) and facilitation in accessing health and other government social security services are among the critical benefits of a well-cultivated and maintained ethnic network.

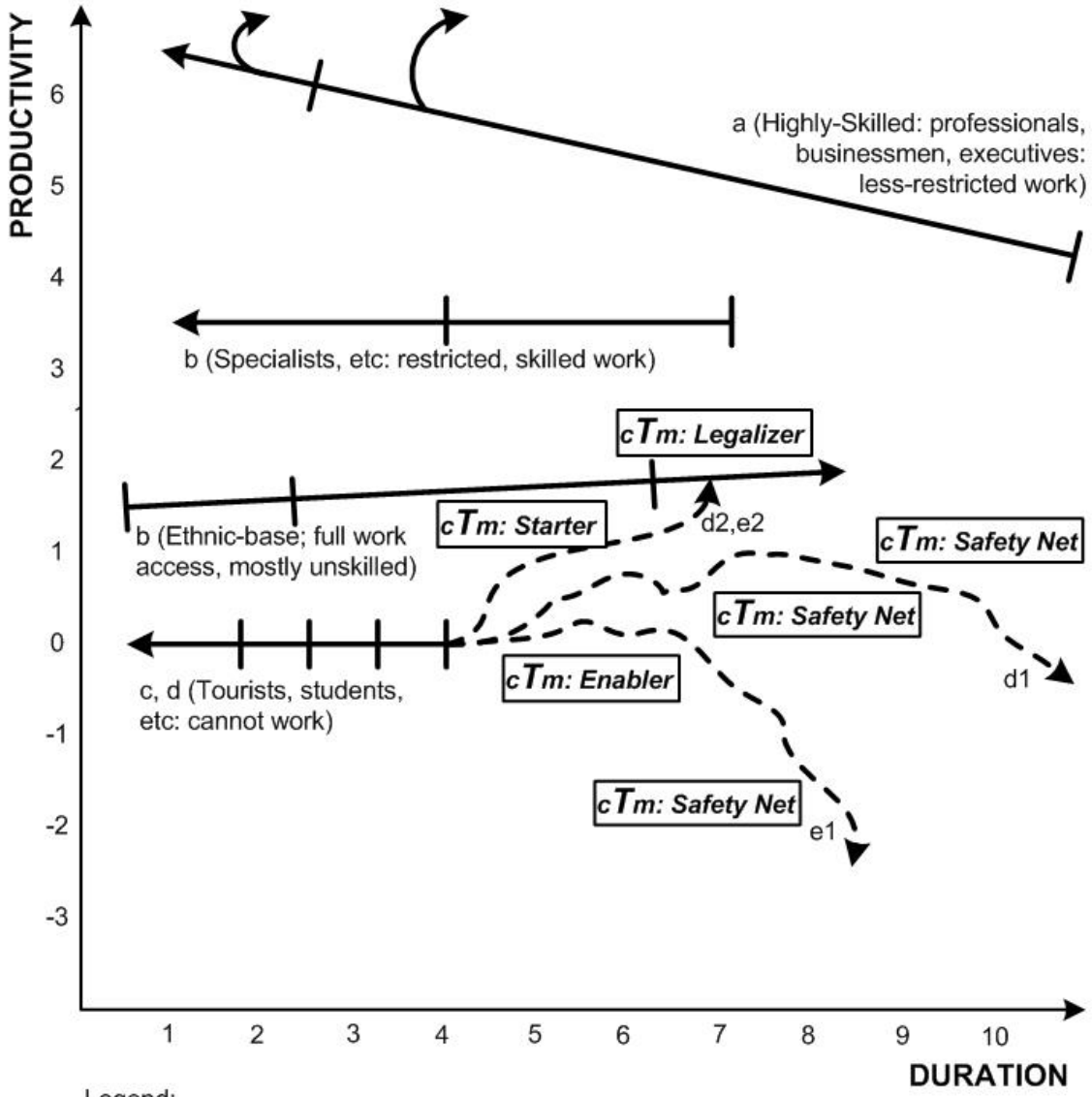
But do ethnic pockets help their members equally regardless of legal status? Put differently, are there special ways that ethnic pockets harness their unique local

embeddedness and integration that sustain migrant illegality? Applying the SRS within the SMIF allows a more targeted operationalization of the Compatriot Mechanism.

4.2.3.1 Input Provided: Negation of Duration Control.

Temporally, cTm first activates when it plays a central role in rendering impotent duration control by the SRS. Through the SMIF we understood that the origin of the migrant (i.e. his/her eligibility) does not determine ensuing destination (i.e. legal status). Thus, it must be clarified that cTm activates even before the migrant violates the duration specification of his visa, that is, even before the migrant goes over his authorized duration of stay (a.k.a overstays). Figure 2(c) shows the four specific roles that cTm assumes in its negation of duration control.

Figure 2(c): SRS – Four Roles of Compatriot Mechanism (cTm)



4.2.3.2 cTm as Starter

Their sheer presence, eventual longevity and consistent functioning as breadwinners to family and/or extended networks of dependents back in their home countries

crystallizes into a strong beacon, a blueprint of how their core impediments (skill level) to financial stability can be overcome through the highly-differentiated and thriving Japan labor market. Simply put, the cTm message is thus: even if one is unskilled in the Philippines and would most surely be unemployed, if transplanted into Japan through migration, one can surely eek out some basic form of economic sustainability. Beyond being passive role models, cTm even becomes pro-active when migrant illegality is encouraged, planned for, and financed from Japan.

Textbox 1 presents two case snippets[iii] showing cTm as starter (an input) of the newly-starting overstayer resulting in a negation of SRS duration control (an output)in the DS and SS spheres of the SMIF.

Textbox 1: cTm as Magnet and Starter

1. *Subaru*, a c2 case (recall Figure 1), deported in 2010 after 18 years, entered Japan in 1991 on a transit visa. A first cousin, also a former overstayer but now legalized through marriage with a Filipina permanent resident, sheltered Subaru in the critical first months to break-him into Japanese society and helped him find his first job. Authentic documents, legal entry, own financing, own staging; fully intended loss of legal status; pre-planned assistance by cousin.

2. *Doble-doble*, a c2+d1 case, already a deported overstayer with a 5-yr re-entry ban, married a daughter of a current permanent resident under a false name, allowing him to re-enter Japan legally (but with fraudulent documentation) as a spouse of a child of a permanent resident just one year after his first deportation. The Vietnamese husband of the Filipina permanent resident, who was the mother of the wife of Doble-doble, provided them housing and continuous job placement for the next ten years when Doble-doble was eventually arrested and is now serving a two-year prison sentence.

4.2.3.3 cTm as Enabler

The benefits of cTm as a starter extend over time when cTm as enabler plays out. As enablers ethnic pockets provide life-sustaining inputs that are otherwise inaccessible

to overstayers due to their lack of legal status. Housing and mobile phones, owned or under contract by legally resident Filipinos, are commonly shared with compatriots in need regardless of legal status. The higher vulnerability of overstayers to health problems due to their work situation -- that is, having to take any work under any terms and any conditions -- is where cTm as enabler comes in. Through contacts cultivated with various persons in authority, in turn validated and strengthened by the networks of Japanese spouses, cTm mobilizes resources that enable overstayers to access critical health services, thus prolonging their stay. Japanese employers also participate in cTm as enablers when they: a) assign Japanese names to overstayer hirees to use as aliases in required worker listings for public works contracts, b) enter into lease contracts for apartments in which they allow overstayers who work for them to live in, or c) pay upfront for health expenses of their overstayer workers which are then paid back regularly through salary deductions. Textbox 2 presents case snippets of cTm as enabler.

Textbox 2: cTm as Enabler

1. *Iking*, a c2+d1+d2 case, is a two-time overstayer in Japan but now, using fraudulent documents, is legalized thru marriage with a Filipina permanent resident. During his second stint as an overstayer, Iking was hospitalized, the bill reaching nearly a million yen. His elder sister, married to a Japanese national, mobilized her network of contacts in the city office and, with the additional help of her Japanese husband who had been active in the election of a current incumbent official, was able to get Iking's hospital bill paid by the city office.

2. *Gandi*, a b2 case, will be reaching 28 years as an overstayer in Japan by the end of 2013. Working under a Japanese alias assigned by his Japanese employer, he once figured in a work accident which almost cut his face in half. He was subsequently hospitalized and the bill was paid by his employer. He paid back his employer in full through installments over the succeeding years.

3. *Manong*, a d2 case, twice attempted to secure legal status in Japan through marriage, succeeding on his second try. When he needed medical services during his time as an overstayer, he would borrow the health cards of close Filipino friends and present them as his own but in clinics and hospitals in far-flung localities so as to avoid any trouble with the true health card owner.

4.2.3.4 cTm as Safety Net

As a safety net, cTm is both a proactive and reactive input to sustaining migrant illegality. When overstayers are arrested, ethnic pockets employ various strategies and tactics to interface and dialogue with local authorities in order to effect their release (reactive). Japanese employers consistently implement a fine-tuned and proven overstayer arrest avoidance protocol (proactive). Compatriots are always alert and quick to disseminate information among overstayers that may be relevant to reducing arrest risks. Textbox 3 shows examples of cTm as safety net.

Textbox 3: cTm as Safety Net

1. *Etimo*, a c1 case, entered Japan in 2007 on the pretense of accompanying his father for medical treatment and subsequently overstayed his visa. Once when a work accident happened, the Japanese employer quickly instructed him and other overstayers to immediately leave the work site so as to avoid being interrogated by the investigating authorities.

2. *Gandi* narrated an instance when he and other overstayers were involved in a car accident. While his companion overstayers, despite their injuries, immediately bolted the accident scene to avoid investigation and inevitable discovery of their illegal status, Gandi was arrested and brought to the police station. He recalls how his Japanese employer very carefully and explicitly instructed him not to speak a word of Japanese and speak only Filipino or English. He was eventually released without further investigation.

3. *Bigote*, a c2 case, was arrested in 2000 after 10 years as an overstayer in Japan and eventually deported. He recalls how he was once arrested for creating a public disturbance (a noisy party). The Filipina permanent resident that Bigote was living with quickly went to work, talking to the local policemen who arrested him - with whom she was acquainted with, apologizing profusely for the trouble caused. Bigote was eventually released.

4.2.3.5 cTm as Legalizer

One of the ways overstayers can achieve legal status is through marriage with either a Japanese national or a non-Japanese permanent resident (see d2, e2 in Figure 2(c)). Notwithstanding procedural safeguards to ensure authentic marriages, ineligible (currently married) overstayers nevertheless find ways to skirt these rules. To be sure, fraudulently consummated marriages remove only the omnipresent arrest risk of overstayers but their illegality persists albeit now masked in bogus legal status. Thus now doubly illegal in status, overstayers become overstaying 'illegal residents,' still under the risk of deportation if found out. Harder for authorities to detect are authentic marriages (both parties eligible) but inauthentic arrangements, sometimes called convenience marriages, where both parties benefit: the overstayer gaining legal status, the permanent resident gaining companionship or some form of financial gain.

Still, given the straightforward economic existence of overstayers, the benefits of legalization through marriage may not be worth the consequences or the trouble. Textbox 4 lists some examples of overstayers reaching legal status through marriage.

Textbox 4: cTm as Legalizer

1. *Iking,* married in the Philippines with kids, narrated how he paid off an insider in a Philippine government agency in order to switch his civil status from married to single. Now using authentic official documents (but with altered data) Iking married a permanent resident and was subsequently upgraded from overstayer to Spouse of a Permanent Resident.

2. *Putik,* a c2 case, and eligible for marriage, entered Japan legally as a Technical Trainee. Bad work conditions impelled him to overstay his visa and he subsequently married a Filipina permanent resident, thus legalizing his stay. Putik concedes that though they live together, he and his wife are not intimate, their relationship being purely economic in nature.

3. Both *Manong and Doble-doble*, entered into their bogus marriages outside of Japan, in effect extending their first stints as overstayers into second stints as overstaying illegal residents.

4. *Gandi*, who is still eligible for marriage despite having (and currently supporting) three children with multiple women, currently lives with a Filipina permanent resident but hasn't given much thought to marrying her in order to legalize. He explains that he doesn't see how gaining legal status improves the work he has been able to do for nearly three decades without it.

Case Study Narration 3: Doble-Doble (narration supports discussion on cTm as Legalizer)

When nationals obey their laws they are, in effect, respecting or acknowledging the sovereignty of the state. As migrants are essentially guests in a host country, do they then have double the responsibility to comply with a country's legal system? Stated differently, when migrants get into trouble with the law, should due process be afforded them less, or their guilt be evaluated under a stricter reckoning? The case of Francisco may help clarify this question.

Francisco entered Japan in 1998 at 29 years old using his real name. He then overstayed his visa, was arrested in January 2001 and eventually meted out a sentence

of two years imprisonment with labor for the crime of overstaying. However since the sentence was suspended for 3 years, Francisco was instead deported to the Philippines.

Just thirteen months later (by March 2002) he was back in Japan, this time as a spouse of a child of a Filipina permanent resident. He was able to re-enter Japan despite being on its blacklist of deported individuals because his passport and marriage contract showed an assumed name -- Francisco. He lived quietly and peacefully in Japan for the next decade, keeping himself gainfully employed through various blue-collar jobs.

Francisco could have stayed on indefinitely in Japan as he was, technically, for all intents and purposes, a migrant with full legal status, except that this status was secured with manufactured documents. But in early 2012, Francisco decided to accompany his mother-in-law to the Philippines as she stricken with cancer and wished to have one last visit there.

Upon his re-entry in July 2012, still using his fraudulent passport and identity, Francisco was arrested by airport immigration. By November 2012 he was sentenced to two years imprisonment with forced labor, but this time with no suspension of execution. Francisco has appealed the sentence, and he is currently awaiting the decision of the court.

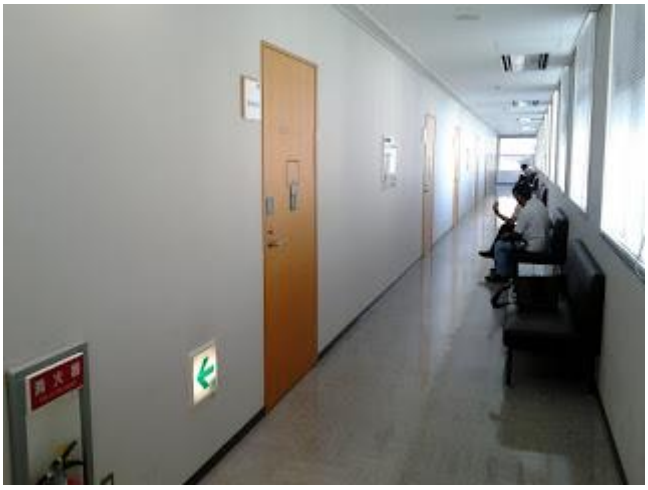


Figure 1: Corridor of Osaka District Court Kishiwada Branch at Kishiwada City, Osaka Prefecture -- This is the court nearest to the Kansai International Airport so cases involving migrants arrested upon entry to Japan are commonly docketed in this branch.



Figure 2: Door of the Court -- Hearings are open to the general public though proceedings cannot be recorded electronically.

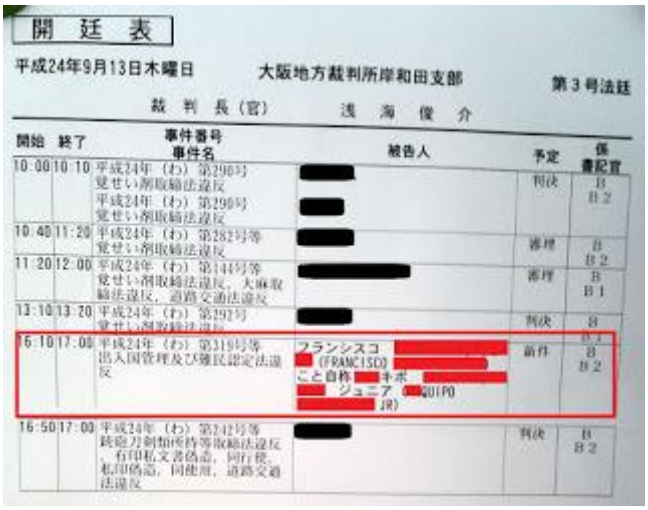


Figure 3: Schedule of Hearings -- Outside each court door is posted this list of hearings for each day. One of Francisco's hearings is marked in red.


開廷表

平成25年2月12日(火)　大阪高等裁判所第3刑事部　第1002号法廷

開始	終了	事件番号 被告事件名	被告人名	審理予定	備考
10:00		平成24年(う)第1464号 危険運転致傷	[redacted]	判決	
10:50		平成24年(う)第1385号 道路交通法違反，自動車運転過失傷害，犯人隠避教唆	[redacted]	判決	
11:00		平成24年(う)第1506号 窃盗	[redacted]	第一回	
11:30		平成24年(う)第1490号 窃盗	[redacted]	第一回	
13:30		平成24年(う)第1660号 窃盗	[redacted]	第一回	
14:00		平成24年(う)第1637号 出入国管理及び難民認定法違反	フランス[redacted] 土自称[redacted]年 ショーヴ	第一回	
14:30		平成24年(う)第1536号 覚せい剤取締法違反，大麻取締法違反	[redacted]	第一回	
15:00		平成24年(う)第1413号 詐欺	[redacted]	第一回	

Figure 4: Court of Appeals Hearing -- Francisco's appeal (marked in red) was heard at the Court of Appeals in Osaka City on February 12, 2013.

By Thursday (February 21, 2013), we will know the decision of Court of Appeals. If Francisco's sentence of 2 years with forced labor is upheld, he will begin serving out his sentence and can expect to be released by February 2015 or earlier.

I say "earlier" because some part of the period that Francisco spent in detention awaiting his appeal to be heard may be "credited" to his sentence, that is, deducted from the period that he needs to serve in prison. There is no hard and fast rule on how much of the waiting period during the appeals process is treated as part of the sentence. In Francisco's case, his sentence at the district court level was given in November 2012 and his appeal was heard in February 2013 so a part of this 3-month waiting period may be credited as part of his serving of his sentence.

Decision: The appeal was rejected.

In explaining its decision, the three judges of the Court of Appeals essentially upheld all the bases of the lower court in finding Francisco guilty. The crime of Francisco, they emphasized, was entering Japan illegally through his use of a fake name. This had

caused great inconvenience to the proper management of immigration in Japan and that he had "no conscience" in doing this second illegal entry even when the suspension period of first sentence in 2001 was still in effect.

The court also cited three positive factors that were favorable to Francisco. First, was that he had fully admitted his crime and expressed remorse for his illegal acts. Second, throughout Francisco's 10-year in Japan as an overstayer he had not committed any crime. Third, the letter sent by the sisters of Francisco asking the court to have mercy on him and just deport him back the Philippines was also considered by the court.

Unfortunately, the court concluded, the positive factors were not enough to outweigh the gravity of the crime of Francisco.

Francisco was given a 40-day credit against the 26-month sentence in cognizance of the almost 3-month period of the appeal. Adding these 40 days given by the Court of Appeals to the 40-day credit also given by the District Court for the 4-month duration of the first trial, Francisco gets almost 3 months off from his 26 month sentence.

4.2.3.6 Summary [of negation of duration control]

The Compatriot Mechanism through varied roles as starter, enabler, safety net and legalizer constitutes a magnet and anchor of migrant illegality as it negates the goal of duration control of the SRS. Overstayers overcome what would otherwise be stunting non-functionality given their lack of legal status by tapping into critical inputs which

ethnic pockets by their very nature of full integration and embeddedness into the local society are ideally poised to provide.

4.2.3.7 Process Catalyzed: Redefinition of Productivity

While Figure 2 showed us that SRS also targets to control productivity (i.e. limiting or closely controlling authorized activities across various residence statuses), a second effect of cTm as it inserts itself into the migration control formula of the SRS is a redefinition of the productivity variable, extending its scope to include the SC and SS spheres in the source country (recall Figure 1). Negating duration limits through cTm inputs does not automatically translate to higher productivity for overstayers, in the long run.

4.2.3.8 Optimum Period of Overstaying

Without any interference from cTm, SRS formulates the variable productivity for non-ethnic-based residence statuses to be co-terminous with duration, with the exception of those it perceives to be high-value migrants (the highly-skilled). But as cTm effects an extension of duration beyond the limits set by SRS, a key consequence is the inclusion of other variables into the formulation of opportunity cost (or opportunity loss) for the overstayer.

Stated simply, the overstayer's extended stay inevitably impacts mainly his/her a) psychological and emotional well-being due to the self-imposed, one-way exile in Japan, b) relations with spouses and children in the source country, and, most

importantly, c) his readiness for the local labor market at the time of his impending return. The negative impacts of these inescapable trade-offs are represented by the non-linear lines in a generally downward trajectory in d1 and e1 in Figure 2(c). The overstayer's short-term benefits of continued income must now be weighed against these new long-term costs created by his successful negation of SRS duration control.

In reality, these long-term considerations on the optimum period of overstaying are rarely, if ever, in the consciousness of overstayers who, due to the inherent nature of overstaying, live on a day-to-day basis. Indeed, the paradox of overstaying is such that the violation is named solely on the basis of time when it is precisely the absence of it, or the cumulative unawareness of the true costs of the voidness of control of time, that defines its real impact: a progressive deterioration in the quality of life of the overstayer and his significant others. Textbox 5 describes the trade-offs involved in the process of redefinition of productivity as a result of the role of cTm on SRS.

Textbox 5: cTm as Redefining Productivity

1. Only in the first five of *Subaru's* 18 years as overstayer were his remittances both consistent and sufficient. Gambling, alcoholism and extra-marital activities kicked in midway thru his tenure, and family communication suffered and eventually got completely cut off for years on end. Upon his return in 2010, he was totally broke, his marriage was beyond repair and his three grown daughters were effectively alienated from him. His work skills acquired in Japan were effectively useless for Philippine employment.

2. *Bingo*, a c2 case, 19 years as overstayer, began saving, only on his 12th year, roughly (only) six per cent of his yearly income, reaching 700,000 pesos by 2008 when he surrendered. He lost half of that amount in a failed business and he spent the other half within just 15 months. He was bankrupt by the end of 2009. His work skills learned in various factories and in construction work, compounded by his age (nearing 50 years), were essentially irrelevant for employment in Manila.

4.2.4 Emergence in Vested Interests (Sustenance of Migrant "Illegality")

I have, thus far, argued that ethnic pockets and local authorities represent intervening variables that interrupt intended outcomes of immigration policy, constituting embedded sources of the sustenance of migrant illegality.

To recap the argument thus far:

> Ethnic pockets of Filipino migrants in Japan interject themselves – in four (4) ways: as starter, as enabler, as safety net, as legalizer -- into the intended control process of the Status of Residence System, enabling Bilogs to activate and engage themselves within the social system despite their lack of legal status.

The logical outcome of this argument would be to say that migrant illegality would then be thriving in Japan. But the official statistics provided by the Government of

Japan belie this. The numbers of overstayers in Japan has been on a consistent decline (average of negative seven per cent decline yearly) for the past two decades since 1994 (Japan Immigration Bureau 2012).

The concept of emergence may help shed light on the apparent incongruence between the main argument and the officially reported trend of decreasing overstayers in Japan. Using the example of a recent local crime management initiative, I will argue that from the inevitable interaction and jostling of vested interests within this initiative emergent properties – not obtaining individually in its constituting parts but arising out of their intercourse – are produced. These emergent properties of interdependence, rationalization and abbreviation allow coherence in the main argument and the decreasing numbers of overstayers by showing that at the interactional level (a separate stratum from the quantifiable level of overstayers reported as decreasing) both compatriots and overstayers actively claim their personal and social identities.

4.2.4.1 Action Plan for the Creation of a Crime-Resistant Society

This section will clarify how my theorized "Compatriot Mechanism" coexists with the active suppression of migrant illegality by the Japanese state. The case we will use to operationalise the term “active suppression of migrant illegality” is the 2003 Action Plan for the Creation of a Crime-Resistant Society or APCCRS (Japan Police Policy Research Center 2003). Are the forces of suppression greater than my argued "Compatriot Mechanism," thus explaining the decreasing numbers of overstayers? I

draw upon the critical realist theory, particularly its views on emergence, in order to better inform our discussion.

One of the objectives in the 2003 Action Plan for the Creation of a Crime-Resistant Society or APCCRS (APCCRS) was the reduction in the number of overstayers in Japan by half (Japan Immigration Bureau 2005). Eighteen specific anti-overstaying measures were to be implemented, contributing to the control of transnational crime, one of five key strategies aimed at restoring public safety in Japan. These eighteen measures are seen to have achieved their objective due to a forty eight per cent decrease in overstayers by 2009 (Kanayama 2009).

I re-organize these eighteen anti-overstaying measures into just seven aggregated strategies and place them within the four spheres of the Sustenance of Migrant Illegality Framework (see Table 15) using two guide questions, as follows:

1. Is the measure implemented in Japan [Destination state] or in the country of origin of the overstayer [Source state]?

2. Is the measure intended to preempt overstaying [by addressing Causes] or to apprehend and deport existing overstayers [by preventing Sustenance]?

The resulting seven aggregated strategies can then be viewed as key component parts in some relational interaction with a migrant illegality whole such that their improvement or deterrence is calculated by the APCCRS to result in the suppression of migrant illegality.

Table 15: Anti-Overstaying Measures of the 2003 Action Plan for the Creation of a Crime-Resistant Society Classified by Place of Implementation (Destination/Source) or Intended Effect (addressing Causes or preventing Sustenance).

	[addressing] CAUSES (C)	***[preventing] SUSTENANCE (S)***
DESTINATION (D)	1. Improve immigration control technology (equipment, personnel, processes, policies) *[measure nos: 1, 4, 6, 7, 8, 9, 18]* 2. Add new and strengthen existing legal basis of immigration contol activities *[measure nos: 8, 9, 16, 17]* 3. Discipline complicit migrant (as business units) utilizers *[measure no: 10]* 4. Ensure productivity of ethnic groups with Japanese descent. *[measure no: 11]*	6. Implement geographic focus on immigration control *[measure no: 8]* 3. Discipline complicit migrant (as both labor and business units: employers, brokers) utilizers *[measure nos: 14, 15]* 7. Prevent access to housing *[measure no: 13]*
SOURCE (S)	1. Improve immigration control technology *[measure nos: 2, 3]* 5. Coordinate and cooperate with foreign entities(both private and government: to extract information and request assistance) *[measure nos: 5, 6, 8]* 3. Discipline complicit migrant (as labor units) utilizers *[measure nos: 14, 15]*	

Source: The 18 anti-overstaying measures are taken from:
Police Policy Research Center, National Police Academy of Japan (2003). Action Plan to Create a Crime-Resistant Society. Retrieved on January 25, 2013 from http://www.npa.go.jp/english/seisaku8/action_plan.pdf.

We see from Table 15 that the seven component parts relate to a migrant illegality whole not only in a more preemptive rather than reactive way but also that this interaction takes place at two fronts: locally and at source countries. Preemptive suppression is composed mainly of effective immigration control technology anchored on a sound legal framework that exacts the necessary compliance from parties utilizing migrants for their labor or business units. Active collaboration with foreign entities enables this control infrastructure to secure critical external information inputs and overseas coordination assistance. Reactive suppression (or the prevention of the sustenance) of migrant illegality is essentially a two-pronged approach: first is a geographic focus on areas perceived to have high overstaying populations; second is a prevention of access to housing facilities.

The question posed at the beginning of this section -- whether the suppressant strategies negate the sustaining mechanisms of migrant illegality -- can now be re-framed thus: how do the suppressant (seven aggregated APCCRS strategies) and sustaining (Illegality From Within/cTm) component parts of a migrant illegality whole interact -- among themselves and in relation to its whole -- to impact the number of overstayers in Japan?

In the next paragraphs I will argue that the consistently decreasing numbers of overstayers reported by the government of Japan is the effect of its suppressant strategies on the *resultant* properties of migrant illegality. Decreasing numbers of overstayers give no indication of the robustness of migrant illegality as seen in its *emergent* properties which are sustained by, actively thrive and re-interact with its own constituting parts.

In the critical realist theory, the concept of emergence plays a central role in its view of reality as ontologically autonomous (Lopez 2003, p.77), that is, that what makes reality persistently more than what we attempt to know of it is its continuous generation of various permutations at multiple levels. The process and the result of this emergence is described as at once cumulative and synergistic – that "the operations of the higher level cannot be accounted for solely by the laws governing the lower level in which we might say the higher level is rooted and from which we might say it was emergent." (Bhaskar 2008, p.113).

I thus apply emergence to help elucidate what I describe to be two of the resultant and three of the emergent properties of migrant illegality: the former describing its cumulative or aggregative nature drawn from its component parts and the latter describing what has resulted from the synergy of its component parts. The possibility of the more which the critical realist concept of emergence enables moves me to qualify that while my description of these five theorized properties of migrant illegality is drawn from the *Empirical* (what I observed – as I cite case snippets and other bases of my observations) that this may only be a subset of the *Actual* (what may be in addition to what I observed) and thus all my arguments will be describing, if at all, only a part of what is *Real* (the Empirical and Actual and all other future emergent combinations) (Bhaskar 1975, p.13 cited in Collier 1994, p.34).

Elder-Vass (2010) defines an emergent property as "one that is not possessed by any of the parts individually and that would not be possessed by the full set of parts in the absence of a structuring set of relations between them" and a resultant property as "properties of a whole that are possessed by its parts in isolation, or in an unstructured aggregation." Properties then of a migrant illegality whole arising from the particular ways immigration control technology, the migration legal framework, compliant migrant utilizers, migrant productivity, collaboration with foreign entities, geographic focus, and blocking of housing access interrelate may be specific only to the migrant illegality or in both migrant illegality and each of these seven component parts individually.

4.2.4.2 Resultant Property: Innovation

Goal-driven migrants pounce on loopholes in immigration control technology to achieve, first, entry, and then, second, legitimate (legal) status by whatever means (recall c1, d1, d2, e2 and f2 in Figure 1). Whether as fulfillment of demand for highly docile and tractable labor or as willing victims providing continuing business to facilitating organizations, migrant utilizers at both destination and source states continue to flaunt migration rules backed by an impotent legal framework. Innovation inevitably translates to overstaying longevity (recall *Gandi*/Textbox 2) or emboldened disregard of the State's rules (recall *Doble-doble*/Textbox 1).

It is the suppression of this continuing innovation that is targeted by the APCCRS strategies including, mainly, the fortification of immigration control technology, strengthening of the legal framework, the enforcement of compliance by migrant utilizers.

Moreover, it is similarly the innovation of these individual components, reacting to separate stimuli (wholly or partly unrelated to migrant illegality itself), that brought these constituting parts into their current configuration and relational schematics that, in turn, form the resultant properties of the migrant illegality whole. One example of these lower-level innovation instances is, as I discuss in the section on ethnic pockets, how the legal framework adopted various types of resident statuses for Koreans in Japan in its attempt to either keep them at arm's length or achieve their full societal integration. Still another example is how Japan's immigration control processes

"anonymously" acquiesced to the changing activities of migrants applying for the same entertainer visa category(the official definition of which remained unchanged), beginning with established musicians playing instruments and ending with supposed prostitution and a host of other alleged illegal activities.

Case Study Narration 4: Etimo (narration in short-story form supports discussion on resultant property of innovation)

"Where are we going today, Boss?" asked Etimo. "Housekeeping," answered Nakamura-san.

Etimo was asked to report for work unusually early. At 5am Etimo was on the company truck on its way to San'ya to pick up other workers for that day. Etimo was one of the company's "regulars" which meant that he had an assured seat on that company bus for daily work assignments. Etimo's stomach started grumbling, and he knew he needed his daily dose of caffeine.

"Boss, I'll get off first and grab a drink from the vending machine. I'll catch up with you at the next corner." Nakamura-san reminded Etimo, "You better be at the last corner, or I can easily fill up your seat with other workers."

Etimo jumped off the truck, and ran for the nearest vending machine. He had been with this current company of his for the past 5 years already and while he knew his Boss could be harsh at times, he had carefully cultivated his reputation for reliability and he knew his Boss would save a seat for him.

"You. You. You," Nakamura-san shouted as he was picking the youngest-looking, healthiest-looking among the many day-laborers standing at the street corner. In no time, the 7-seater, mini-truck was full of workers for the day's task.

"Boss, here's your coffee, " Etimo exclaimed as he jumped back into the company truck, placing the favorite drink of his boss into his hands. He knew how to please Nakamura-san with these small gestures. Nakamura-san handed him the exact payment. Etimo knew his Boss wasn't expecting a free drink. Nothing was free in Japan. Nakamura-san appreciated Etimo's thoughtfulness. As Etimo got back on the truck, and into his "reserved seat," he wasn't surprised that it was already full. San'ya was the second biggest day laborer market in Japan and supply of eager workers, most of them not having worked for many days, was plenty.

"Today, we will have to get rid of some materials from previous demolition work sites," explained Nakamura-san. "Which ones, Boss?," asked Etimo, knowing that they had done a number of demolition projects over the past week. "The ones that cost too much to get rid off properly. Contracts are getting harder to get nowadays, and so this is my only way to save some money," Nakamura-san answered back.

Sitting in front of the truck with Nakamura-san, Etimo quietly listened to his Boss's litany of problems caused by the current downturn in the economy of Japan. His business of demolition was always affected by the downturn or upturn of the economy. If the economy was good, people had extra purchasing power and wives could easily ask their husbands for a kitchen renovation, or an additional guest room or even a

completely new house. Businesses expanded branches, renovated shops with new themes in preparation for higher sales given brisk spending by deep-pocketed customers. And, demolition companies were full of work in the good times.

The demolition business was a highly-regulated activity. Extracted building materials had to be classified and disposed of properly. And that cost money, as designated recycling centers accepted materials only if they were completely segregated and packed properly. Proper segregation meant more laborers, which meant more salaries had to be paid. To save on costs, business owners, when times became really desperate, chose to haul non-segregated, extracted building materials out to the suburbs where they had unofficial "dump sites."

"Hey Etimo, tell the workers to split up into two groups. Send one group to the far back, and the other group can start off-hauling this load I have now," Toshiro-san said. They had arrived in the unofficial dump site, a 1.5 hour drive away from Tokyo, tucked safely up a remote village sitting on the side of a mountain and its thickly-covered forest. Toshiro, Nakamura-san's trusted local employee, and Etimo's work-buddy, had been hauling demolition refuse into the site since the day before in preparation for today's operation.

Speaking in Japanese, Etimo began giving instructions to the workers for that day. The workers were composed of Japanese and non-Japanese workers, mostly Chinese, Indonesian and Filipino workers. Japanese was the language at work.

There were two heaps of extracted building material and the one nearer to the mountain forest edge was ready to be "processed." Toshiro and the other half of the workers were still unloading his current load into the second, smaller heap. Etimo took it upon himself to lead that group at the far back part of the dumping site. This was not the first time Etimo had done this, and he knew that the "processing" needed an experienced hand.

"Insert these sticks under heap," Etimo said as he handed out the material. "Make sure you place it well into the middle of the heap." Etimo and his group of workers made a final inspection of the heap, picking up loose material scattered around and throwing it on the top. Then Etimo lit the first stick.

The extracted building materials were to be burnt, the fastest, cheapest way to dispose of them. It was also illegal. Nakamura-san had developed a system to make sure that each heap was small enough so that the burning wouldn't last long and the smoke wouldn't disturb any of the nearby houses, which were few and far apart given that this was a remote part of suburbs of Tokyo. Toshiro-san and Etimo were familiar with the procedure.

But, on that day, the wind was untypically strong. Nakamura-san had failed to notice the wind factor when he checked the weather that morning. "Boss, the smoke is getting blown far-away. There may be complaints. Should I turn it off," Etimo asked Nakamura-san. Complaints made by households signaled that the police would come. Nakamura-san was well aware of this, but was willing to take that risk, considering that

he was already committed to pay ¥10,000 to each of the 7 workers he picked up. That, plus Etimo and Toshiro-san's salary, an easy ¥90,000 would go down the drain if he aborted the operation.

"No, proceed," Nakamura-san decided.

With that cue, Etimo's instincts went on maximum alert. Eighteen years of being illegal in Japan had fine-tuned his police early warning alarm. When the police come, they always cordon off the work site and question all workers, requesting for documentation and other permits. Previous burning they had done at this remote dump site was controlled and they didn't cause neighbors any trouble. But this time, Etimo knew they were inviting trouble.

The first heap was burned to a crisp in about two hours, and the workers proceeded to the second heap. Etimo stayed behind, as he was inspecting the ashes, making sure there was no possibility that any embers could be blown by the wind and land in forest grass, starting a fire.

Suddenly, and without warning, police cars descended into the dump site, surrounding them. The police had kept their sirens off, wanting to use the element of surprise. Quickly, the area was cordoned-off and the workers, most caught-off guard, were guided to one secure corner.

Two workers, however, one Filipino and one Chinese, were able to make a run for it. "There, let's go to the back where we can hide," said the Chinese migrant worker.

Reaching the back, the Filipino called out, "Etimo, where are you, police have come." Etimo was nowhere to be found.

"I knew this would happen," Etimo said to himself. He had run up the mountain even before the police arrived as he had seen the patrol cars coming. Already expecting trouble, he had trained his eyes on the road leading to the dump site which he could see from the elevated standpoint of the second heap. Now safely hidden inside the forest, Etimo could see everything that was going on down in the dump site.

"Stop," shouted the police, seeing the Chinese and Filipino workers run towards the back of the dump site. Ignoring the police, the two workers continued to run toward the back.

"There's nowhere else to run but into the forest," exclaimed the Chinese worker. The forests in Japan were well-preserved and as such quite thick, and they would surely be able to hide there, the Chinese worker said to himself. The Filipino, however, had second-thoughts, "There could be wild animals and we don't know how long we'd have to hide." They were both neophyte illegals, each being only less than a year in Japan. The Filipino stopped saying "Go on ahead, I don't think I can make it in the forest." The Chinese worker continued but eventually stopped as the incline became too steep and the forest was just too scary up close.

Etimo could see that the Japanese policemen were close behind the two fleeing workers. Seeing the Chinese and Filipino stop, he called out to his compatriot, shouting in Filipino, "Hey, come on, continue going up, I'm here!" The Filipino heard

him, turned his head toward the direction of Etimo's shout, "Where are you? I can't see you." The forest vegetation was just too thick, and Etimo had chosen his spot well. "Here," Etimo turned on his flashlight, waving and aiming it at the Filipino, hoping he would see it. That move was risky, as even the police might have seen it, but for a compatriot Etimo was ready to do anything.

"I can't do it. I don't think I can make it there," said the Filipino. "Think of your family, and the people you are supporting back at home," Etimo tried to remind the Filipino worker of his objective in coming to Japan. "You can do it!"

But the Filipino had reached his limit. Unlike Etimo whose investment of eighteen years in Japan was worth protecting, this newbie Filipino was not as determined.

The workers on the dump site were rounded up. All five of the non-Japanese workers were found to be overstayers. They were summarily arrested, and were loaded into a back-up van that had subsequently arrived, and were to be brought to the Immigration detention center. Pictures were taken of the illegal act of burning and Nakamura-san was also arrested. After about two hours, the police had left with Nakamura-san and all the workers.

During all that time, Etimo was determined to stay in the forest. He had more to lose, than the other workers arrested. He was planning to finally turn himself in that year, and return home. "But to what?" Etimo set himself off thinking again. When he left the Philippines, his three daughters were just babies. Now one was a registered nurse, and the other two were on their last years of college. At best, relationships with his

daughters and wife were strained. He had not been able to send remittances consistently, and he couldn't call himself a determined letter writer. Even his calling home, in the past religiously done once a week, had stopped completely. Etimo had no savings despite eighteen years in Japan. "What would I do back in the Philippines," he thought.

Seeing the police leave the dump site, Etimo stayed hidden for a few more hours just to make sure the police wouldn't come back or weren't waiting for anyone hidden to come out. The police in Japan were very smart, Etimo knew from experience. "But I am smarter," he motivated himself. He needed all the motivation he could get to stay for hours amidst the thick forest foliage.

Mosquitos were the main threat, next to snakes and even wild animals. Never mind his hunger and his dehydration, as his water and food packed lunch were left down in the dump site. Etimo was now five hours in the forest, and it was getting dark.

"Hey Etimo, I am here in the forest hiding. Just wanted to let you know where I am just in case I get eaten alive here by some wild animal," Etimo called from his phone which he had by instinct kept in his pocket. "What?!!" Etimo couldn't believe what Etimo had told him. They had been friends for three years already, since becoming an illegal worker himself. Etimo had entered legally as a Trainee but because work conditions were really bad at the company where he was placed, he escaped from the company dormitory just before his contract ended. And it was Etimo who helped him escape.

Etimo tried to put himself in the shoes of Etimo and see if he would be able to do that, if he were put in a similar position. He couldn't answer his own hypothetical question. He had always admired Etimo and his determination to stay undetected in Japan. But he also knew about Etimo's family situation and often wondered what he was sacrificing for in Japan if he had essentially become alienated from his own family back home. "Ok, call me if you want me to go there and get you, or when you've come down safely," Etimo told Etimo. Etimo knew he could rely on Etimo, which was why he was the one Etimo first called.

At 7pm Etimo went down from his hiding place. It was still bright, being the mid of June, but Etimo knew it would be dark soon and the darkness would provide him more cover, just in case the police were still waiting for him. He had to go back down to the dump site and walk back out through the main road as that was the only way out. He didn't think he could walk through the forest and come out on the other side. That would have been suicide, he thought.

He walked for about 3 hours to the nearest train station. On the train back to Tokyo, he wondered why people were looking at him. This was quite uncharacteristic behavior for the Japanese on the train, as everyone normally just minded their own business. Then he realized why. Looking down at his arms and feeling his facial skin, he saw that he had hundreds of insect bites and his skin had so many red spots. Etimo's adrenalin, pumped up to the highest levels, must have prevented him from feeling the insect bites. Also his intense thoughts of his own situation in Japan kept his mind at another plane of reality.

"I am a survivor." Etimo knew that much about himself. And he was proud of it.

As he got off the train, he was not surprised to see some police officers heading directly toward him. The crowd was providing some cushion between him and the police, and he had a few seconds to think and act.

4.2.4.3 Resultant Property: Value Negotiation

The exigencies of migrant illegality impel its participants to a heightened urgency and shortened cycle of interrogation of risk versus benefit. Overstayers routinely grapple with both strategic choices - albeit unknowingly given the absence of perspective and uninformed by hindsight - and tactical dilemmas: the impact of short-term productivity enabled by their state-unsanctioned, extended stay on their own well-being and that of their families (recall d1/2 and e1/2 of Figure 2); deciding who to trust with the knowledge of their (lack of) legal status especially when this assists or endangers the recommendation with which his current or next job is secured. Local authorities (Shipper 2008) also find themselves weighing their more immediate mandate to enhance the welfare of their constituents versus their role in towing the national policy line. Outcomes of value negotiation include regret over long-term misprioritization (recall *Subaru*/Textbox 5), the primacy of economic over all other considerations (recall *Manong*/Textbox 4) or humanitarian considerations on health services (recall *Iking*/Textbox 2).

It is this value negotiation that the APCCRS's suppressant strategies target to rein in by ensuring that the result of the negotiation tilts in favor of the State. One example is

the 2004 Departure Order System (Japan Immigration Bureau 2004) which presented overstayers with the option to voluntarily surrender and return to their country of origin in exchange for a shortened period of banned return to Japan and the waiving of what was previously mandatory detention for all overstayers. Another instance is the 2012 abolition of the Alien Registration Law and its replacement with the new Resident Management System which centralized the registration and management of foreigner identities with national-level agencies, having the effect of minimizing or altogether negating the pattern of favorable, at worst, or, at best, neutral treatment of overstayers at selected local governments throughout Japan.

The property of value negotiation in component parts may be best exemplified in the suppressant strategies related to productivity (see #4 strategy in Table 3). Foreigners with Japanese descent are singled out to be given job placement and career counseling assistance in order to head off their regression into crime. This form of value negotiation has been described as a racialized hierarchy (Shipper 2008) on which access to employment markets is wielded most favorably in favor of foreigners with Japanese descent.

4.2.4.4 Emergent Property: Interdependence

What would otherwise be a crippling handicap due to lack of legal status is overcome by overstayers who deftly cultivate, expand and then efficiently utilize their social networks. Ironically, it is precisely the systematic exclusion produced by the State's suppressant strategies that enables the overstayer's inclusion within his ethnic

community, spawning this keen sense of interdependence, consummating, as it were, the four cTm sub-types (recall discussion on cTm as starter, enabler, safety-net and legalizer).

This kind of heightened social symbiosis intrinsic in migrant illegality is distinct from, say, the refuge afforded a fugitive murder convict by relatives, or the solace given to a terminally-ill patient by social workers: in the former case, familial obligation prevails over attributed high risk; in the latter case, the imperative may be fueled by altruism. In migrant illegality, the interdependence is inherently vested and voluntary: employers secure business flexibility thru exceptionally-compliant overstayer hirees; ethnic pockets who help overstayers get rights to collect future favors, loyalty, reciprocated intimacy, etc.; cooperative local authorities get convenience, a robust, resilient and low-cost small-business sector, possibly even benefits to multiculturalism; finally, overstayers get continued existence.

Interdependence exhibits itself in employer protection (recall *Etimo* and *Gandi*/Textbox 3) or utilitarianism and convenience (recall *Putik*/Textbox 4).

4.2.4.5 Emergent Property: Rationalization

Migrant illegality has a uniquely insightful property of exacting a review of the configuration of things. This impelled rationalization triggers a specialization, an improved coherence, a clarified stake or vested interests, a redefinition of boundaries or limits. The mere physical presence of the overstayer becomes an imperative or an opportunity as migrant illegality is challenged as to where and how exactly it becomes

a liability, an asset or a given to be circumvented, overcome or simply contended with or disregarded.

Employers adjust recruitment and operational procedures to "fit" overstayers' difficult circumstances, uncovering previously unexplored practices (enabling "specialization") that now tread delicately between complicity and business flexibility (recall case snippets in cTm as Safety Net). Local governments facilitate and enable locally-managed social services thru partnership with local groups, clarifying the scope and depth (and thus coherence) of its services for constituents. Compatriots look beyond (lack of) legal status and crystallize their own immediate take-away from relationships and liaisons of various complexities. Overstayers themselves are able to thrive or regress to hitherto unknown heights of potential or depths of deterioration given the day-to-day crossroads that is migrant illegality.

4.2.4.6 Emergent Property: Abbreviation

The preeminence of the legal and political re-constitution of the overstayer -- that is, as being primarily illegal in resident status and thus excluded from the mainstream -- has the effect of distorting or misrepresenting other aspects of the overstayer which could reveal a middle ground or the possibility of a win-win resolution to migrant illegality. I first surface this abbreviation property of migrant illegality in my summary discussion of Figure 1, arguing that migrant origin (a proxy for eligibility) and migrant space (a proxy for legal status) are among the key blind spots of migration policy makers who are guided solely by the legal-illegal dichotomy.

One key area where this abbreviation is evident is in the skilled-unskilled divide where an overstayer may be previously skilled (eligible but in illegal migrant space) but his lack of legal status locks him into the unskilled, informal markets. Migrant utilizers may be aware of an overstayer's dormant skills but as they have reached the limits of their allowable rationalization (simply put, vested accommodation), they are forced to relegate the overstayer to below-potential job functions. These abbreviated potentials still overflow into non-skill job areas such as overall consistency, reliability, thoroughness in work performance -- thus making a liability of the overstayer into an asset for the employer. *Iking, Gandi* and *Etimo* (see Textboxes 2 and 3) completed or were at advanced stages in their education when they departed for Japan but now are reduced to manual labor in companies in the construction and service industries.

One compelling aspect of this abbreviation property in migrant illegality is its two-stage applicability, that is, in both the destination and source countries: returning overstayers (recall *Subaru* and *Bingo*/Textbox 5) find that any technical skill acquired in Japan is basically inapplicable in the Philippine labor market.

It is in the confluence of the three emergent properties of interdependence, rationalization and abbreviation that I locate my theorized Compatriot Mechanism. I contend that while the APCCRS suppressant strategies address the resultant properties of migrant illegality - thus explaining the decreasing numbers of overstayers - the same suppressant strategies are unable to make an impact on the emergent properties of migrant illegality since its persistent social structure expressed through the particular social relations between ethnic pockets and overstayers (in which interdependence,

rationalization and abbreviation are rooted) remains intact. Indeed, overstayer numbers may be decreasing but the capacity for emergent migrant illegality persists.

Indeed, informed by the critical realist view of emergence, it may also be that the part of migrant illegality reality that is being described by decreasing numbers of overstayers, while I argue this to be describing only its suppression of resultant properties, may be distinct, complementary or even constitutive or essential to that part of reality which I theorize as CTM. Stated differently, APCCRS may be successful in suppressing innovation in migrant illegality and in ensuring that value negotiation favors the State (as seen in the decreasing overstayer numbers) but then this active suppression may 1) have nothing to do with or independent of cTm, or 2) may trigger or enhance more intense interdependence, rationalization and abbreviation. APCCRS and cTm may be separate *Empirical* observations, or each may constitute part of the *Actual* from the varying or opposite perspectives of the participants of migrant illegality.

That the active suppression of migrant illegality (through APCCRS) and cTm are not mutually exclusive but rather related in some way can be seen by looking closer at what Archer (2003: 20-25) describes as the emergence of personal identity and the emergence of social identity. Arguing within the context of the structure-agency debate, Archer assigns a reflexive role to the person (the *social agent*), as it nourishes, works and relates (the *natural*, *practical* and *social* orders of reality), thus actively forging a *continuous sense of self* that is formed individually– one's emergent *personal identity* formed through its choices (*modus vivendi*) – but also contingently through

our equally critically chosen social roles – one's emergent *social identity*; the latter crystallizing within and thru the former.

Informed by Archer's view of a reflexive social agent, we may now re-interpret innovation, value negotiation, interdependence; rationalization and abbreviation as resultant and emergent properties of migrant illegality in which overstayers and ethnic pockets (as individual members) exercise their reflexive sense of selves. The overstayer's modus vivendi, that is, his prioritization of economic values, dictates that he innovate and value-negotiate his way thru whatever political or legal obstacles presented by host States. As compatriots sustain overstayers through their social identities as cTm agents, their own modus vivendi is continuously and interactively acted out in the context of the State's active suppression of migrant illegality.

More concretely, when the State from time to time intensifies overstayer crackdowns, both overstayers and ethnic compatriots react in any of the following ways: 1) by intensifying (locking down their refuge of overstayers) or aborting (squealing or reporting an overstayer) interdependence, 2) broadening (more liberally justifying need to ask or give assistance) or constricting (reprioritizing own interests) rationalization, and 3) condone (employers of overstayers judging penalties to be worth the risks) or reject (overstayers deciding to surrender) abbreviation. Simply put, compatriots cease, maintain or improve their social identities within the cTm mechanism, that is, as starters, enablers, legalizers or safety nets within the given constraint which is the active suppression of migrant illegality in Japan.

In summary of this section I now answer its primary question: the apparent discord between an emergent migrant illegality that is sustained by cTm and the reported decreasing numbers of overstayers can be reconciled in a critical realist view of emergence that highlights the structural relations between both resultant and emergent properties of migrant illegality through which overstayers and their compatriots are reflexive social agents critically embodying both their personal and social identities.

4.2.5 Analytical Dualism in Vested Interests

Before we subject our arguments on vested interests thru analytical dualism, let us first review what arguments have been made thus far. Thru the discussion above, we have now clarified that the conceptions of "illegality" of the three main actors in migration – as seen in the interplay of their opposing vested interests within the structural assumptions of the SRS and the APCCRS – converge or diverge in the following points:

a. "Illegality" as legal status

Japan's stance (as the host state actor) on the role of human mobility (international migration into Japan) as a threat rather than a catalyst to its long-term viability given its impending demographic liabilities operationalizes "illegality" as a status used to mitigate this perceived threat. Thus "Illegality" as a status becomes a control mechanism formalized in the SRS that, in turn, legitimizes control in society-wide, structural manifestations such as the APCCRS.

The Philippine stance (as source state actor) on "illegality" as legal status is that it is essentially a handicap or consequence that the migrant alone assumes, and for which accountability is only to the host state. The unbridled exodus of Filipina entertainers for nearly two decades, resulting in the Philippines having the highest percentage of female overstayers among the top countries with overstayers in Japan; the discontinuity of the relevance of the status "overstayer" immediately upon deportation (unlike in the case of traditional crimes with penalties recognized and implemented regardless of national boundaries); even the unmitigated re-entry of previously deported overstayers given the relative ease in acquiring bogus documentation – all show a utilitarian approach to "illegality" as status, that is, that any and all remittances from migrants are welcome regardless of the legal status under which they were earned.

Employers of overstayers, even if located in the host state, are classified in the same side as the source state in the sense that "Illegality" as status is transacted for their commercial benefit.

Lastly, how the migrant appropriates "Illegality" as status is defined by his/her "initialization" or "configuration," if you will, within the local ethnic community. As members of differentiated ethnic pockets with legal status, the "illegal" label on compatriots is essentially a benign status. As discussed, members of these long-entrenched ethnic pockets even catalyze the sustenance of "illegality" through various roles. For the overstaying migrant – the majority of whom belong to Group 2: Non-Compliant Migrants [recall Figure 2(c)] – "illegality" as status is far from benign (as it

constitutes an omnipresent threat to their continued presence in Japan) but hardly deters them from working towards their economic goals. This non-deterence, as my overstayer respondents stress, is not due to overwhelming courage nor preference for the difficult but rather due to the fact that "Illegality" as status is simply a point of no return for them.

Thus, the divergence in conceptions of "Illegality" as status brought about by the vested interests of the three main actors in migration can be said to be non-exeptional, even predictable. The host state transacts "illegality" as a control strategy which is understandably flaunted by vested interests that are in opposition with the interests of the host state. This is because, in their view, the immediate/short-term economic benefits (remittances for the source state, manpower savings for employers, absolute earnings for overstayers) justify risks taken in this flaunting.

b. "Illegality" as being systemic

While on the one hand there is divergence in conceptions of "Illegality" as status, there is, on the other hand, convergence in conceptions of "Illegality" as being systemic. This convergence in "illegality" as being systemic, however, diverges when we consider what each vested party considers as actionable.

As discussed, the host state recognizes that overstayers' continued existence is inseparable from the ethnic pockets within which they primarily exist and among whom they are unavoidably integrated. Those that employ overstayers do so based on the strength of endorsements or vouching from a trusted link to the overstayer's

ethnic group. Source states recognize that the norm of "illegality" as a matter of course can be mitigated only by addressing the more foundational societal forces at work that produce it. And, as learned from respondent interviews narrated in Textboxes 1-5, a migrant's decision to become an overstayer is never made in a vacuum, and always factors in his first point of refuge and succeeding points of sustenance (job referrals, remittance systems, etc).

Unlike the divergence in "Illegality" as status being almost a foregone conclusion, the convergence in conceptions of "Illegality" as being systemic is exceptional. This is because, as discussed in this section, what emerges from this convergence of views that "Illegality" is systemic reflects the divergence of what each vested party views as actionable. The host state, for example, forges ahead in implementing "illegality" as a control mechanism through its anti-crime program even if its effects are detrimental to the long-term well being of embedded ethnic groups, given the distrust fomented by the encouragement of snitching of overstayers to authorities. In the purview of the host state then, as we saw in the discussion, "Illegality" is systemic but the goal of control trumps all other consequences of the achievement of control. On the other hand, those whose interests are in opposition to the interests of the host state, leverage "Illegality" as being systemic in order to further their respective interests.

In summary, "Illegality" as systemic means that it is not trivial, arising from some societal component in a vacuum – if this were at all possible; it is not isolated, untraceable to some prior event or social component and their accompanying intricacies.

It is in this context that we now have to subject this divergence and convergence of conceptions of "Illegality" among the three vested interests in migration to the process of Analystical Dualism. We must proffer an explanation as to why the argued divergence and divergence is so and not otherwise.

Archer (1995) explains that if we filter the emergence-interplay-outcome sequences through their inextricable temporal backdrop, and sever, if only analytically, the parts (structure and culture) and the people from their otherwise seamless, perpetual interaction, then the distinctness and thus the attribution of reasons is facilitated.

Archer stresses how analytical dualism is the incumbent methodology of social realism which the morphogenetic/static approach complements:

> *Quite simply, if the different strata possess different properties and powers and structure and agency inter alia are deemed to be distinctive strata for this very reason, then examining their interplay becomes crucial. When applied to structure and agency, the realist social ontology entails the exploration of those features of both which are prior or posterior to one another and of which causal influences are exerted by one stratum on the other, and vice versa, by virtue of these independent properties and powers. The 'people' in society and the 'parts' of society are not different aspects of the same thing but are radically different in kind. This being so, then social realism implies a methodology based upon analytical dualism, where explanation of why things social are so and not otherwise depends upon an account of how the properties and powers of the 'people' causally intertwine with those of the 'parts.'* (Archer 1995: p.14-15)

This section will now employ Archer's analytically dualist methodology to bring into focus an analytical history of the convergence and divergence of vested interests in their conceptions of "Illegality." I will necessarily cite structural and cultural

conditioning factors but will mainly focus on the morphogenesis (elaboration) or morphostatis (reproduction) of "Illegality" across the three main vested interests.

Archer (1995: 218-245) cites eight terms that encapsulate various configurations in structural and cultural conditioning, describing a mix-match in interests and resources. I will apply a handful of Archer's (marked in italics) in the narration below.

4.2.5.1 Points on Structural Conditioning on Research Question #1

As a quick recap, I employ the case of the Status of Residence (SRS) system, first instituted in 1981, to highlight how the "control" objective of Japan as the host country is operationalized into the two axes of the SRS, that is, duration and productivity [recall Figure 2(a)]. I consequently argue that the SRS is the foundation on which ethnic pockets draw their legal status from where they, in turn, anchor the sustenance of migrant "illegality." This then helps us understand the divergence of conceptions of "Illegality" as status and the convergence of conceptions of "Illegality" as systemic.

I will now cite one point on the structural conditioning – *Necessary Complementarity* – that may better contextualize why conceptions of "Illegality" converge and diverge as I contend that they do and not otherwise.

Archer (1995) explains *Necessary Complementarity* as part of the structural conditioning with which agency operates. When two or more structural factors – which may or may not have developed in conjuction with one another – find their

interests and goals mutually in support of or in alignment with one another a situation of *Necessary Complementarity* is argued to exist.

Three structural variables, I contend, formed a *Necessary Complementarity* that conditioned the convergence and divergence of conceptions of "Illegality."

These three variables are:

First, Japan's immigration law, first called the Immigration Control and Refugee Recognition Act (ICRAA) in 1981 in order to recognize and formalize the status of refugees (Mori 1997), provided a much needed boost of legitimacy to Japan as a full-fledged member of the international community and as being compliant with international standards on human rights. I say "much needed" because how Japan prior to 1981 dealt with its Korean and Chinese ethnic population that carried over from WWII exposed its prioritization of national interests over human rights. Called "contradictions and citizenship politics" (Chung 2010), Japan essentially kept what should have been a deeply intimate ethnic population – given its role providing wartime labor during Japan's aggressive imperial years – at arm's length, first keeping the legal status of their descendants unclear for decades and then indecisively acting on multiple instances of human rights issues. From this ICRRA then arose the SRS which became the legal basis of the immigration control of the succeeding decades.

Second, at about the same period as the immigration control act came to be rebranded as the ICRRA, certain trends in the crime and security situation – as culled out from a detailed scanning of annual police reports from 1973-2011 – showed a

noticeable shift to "internationalization of crime" (National Police Agency 1973-2011). In the 1970s Korean and Chinese crimes were regular staple and were classified the chapter heading called "activities and investigation." In the 1980s crimes by "visiting foreign nationals," referring to foreign visitors on short-term stays, began to be reported. Illegal immigrant statistics were now found more frequently under the heading "maintenance of public safety." The 1987 police report focused heavily on globalization, citing new-comer crimes by Filipinos, Nigerians and Pakistanis. By 1990 the whole of chapter 1 discussed the problems of foreign workers, linking work in the sex industry and unskilled labor with migrant illegality. This noticeable shift in police action and reporting, needless to say, were based on corresponding changes in the legal framework against illegal migrants

Third, in the mid 1980s and early 1990s, stocks and flows of foreigner groups increased substantially in response to various immigration initiatives (recall Figure 4: Japan Labor Protectionism Matrix) including the return of Japanese descendants, the entry of technical trainees, the recruitment of more foreign students. The entry of these "new-comers," as they would often be called (in contrast the Koreans and Taiwanese "old-comers"), coincided with a watershed of sorts for migrant illegality in Japan. As I argue above, this period starting in early 1980s and continuing for most of the next two decades gave Filipinos in Japan one of its distinct and decidedly characteristic features (at least in the perspective of the Japanese): an ethnic group of mostly brides or female entertainers, or both, to the Japanese. And naturally this feature found parallels in the gender composition of overstayers in Japan with the Philippines having

the highest percentages of women overstayers (67%-71% in the year 2005-2010) compared to the top 10 nationalities of overstayers (see Annex 2).

How do these three variables form a *Necessary Complementarity* that explain the particular convergence and divergence of conceptions of "Illegality" by the three vested interests?

The ICRRA (first variable) formalized the basis of an immigration control infrastructure and its accompanying legitimacy boost emboldened other parts of the government to reorient its existing programs, such as that of the national police agency (second variable), to what, I contend, is tantamount to a strategy of fear. Without the legal basis now provided by the ICRRA, the crime strategy of the Japan police would not have been as pervasive and fully sanctioned as it was. This first variable also provided the impetus to the massive influx of newcomer migrants who then, paradoxically, become the object of the control of the first and second variables.

This *Necessary Complementarity* produced by the three variables conditioned the varying conceptions of "Illegality" as status and "Illegality" as systemic as it heightened the opposing stances of the three vested interests – making respective interests farther from the other in terms of common ground. New rules on resident categories started in the ICRRA of 1981 and enforced to the letter by the National Police Agency provided a rallying point, a common "enemy" so to speak for embedded ethnic groups. This provided the crystallization of embedded ethnic groups into what I call the

"Compatriot Mechanism" that plays four key roles in the sustenance of migrant illegality in Japan.

4.3 How has the conception of the "unskilled" migrant worker evolved historically to condition migrant 'illegality'?

This second sub-research question will highlight the historical imperatives out of which "illegality" emerges.

The subject of work is central to the concept of "Illegality" since the economic motive is a primary impetus to "regular" migration within which "irregular" (or "illegal") migration takes place. Maintaining legal status thus becomes secondary to maintaining continued access to work opportunities. The subject of skill, in turn, shapes the quantity and quality of work available to migrants: highly-skilled migrants are vigorously pursued while low-skilled migrants are carefully controlled. While these labor protectionist policies are argued to be primarily in the service of domestic interests of host nations, a glaring reality that cannot be ignored is that these same policies are in direct opposition to both structural (economic situation) and demographic (large volume of surplus labor) factors in leading source countries (mostly third world/developing countries). The state's policies on migrant skill become like floodgates effectively suppressing what the state assumes (reference on 1997 document on unskilled) would naturally be a great influx of low skilled workers without these floodgates.

Thus, this second sub-research question investigates how "illegality" emerges out of the state's stances on "unskilled" workers which, in turn, are argued to have originated from its recent migration experiences in the late 19th and 20th centuries.

In essence then, the reason why this second research is relevant to our main research question – on how to conceive, or find coherence in the existence of migrant illegality – is because it explains the historical roots of the ideational conditioning of the host state, constituting the cultural boundaries within which migrants actively then exercise their agency – resulting in either transformation (morphogenesis) or reproduction (morphostasis) of the status quo.

4.3.1 Defining The Term "Unskilled"

We begin first by discussing the multiple perspectives from which the term "unskilled" may be interpreted within the subject of international migration. The term may take on different meanings and implications when used by either the host state or the source state, and it is this varying application of the term by the three actors in migration (the host state, the source state, and the migrant) that we can find its significance to migrant "illegality."

The implied meaning of the term "skilled" as it is used in migration is clear in that those who possess it are desired by destination countries because it guarantees that they will have jobs (read alternatively as "thus being productive members of society" or "not becoming charges of the state or perceived "burdens" to its social welfare system"). The "highly-skilled" are not only desired but actively pursued as the

perspective of value, and thus the skill's primary beneficiary, shifts from the possessor to its utilizer: while skill powers the migrant's stability and financial future, "high-skill" ensures that the state stays relevant or globally-competitive or even the leader in key industries. Almost intuitively, the "unskilled" worker is thought to be the opposite of the "skilled" worker, reducing the variable to a simple dichotomy. Others see skill as a continuum, thus going beyond the skilled-unskilled dyad and into a low-, mid- and high-skilled range of worker classifications.

Yet the multi-faceted problematic of the term "unskilled" begins when we see that beyond just possession or non-possession of a skill (dichotomy view) or possession of a skill to a certain degree (continuum view), we also wonder who assigns the classification or, more accurately, whose assignment of classification matters? In migration, the answer to this question is, of course, the State. The migrant's view of himself as a skilled worker matters only insofar as the State concurs with him. Local certifications of skill presented by the migrant are accepted only if these local certifying bodies are, in turn, recognized or accredited by the State.[iv] Others recognize skill and thus assign to it corresponding value in one's application for entry when only its designated third-party certifies the skill.[v]

The problematic which began as a question of a presence or absence or amount of skill is now a question of whose valuation of it sticks. There may be other forces at work. Looking more closely at how Australia, Canada and the UK attract foreign workers may provide some clues.

While innovative terms such as distinguished/exceptional/fresh talent or high-value migrants unsuccessfully distract us from the central consideration being that of skill (even without direct use of the word), recently-implemented initiatives seem to introduce an additional (almost inevitable) variable to now act in confluence with the variable of Destination State-recognized skill. This is the market variable or, more specifically, the demand-supply variable.

Let's take the supply side first. It has long been the practice that State-recognized migrant skills are fully consummated, as it were, only with the additional requirement of a sponsor. Simply put, skills actualize into benefit only with an offer of employment even before entry into the destination country. How sponsorship was secured was determined by various intermediaries between the skilled migrant and the employer. Now the skilled migrant can go directly to the market and get himself counted as part of the supply of willing labor,[vi] even without sponsorship. While a number of key benefits of this middle-man-free transaction undoubtedly accrue to the skilled migrant, full control remains in the hands of the State. Ultimately, this new, direct worker-to-employer system is not unlike the State-recognized skill system, further entrenching the employer's market status quo that marks the migration industry.

Next on the demand side, what we are seeing are further enhancements that make employers less constrained by State policies that protect local labor from what would otherwise be a deluge of foreign workers in an unregulated migration industry. Employers typically must prove that foreign workers they wish to hire will fill jobs for which they can't find locals to do.[vii] Now area-specific or industry-specific forces,

possibly driven by demographic or business competition variables, enable two demand fine-tunings: 1) justify area-based pilot projects with less-stringent migrant-hiring rules[viii] and 2) rationalize an advanced listing of jobs with a lack of hirable local workers.[ix] These enhancements improve the demand side, ensuring that special conditions in each specific demand area are addressed thus maintaining the equitable use of State-controlled supply of State-recognized skills of migrant workers.

Let's get back to the problematic of the "unskilled" worker and see how it now looks, thus far. After questioning the existence or amount of skill we challenged its valuation as its final legitimization rests with the State, not with the migrant. After hurdling skill validation by the sovereign, the unskilled migrant then competes in a market where supply units are defined and controlled by the employer and demand units are fine-tuned to industry- or area-specific exigencies.

This migration-nuanced problematic of the "unskilled" translates to at least two real, practical concerns for the unskilled wishing to find work overseas:

First, the "unskilled" migrant worker in a source country will have to go through another round of certification and testing to secure a quantification, validation, recognition and legitimization of his skill by the destination sovereign.

Second, the "unskilled" migrant worker who can't find employment locally and who thus desires to try his luck abroad faces tougher, more intense competition from a now better, directly-recruited, better-consolidated pool of willing and qualified workers

from which employers may pick. Migration complexifies competition among the "unskilled."

The unskilled then, even after moving heaven and earth just to gather enough money for plane fare and other documentary requirements of travelling overseas, are faced with two more seemingly insurmountable roadblocks: they have to prove their skills and they have to get hired even before they leave.

It is not difficult then to understand why a segment (undoubtedly a larger percentage) of the unskilled takes a different route to a destination country. Since the certification and sponsorship requirements pit the unskilled worker against global talent/competitors, the most realistic option for him, and probably the only advantage within his reach, is to gain entry into a destination country by whatever means and, once there, thus positioning himself better for jobs because he is able to respond quicker to more temporary, more seasonal, more informal jobs. By complying less he survives more. Indeed, the unskilled overstayer becomes more by confirming that he is less.

There seems to be then a sea of unskilled workers inhabiting regions beyond the scope of the recruiting policies ostensibly designed to recruit them. Whether this mis-targeting is done by design or by policy oversight is a question beyond the scope of this paper. But empirical evidence from my interviews with Filipino overstayers in Japan (to be discussed in more detail in later portions of this paper) lends credence to this

possibility, pointing to an alternative definition of the unskilled, which I tentatively name "truly unskilled," as those who:

First, are, in fact, skilled in trades (before their departure from the source country and after their entry into the destination country) but are, for various reasons, unable or unwilling to go through certification or sponsorship requirements;

Second, were unskilled (before their departure) but are now currently skilled, having learned everything on-the-job on the strength of, first, initial recommendations from their social networks to get themselves hired and then subsequently, second, by virtue of opportunities given to them by their Japanese employers on the strength of goodwill earned through hard work, 24x7 availability on short notice, unbeatable docility and discipline, and most importantly, unquestioning subservience and non-objection to low pay.

That being without skills is a step before becoming skilled rather than a final condition or outcome or consequence from which there is no redemption can be seen by the Japanese practice of *mijukuren rodo*, or skilled labor-to-be (Yamanaka 1993: 75), where large companies manage new recruits with the strategic objective of training them, of inculcating the specific skills for which the value of their employment will be fully realized (Inagami & Whittaker 2005: 25-26). However, the "truly unskilled" subsist in a domain that is several times removed from the practice of *mijikuren* rodo. Smaller companies cannot afford the administrative overhead (extra manpower) costs that *mijikuren rodo* produces, often resorting to on-demand or seasonal hiring

practices that are the turbines of unskilled labor demand. While *mijikuren rodo* recognizes potential to learn, the trainee must demonstrate proof or guarantees of this potential such as formal education, technical training completed and solid recommendations – precisely what the "truly unskilled" do not have.

In summary, our understanding of the term "unskilled" worker must necessarily encompass the following components:

a. A range of classifications of skill;
b. Perceived negative impact on destination society (safety/security/way of life-standard of living);
c. Skill is measured against standard of destination society;
d. Value is subjected to supply-demand forces both defined and thus controlled by employers and the State; and,
e. Inevitable fall-out of mis-targeted workers going into easier entry routes

"Unskilled" refers as much to the persons on which a range of skills reside as it does to the perceptions (judgments or fears) of those who utilize them. "Unskilled" constitutes the actions taken by the State to preserve and protect the first rights of its locals to a specific group of jobs. "Unskilled" encompasses the impending gap between increasingly specific controls of a persistent and ever-expanding resource.

I thus propose a core definition of the term "unskilled" worker:

> *The unskilled are those located, at any given point in time, on a group of jobs specifically reserved by the State for a particular sector of workers.*

Note that in my formulation unskilled jobs are "reserved" and are thus ready for the taking by the willing while high-skilled jobs are "offered" only to the qualified.

Imputed into the reserved-offered distinction is the supply-demand dynamic in that the reserved jobs have a bigger group of takers and thus needs State regulation while the offered jobs have few takers and are thus largely left to private interests to manage. The number of takers is predicted by a combination of factors the major ones of which are skill required (and thus education or training level), prestige and work-time (whether part- or full-time).

4.3.2 "Unskilled" Labor in Japan vs. Selected Host Countries

The Government of Japan (henceforth, GOJ), in point of fact, has not issued an ordinance or any formal directive banning the acceptance of unskilled foreign workers. Instead, it formally declares the specific types of work that it allows, as seen through the categories of "Status of Residence" which define the approved scope of activities of foreigners. Work that doesn't fall into any of these categories can be viewed as unskilled.

Another way to get a glimpse into what types of unskilled work GOJ does not want foreigners doing in Japan is through the listing of jobs held by foreigners before they were arrested for illegal work, that is, engaging in work for which they had no prior authorization to do. Table 16, on the right, lists the work activities or job titles in what

Table 16: Skilled/Unskilled Work Categories in Japan[i]

Status of Residence (Skilled)	Illegal Work Categories (Unskilled)
Diplomat	Factory worker
Official	Attendants (i.e. bar hostess)
Professor	Construction worker
Artist	Other labor worker
Religious Activities	Waitress and bartender
Journalist	Other service worker
Investor/Business Manager	Others
Legal/Accounting Services	
Medical Services	
Researcher	
Instructor	
Engineer	
Specialist in Humanities/ International Services	
Intra-company Transferee	
Entertainer	
Skilled labor	

Source: Japan Ministry of Justice (2011).

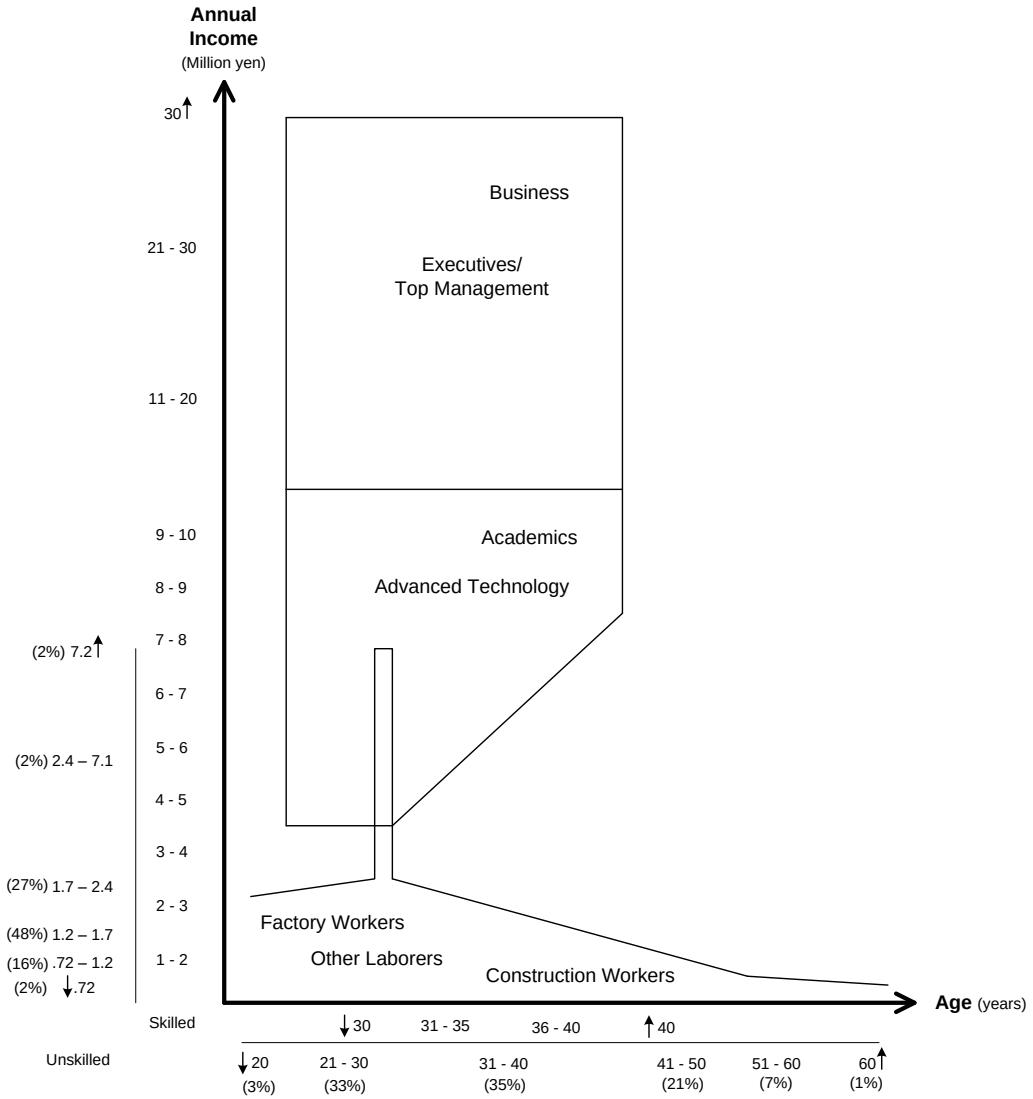
is deduced to be the skilled and unskilled labor dichotomy in Japan.

To be sure, being arrested for illegal work doesn't automatically mean that one was doing unskilled work. Building an indicative range of salaries between the lowest paying, unskilled job and the highest paying, skilled job may help to corroborate or invalidate my tagging of the jobs listed as illegal work in Table 16 above as unskilled. While GOJ refrains from explicitly using the term "unskilled," it spares no effort in expounding on the value of "skills." But by doing so, that is, by belaboring its preference for skilled labor, GOJ necessarily sets the measuring scale for the entire range of skill sets, including the unskilled. By quantifying the detailed characteristics of the highly-skilled, GOJ unavoidably concretizes the features of the unskilled.

Not only is the possession of "skills" one of the requirements for foreigners to gain permanent residence in Japan (ICRRA, Article 22,2,ii) [xi] but those with more of it are not simply preferred but vigorously pursued. A points-based system[xii] installs a virtual hierarchy even among the skilled, rewarding the highly-skilled with what the GOJ calculates to be effective motivators, hoping to convince those already in Japan to stay longer, and enticing new talents to choose Japan over its competitors. The skilled with more education, more experience, higher salaries, younger in age, proven research experience, officially-recognized licenses and higher executive positions are allowed to have multiple sources of income from a wider range of authorized activities, twice-faster tracks to permanent residence, unrestricted work hours even for the spouse, and the privilege of bringing in a parent or domestic servant for the married-skilled with children. [xiii]

This new system of the GOJ is not short on innovation, even grit, undoubtedly building upon lessons from similar points-based systems of its closest rivals,[xiv] hoping to lock in on the super skilled selling his wares to the highest bidder.

Figure 3: Skilled and Unskilled Foreign Workers in Japan by Income and Age (Derived)



Note: While income and age figures for the unskilled are actual data, to present it in the unified diagram above, I derived/hypothesized the intersection of income and age for the unskilled based on the strength of two key assumptions: a) given the physicality of unskilled labor, the older the foreign worker, the lower is the pay; b) the age group with the largest numbers is earning in the income group with the largest numbers. Please refer to note xv and note xvi for details on specific data sources for the above figures.

But while a detailed comparison between points-based systems of other destination countries is beyond the scope of this paper, it will be sufficient for now to focus on the annual income criteria which it combines directly with age criteria, an innovation unique to the Japan's points-based system. The way points are awarded to annual income levels of the highly-skilled[xv] is quite revealing when juxtaposed against the monthly pittances of the desperately unskilled, [xvi] as shown in Figure 3 above.

The poorest among the pinnacle of the highly-skilled earns forty-two times more (30 million yen annually, or higher) than the richest among the underbelly of the unskilled (720,000yen[xvii] annually, or lower). The lowest annual income group of the skilled (4-5 million) which is rewarded points is out of reach by nine out of ten of the unskilled (93% earn below 2.4m) by at least a factor of two. The GOJ is willing to reward the older among the highly-skilled only if they earn higher incomes as they age – but only up to age forty. And since roughly two of every three unskilled workers are over 30 years of age, the disparity in rewarded income levels gets wider (since after age 30 rewarded income targets increase) as the unskilled get older (adding the hypothesis that the older one gets, the lesser one earns).[xviii]

At this point, I must discuss one possible flaw to the logic and thus validity of arguments drawn from Figure 3. It may be argued that the annual income ranges in the points-based system are purely indicative, or theoretical and intended for policy purposes and, as such, should not be compared with the declared income declarations

of those arrested for illegal work. While the points-based system is indeed policy-based, it must be noted that its stated objectives are to attract new talent or motivate existing ones to stay longer or permanently. If this is so, then it is reasonable to assume that the annual income ranges reflect reality to the degree of accuracy that GOJ targets to achieve. If income ranges higher than current average incomes are used, then the points-based system will attract fewer applicants as only the highest-paid, highly-skilled workers may apply. If the income ranges are set lower than the current averages, the system may attract more applicants. I thus use the income ranges in the points-based system based on the assumption that GOJ targets more applicants.

Indeed, the income-based rewards of the points-based preferential scheme have, quite tellingly, exposed GOJ's intense preference for younger, richer, smarter, more influential, highly-skilled foreign workers, thus also confirming its anathema, the unskilled workers.

Japan may think that it is competing with other destination countries only for highly-skilled migrants, yet why do Australia,[xix] the United Kingdom[xx] and Canada[xxi] have explicit, formal and institutionalized immigration processes (see Table 17 on the right) that allow entry to foreign workers who in Japan would be viewed as

Table 17: "Unskilled" Worker Entry Options in Other Host Countries

Job Title	Country-Process
Fitter-Welder, Carpenter, Baker, Pastry Cook, Gardener, Hairdresser, Chef, Cook, Domestic Workers	Australia >Employer Sponsored Workers → Temporary Visas → Sub-Class 457-Business(Long Stay)Visa >Specialist Entry> Domestic Worker (Executive) Visa (Subclass 427)
Welding Trades, Cooks, Chef, Domestic Workers	United Kingdom >Skilled Workers → Tier 2(General) >Other Categories → Domestic Workers
Welder, Carpenter	Canada >Work Temporarily → Active Pilot Project

Note: Please kindly refer to Note xix, Note xx and Note xxi for a full listing of the website links.

unskilled? To be fair, these jobs are not easily taken by just any Tom, Dick and Harry. Formidable requirements are in place precisely to ensure that skills are legitimate and that they hit the ground running, so to speak, upon arrival with a job already waiting for them. Nevertheless, the point I would like to stress here is that unlike other destination countries which have developed systems to tap into the pool of foreign workers of all skill sets, Japan has persistently maintained a monolithic immigration regime exemplified by its policy or "non-policy" on unskilled workers.

4.3.3 Labor Protectionism in Japan: 1868-1980

Considering the discussion above, we can now see that the subject of the "unskilled" concerns what host states view as their responsibility of labor protectionism – that is, ensuring that local workers have the rights of first refusal to on all available local jobs. We saw that the process of defining the term "unskilled" involves a definition of which jobs the host state earmarks first for its local workers but it is precisely those "unskilled" jobs that are targeted by the potential migrant workers from source countries.

This section will now attempt to trace labor protectionism in Japan's recent history so as to understand its present stances on "unskilled" migrant workers.

Contemporary labor protectionism in the context of international migration presupposes a threat by unskilled foreign workers for jobs reserved for a preferred sector of local workers. In Japan, this labor threat was not always from external workers and not always for internal jobs.

4.3.3.1 Reverse Protectionism for Japanese Emigrant Workers.

Although by 1941 Japanese nationals overseas reached roughly over one million and were found in almost all major continents doing jobs – which today would be referred to as blue-collar – ranging from agricultural (rice, sugar, coffee) labor to fishing to mining and in places as exotic as Siberia and Northern Borneo (Moriyama 1985: xvii), not all of them left the country primarily for work. Imperial Japan had, by this time, overseas territories which necessarily housed long-term Japanese expatriates in the business of colonization. Needless to say, total control under imperialism made labor protectionist policies irrelevant. However, early precursors to Japan's contemporary protectionist trend may be seen in the period before Japan's surge of Empire though in the reverse sense: not local laborers but Japanese migrant workers had to be protected not from foreign workers in Japan but from abuse and misrepresentation by fellow Japanese compatriots running the immigration companies that brought them overseas.

Indeed, what I argue to be Japan's experience of reverse protectionism is unlike the experiences of foreign workers in Japan today – often dealing with sovereign Japan from a position of weakness, finding themselves on the receiving end of protectionist practices. The Japan during the early imperial years struggled to protect its migrant workers from new groups of foreign workers making inroads into industries that were already mostly dominated by Japanese workers. In this sense, forging its reverse protectionist policies from a position of strength showed Japan, first-hand, the

conditions which, in turn, it is trying to preserve for its nationals in the homeland today – but with little success.

Emerging from the seclusion years of the Edo period, a handful of Japanese – who would come to be known as the *Gannenmono* (first-year people) – were brought to Hawaii as plantation workers in 1868 (Sugimoto 1978: 8; Van Sant 2000: 102-106), thus beginning Japan's own brief interlude as a state-sanctioned, contract labor exporter. This initial emigration spurt, however, didn't immediately progress into a steady flow of Japanese migrant workers. A seventeen-year re-ban on labor emigration ensued after the *Gannenmono*, the reasons for which I shall explore further in succeeding sections of this paper. But by 1895 when Taiwan became a Japanese colony labor emigration was not only government-sponsored, private companies specializing on emigration further increased the outflow of workers so much so that just two years before the annexation of Korea in 1910 the 148 *Gannenmono* now totaled over 150,000 *Keiyakuimin* (contract immigrants) who had departed for Hawaii (Moriyama 1985, Ichioka 1988).

Hawaii was not the only destination country for Japanese contract workers, though it remained the largest and perhaps the most attractive, as it served as a stepping stone to the US mainland. By the 1920s, over 60,000 Japanese contract workers had been sent to Mexico, Peru and Brazil (Moriyama 1985: 155). Contract workers were also among the roughly 4,000 Japanese emigrants arriving in British Columbia between the years of 1905-1907 (Sugimoto 1978: 25).

To clarify, I use the concept of "position of strength" from the perspective of the Japanese worker, and with specific reference to Japanese migrant workers during the emigration era (1885-1924) to Hawaii. I argue that this position of strength came from two contexts.

First, Japanese workers were sought after, as seen by requests for its nationals from Australia, Canada, the Netherlands, the U.K. and the U.S. as early as 1876 (Moriyama1985: 8). The fact of the existence of these requests, however, didn't preclude the possibility that the same requesters were making the same representations with other countries, then taking in workers from those countries which responded first. Moriyama (1985) also didn't indicate if the requests were accompanied by corresponding guarantees of exclusivity or of any sort of advantage for the Japanese workers. The requests coming from Hawaii, however, were the clear manifestation of the position of strength of Japanese workers, at least to that destination country. In the labor convention of 1886 between Japan and Hawaii, on top of Hawaii guaranteeing wage levels and a slew of benefits and perks including free transportation, housing, medical coverage, interpreters (Moriyama1985: 11-13), perhaps the most telling indication of the employees' market was that in the 3-year work contracts it was still the Japanese workers guaranteeing the number of hours they would work, a situation unimaginable in today's employers market where the tables are turned and it is the workers who seek guaranteed work duration.

Second, the Japanese workers in Hawaii constituted the heavy majority of plantation workers, as seen by the fact that by 1894 two out of every three plantation workers in Hawaii were Japanese (Patterson 1984, Moriyama 1985).

The forwardness of Japanese emigration policy and official actions showed that Japan was not oblivious to this key advantage, leveraging this position of strength to further grow this emigration regime yet only upon its approved specifications. In order to manage more efficiently the increasing flows of workers to Hawaii, the government embarked on what essentially amounted to a privatization of the migration process, but one still under total regulation by the government. Private companies, called *imingaisha*, were authorized under the Emigrant Protection Law of 1896 to take charge of the finding, processing, sending and subequent monitoring of Japanese workers for Hawaii (Moriyama1985). In the first years of the 1900s, when the majority status of Japanese workers in Hawaii were threatened by newly-arriving Korean workers, Japan succeeded in blocking the arrival of more Korean workers through an intricate web of diplomatic and non-diplomatic moves designed to maintain what Patterson (1984, 1988, 2011) argued was still Japan's cooperative mode in its foreign policy, coming a few years before its ultimate annexation of Korea in 1910.

The point I would like to make at this point is that Japan's early protectionist tactics -- specifically as seen in the Hawaii case, and only during the years before its full imperial status (which I mark at the annexation of Korea in 1910) -- were applied in a reverse mode, that is, protection of its workers overseas. These reverse protectionist tactics

were implemented and experienced from a position of strength and were largely successful during the period 1885-1907.

4.3.3.2 The Origins of Local Protectionism

While it may be argued that the history of Japan's immigration policy on foreign workers begins with the restriction of their residence and activities to be only within the confines of the foreigner settlements found in the major ports of entry after 1859 (Yamawaki 2000: 39), the more explicit evidence of local labor protectionism begins with Imperial Ordinance 352 of 1899.

Scholars agree that Imperial Ordinance 352 banned foreigners from jobs in farming, fishing, mining, construction, building, manufacturing, transport, hauling, longshore work (Totsuka 1974 cited in Weiner 1994, Yu-Jose 2002, Morris-Suzuki 2010) yet diverge on its purpose. Totsuka declares the preservation of peace and order by reining over the potential of Chinese workers to cause trouble as the primary objective of the Ordinance. Yu-Jose is silent on the degree of law-abidance of Chinese workers but indicates the value attributed to their manpower, citing the abatement of cheap Chinese labor as the Ordinance's aim. Yamawaki (2000: 40) confirms both the fear of Chinese morals, highlighted by Totsuka, and their threat to industrial peace, cited by Yu-Jose, but goes on to locate the Ordinance within the larger debate on mixed-residence, or naichi-zakkyo, that raged in the years immediately preceding Ordinance 352, arguing that its main aim was to re-constrict the Chinese back to the previous foreigner settlement areas. Morris-Suzuki does not attribute the Ordinance as

targeting any specific nationality though she goes beyond a plain enumeration of the job types and into an assessment of their location on the skill continuum, identifying the banned jobs as "low-skilled" and further declaring which jobs were specifically allowed as doable by foreigners: cloth merchants, tailors, cooks, household servants and knife grinders.

My take on the varying interpretations by scholars of the aims of Ordinance 352 is that it mirrored the highly-charged environment of change enveloping the country at the turn of the 19th century. It will be recalled that Japan had, just a few decades earlier, "re-opened" its doors to the world starting in 1859 with the establishment of trading ports in Yokohama and Kobe. The First Sino-Japanese war had just been won in 1895, Japan then getting its first colony in Taiwan. Rural poverty continued to impinge upon urban areas - a persisting consequence of all-encompassing agrarian and tax reforms instituted by the Meiji restoration government (Duus 1976, Yamamura 1986, Yamawaki 2000) -- and jobs were hard to come by. Emigration of Japanese workers was in full-swing. It didn't help that Chinese workers were so visible, making up nearly half of the population of all foreigners combined, becoming the majority nationality group for the next two decades up to 1915 (Weiner 1989: 53; Yamawaki 2000:39).

Indeed, that the kind of labor protectionism spawned was marked by multi-faceted, even conflicted objectives can be understood as an almost logical outcome of that particular junction in time. On the one hand, aiming for peace and order based on specific concerns on a single nationality but acting through blanket job prohibitions across all nationalities risked aggravating labor shortages in selected industries. On the

other hand, the effect of the converse -- having no restrictions on foreign labor in areas where they were needed -- may have been viewed as less desirable by the government.

4.3.3.3 Imperialist Protectionism, 1910-pre-World War II

Ordinance 352 and the jobs it attempted to cordon-off for Japanese nationals were soon overtaken by Japan's annexation of Korea in 1910. The Korea case is significant because annexation turned Koreans from external job seekers that local protectionism sought to exclude into the national workers that the government was mandated to protect. How could labor protectionism now protect Japanese workers from previously-Korean-now-turned-Japanese workers? Put simply, what form did labor protectionism take in an imperial Japan?

World War I rendered immaterial the job prohibitions set out in Ordinance 352. The sudden spike in economic activity due to war-related production had wiped out all job shortages, in fact creating labor shortages across multiple industries. The rapid increase in the number of mid-sized factories resulted in the near doubling of their workers from 850,000 in 1914 to 1.5million by 1919 (Duus 1989: 49-52; Lin & Rajapakse 1984: 264). By the end of WWI, Japan had become a creditor nation with a 2billion yen surplus, a far cry from being in nation in debt by 1.1billion yen on the eve of the war (Nakamura 1998: 47, Smith 2001: 45). By the end of WWI in 1919, and well into the Taisho period, Koreans were to be found toiling away as farm workers, dyeing workers, navvies, stevedores, coal miners, timber/leather/printing workers, textile

workers, cotton spinners, glass workers -- exactly the industries previously banned to foreigners by Ordinance 352 (Weiner 1989: 64-69).

For once in history, consummated through imperialism and borne out of a war economy, a confluence of factors conspired to create an employees market within a migration regime, if only briefly. Weiner (1989) argues that sharp labor shortages felt during the war-induced economic boom could also be explained by the Japanese's own albeit tepid commitment to industrial labor (Taira 1962 cited in Weiner 1989: 50). It was typical of rural folk to supplement farm income with a host of other side activities such as cash cropping, sericulture and wage work and since the resulting aggregate income was comparatively higher, this served as a disincentive to just readily embracing industrial factory work (Saito 1986: 419, Smith 1988: 71-100). The implication of this argument was to clarify that labor shortages during 1914-1919 may have been artificial. A dormant labor supply of nationals in rural areas could have been present but hesitated to grab new, wartime-created jobs in the urban areas. These were instead filled quickly with newly-subjugated and docile Korean workers - willing to work longer hours for 33% lesser pay (Weiner 1989: 82).

This employees' market of 1914-1918, it would seem, had earlier roots. Taira (1970: 2-4) describes a pervasive, self-employment ethic as early as the 1870s, evidenced by the low labor market participation rate of only 8.6%, that spawned a pre-war Japan filled with micro-entrepreneurs even at the household level. What is significant here is not only that this situation logically resulted in an employees' market but that it may have been the earliest manifestation of the concept of the relative value -- first seen as a

dichotomy and eventually as a continuum -- of skill level depending on the available supply of workers. Taira explains that businesses with more strategic foresight, or which were more determined to succeed, were more than willing to pay a steep premium in salaries just to secure workers with the needed skills among the few available for hire or unwiling to be hired as they themselves were also looking to hire the same types of skilled workers. The converse of this situation was that those businesses unable or unwilling to bear that premium cost for quality labor had to contend with the low- or non-quality, low- or non- or un-skilled labor.

As we saw, the flip side of the early lesson that few willing workers increases wages didn't register as it should have. When the WWI boom increased greatly the demand for labor and the annexation of Korea a few years earlier provided a steady supply of workers to offset the lackluster embrace by the surplus Japanese agricultural workforce of the plentiful industrial jobs, wages for Korean workers did not in fact increase relative to those of the Japanese. Imperialism then cooperated with protectionism, instilling the lesson in the Japanese policymaker's mind that foreign labor force units located in the Japanese labor market are not necessarily governed by the same market rules that impose themselves on national workers.

Returning to the original question, we can see thus that imperialism then turned protectionism from a strategic into a tactical response. Whereas in 1899 Ordinance 352 aimed to preserve limited jobs in selected industries for a burgeoning labor surplus of Japanese workers by banning competing foreign workers, the annexation of Korea opened the floodgates, so to speak, for Korean workers into Japan and the

primary issue now became one of short-term facilitation: how best to bring the most Koreans to fill plentiful, war-induced jobs. Problems arose not during the boom war years when the sheer power of market forces impelled wanting Korean workers into waiting Japanese jobs, causing the Korean population in Japan to shoot up nearly ten-fold -- from roughly 4,000 in 1913 to 33,000 by 1920, not even counting yet the additional 21,000 Koreans who after working in Japan chose to return to Korea. (Weiner 1989: 53,63), Instead, with the end of WWI in 1919, the problem suddenly became one of stopping or restricting Korean entry, so as not to revert back to the undersirable labor suplus situation given the war's end when war jobs vanished even faster than they had appeared.

But now, having effectively extended national territory through the act of annexation, Japan could implement a resurgent labor protectionism on two fronts: at Pusan, the primary point of exit of Korean workers and at Japan's entry ports. First at the tail end of 1918 and then thru 1919, the Japanese Colonial administration thru its Government-General implemented various procedural and documentary requirements for departing Korean workers that had the intended effect of putting the break on previously unabated entry of Korean workers (Weiner 1989: 52). In 1925, a heightened restriction drive against Korean workers was again set in motion in Pusan but since the US Immigration Act of 1924 - which effectively banned Japanese from entering the US - had just been passed the previous year, Japan found itself, on the one hand, having to implement protectionist policy against Korean workers to quell

rising local tensions but without looking guilty of the same unilateral, exclusionist actions which the U.S. applied against the Japanese (Weiner 1994: 120).

In summary, imperial Japan saw labor protectionism morph into several forms. First, from a proactive strategy of labor management, it was relegated to a reactive, administrative role of shepherding needed manpower from the newly-opened, annexed territory of Korea. Second, the expanded territory in the colonies functioned as an added layer from where protectionist policies could be applied. Third, this added location for policy application also functioned as a smokescreen for conflicting policies, allowing Japan to project consistency in their objection to the discriminatory policies its own nationals suffered under overseas.

In the end, labor protectionism even in an imperial Japan seemed to have failed miserably - at least in terms of the Korean influx - as their numbers continued to rise, reaching almost 900,000 by 1938 (Weiner 1994: 122).[1]

4.3.3.4 Post-WWII Protectionism

Labor protectionism is thought to exist only during economic downturns when jobs become scarce. As we saw in the discussion above, protectionism took any form it was given by policy makers, switching from a protector role to being a competitive advantage depending on the exigencies of the times. In this sub-section I thus explore

[1] I end my analysis of labor protectionism during imperial Japan at 1938. I maintain that the National Mobilization Law of May 1938 also rendered protectionist policy moot and academic given it marked the beginning of totalitarian activities serving the purpose of Japan's participation in WWII --which eventually redounded to the all out, completely unimpeded recruitment of Korean laborers, their numbers ultimately peaking at approximately 2 million by the end of WWII.

how a number of overriding themes punctuated labor protectionism in relation to foreign workers in Japan after World War II. Various scholars, depending on the topic they are investigating, discuss the period after 1945 in a number of ways, highlighting several streams of interpretations which may be a good starting point for our purpose of now looking through this same period but with an interest in labor protectionism.

In exploring the journey of Japanese identity thru the lens of globalization, Morris-Suzuki (1998: 161-184) sees three phases: Japan as a colonial state (1890-1945), Post-WWII Japan (1945-1990) and Age of Signs (1990s). In essence, Morris-Suzuki argues as follows: when globalization was defined as a subsuming of peripheral states into the mother states of the colonial powers, a colonial Japan saw itself as "super Asian" with a regional role to fulfill; in a globalization experienced through Japan's re-entry into the world system as an economic powerhouse after the post-WWII rebuilding phase, nihonjinron was about a gradual coalescing of the individual or traditional Japaneseness with global or western norms; in a globalization now seen as an incorporation into the world system of knowledge, Japaneseness came under various multi-national influences, locally through the influx of foreigners, and externally through its national exports of both hard power and soft power.

Morris-Suzuki's thoughts are helpful in our own reflections on labor protectionism as they emphasize that deeper motivations or expressions of identity may lie underneath policy. Indeed, when policy involves putting into law matters which may be viewed by others as "obvious" it may be interpreted as institutionalizing differences, thereby making visible a boundary which heretofore had remained at a symbolic, or non-

concrete, level. Morris-Suzuki's thoughts on Japanese identity then becomes a starting point to see labor protectionism as a visible boundary or "the element which embodies/allows the discrimination/the capacity to see the similarities and differences” (Cohen 1985).

Moreover, labor protectionist policies of post-war Japan weren't formulated in a vaccum. They took place vis-a-vis other policy areas relating to the same migrant groups, assuming a lesser or greater level of importance or urgency depending on the socio-political events occurring at those uniquely-challenged times.

Indeed, I would venture to say that Japan's immigration journey thus far is still at a training, adolescent period. Its six-decade history since the maiden version of its immigration law in 1951 is virtually just an introductory yawn when compared to the centuries-old immigration traditions of other major destination countries. The US, for example, from the 1790s onwards was already refusing entry to those with criminal records and by 1890s had already legislated deportation as an immigration penalty (Stumpf 2012: 45-47).

Still, it may be argued that Japan's migration learning curve actually started even before 1951, going back almost a century earlier. The Tokugawa shogunate issued the earliest passports in 1866 (Moriyama 1985) and the basis of the inclusion or exclusion rules of the current immigration regime was set as early as 1899 with the first Nationality Act (Morris-Suzuki 2010: 42). Not unlike the cycles of forced-open-restricted migration around the globe that dotted the late 19th and early 20th

centuries (Hatton & Williamson 1994), Japan had sufficient competence even prior to 1951 in the deft calibration of entry and exit through its borders via policy and legal methods (some of which I discussed above), that is, to summarize:

1. open entry for foreigners but restricted residence areas from 1859 to 1899 (Yamawaki 2000);
2. a total ban on emigration of Japanese workers between 1868-1885 (Moriyama 1985; Van Sant 2000);
3. the Emigrant Protection Law of 1894;
4. Ordinance 352 of 1899;
5. Open entry of Korean workers between 1914-1918;
6. by January 1918 passports are required for entering foreigners (Morris-Suzuki 2010: 44; Yu-Jose 2002: 7);
7. in December 1918 thru early 1919 entry restrictions enforced at Korean exit point (Weiner 1989)
8. by 1924 visas are now a requirement for entry for foreigners (with some country exceptions) (Yu-Jose 2002: 8);
9. in 1925 entry restrictions intensified at Korean exit point (Weiner 1994);

Nevertheless, I suggest here that this accumulated migration expertise of Japan was negated -- or reset to zero, if you will -- with the advent of the 1951 Immigration Control Ordinance. Influenced in no small way by the Occupation forces in a defeated nation, Morris-Suzuki (2010: 108-115) argues that the resulting 1951 migration law reversed the decentralized migration management tradition in pre-WWII Japan and ultimately mirrored the cold-war concerns on subversion and infiltration.

But beyond these external impositions -- which, for now, I concede to the Occupation forces to have been done in good faith - the 1951 migration law represented a critical discontinuity in the migration endemic learning processes of Japan. This discontinuity

manifested itself in what can be interpreted as "learning mistakes" or "dichotomies," at best, and incongruities or paradoxes, at worst, as seen in the migration policies in the six decades since 1951.

To be sure, it was precisely the ultimate trajectory of what I postulate to have been Japan's "migration endemic learning processes" -- packaged as the Greater East-Asia Co-Prosperity Sphere -- which the Occupation forces intended to completely obliterate. It is not the purpose of this paper to debate the merits or demerits of the objectives of the Occupation forces. But I find that this learning discontinuity is key in fully contextualizing post-WWII labor protectionism, and thereby reaching a more critical understanding of the paradigm of the unskilled in Japan.

4.3.3.5 The Korean Question (policy on legal status/citizenship)

The Korean population had doubled during the wartime, most working in the coalmining and construction sectors, from 1 million in 1939 to over 2 million by 1945 (Weiner 1994: 198). After most of the voluntary repatriation was over, about 600,000-700,000 Koreans remained for various reasons including fear for their safety and economic well-being back in Korea, having grown up and lived in Japan most of their lives, having repatriated but returning illegally to Japan as family members remained (Morris-Suzuki 2010: 53, 64; Hwaji 2010: 333).

As the membership status of this group of former colonial subjects came into question, what form did labor protectionism take when its central basis of action was removed? With membership status unclear, where would Koreans be placed in the pecking order

of job entitlement? As we will see, labor protectionism would morph into its 4th form: discrimination.

The legal status of Koreans in Japan has swung both ends of the pendulum, so to speak, twice over. Koreans were full foreigners as the Japan-Korea Treaty of Amity was consummated in 1876, as excluded from certain jobs by Ordinance 352 and through their protectorate period by 1905. As an annexed state from 1910 to 1945, Koreans became Japanese though not "true" Japanese but "colonial" Japanese (Iwasawa 1986 cited in Kearney 1998: 201) or those from Gaichi -- external territories -- who had family registers or Koseki that were separate from those of the Naichi Japanese - or those in Japan proper (Morris-Suzuki 2010: 43) - and whose citizenship rights were realized only to the extent that they helped in serving out their economic function as a colony (Weiner 1994: 47). Koreans in Japan then reverted back to foreigner status by 1952 when the San Francisco Peace Treaty took effect but, through a special regulation, were allowed to stay indefinitely even without clear residence status (Morris-Suzuki 2010: 114). By 1965 when the Treaty of Basic Relations between South Korea was signed, Koreans in Japan up to the second generation who chose South Korean nationality were granted permanent resident status. By 1981, all Koreans were granted special resident status. In summary, in terms of the pecking order of job entitlement, Koreans were foreigners until 1910, "almost" Japanese nationals until 1952, back to foreigners up to 1965 and finally settling in as special permanent resident by 1965/1981 onwards.

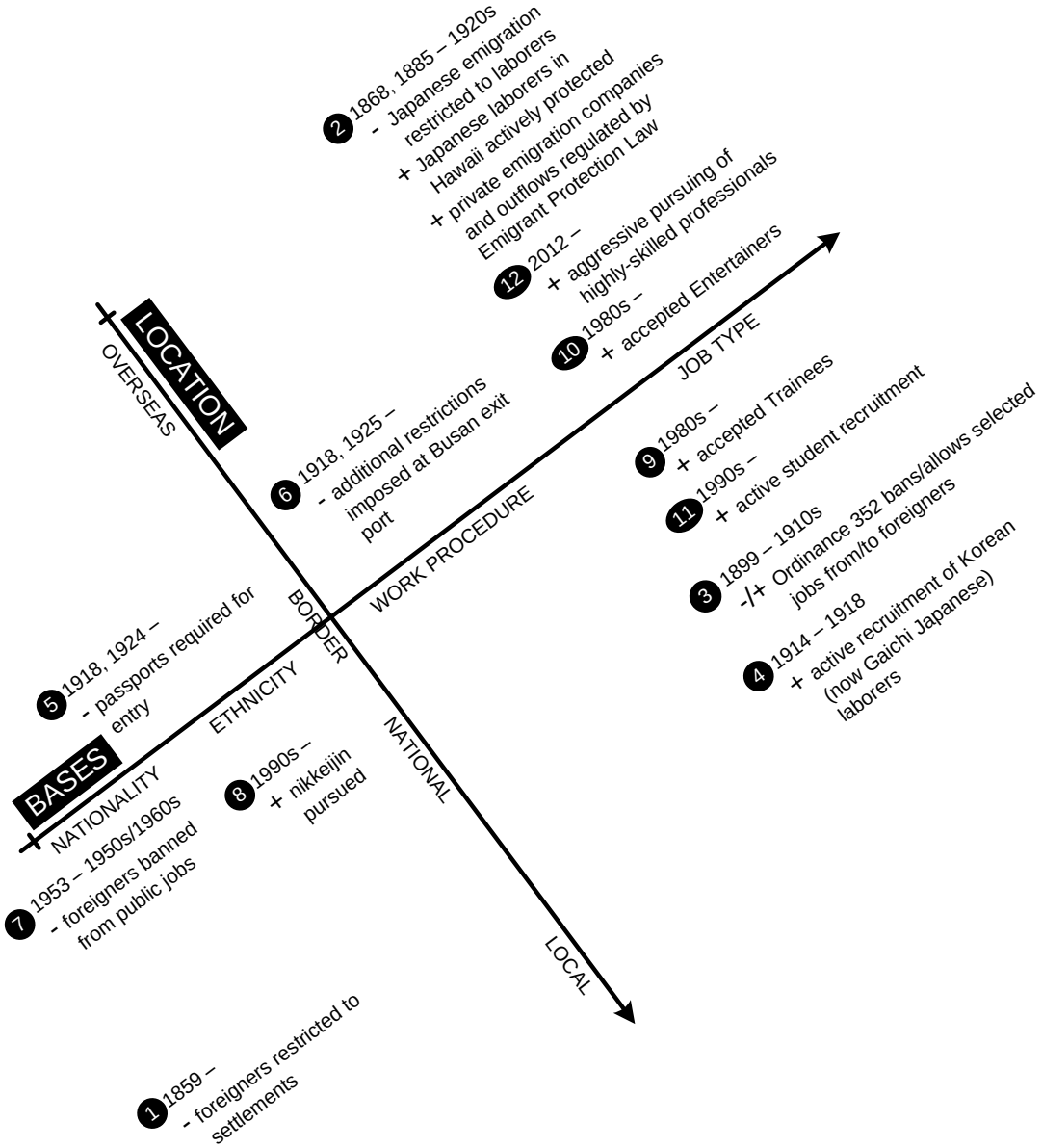
Labor protectionism as discrimination was seen primarily in the exclusion of foreigners from certain local jobs. Morris-Suzuki (2010: 177) reports that throughout the 1950s and 1960s public sector jobs were reserved only for Japanese nationals. This exclusion, Kearney (1998: 215) explains, isn't even based on actual restrictions explicitly stated in law but rather on the customary weight and deference given to "administrative guidance," or subsequent implementing rules and regulations issued by the bureaucracy. As this "administrative" authority constituted itself into the formal bases of job exclusion for foreigners in the public sector, it was inevitable that discriminatory practices would spill over not just into non-public sector jobs but also into non-job related aspects of the lives of foreigners. Morris-Suzuki (2010: 177) further cites that even private companies would not hire Koreans as permanent employees. Concurring with this, Hwaji (2010: 335-336) adds that Koreans were also excluded from bank loans, scholarships, government health and other social benefits.

That post-WWII labor protectionism, manifesting itself in the form of discrimination, was probably most felt by the Koreans was due in no small way to the fact that Koreans were the single, most pervasive foreigner presence in Japan for half a century after the end of WWII -- making up above 90% of foreigners up to 1959, above 80% up to 1985, dipping to below 50% only in 1995.[xxii]

4.3.3.6 Japan Labor Protectionism Matrix

Labor protectionism in Japan can be seen to have ran through the whole gamut of essentially two axes of bases and location, as shown in Figure 4 below.

Figure 4: Japan Labor Protectionism Matrix



Local jobs were protected from - and conversely, promoted to - non-locals based on either their origin (first based on nationality and then eventually fine-tuned to be based on ethnicity) or work specifications (at first procedural then based on job type). Labor protectionist policies filtered thru origin and work specifications are plotted in a uni-directional axis (as represented by the unidirectional arrow) called Bases. The

position of each basis on the unidirectional axis indicates the comprehensiveness of the protectionist policy, that is, policies based on origin (Nationality and Ethnicity) are more encompassing and exhaustive in their exclusionary effect as compared to policies based on work specifications (Procedural and Job Type) are more specific and targeted.

These varying bases of labor protectionist tactics were implemented at different levels. Foreigners already in Japan faced job restrictions enforced only at the prefectural level (Local) or across the country (National). The Location (or Level) axis is also unidirectional in that protectionist policies aimed at reducing the volume of entry of foreigners (or at the Border level) were/are much more efficient and encompassing than exacting compliance from foreigners already inside the country. Japan also implemented "reverse" protectionist policies, that is, those which sought to guard the interests of Japanese emigrant workers (Overseas level).

As we see in Figure 4 Japan implemented labor protectionist practices that have spanned the end-to-end of the two axes of Bases and Location. During the period of unrestricted entry - the years prior to 1918 (see no. 5) - Japan first began with blanket yet local restrictions based on nationality alone (no. 1) then swung to the opposite pole, with nationwide discrimmination based on specific jobs (no. 2). Restrictions then moved up to an earlier phase - before entry of foreigners - thus effecting protectionism in one fell swoop (nos. 5, 6). Post WWII then witnessed a reset of sorts in the Japanese learning curve on protectionism, their strategies regressing back to those based on nationality or ethnicity (nos. 7, 8) before settling back to more focused policies based on job type (nos. 9 onwards).

While both axes plot protectionist policies that can be seen to be unidirectional in terms of impact, this didn't seem to determine the sequencing or progression of implementation of these policies. Put another way, protectionist policies impacting foreign workers were implemented based mainly on a utilitarian perspective, that is, all-inclusive policies take precedence over targeted policies if called for by the times.

4.3.4 Cultural Conditioning in the "Unskilled" that conditions "Illegality"

This section will now extract another layer of reflections from the just concluded historical survey on the concept of the "unskilled," now focusing on how these conceptual variation conditioned the conceptions of migrant "Illegality."

Archer (1995) explains "*constraining contradictions,*" or compromise, as one type of cultural conditioning where various iterations of ideational inputs interact with structural conditioning inputs, ultimately bearing down or constraining agency.

As we discussed above, the ideational iterations of the concept of the "unskilled" – which I tackled under the wider subject of labor protectionism – has come full circle starting from restrictions on residence areas for foreigners in 1859 to the 2012 program aiming to attract highly skilled professionals to come to Japan. This I summarized in Figure 4 (Japan Labor Protectionism Matrix).

Constraining Contradictions can be seen in the following three instances:

First, throughout what I will name the pre-colonial/pre-imperial period (1859-1905) the initial hardline stance as seen in the total ban on emigration of Japanese workers

was eventually re-evaluated given the consistently strong request for Japanese workers by overseas employers. The Emigrant Protection Law of 1894 embodied this compromise or "Constraining Contradiction" since the law essentially recognized that government regulation is better than unbridled activity. "Illegality" shifted from being solely attributed to emigrants (who violated the ban thru their individual efforts to emigrate) to now being ultimately rooted in companies (*imingaisha*) who failed to strictly comply with the law now protecting emigrants.

Second, in the imperialist period (1910-1945) the compromise in *Constraining Contradictions* can be more accurately described as extremely utilitarian, at best. From first unabated entry into Japan by now-Japanese Korean workers during the 1914-18 wartime boom, to the re-tightening/restrictions on entry of Koreans implemented in the period between WWI and WWII, to finally the aggressive conscription of Korean workers for the WWII-induced production markets. "Illegality" in this period was mostly applied to errant, gaichi Japanese (a.k.a Koreans, Chinese) living in Japan as laborers or non-compliant, gaichi Japanese banned from entry, or non-patriotic, gaichi Japanese who defied forceful conscription for wartime service.

Third, in the post war period (1945-1981), the compromise in *Constraining Contraditions* manifest mainly in what has been argued as discrimination (Chung 2010; Hwaji 2010). Historical circumstance during the pre-colonial and imperial periods created deeply embedded ethnic groups that Japan tried to quickly and haphazardly "resolve." The first was through the mandatory repatriation in the immediate aftermath of WWII. The second was through what I argue is tantamount to

"constructive dismissal" – where security of legal status was withheld for nearly three decades in a campaign of attrition. Failing to "resolve" the Korean/Taiwanese question and unwilling or unable to fully integrate them into Japanese society, the Constraining Contradition inevitably reflected in employment restrictions, social security qualifications and other forms of exclusion that were implemented in that realm between fully legal and social norm/current practice. The compromise in this post war period can be best described as calculated tiptoeing around an extremely sensitive situation.

Compellingly, then, as I argued above, conceptions of "Illegality" were conditioned in this period not as "Illegality" per se, for this concept at that time had not ripened to the extent that it warranted tracking by official statistics. Instead "unwantedness" – the father of "Illegality" in the sense in it exclusion is complete and total – could be argued as the prevailing sense towards Koreans and Taiwanese. "Illegality" is the child of "unwantedness" in that it is more clinical, more precise: a migrant worker in present-day Japan is acknowledged as needed and "Illegality" is the teeth of the SRS which desires to control the migrant's productivity (authorized activities) and duration (residence status). An analogy that may crystallize more effectively how the "Illegality" of today is different from the "unwantedness" of the post-war period is to think of the former as the empty shells of mollusks after the coveted pearl (labor power) has been harvested while the latter can be thought of as jellyfish the averseness to which is due to its entirety. Perhaps this easily overlooked iterations of conceptions of exclusion in Japan – first "unwantedness" then "Illegality" then "racialized hierarchy" (Shipper 2012

– to be discussed further below – was plainly evident just by the choice of terms. Morris-Suzuki (2010: p180) cites a term common in the 1970s called *Senzai Kyojuusha* – or "people living hidden lives" – acknowledging that "Illegality" was largely outside of the purview of the official radar. Today's common monicker is simply "overstayer" which highlights just the violation of the duration aspect of immigration control.

To summarize, we saw that the cultural conditioning through *Constraining Contradictions,* as culled from our analysis of the "unskilled," had essentially one overriding conceptual theme in Japan: "Illegality" is conceived as exhaustive in breadth (covered groups) and depth (level of exclusion).

"Illegality" is applied to errant outsiders currently inside (newcomers) to keep them as outsiders; but also to insiders (embedded ethnic groups) to get them out. "Illegality" is both trivial (only a violation of duration limits) and essential (unwantedness).

Such an exhaustive concepction of "Illegality" inevitably results in a highly-charged, highly-discriminative radar for offenders – the application of which can be extreme in both ends of the pole. Are the overstaying migrants helped by Zainichi? Are overstaying Filipinas (newcomers) entitled to more consideration and leniency than overstaying Koreans and Chinese since the latter group has already been integrated in Japanese society and as such must have imbibed its values and discouraged family members from overstaying? In a recent road accident involving a tour bus, media and reader attention revolved the bus driver who turned out to be a Chinese-born,

naturalized Japanese, focusing on his inadequate language skills, the downward pressure on bus driver wages created by similar drivers accepting cheap rates.

4.4 In what ways do Filipino migrants overcome the disadvantages of "illegality" to produce practical benefits?

One of the practical benefits achieved by Filipino migrants despite "illegality" is the accumulation of savings. One paradox in irregular migration is how or why migrants stubbornly persist amidst adversarial conditions in host countries. Current explanations cite either the preeminent demand for compliant labor or the tenacity of the migrant that single-handedly wills survival. Both explanatory approaches obscure important, enlightening details inherent in the unrelenting complexity that is human mobility.

This section will explore how Filipino overstayers in Japan negotiate thru various situations as they attempt to realize the single biggest objective for persisting on without legal status: economic security. Stated simply: How do *Bilogs*[xxiii] save?

I use the term "savings" to refer to monies accumulated over and above cash remitted to dependents for their monthly sustenance. My reflections on bilog savings are culled mainly from in-depth analyses of the economic security variable of four cases of Filipinos with a combined total of forty eight years as bilogs in Japan.

In the first section, I distill the central issue in tackling the subject of bilog savings. Citing the limitations of two current explanatory modes, I suggest that a critical realist

approach may be more effective in clarifying the constitution of "bilogness" among the social processes in which it is embedded.

Empirical data is then presented in the next two sections. I compute the total income of the four bilog cases during their Japan tenure, establishing the baseline from which savings emerge. I describe the lifestyle choices that ultimately translate to expenses which, in turn, bear down on surplus income. At this point, I expound on the peculiar situations faced by the four respondents as they earn and expend monies by employing the concept of relational emergence in critical realism. I conceptualize "bilogness" as an emergent whole since particular processes, and the relations between and among them, constituting bilog savings do not exhaustively account for outcomes empirically observed.

However, arguing a relationally emergent "bilogness" is incomplete without considering the impact of structure, culture and people within temporality given that the empirical data presented applies to a specific timeframe. I thus employ the morphogenetic approach (Archer 1995) in interrogating the emergence of the bilog breadwinner (enabled by bilog savings).

I conclude by culling out two ways that "bilogness" impacts migrants savings and by distilling the essential bilog savings process.

4.4.1 Why Bilog Savings?

The compelling element in the subject of Bilog savings is the impact of lack of legal status in its realization.

The process of capital accumulation in the host state and its concomitant expenditure patterns in the origin state have been highlighted as inextricably linked to various social processes and cultural contexts in which migrants are embedded (Lian et al, 2012; Makina, 2014). Indeed, migrants earn, save and remit monies that are received, allocated and spent by dependents in interaction with a whole gamut of societal configurations. Migrants' personal and social circumstances in both host and origin states impact savings in both positive and negative ways (Makina, 2014; Gorodzeisky, 2008). The breadth, depth and dynamism of migrants' social networks (??) directly dictates employment or unemployment frequency especially in blue collar industries where most migrants abound (??). Existing state policies on skilled versus unskilled workers undermine the full potentials of labor markets (Hugo, 2012), inevitably regressing into discriminatory and unfair labor practices (Torii, 2013) to the ultimate detriment of absolute migrant income levels.

What is relatively unexplored then is how "bilogness" impacts savings thru its intimate links with these social configurations.

4.4.2 Two Explanatory Attempts: Comparative and Contextual Themes

Whether there is any impact at all and in what direction this impact manifests has been discussed mostly under two themes.

First, the comparative theme argues that characteristics germane to "bilogness" predispose the migrant to decisions and actions that impact savings. Vinogradova (2013), for example, theorizes a model of "precautionary savings" where the indeterminate tenure in a host country due to the perpetual threat of deportation impels bilogs to save more than those with legal status. Vinogradova further stresses that, in the long term, the positive impact of "precautionary savings" does not translate to higher bilog savings given their lower average income levels and thus lesser employment frequency.

Coupling this tenure wildcard with what Coniglio et al (2009) called "skill waste" – essentially a situation of chronic underemployment – ultimately prevents bilogs from competing on level terms in the labor market. Coniglio further points out that bilogs are structurally excluded from various institutions and organizations (such as banks and other finance organizations) that facilitate the savings process.

Second, the contextual theme highlights factors external to the migrant that conspire with "bilogness" to accentuate or minimize its impact to savings. Byra et al (2013), for example, points to the asymmetric nature of labor market information that in fact causes higher-skilled bilogs to have a double handicap than lower-skilled bilogs in securing jobs commensurate with their skills. Djajić et al (2013) discusses a model of informed entry into debt and its ensuing, pre-defined debt servicing terms by bilogs thru human smugglers, inevitably impacting overall consumption and thus savings patterns negatively.

The comparative and contextual themes are best viewed as complementary rather conceptually distinct expositions of bilog savings. The latter theme goes further than the former, proposing the external milieu around the differing characteristics between bilogs and non-bilogs. However, the contextual theme avoids a direct connection to bilog savings. It neither argues for "bilogness" as its impetus or genesis nor does it claim to impact exclusively bilogs. In other words, the asymmetric market information pre-exists or is independent of "bilogness" and non-bilogs also critically enter into debt to finance legal entries to host countries.

The Comparative Theme establishes that bilogs – given their characteristics – save less than non-bilogs. Will excising these characteristics of "bilogness" then level out savings levels with non-bilogs? Stated differently: is optimum savings wholly contingent on legal status?

The Contextual Theme establishes that bilogs navigate thru external conditions that ultimately bear down negatively on savings. Can a counterbalancing or neutralizing effect be achieved by other external conditions, or is the effect persistently negative?

Thus, while these two themes help explain the outcome of bilog savings, they leave unanswered questions on the multiplicity of interfaces or constitution of "bilogness" within the social processes of human mobility.

4.4.3 Savings versus Remittances.

That "bilogness" clarifies further the terms "savings" and "remittances" may also explain the slippery handle of the current two explanatory themes.

For this paper's purposes, the essential distinction between savings and remittances is location: the former being migrant monies in the host state and the latter being migrant monies in (transferred to) the origin state. As operationalised in current literature, savings is the migrant's net surplus income after living expenses in the host state from which remittances are sourced (Bauer et al, 2011; Lee et all, 2011; Worldbank, 2011:xvi). Simply put, all remittances are savings, but not vice-versa.[xxiv]

Bilogs then have a higher surplus threshold (contextual theme) and thus not only save less but also have a harder time in remitting money (comparative theme). As we see, not tackled adequately is a key issue: as bilogs forge thru additional savings and remittances roadblocks, how do social processes and "bilogness" intersect – creating leverage or liabilities – to expand the comparative and deepen the contextual themes?

4.4.4 Emergent Bilog Savings

Ultimately then understanding how "bilogness" is constituted within the social processes of migration may be better informed by applying a critical realist perspective on emergence. An autonomous reality continually unfolds and manifests outcomes that may or may not be found in its constituting components (Lopez, 2003). As bilogs reflexively negotiate thru varied and continuing decision points in their forging thru savings and remittance hurdles, they consummate the bilog savings *modus vivendi* (Archer, 2003: 20-25) – essentially guidelines for active choices regarding savings.

Thus, beyond precautionary savings nevertheless achieved amidst skill waste (comparative theme), asymmetric market information and a preliminary debt bondage handicap(contextual theme), a critical realist theme would go into an exposition of the reflexive choices a bilog is faced with in negotiating thru sufficiency and justifiability issues – the cumulative impact of which constitutes the emergent bilog savings process.

4.4.5 Bilog Income Baseline

This section establishes an income baseline of the four bilog cases. Income is the sum of salary and other income from part-time jobs and other income-generating activities. Full detail on empirical and secondary data cited below are contained in Tables 18 and Table 19 below:

Table 18: Data on Key Components (Salary, Other Income, Expenses, Savings) of Bilog Savings Process from Four Empirical Cases: 1987-2010

		1986-1990	1991-1995	1996-2000	2001-2005	2006-2010
BINGO	SA	Bike Factory (Helper): ¥950/hr	Rubber Factory (Helper): ¥12,000/day	Cement Factory (Helper): ¥12,000/day	Day Laborer (Helper): ¥12,000/day; Bike Factory: ¥900/hr	Construction (Helper): ¥15,000/day
	O	Various part-time jobs: ¥5,600/day-¥10,000/day average income				
	E	Housing: a. Bike/Rubber/Cement Factories: free housing provided; b. Others: ¥80,000/mo; Intimacy: a. Lived with wife for 8 years (1986-1994) b. Extra-marital affairs: partner 1 (6yrs); partner 2 (2yrs); partner 3 (1yr); Vices: Gambling-Heavy: Pachinko (pinball derivative); Drinking-Heavy; Smoking-none; Drugs-none; Dependents: Wife and two boys.				
	R	¥20,000/mo for dependents				
	SV				P62K 5dep P12K avg	P74K 6dep P12K avg; P110K 8dep P14K avg; P128K 9dep P14K avg; P124K 7dep P18K avg; P99k 7dep P14K avg; P68k 5dep P14K avg; P19k 2dep 9K avg
BOY	SA	Restaurant (Cook): ¥120,000/mo in 1987; ¥260,000/mo in 1996				
	O	1987-1996: Selling phone cards; selling furniture; money lender; selling clothes and jewelry (income supported vices)				
	E	Housing – Free for first two years; Intimacy – brought boyfriend; Vices: Gambling-none; Drinking-none; Smoking-heavy; Drugs-none; Dependents: Two adopted children				
	R	for dependents, none (supported by parlor business); ¥500,000 (boyfriend's first trip); ¥500,000 (boyfriend's second trip); ¥500,000 (sister-in-law's first trip)				
	SV	By 1996: P3,000,000 total				
YUMI	SA					Entertainer $600/6mos $800/6mos; Entertainer $800/6mos $800/6mos; Child of Japanese/Office work: ¥80,000/mo; Entertainer: ¥10,000/day
	O					During home visits: Tour guide for Japanese tourists (¥10,000/day)
	E					Housing: a. 1st-4th Entertainer tours: rent/food sharing at ¥12,000/mo b. Child of Japanese: Free housing; As Bilog Entertainer: "sponsor" gave ¥100,000 monthly for housing and living expenses and sub-leased one room to a friend for ¥25,000/mo. Intimacy: Japanese boyfriend for 2 years Vices: Gambling-none; Drinking-none; Smoking-yes; Drugs-none. Dependents: Family of elder sister (6 dependents) + Father and 3 younger half-brothers (4 dependents) = 10 total dependents
	R					¥30,000/month (dependents' sustenance); ¥150k for rice trading business; ¥150k for barbecue grill business
	SV					None
SUBARU	SA	Bakery (Baker): ¥160,000/mo	Earthquake Reconstruction Work (Helper)(2mos.): ¥14,000/day (back to same) Bakery (Baker): ¥190,000/mo	Constr-uction (Helper): ¥12K/day	back to same) Bakery (Baker) ¥200,000/mo	Belt Factory (Helper)(1 mo.): ¥700/hour; Matsuri Stall (Cook)(2 mos.): ¥700/hour Bakery (Baker): ¥250,000/mo; Construction (Carpenter): ¥10,000/day
	O	2007-2010: Selling second-hand goods at weekend street market (¥10,000 avg per weekend)				
	E	Housing: a. Bakery (on-site): ¥20,000yen/mo.; b. Living alone: ¥ 30,000/mo; c. Live-in arrangements: ¥80,000/mo.; Intimacy: a. Partner 1 (6yrs); b. Partner 2 (2yrs); c. Partner 3 (1yr); Vices: Gambling-Heavy: Pachinko (pinball derivative) and Horce Racing; Drinking-Heavy; Smoking-Heavy; Drugs-none; Dependents: Wife and three daughters.				
	R	¥50K-100K/mo.	¥80,000-120,000/mo.	¥50,000/qtr.	"Send-When-Able" Basis	

	SV							None

Notes:

1. Data sources: All data listed in Table 1 are taken from interviews with four Filipino overtayers in Japan conducted between 2010 and 2011.
2. Legend:
   Aliases of four cases: Bingo, Boy, Yumi and Subaru
   Key components of savings process: SA–Salary; O–Other Income; E–Expenses; R–Remittances; SV–Savings.
3. Bilog Salary Baseline: Computations:

3.1 Bigote:	Bike Factory:	4 years x ¥7,600/day x 20 days/month x 8 months/year = ¥4,864,000.
	Rubber Factory:	2 years x ¥12,000/day x 20 days/month x 8 months/year = ¥3,840,000
	Cement Factory:	2 years x ¥12,000/day x 20 days/month x 8 months/year = ¥3,840,000
	Day Laborer:	2 years x ¥12,000/day x 15 days/month x 6 months/year = ¥2,160,000
	Bike Factory:	1 year x ¥7,200/day x 20 days/month x 8 months/year = ¥1,152,000
	Construction:	8 years x ¥15,000/day x 20 days/month x 7 months/year = ¥16,800,000
	Total Gross Salary:	¥32,656,000 in 19 years
3.2 Boy:	Cook:	2 years x ¥120,000/month x 12 months/year = ¥2,880,000
		2 years x ¥140,000/month x 12 months/year = ¥3,360,000
		1 year x ¥160,000/month x 12 months/year = ¥1,920,000
		1 year x ¥180,000/month x 12 months/year = ¥2,160,000
		1 year x ¥200,000/month x 12 months/year = ¥2,400,000
		1 year x ¥240,000/month x 12 months/year = ¥2,880,000
		1 year x ¥260,000/month x 12 months/year = ¥3,120,000
	Total Gross Salary:	¥18,720,000 in 9 years
3.3 Yumi:	Entertainer:	1 tour x $600 (monthly for first 6 months in 2002) x ¥129.63/1$ (averge historical forex rate:www.oanda.com) = ¥466,668
		1 tour x $800 (monthly for second 6 months in 2002) x ¥120.83/1$ = ¥579,984
		2 tours x $800 (monthly for 1 year in 2003) x ¥115.95/1$ = ¥1,113,120
		2 years x ¥10,000/day x 20 days/month x 8 months/year = ¥3,200,000
	Office/Child of Jap.	4 years x ¥80,000/month x 7 months/year = ¥2,240,000
	Total Gross Salary:	¥7,599,772 in 8 years
3.4 Subaru:	Bakery:	1 year x ¥160,000/month x 12 months/year = ¥1,920,000
		1 year x ¥170,000/month x 12 months/year = ¥2,040,000
		1 year x ¥180,000/month x 12 months/year = ¥2,160,000
		1 year x ¥190,000/month x 10 months/year = ¥1,900,000
		1 year x ¥190,000/month x 12 months/year = ¥2,280,000
		1 years x ¥200,000/month x 12 months/year = ¥2,400,000
		1 year x ¥210,000/month x 12 months/year = ¥2,520,000

1 year x ¥220,000/month x 12 months/year = ¥2,640,000
1 year x ¥230,000/month x 12 months/year = ¥2,760,000
1 year x ¥230,000/month x 9 months/year = ¥2,070,000
1 year x ¥240,000/month x 12 months/year = ¥2,880,000
1 year x ¥250,000/month x 12 months/year = ¥3,000,000

Construction: 2 months x ¥14,000/day x 15 days/month = ¥420,000
1 year x ¥12,000/day x 20 days/month x 8 months/year = ¥1,920,000
5 years x ¥10,000/day x 15 days/month x 8 months/year = ¥6,000,000

Belt Factory: 1 month x ¥112,000/month = ¥112,000

Cook: 2 months x ¥112,000/month = ¥224,000

Total Gross Salary: ¥37,247,920 in 18 years

4. Bilog Expenses Baseline: Computations

4.1 Bingo Housing: 10 years x ¥0 (free housing at factory jobs) = ¥0
9 years x 12 months x ¥80,000/month = ¥8,640,000
Sub-Total, Housing: ¥8,640,000

4.2 Boy Housing: 2 years x ¥0 (free housing provided by restaurant owner) = ¥0
7 years x 12 months x ¥80,000/month = ¥6,720,000

4.3 Yumi Housing: 2 years (4 tours as entertainer) x ¥1,500/week (from ¥3,000/week allowance given) x 4 weeks/month x 12 months/yr = ¥144,000
4 years on Child of Japanese visa: free housing
2 years as Bilog entertainer: earned net income from housing
>¥20,000/month (savings from ¥100,000 allowance given monthly by Japanese boyfriend) x 12 months/yr x 2 yrs = ¥480,000
>¥25,000/month (rental payment of 1 boarder) x 12 months/yr x 2 yrs = ¥600,000
Sub-total income from housing budget/income: ¥1,080,000

4.4 Subaru Housing: a. Bakery on-site housing: 7 years x ¥20,000/mo x 12 months = ¥1,680,000
b. Live-in arrangements: 9 years x ¥80,000/mo x 12 months = ¥8,640,000
c. Living alone: 2 years x ¥30,000 x 12 months = ¥720,000
Sub-total housing expense: ¥11,040,000

5. Bilog Remittances Computations

5.1 Bingo ¥20,000/month x 140 months in 19 years (sum of months with work: see note 3.1 above) = ¥2,800,000

5.2 Yumi ¥30,000/month x 60 months in 8 years (sum of months with work: see note 3.3 above) = ¥1,800,000

5.3 Subaru ¥75,000 x 12 months x 3 years = ¥900,000
¥100,000 x 12 months x 3 years = ¥1,200,000
¥50,000 x 4 months/year x 3 years = ¥600,000
Sub-total: ¥2,700,000

6. Bilog Savings Rate Computations for Textbox 6:

6.1 Salary: BI: ¥32,656,000/19 years = ¥1,718,736/year; BO: ¥18,720,000/9 years = ¥2,080,000/year; Y: ¥7,599,772/8 years = ¥949,971/year; S: ¥37,247,920/18 years = ¥2,069,328/year. Total (BI+BO+Y+S) ¥96,223,692/54 years = ¥1,781,920 average yearly income of four respondents.

6.2 Other Income:
BI: ¥7,800/day x 15 days/month x 1 month/year = ¥117,000/year;
BO: as per Boy's narration, other income from sideline ventures just offset costs of his heavy smoking;
Y:
>for tour guide sideline work: ¥10,000/day x 10 days/vacation x 12 vacations (2x yrly except 2 years as overstayer: 6 x 2=12) / by 8 years total tenure = ¥150,000/year;
>for subletting of room in apartment paid by "sponsor:" ¥25,000/mo x 12 months/year x 2 years / 8 years = ¥75,000/year
>from savings from ¥100,000 budget from "sponsor:" ¥20,000/mo x 12 months/year x 2 years / 8 years = ¥60,000/year
Sub-total Other Income of Yumi: ¥285,000/year

S: ¥10,000/weekend x 4 weekends/month x 12 months/year x 5 years /18 years total tenure = ¥133,333 .

Average Other Income: ¥133,333(Bingo) + ¥285,000(Yumi) + ¥117,000(Subaru) = ¥535,333 / 3 cases = ¥178,444/average other income per year for Bingo, Yumi and Subaru.

7. Computation of Expenses for Textbox 6:

BI: ¥8,640,000(housing) / 19 years = ¥454,736/year;
BO: ¥6,720,000(housing) / 9 years =¥746,666/year;
Y: ¥144,000(housing) / 8 years = ¥18,000/year;
S: ¥11,040,000(housing) / 18 years = ¥613,333/year.
AVERAGE: ¥454,736 + ¥746,666 + ¥18,000 + ¥613,333 / 3 = ¥458,183 average yearly

8. Computation for Remittances for Textbox 6:

8.1 For Dependents' Sustenance

BI: ¥2,800,000 / 19 years = ¥147,368 per year
BO: --
Y: ¥1,800,000 / 8 years = ¥225,000/year;
S: ¥2,700,000 / 18 years = ¥150,000/year.

AVERAGE: ¥147,368 + ¥225,000 + ¥150,000 / 3 = ¥422,368 average yearly

8.2 Other Remittances Computations for Textbox 6

BI: none
BO: ¥1,500,000 (for boyfriend's two trips and trip of sister in law) / 9 years = ¥166,666/year
Y: ¥300,000 (for two business ventures) / 8 years = ¥37,500/year;
S: none
AVERAGE: ¥166,666 + ¥37,500 / 2 = ¥102,083 average yearly

9. Savings Computation for Textbox 6:

BI: ¥1,494,733 (taken from Textbox 5) / 19 years = ¥78,670 savings per year
BO: To simplify the conversion of the P3,000,000 pesos estimated savings of BOY in 1996, I apply only the Pesos-to-Yen exchange rate in 1996 which is 4.14 as per http://www.oanda.com/currency/historical-rates/: P3,000,000 x 4.14 = ¥12,420,000 / 9 years = ¥1,380,000 savings/year.

Table 19: Filipino Flows and Stocks in Japan with Selected Indicators, 1954-2004 (Yearly averages in thousands)

Year	All Arrivals (Column A)	New Arrivals (B)	Stocks (C)	Departures (Flows) (D)	% Re-Entrants Of C (E)	% New Entertainer Arrivals Of A/B/C (F)	% Overstayers of B/C (G)
1954-1960 (Row 1)	3.5		.4	3.5			
1961-1970 (2)	11.1		.6	11.0		.7%/x/x	
1971-1980 (3)	15.5		3.3	14.9		4.2%/x/x	
1981-1990 (4)	68.7	76.1	20.8	57.5	54%	55.6%/50.1%/x	
1991-2000 (5)	126.2	81.3	90.1	115.1	56%	33.4%/51.8%/46.7%	46.2%/41.7%
2001-2004 (6)	210.1	128.9	177.7	192.7	48%	36.8%/59.9%/43.5%	23.8%/17.3%

Sources: Various online and printed sources of the Japan Ministry of Justice. Detailed references and source data are listed at Annex A.

4.4.6 Summary Profile of Four Cases

Bingo, Boy, Yumi and Subaru[xxv] (respondent aliases) entered Japan at their prime, riding on the fast burgeoning, early "gold rush" of sorts of Filipinos into Japan. With arrivals more than quadrupling in volume (Table 19:A4) and current stocks growing more than six-fold (Table 19:C4) from the previous decade, Bingo, aged 31, and Boy, aged 33, easily slipped thru Japan Immigration in the second half of the 1980s with bogus documents and ulterior motives . By the 1990s when Subaru, aged 25, bolted his 3-day shore pass and sought refuge with relatives, there was roughly one overstayer for every two resident Filipinos in Japan (Table 19:G5).[xxvi] Yumi, aged 17 (on documents, aged 20), was among the many Filipinas in the early 2000s – the highest ever volume, three of every five new arrivals(Table 19:F6) – entering Japan as Entertainers.

Both Bingo and Subaru missed out the entirety of their children's growing years, returning to Manila after nearly two decades of overstaying (19- and 18-years respectively) but for completely opposite reasons. Bingo had saved up a modest fortune of .7million pesos over an 8-year span – voluntarily surrendered in 2008 – and looked forward to reconstituting his family life now armed with his own capital to start a business. Subaru had already, for years, been out of touch with his wife and three daughters when he was apprehended in the street, returning to Manila in 2010 with no savings.

Boy and Yumi overstayed[xxvii] for just short of a decade (9- and 8-years respectively) though their reasons for coming to Japan could not be farther apart. Boy owned and operated a beauty parlor and its earnings were enough to support himself and his two adopted children, but he wanted more. He surrendered in 1996 and returned to Manila with approximately 3 million pesos in savings. Yumi was the sole bread-winner to nine dependents, but was, herself, unmarried. She was arrested in 2010, returning to Manila with no savings.

Indeed, the four cases represent different motives, varying experiences, contrasting savings outcomes. Is there a common bilog savings process?

4.4.7 Bilog Salary Baseline

Income is realized as a confluence of social variables is consummated, if you will, by reflexive choices. In what specific ways does "bilogness" insert itself into income generation?

Bingo and Subaru attest to a feverish employees' market during their early years in Japan (late 80s and early 90s). Recruiters, they narrated, would begin offering work the moment they stepped out of trains, the quoted salary starting at ¥13,000/day eventually increasing to ¥18,000/day as you approached the station exit. Yet the impact of this contextual variable (recall the contextual theme discussed above) on bilog work choices and duration seemed to be secondary to one's social network. Let's scrutinize the four cases further.

While Bingo and Subaru both tried multiple blue-collar jobs at different periods, only one or two of those were their major jobs which they kept for years on end. Boy's case is notable in that he stayed in one job for his entire nine years in Japan. Yumi would have persevered as an entertainer for her entire tenure had she not changed residence status midstream into Child of

Textbox 6: Bilog Salary Baseline, 1987-2010

Bingo: > Factory helper(bicycle/rubber/cement), construction
> ¥7,200-¥15,000/month salary range
> ¥32,656,000 total salary in 19 years

Boy: > Cook
> ¥120,000-¥260,000/month salary range
> ¥18,720,000 total salary in 9 years

Yumi: > Entertainer, Office worker
> ¥77,000-¥200,000month salary range
> ¥7,599,772 total salary in 8 years

Subaru: > Baker, Factory helper(belts), cook, construction
> ¥150,000-¥250,000/month salary range
> ¥37,247,920 total salary in 18 years

Note: Further breakdown of information is available at Table 6.

Japanese, also thru bogus documentation. Taken together average yearly salary baseline is ¥1.8million (see Textbox 6).

All these jobs were secured thru direct referrals from members of their social networks. Undeniably, contacts would have no jobs to refer if the economy were down. In this sense, contextual factors indirectly bear down on "bilogness." But neither can bilogs access labor markets directly given their lack of documentation. The default, and in most cases, the only, actionable option would be to tap into networks in the job searching process. Unlike legal migrants, bilogs cannot make cold applications for job openings without any referral.

One could say then that while contextual factors may influence the general outcome of a job search in that an economic downturn might lessen the overall number of available jobs, the job searching process in "bilogness" nevertheless persists as the vitality of their social networks is independent of the volume of available jobs. Stated differently, as bilogs reflexively mobilize social networks in their job searching – one result of which may be that no job is found – their activation of their networks already, by itself, cultivates it, regardless of the result of the search.

Thus "Bilogness" – constituted by the state as a zero-sum feature, that is, that its intended benefit to the host country comes at the cost of the effective excision of bilogs from full labor market participation – seems to position its constituting parts in specific ways that, when in full interaction, cause its emergent properties to manifest.

Elder-Vass (2008, p.284-285) explains this relational aspect of emergence:

> *Wholes are emergent when they possess emergent properties, and properties of wholes are emergent if they would not be possessed by their parts, were those parts not organized into such a whole. … It is the particular relations that exist between the parts when they are organized into just this sort of whole that lead to the whole being more than the sum of its parts, in the sense that the whole has properties that the parts would not have if they were not organized into this sort of whole.*

That a ¥1.8million yearly salary baseline was realized suggests that some resulting arrangement or alignment of the constituting parts is in play, subverting, if not, indeed, emerging from, the zero-sum that is "bilogness." Social networks, as one among many invested parts in "bilogness," upon reflexive activation by bilogs, align themselves into a positive role in their income generation. This will be discussed further below.

Relational emergence may also clarify the constitution of "bilogness" within Coniglio et al's "skill waste" concept. With the exception of Yumi who received pre-departure training, Bingo, Boy and Subaru learned their job skills in Japan. Bingo became quite adept at assembly and production processes of bicycles, rubber and cement; Boy eventually mastered all Japanese dishes offered in the menu; Subaru became a master baker. Learning skills on-the-job, however, is not enhanced by a migrant's lack of legal status.

"Bilogness" uniquely qualifies skill waste in that employment status (and thus security and income) remains static despite skills acquisition over long tenures. We may say that this

qualification is relationally significant because the process of worker training is designed a little differently in other work situations. Yamanaka (1973, p.75) explains that the Japanese make a distinction between "unskilled labor" (*hijukuren rodo*) and "skilled-labor-to-be" (*mijukuren rodo*). The former are those employed as temporary workers in smaller companies doing manual, repetitive tasks with no expected vertical path in skill and status. The latter are those newly-employed for the long haul by larger companies and, as such, they undergo a skills acquisition program.

Bilogs, with their specific characteristics (recall discussion on comparative theme), now enter into this pre-arranged distinction and – regardless even if it is applied to both local and foreign workers with legal status – further compound the resulting interplay. Bingo, Boy and Subaru began as *hijukuren rodo*(unskilled labor) – as they learned their craft in the early years – but their "bilogness" predisposed them to be utilized as *senmon rodo* (skilled labor) – becoming a skilled production worker, master cook and master baker— but with the pay and status of the *tanjun sagyo* (unskilled labor).

Relational emergence in "bilogness" then clarifies that skill waste may be more aptly renamed "skills transformation" to capture its embedded, emergent aggregation of three processes: first, underemployment, second, cheap skills, and third, skill expansion.

Ultimately, we say that this relationally predisposed "bilogness" in income generation becomes emergent because the reflexive choices made by bilogs to remedy this situation presents new, ensuing realities.

4.4.8 Bilog Other Income

I mention skills expansion as the third process within skills transformation because all four cases reflexively implemented some form of counter strategy to offset the effects on income generation of underemployment and cheap skills.

Bingo resorted to doing various types of part-time jobs during weekends and off-days when his boss would, for varied reasons, declare no-work days. Boy and Subaru had year-round work given their central roles as *senmon rodo* (skilled labor) and this prevented them from moonlighting in part-time jobs like Bingo did. Boy, however, still managed to do multiple sidelines including selling phone cards, furniture, jewelry and clothes, money lending and cooking special dishes on order-basis. Yumi would guide visiting Japanese tourists during trips home between entertainer contracts. Subaru only started hawking second-hand goods in his last years during off-days from his construction work.

Textbox 7: Bilog Other Income, 1987-2010

Bingo: > Various part-time jobs, irregular
> ¥5,600/day-¥10,000/day average income

Boy: > Buy-and-sell, money lending, catering
> Additional income offset all costs of vices

Yumi: > Local guide for Japanese tourists
> ¥10,000/day average income

Subaru: > salvaging and street hawking
> ¥10,000 average income per week

Note: Further breakdown of information is available at Table 6.

Just to note that I purposely refrain from adding "other income" to the salary baseline to produce the bilog income baseline as firm amounts are harder to establish and thus its impact harder to ascertain. Textbox 7 summarizes these other income sources.

Emergence in skill transformation, specifically in its third component - skill expansion, is manifest in the multiple, novel situations that are especially brought about by the theorized relationally consummated "bilogness."

Boy, for example, as mentioned earlier, was already an active entrepreneur with his own beauty parlor business even before he came to Japan. His trading ventures were but an instinctive activation of skills already present. However, in Boy's own narration, his informal trading activities – finding suppliers, dealing with customers, weaving through nuances in Japanese commercial transactions – had the effect of expanding his social network, widening his radar on opportunities and threats and, most importantly, strengthening his self-confidence to create and mobilize new strategies.

An empowered Boy emerged from relationally powerless "bilogness." From a subservient, compliant overstayer in his first years in Japan, focused on just minimum functioning, Boy took direct control of his emotional health by importing his boyfriend into Japan, also without legal status, and even causing his second entry with bogus identification when his first entry was aborted after his arrest. Boy also financed the entry of his sister-in-law, also as an overstayer, and linked up Japanese suppliers of surplus car parts with his brother's own car parts business.

The reader in a hurry may jump thru the detailed empirical data presented below and go directly to the integrating discussion at the section's end.

4.4.9 Cash Outflow Baselines: (Living) Expenses, Remittances, Savings

"Bilogness" also impacts the other half of the savings equation, that is, expenses. The yearly salary baseline of ¥1.8million has to be evaluated against some form of bilog expenses baseline, once again identifying any uniquely-arranged components that produce relationally emergent properties. Indeed, the social processes involved in maintaining the bilog income generation infrastructure and the social processes involved in supporting its beneficiaries both, inevitably, have corresponding costs.

Most of this section will be used to present empirical data but these, nevertheless, will be anchored to the concept of relational emergence and morphogenesis at the end part.

Textbox 8: Bilog Expenses Baseline, 1987-2010

Bingo:
> Housing(H): 10 years free housing; ¥8,640,000 total rent expense in 9 years
> Intimacy(I): Lived with wife for 5 years; three live-in partners in 9 (of 19 total) yrs
> Vices(V): Heavy gambling (pinball); heavy drinking.
> Dependents(D): wife and two children

Boy:
> H: 2 years free; ¥6,720,000 in 7 years
> I: Lived with boyfriend for 5 years
> V: Heavy smoker
> D: two adopted children (in Manila)

Yumi:
> H: 2 years as entertainer: ¥144,000; 4 years as office worker: free housing; 2 years as bilog entertainer: net income of ¥1,080,000
> I: Japanese boyfriend for 2 years
> V: Moderate smoker
> D: 10 dependents

Subaru:
> H: ¥11,040,000 total rent expense in 18yrs
> I: three live-in partners in 9 (of 18 total) yrs
> V: Heavy gambler; heavy drinker; heavy smoker;
> D: wife and three daughters

Note: Further breakdown of information is available at Table 6.

4.4.9.1 Bilog Expenses Baseline

Textbox 8 presents only four expense items – housing, intimacy, vices and dependents – as these are the major ones having the most variability and thus the most impact among a Bilog's expense items.

As employers understand that their bilog employees, due to lack of required documentation, cannot rent apartments on their own, free or subsidized housing is offered. The four cases explain, however, that while these arrangements are not only both practical and secure, as time progresses, the need for privacy and intimacy surpass economic considerations.

All four cases, in their first years, took housing arrangements offered by their employers. Bingo initially lived with his wife, who had come to Japan three years before him, in the company dormitory but eventually moved in with three live-in partners. Boy, as mentioned above, lived with his boyfriend.

The cost of intimacy is seen in the case of Subaru who had the same number and duration of extramarital liaisons as Bingo but who lived alone in a monthly-type hostel during his last two years in Japan, paying less than half of the housing cost of Bingo and Boy. Subaru explains, moreover, that his fluent Japanese convinced the hostel that he was Japanese, thus securing his entry.

Yumi's case, interestingly, highlights other social processes at play when bilog gender is switched. In her last two years in Japan, Yumi took on a "sponsor," as she calls her Japanese male patron, who gave her ¥100,000 monthly for her lodging expenses. Savings from that monthly apartment allowance combined with subletting payments resulted in additional income for Yumi.

Considering only the rent-paying years of Bingo, Boy and Subaru, their average yearly housing expense baseline was ¥776,470.

Other costs associated with intimacy arrangements – not limited just to its impact on rental costs – are discussed in fuller detail below as I discuss relational emergence further.

In lieu of firm amounts estimating the cost of vices, I use the adjective "heavy" to describe the pervasiveness of vices in a bilog's life – as confirmed by personal assessments, secondary confirmation from a bilog's peers and on spending propensities hinted at during interviews. Bingo, for example, narrated how he kept ¥5,000 yen from his ¥15,000 daily salary for what he called his own "daily expenses" which consisted mostly of his daily gambling and drinking activities. Subafru's gambling had gotten so intense that he would skip eating lunch so that go to the nearest gambling parlor. Subaru would even take out salary advances for the morning work just completed so as to use that for his noon gambling trips. Bingo and Subaru's "heavy" gambling activities were also independently confirmed by other bilog cases who were either their gambling companions or their creditors.

Last on expenses, the differing circumstances of the dependents of the four cases translated into varying social processes constituting "support" (and thus costs) for dependents. Since Bingo, his wife and two other younger siblings were all Bilogs in Japan, it was their mother that received all remittances, spending them on the total of six grandchildren children in her charge. As Bingo stayed the longest in Japan, his

remittances continued to support all six grandchildren.

While Bingo's mother functioned as remittance gatekeeper out of necessity Subaru similarly coursed his remittances thru his mother but out of deference, as his wife and three daughters were living with his mother under one roof. Subaru sadly narrated that his remittance strategy was to remit all his surplus income, delegating the responsibility of saving to his mother, who had unfortunately lost it on gambling.

Boy's mother, in contrast, received his remittances but these were all used as rolling capital for their existing trading businesses. Daily expenses for Boy's two adopted children were sourced from his existing parlor business.

In Yumi's case, it was her father who managed the receipt and spending of remittances on her ten dependents.

Indeed the routing and utilization patterns of remittances unavoidably contribute to key costs constituting the support of dependents in addition to simply the amount and frequency of remittances.

Textbox 9: Bilog Remittances Baseline, 1987-2010

Bingo:	> ¥20,000/month (dependents' sustenance) Total: ¥2,800,000/19yrs or ¥147,000/year
Boy:	> ¥0 (dependents' sustenance) > ¥500,000 (boyfriend's first trip) > ¥500,000 (boyfriend's second trip) > ¥500,000 (sister-in-law's trip)
Yumi:	> ¥30,000/month (dependents' sustenance) > ¥150,000 for rice trading business; > ¥150,000 for barbecue grill business Total: ¥1,800,000/12yrs or ¥150,000/year
Subaru:	> 3 yrs: avg of ¥75,000/mo (total remit.) > 3 yrs: avg of ¥100,000/mo (total remit.) > 3 yrs: avg of ¥50,000/qtr (total remit.) Total: ¥2,700,000/9yrs or ¥300,000/year

Note: Further breakdown of information is available at Table 6.

4.4.9.2 Bilog Remittances Baseline

Except for Boy who, as mentioned earlier, had an existing parlor business, Bingo, Yumi and Subaru supported their dependents mainly through remittances (see Textbox 9). The actual transfer of monies were effected either thru cash hand-carried by vacationing compatriots or electronically thru bank accounts of girlfriends with legal status.

While Bingo and Yumi remitted an average of ¥150,000/month for their dependents' sustenance and did so consistently for the entirety of their tenure, Subaru's remittances, which combined both sustenance and savings budgets, were very strong in his early years (about ¥300,000/month) but fizzled out around midpoint in his tenure (reason to be discussed below). Significant amounts were also remitted for business ventures (Yumi - ¥300,000) and for intimacy/family support costs (Boy - ¥1,500,000).

4.4.9.3 Bilog Savings Baseline

On top of remittances, Bingo was able to save about ¥1,500,000 over seven years. With the help of his live-in partner who had legal status and, based on his narration, armed with his desire to prepare for his eventual return, Bingo opened a deposit-only account in the Osaka branch of a Philippine bank (see Textbox 10 notes for link to

Textbox 10: Bilog Savings Baseline, 1987-2010

Bingo:	> ¥1,494,733 (or P685,750) savings in 19 years
Boy:	> Approximately P3,000,000 savings in 9 years
Yumi:	> none
Subaru:	> none (savings included in remittances)

Notes:
1. Original passbook specimen pictures are at http://tinyurl.com/o4ncera and extracted amounts and forex conversion are at http://tinyurl.com/m2rzlwo.
2. Further breakdown of information is available at Table 6.

original deposit data). Both frequency and amount of savings deposits by Bingo seemed to lack consistency – ranging from 2 to 9 deposits of ¥9,000 to ¥18,000 per year.

Boy estimated that upon his return his accumulated savings had reached roughly P3,000,000.

Yumi and Subaru had no savings at the time of their return to Manila.

Case Study Narration 5: Boy Chua (narration support discussion on Bilog savings)



At 32, Boy Chua had two adopted children and his own parlor business where he was the chief beautician. Stories from returning or vacationing Japan entertainers and from other Filipino contract workers showed him that one month's income in Japan could easily be equivalent to a year's income in the Philippines. So in 1987, Boy Chua left for Japan as a tourist, overstayed his visa, worked in a Japanese restaurant for 9 years and returned home in 1996 with over 3 million pesos in savings. Today, Boy Chua owns 4, multi-story apartment buildings and has 53 employees working in the 4 branches of his flourishing trading business. He himself only a high school drop-out, Boy Chua is proud to say that his now 5 adopted children have all finished tertiary education in private schools.


Boy Chua today at 58

Yet Boy Chua, now 58, becomes teary eyed when I asked if his Japan experience was worth it. After a long, nervous pause, he breathes deeply and exhales, letting out what to me seemed like combined wisdom and hurt waiting to be heard. Boy Chua lived through his first three Japanese winters with no heating, using only a Japanese table with a bulb underneath which he made to stand on its side, trapping the warmth from the bulb with blankets. With no bathing area and no hot water, Boy Chua picked up a discarded inflatable kid's swimming pool, placed that in his living room, and bathed in it using hot water heated with an electric water heater timed by two alarm clocks – the first one to wake him up to plug the water heater, the second one to wake him up a second time to unplug it.

But Boy Chua chalks up his experiences of hard life in Japan to doing simply what was necessary to reach his goal, saying: "Malinaw sa akin parati na ang pinunta ko sa Japan ay trabaho: hindi bulakbol, hindi bisyo." ["It was always clear to me that I came to Japan to work: and not to waste my time in useless pursuits or vices."]. He took second jobs on morning shifts and weekends when he was off from his main job. He sold clothes and furniture to friends – on order basis – with nothing but a brochure from his mother back in the Philippines who would then send the products via international courier. He peddled phone cards and cigarettes to his co-employees to cover his own expenses for what he

calls his only vices in Japan: calling international long-distance to his mother and siblings and smoking.

Is Boy Chua's story typical of the more than 50,000 Filipinos[2] deported or returned from Japan from 2000 to 2009? Can his success today be attributed to his experiences as an overstayer in Japan? Or was it his being Chinese-Filipino or that he was gay? Was he truly all work and no play – and for nine long, hard and lonely years?

The Boy Chua mystery begins a 12-story exposition of Filipino overstayers in Japan, chronicling the unique challenges faced by this special segment now representing nearly 1 of every 5 Filipino contract workers[3] or "temporary" migrants among the 2009 total of 8.5 million Filipino migrants worldwide. Between 1984 and 2010, these 12 Filipino overstayers gambled their futures and those of their families chasing the Japan dream – whatever that represented to each of them, entering Japan using fake names, tampered passports, bogus paternity claims or using valid personal information but with different intentions. For some their Japan sojourn was a one-way, self-imposed exile lasting decades, losing contact with their families by force of circumstance, in the perspective of the migrant, or by irresponsibility and selfishness, in the perspective of the forgotten dependents. Some successfully graduated into legal status but most returned home,

[2] ELJOMA (2011). Irregular Migration Information (http://www.irregularmigration.info), Table 11, Status of Detained and Departed ICRRA Violators, 2000-2008. Retrieved on July 31, 2011 from http://www.irregularmigration.info/2010/11/filipinos-in-japan-2010.html.

[3] Commission for Filipinos Overseas (2009). Stock Estimate of Overseas Filipinos. Retrived on August 1, 2011 from .

clinging to the fantasy of forgiveness and reunification with wives and children who have long since moved on in life without them. Most came home broke and with job skills attuned to Japanese market, they are unable to reintegrate into local jobs, remaining stuck in limbo, as it were, secretly wishing to return to Japan and do everything again but this time differently, now knowing better.

What I find compelling about Filipino TNTs – or "Tago Ng Tago" ("always hiding") as is their popular moniker in the Philippines – is how their stories of adversity, ingenuity, triumph and defeat, redemption or vindication show the frontiers, the limits, if you will, of the Filipino migration experience, pointing to the valuable lessons in Filipino reciprocity or "utang na loob," migrant rights and thus democracy and the dynamics of social boundaries or how belief systems are negotiated along issues created by lack of legal status.

Previous studies have sufficiently highlighted how typical (legal) migrant families face daunting challenges of child-rearing and marital fidelity given the loss of one or both parents to overseas work. But remember that on top of the challenges of the legal migrant, the TNT migrant faces additional already crippling liabilities such as, mainly: the perpetual threat of arrest and deportation and therefore the inability to make any semblance of planning and projections, the virtually permanent removal of physical intimacy from society-prescribed "valid" sources and the inherent job insecurity thus affecting both frequency, quantity and overall reliability of remittances to dependents

(not to mention any savings). What then do the social costs of illegal migration look like? And if these social costs far outweigh the perceived TNT benefits, what then are the policy and migration management imperatives for government and non-government organizations?

Boy Chua worked 6 days a week from 1pm to 11pm and was paid ¥120,000 a month starting October, 1987, reaching ¥260,000 by the time he surrendered and returned home in March 1996. Quick computations reveal that Boy Chua's savings level consistently averaged a staggering 50% of his gross income

Since I differentiate savings (surplus income kept intact for future use of the migrant upon his return) from remittances (used mainly for living expenses of dependents), it is important to go into more details. Boy Chua's existing parlor business supported the living expenses of his two adopted children. He would ask returning friends to hand carry his savings and give it directly to his mother for safekeeping. It would be Boy Chua's mother who would finally convince him to return home in 1996 on account of his savings having already reached 3 million, not yet counting additional earnings as Boy Chua's money was also used as rolling capital in the family business. Jimmy Umali had two children and was the sole breadwinner for his family, at one point his wife (Story 4) accompanying him in Japan also as an overstayer. Jun Villasenor had three daughters and was the major breadwinner, his wife running a small community eatery.

With no heating, no hot water and no bathing area in the free housing provided by his Japanese employer, Lola Boy faced his greatest challenge in his first ever winter experience. Entering Japan just weeks earlier, with no money and no friends and family to run to, the proud fighter in Lola Boy went into overdrive. Wearing multiple layers of thick shirts, pants and jackets made movement around the apartment bearable; sleeping in them caused body pain as the weight of the clothes prevented his natural shifting and turning throughout the night. Lola Boy picked up from the street a discarded Kotatsu (low table with a heater lamp at the bottom). Making it stand on its side, with the bulb facing his mattress, he placed beams and posts around his bed made from long, hard cardboard pipes used to roll fabric – also picked up from the street, wrapping his blankets around the skeletal structure, trapping inside the heat of the Kotatsu's lamp.

4.4.10 Discussion on Baselines

Relational emergence has informed the discussion thus far, highlighting how the particular parts comprising an emergent "bilogness" are its genesis yet still its incomplete constitution. To recap: zero-sum "bilogness" is countered by social networks, producing the unintended baseline ¥1.8 million average annual salary; intrinsic skill waste is followed by skill transformation, spurring a host of new situations and possibilities that further entrench rather than excise bilogs.

Yet ultimately we need to examine how these two situations that I argue represent an emergent "bilogness" evolved to be this particular way and not any contrary form. If only because our four cases entered Japan in a particular time period (1987-2010), the temporality of an emergent "bilogness" has to be imputed into the question of savings sufficiency.

This diachronic lens may, for example, help frame a historical public awareness scale of "bilogness" in Japan. In the 1970s "bilogness" was largely a non-issue with no official statistics on *senzai kyojuusha* or "people living hidden lives"(Morriz-Suzuki, 2010: 180). By 1989 the Japan Immigration Bureau began its five-year planning cycles and bilog statistics were officially disseminated (Japan Immigration Bureau, 1990). In 2003 "bilogness" was first perceived to warrant a top-level government response and a goal of surgically halving its prevalence in just 5 years was included in the Action Plan for the Creation of a Crime Resistant Society (Japan Police Agency, 2003; Takahashi, 2010). An official government announcement, first published on the web since 2004 (Japan Immigration Bureau, 2004b), encouraging anyone with suspicions to report overstayers and other foreign "violators" citing thirteen essentially open-ended reasons (Arudo 2004) has been met with acquiescence by the general public (Bommes and Sciortino 2011: 218).

These four events demonstrate the structural (1989 and 2003 events) and cultural/ideational (1970s and 2004-to-present day) contributions to the "bilogness" that our four respondents stepped into and against which their savings sufficiency was forged.

Belanger et al (2011), Spencer (1992), Morita et al (1994), with almost two decades between their arguments, show the resiliency of the position that structure is the primary, originating and pervasive determinant of "bilogness" in Japan, the major factors cited including the legal framework, economic imperatives, various institutional and employment practices.

The evolution of perceptions to "bilogness" in Japan may also be culled from the reflections of Morris-Suzuki (1998) on the forging of Japanese identity thru its tumultuous journey thru the 20th century: essentially from an inward-looking, individualist/nationalist conception to one adapting to impending globalization forces towards the end of the century. "Bilogness" as necessary concessions in the 1980s then regressed into criminal punitiveness by the 1990s/2000s (Kanayama, 2009; Yamamoto 2010).

The interplay between structure and culture and the role of the migrant within this process has also been tackled extensively. Yamamoto (2012), for example, argues a "greater acceptance of difference" coming out of recent changes in the legal framework for immigration in Japan – in contrast to what Morris-Suzuki (2010: p 197-198) described as the prevailing "tolerance" or "coexistence with a difference" views decades earlier – but, simultaneously, a bifurcated repression toward bilogs also anchored on that same legal framework. Within this jostling of structure and culture, alternately referred to as "crimmigration" (Stumpf 2006; Fan 2013) or "racial hierarchy" (Shipper 2012), migrants

and interest groups persist and actively carve out spaces of resistance (Chung 2010; Vilog 2012).

In citing current literature that has tackled the temporal, structural, cultural and agential considerations in "bilogness," I wish to highlight the need for a more versatile explanatory approach to better inform the issue of savings sufficiency and, consequently, bilog savings.

If structural elements in the host state exhaustively dictate the nature of "bilogness," presently conceived as obtaining only within the physical boundaries of the migrant as migrant, then how may we account for its resilient, intractable presence in destination states decidedly averse to it? Conversely, if cultural or agential considerations impelled against an omnipresent immigration bureaucracy are sufficient to change it, then how may we account for increasingly strategic, repressive management of human mobility amidst, on the one hand, impending demographic issues of a host country's aging workforce and, on the other hand, clearly available human resources overseas?

More specifically, in the current subject of bilog savings, we see

Textbox 11: Bilog Surplus Baseline, 1987-2010

	BI	BO	Y	S	AVG
Income (million ¥/yr)					
Salary	1.7	2.0	.95	2.0	1.8
Other Income	.12	-	.29	.13	.18
Sub-Total:	1.8	2.0	1.2	2.1	2.0
Expenses	.45	.75	.02	.61	.46
Remittances					
Sustenance	.15	-	.23	.15	.42
Others		.17	.04		.10
Sub-Total	.15	.17	.27	.15	.52
Savings	.08	1.4			
Surplus	1.1	-.32	.66	1.24	

Notes:
1. See Notes 6-9 of Table 6 at http://tinyurl.com/q8gur52 for computational details.
2. Expenses represents only housing costs.
3. Savings is taken from Textbox 10.
4. Surplus is Income - (Expenses+Remittances+Savings).

outcomes inconsistent with Collectivism (primacy of social structure) or Individualism (primacy of people). Varying income surplus[xxviii] qualified what sufficiency meant for each of the four respondents (see Textbox 11).

If "bilogness," structurally designed as zero-sum, negates all agential inputs, then what accounts for Bingo saving ¥.08 yearly? This may be adjudged as "small" compared to Boy's savings or, put differently, as "still managing to save'' that amount (that is, compared to Yumi's or Subaru's zero savings) given that he still had ¥1.1m in surplus income every year for 19 years.

Conversely, if Boy's maxing-out his savings of ¥1.4m yearly for 9 years (despite having an annual deficit[xxix] of ¥.32) can be seen as patent Individualism, that is, successful subversion of the immigration bureaucracy, then why did Boy ultimately see the non-sustainability of his savings model and surrender after just 9 years?

And quite compellingly, what interplay of structural, cultural and agential factors resulted in Yumi and Subaru having zero savings despite having the highest surplus income (Subaru's case: ¥1.24 yearly for 18 years) and the most generous of remittances (Yumi's case: ¥.27 yearly for 8 years)?

4.4.11 Morphogenesis in Bilog Savings.

Margaret Archer's morphogenetic approach may be better equipped than collectivism or individualism to help us achieve coherence in the variable fortunes of our four cases. Archer explains morphogenesis:

> *The 'morpho' element is an acknowledgement that society has no pre-set form or preferred state: the 'genetic' part is a recognition that it takes its shape from, and is formed by, agents, originating from the intended and unintended consequences of their activities.* (Archer 1995: p.5)

Within the term morphogenesis is its differentiating value proposition: understanding how persons engaged in society continuously transform it. Structure and culture may initialize default settings for society's human occupants but, at the multiple levels in which they unavoidably and necessarily interface, synergy is inevitably achieved.

4.4.11.1 Conflation and Reducibility

Morphogenesis then rejects what Archer describes as conflation and reducibility, that is, that people are essentially aggregated society (downward conflation in Collectivism), acting and producing outcomes that ultimately serve society's interests (reducibility); and, conversely, that society is but supersized people (upward conflation in Individualism), providing ingredients, as it were, to peoples' flourishing (reducibility).[xxx]

Here I must quickly qualify that my particular appropriation of the concept of reducibility (in the above paragraph where I cite actions/outcomes vis-à-vis interests and supplementary ingredients vis-à-vis flourishing) is done to keep us close to the subject of this paper (savings in the context of irregular migration). When Y can be wholly explained by X or when 2 is nothing but the sum of two 1s we then say that Y and 2 are reducible (to X and two 1s respectively).

Reducibility then is concerned with composition such that given knowledge of parts one will consequentially understand, exhaustively, its resulting whole.

Applying that to our paradox of bilog savings, reducibility will argue that in the zero-sum immigration structure no surplus, and thus no savings, is possible. Simply stated, Collectivism will deny altogether the possibility of savings, arguing that despite migrants' actions and outcomes, in the end, they will bow down to the interests of immigration which is to make overstaying unfeasible.

In the opposite scenario, reducibility will also argue that migrants, in and of themselves, are fully empowered to overcome any structural impediments thrown at them. Put differently, Individualism will assert that savings are wholly achievable as migrants simply assemble societal impediments, rearranging them accordingly, and in doing so capitalizing on them as if they were component ingredients, so that they can flourish accordingly as measured in their successful saving.

If reducibility is concerned with composition, conflation is concerned with the relations of component parts. Downward conflation in collectivism will argue that since migrants' efforts to save are ineffective given the air-tight settings of the immigration system, there is essentially no value in further exploring how these efforts are launched but wholly stunted by the particular relations of migrants within the immigration system. Simply put, downward conflation subsumes lower parts into upper parts, dismissing the lower parts as basically the same as the upper parts any thus not having any meaningful relations between them.

Conversely, upward conflation in individualism will argue that since migrants will consistently maneuver away the effects of structural impediments (such as lack of legal status) and ultimately achieve savings, there is essentially no value in mapping out the costs incurred to skirt around structural liabilities (such as, say, entering into a second, fraudulent marriage in Japan) as all consequences are secondary to the goal of savings. Upward conflation is the opposite of downward conflation as described above.

As reducibility oversimplifies outcomes and conflation disregards variability, collectivism and individualism are inadequate in explaining bilog savings, bringing us now to what the morphogenetic approach asserts acknowledges complexity (emergence) and captures dynamism (stratification).

4.4.11.2 Emergence and Stratification

Migrants' actions and resulting outcomes are not simply precluded by immigration's rules. Structural impediments are not impotent forces neutralized by migrants' innovative tactics. Archer clarifies that composition is not about reduction but about emergence – when the nature of resulting outcomes may be imperfectly attributed to its constituting parts but achieves unity only upon the imputation of a heretofore nonexistent property or entity of the emergent whole.

Thus, Bilog savings as an outcome emerges from migrants' engagement of default structural conditions (their lack of legal status) that are re-interpreted and re-appropriated within cultural resources (invested social networks) wielded differentially.

Rationalities of migrants' actions are not linear, at best, or irrelevant, at worst, in a flattened, unidimensional reality lorded over by structure. Immigration configurations are not readily dismissed or overwhelmed simply on the strength of a migrant ingenuity that justifies all means given its end of economic security. Archer clarifies that relations between and among structure, culture and people are not incidental but fully immanent within a stratified reality. While irreducibility nourishes emergence (as output) the potent and constitutive relations between and within these irreducible parts, enabled within fully distinct and differentiated strata, hints at that output's genesis (its process, its making).

Thus, the genesis of the emergent bilog savings of Bingo, Boy, Yumi and Subaru – how it came about, how it can be explained – can be found in looking at how the four cases either: 1) actively positioned themselves within niches, if we may call it that, which they carved out by capitalizing on opportunities or 2) passively regressing into vicious cycles, if we may call it that, which they fell into by either inaction on liabilities or non-awareness of consequences; resulting from the relations between the distinct strata of immigration defaults (structure) and discriminatory/supportive social networks (cultural).

4.4.11.3 Elaboration and Reproduction

Archer emphasizes that in the sequence emergence-interplay-outcome (which I discuss above thru the subject of Bilog savings) both parts (structure and culture) and people are impacted: called morphogenesis if from this impact parts and people evolve (an elaboration of social structure); called morphostasis when this impact cooperates with existing imperatives or designs of parts and people (a reproduction of social structure).

That Yumi and Subaru came home broke may be described as a structural morphostatic outcome in bilog savings in that it reinforced the zero-sum design of migration without legal status. This structural design[xxxi] may be stated thus: the state institutionalizes effective exclusion of overstayers from society yet, in the same breath, the economy acknowledges their value by hiring them nevertheless – and bilogs will unfailingly break down from the sheer weight of the consequences of their excised, marginalized existence,

namely: loneliness (thus marital infidelity and family alienation), idleness (and thus vices and indiscriminate spending) and, finally, unpredictability (and thus zero-planning and day-to-day existence).

That Bingo and Boy achieved savings can be explained by a morphogenesis of their agency within the same zero-sum immigration design that structural morphostasis contends defeated Yumi and Subaru. The particular emergence-interplay-outcome sequences consummated by Bingo and Boy may have initially impacted their agency morphostatically (that is, validating their helplessness within the zero-sum immigration structure). But they may have eventually overcome this morphostasis in their agency, responding differently, enabled by some specific combination of emergence-interplay-outcome sequences in their previous experiences, to the same threats of loneliness (and thus heightening family communication), idleness (and thus engaging in additional income-generating activities) and unpredictability (and thus all the more proactively saving in recognition of the perpetual risk of deportation).

Still, together with structural morphostasis in the final savings outcomes of Yumi and Subaru, we may also find instances of morphogenesis of agency, similar to that of Bingo and Boy, during their early years or at the level of remittances. Reviewing Textbox 6 and its details in Table 1, we see that Subaru had remittances equal to that of Bingo (¥.15m yearly) but that these were all frontloaded in his first nine (of total of 18) years in Japan.

Yumi, in turn, had no savings when she eventually returned home permanently but she had the highest remittances (¥.27m yearly or nearly double) those of the others.

That morphogenesis/stasis can be found in various times in the emergence-interplay-outcome sequences of our four cases emphasizes the continuous reproduction/elaboration of society, that is, the parts that constitute it (structure and culture) and its members (people). But then the Morphogenetic approach is not content with just a description of outcomes as reproductive or elaborative. Archer emphasizes the importance of tracing why emergence-interplay-outcome sequences resulted in morphogenesis/stasis and not in any other form, highlighting the need for what she explains is analytical dualism, bringing us to the next section.

4.4.12 Bilog Savings Thru Analytical Dualism.

Archer explains that if we filter the emergence-interplay-outcome sequences through their inextricable temporal backdrop, and sever, if only analytically, the parts (structure and culture) and the people from their otherwise seamless, perpetual interaction, then the distinctness and thus the attribution of reasons is facilitated.

Archer stresses how analytical dualism is the incumbent methodology of social realism which the morphogenetic/static approach complements:

> *Quite simply, if the different strata possess different properties and powers and structure and agency inter alia are deemed to be distinctive strata for this very reason, then examining*

> *their interplay becomes crucial. When applied to structure and agency, the realist social ontology entails the exploration of those features of both which are prior or posterior to one another and of which causal influences are exerted by one stratum on the other, and vice versa, by virtue of these independent properties and powers. The 'people' in society and the 'parts' of society are not different aspects of the same thing but are radically different in kind. This being so, then social realism implies a methodology based upon analytical dualism, where explanation of why things social are so and not otherwise depends upon an account of how the properties and powers of the 'people' causally intertwine with those of the 'parts.'*
> (Archer 1995: p.14-15)

This section will now employ Archer's analytically dualist methodology to bring into focus an analytical history of bilog savings which essentially can be rephrased as the problem of the emergence of the bilog breadwinner in Japan. I will necessarily cite structural and cultural conditioning factors but will mainly focus on agential morphogenesis in the empirical situation of our four cases.

Archer (1995: 218-245) cites eight terms that encapsulate various configurations in structural and cultural conditioning, describing a mix-match in interests and resources. I will apply a handful of Archer's (marked in italics) in the narration below.

Two points are worth mentioning to highlight the structural conditioning of the period into which our four cases entered.

4.4.12.1 Structural Conditioning: Necessary Complementarity

First, Japan's economic boom peaking in the 1970s/80s saw a corresponding surge in the entry of foreign migrant workers. That economic imperatives were in, what Archer calls, a *necessary complementarity* with immigration rules to protect mutual interests can be seen in the relative ease of entry into Japan at that time. Subaru, for example, narrates how he, as a matter-of-course, paid P150,000 to a travel agency who, thru bogus documents, packaged him as a businessman returning home to the Philippines from Europe via Japan, thus getting a 3-day shore pass. Bingo and Boy similarly secured tourist entry into Japan on the strength of bogus documents.

4.4.12.2 Structural Conditioning: Contingent Compatibility

Second, Archer's *contingent compatibility*, or opportunism, may accurately describe the many layers of small companies doing subcontracted work along intricate supply chains ultimately serving the large industrial conglomerates who welcomed the ensuing employer's market given readily available migrant labor. Bingo and Subaru were employed by various factory subcontractors for bicycles, cement, belts which, as I discussed above. Potential migrants in source countries then faced structural conditioning that said: you can easily enter Japan to avail of plenty of work that is available at small companies that hire off the cuff. Two points in cultural conditioning are worth mentioning.

4.4.12.3 Cultural Conditioning: Contingent Complementarity

First, Japan as a solution to economic security worries then crystallized in the minds of Filipino potential migrants, representing a *contingent complementarity* that aligned migrants' interests and the above-described structural conditioning. Our four respondents acted upon prevailing perceptions that going to Japan – by any means and at any cost – would provide a means of economic security. Bingo's wife had gone ahead of him to Japan, having been recruited by his sister who was already an entertainer for many years. Subaru and Boy also had either relatives or trusted sources of information that gave the essentially similar messages.

4.4.12.4 Cultural Conditioning: Constraining Contradictions

Second, *constraining contradictions*, or compromise, coexisted in the Japanese public's own journey of identity formation (Morris-Suzuki 2010) that grappled with opposing forces of multiculturalism and insularity. The 6-tier, racialized hierarchy of migrant workers that Shipper (2008) argues is the real albeit shadow driving force behind Japan's immigration policies may indicate how compromise is precariously preserved amidst *constraining contradictions*. Cultural conditioning thus communicated: work in Japan at your own risk.

4.4.12.5 Multiple Levels of the Migrant: As Person, As Agent, As Actor

The four cases then entered "bilogness," embedded within the structurally- and culturally-conditioned migration industry (as discussed above), in three strata: as persons, as agents and as actors. As persons, the four cases enter nominal headcounts of overstayers. As agents, they may have come from varying socio-economic groupings prior to Japan (recall Boy having his own businesses versos Bingo, Subaru and Yumi whose decision to migrate may be described as survival level) but they are regrouped with now similar immigration industry defaults as bilogs. As actors, proximity to their loved ones while still at home meant their major roles were as parents or spouses but as they engage "bilogness" they act as primarily breadwinners. As Boy shared: "I came to Japan to work so everything I did centered on earning as much money as I could, and every other distraction such as gambling, drinking I avoided as a matter of clarity in my goal."

Acting individually and based largely on tactical goals at any point in time, Bingo and Subaru, as *primary agents*, initially cycle through multiple jobs and carve out earnings regardless of their lack of legal status – by the sheer force of structurally conditioned economic opportunities. However, they inevitably bear the brunt of the *contingent compatibility* of their employers as their employment tenure stays precarious – a liability-turned-advantage for the employer – even as they increase in competence (as previously discussed earlier). Boy and Yumi, though in the same structurally conditioned "bilogness"

as Bingo and Subaru, interpret risks and opportunities differently and stay with one employer (in Boy's case) or essentially in one industry (in Yumi's case)

In these initial years, the four cases acting as breadwinners perform as they had originally intended and remittances are sent dutifully.

As *Corporate agents*, those who in concert and through explicit groups, implement targeted initiatives aimed at advancing their interest. In addition to those Corporate agents in logically adversarial roles – immigration agents, police officers – groups such as labor organizations, human rights groups, non-government organizations are equally jostling in varied intensities within "bilogness." All four cases narrate not a few incidents when they would have to transfer residence, or first go into hiding (and thus not being able to work), or when their employers would instruct them not to report for work on particular days or weeks when random inspections by government regulators are in vogue.

Default national interests that define adversarial stances in *corporate agents* – such as in the case of local government agents – may be overridden by a confluence of closer interests and events with more immediate impact – such as local constituent, industry groupings or sister-city partnerships that have the effect of regulation or compliance of a mutually agreed goal. Thus bilogs located in these bilog-friendly localities in Japan – such as Nagoya City, as gathered from key informant interviews – may experience less of the impact of unpredictability due to varying local policies and initiatives that may be more inclusive of foreigners (Aiden 2011; Nagy 2013; Shipper 2008).

As bilogs wear on as primary agents their necessary interaction with members of their social networks continuously impacts resource distributions and groupings. Bilogs know that compatriots with legal status represent tangible *bargaining power* – in terms of access to utilities, wider and constantly growing job networks and contacts, even social protection – that, when transacted, can negate liabilities structurally and culturally conditioned and mediated by the Corporate agents of the state. The actualized, resulting transaction value of this *bargaining power*, however, depends on how bilogs capitalize on their own handicapped *bargaining power* into varying *negotiating strength*.

That Bingo and Subaru both had three extra-marital liaisons were rationalized, in their own narrations, as essential for continued flexibility in housing options, job leads, and representation with authorities. Specific important examples of this flexibility include: safe houses where bilogs rotate thru and talking to authorities and other institutions which bilogs would have no access to. Yumi and Boy similarly actualized concrete benefits from dormant *bargaining power* of legal compatriots by securing needed survival utilities including housing and health services. The variation in actualized value of *bargaining power* can be seen in the case of Bingo whose last extramarital liaison continued to send money to him even after his return as compared to Subaru whose liaisons were coterminous with his deportation.

To recap, in one (among many continuous) emergence-interplay-outcome sequence(s) then, focusing separately on parts and people yet analyzing each distinct item in relation

to others (analytical dualism), where structure and culture condition the default configurations within which agents are necessarily inserted in the thick of things, social elaboration (morphogenesis) or social reproduction (morphostasis) are two possible outcomes.

Succinctly stated: Our four respondents step into "bilogness" in Japan and emerge as breadwinners in varying degrees.

4.4.13 Research Question #3 Summary

The morphogenetic approach then helped clarify that "bilogness" impacts migrant savings in two key ways.

First, in the conditioning phase, "bilogness" heightens potential returns by groups in *contingent compatibility* with the immigration infrastructure. Small-scale employers positioned deep in the subcontracting hierarchy capitalize on bilog vulnerability by maximizing skills but withholding employment security usually associated with tenure.

Second, in the interaction phase, "bilogness" impacts bilogs as agents versus bilogs as actors differentially. The four cases, starting within the structural default of heightened *contingent compatibility*, work within this handicapped labor and income potential and transact with social networks that wield varying *bargaining power*. Focused on their breadwinner goal, roles as fathers and husbands become subjugated under a transactional agency zeroed in on securing continued survival and thus continued income in Japan.

The Bilog savings process can thus be succinctly summarized thus:

a. Income earning initiated within conditioned defaults

b. Income sustainability transacted first as agents and second as actors

5 Conclusion

In this paper, I have attempted to understand better the phenomenon of migrant "illegality." What is so compelling about migrant "illegality" that it has warranted this dissertation?

At its core, migrant "illegality" is a strategy aimed at preserving the status quo. The "status quo" we are referring to here is the desired quality of life (economic well-being, shared beliefs, etc) of nationals of a host state.

How migrant "illegality" preserves this desired quality of life is fairly straightforward. National boundaries and ethnicity effect group membership and thus entitlement to that group's quality of life. Whoever is non-compliant with that group's membership rules is "illegal." To be sure, even endemic members can be non-compliant (criminals, offenders) and thus "illegal." But indeed, such is the paradox of migrant "illegality" because while the "illegality" of endemic members is subject to punishment, reform and subsequent resumption of full membership privileges upon their re-entry into society, migrant "illegality's" "illegality" is subject to punishment and expulsion from the national boundaries. "Illegality" in the former case is determined by one layer of group rules (local laws). "Illegality" in the latter case is determined also by those same group rules and by a second set of rules legitimized solely on the principle of membership.

Thus in migrant "illegality" a distinct and otherwise impotent, inconveivable even, class of offenses to endemic members – such as entry without permission, staying beyond a finite

duration, and working in a job other than that which was authorized – become wieldy political currency transacted at will by the host state to address concerns of its constituents. These concerns on the status quo may include, among others, peace and order (recall the discussion on the APCCRS, section 4.1.4.1) and job availability (recall the discussion on labor protectionism, section 4.2.3).

What is compelling then in the subject of migrant "illegality" – especially as applied to the particular case of Japan – are three paradoxes that arise given the situation I describe above.

The first paradox: actions by vested interests in migrant "illegality" are at times incoherent, producing outcomes inconsistent with their avowed goals. One example of this, among others I cite throughout this paper, is the Status of Residence System (see section 4.1.1) which defines the limits on duration and productivity of migrants but also launches "backdoors" which non-compliant migrants easily exploit, in turn becoming their staging point to "illegality."

The second paradox: the particular nature of the concept of social membership in Japan – that is, that embedded foreign ethnic pockets, forged thru specific events in its recent history (imperial/colonial/war defeat/1980s influx of newcomers), are at once members and non-members, renders a migrant "illegality" based on membership inclusion or membership exclusion highly tenuous. I cited the cases of the Koreans and the Filipinos

(see section 4.1.2) and argued that what I call a "Compatriot Mechanism" effectively negates the control function of the SRS, resulting in the sustenance of migrant "illegality."

The third paradox: inspite of the label of "illegal," migrants unabashedly persist, some even thriving, beating the zero-sum immigration control system in Japan. To further this contention, I discussed the case of Bilog savings (see section 4.3) and showed that "excluded" does not necessarily mean "non-functional."

This dissertation then interrogated the concept of migrant "illegality" in order to find a unifying theme, a single, coherent theoretical handle, explaning and hopefully reconciling the three paradoxes discussed above. The main research question then was:

"How does one conceptualize migrant "illegality"?

This dissertation has shown that a conceptualization of "illegality" in Japan that 1) considers the dynamics of its three vested actors; 2) is informed by the specific historical context of the last century; 3) juxtaposes the roles and identities that are inextricably linked to migrants' agency will provide a robust explanation to the three paradoxes cited above.

I will now attempt to integrate the discussion themes in the analysis and interpretation section with the three paradoxes I cited above, using this extracted perspective to satisfy the purpose of this dissertation. In my concluding discussion I will also give special focus

on highlighting the particularity of "illegality" in Japan, attempting to distill its "essence," if you will, among my Filipino research respondents in Japan.

5.1 Transacted Migrant "Illegality"

The first way to think (or to conceptualize) about migrant "illegality" is that it is transacted. By transacted I mean that "illegality" represents some form of "currency" or "value" which a vested party uses or employs, at any given point in time and within any given set of defaults, as leverage towards the achievement of some advantage. The perspective I am proffering that "illegality" is transacted may be beyond the conservative imaginations of "illegality" main actors. Stated differently, a migrant may not be able to conceive, let alone see, that leveraging and transactions are possible even if the relative size, clout, and influence of the parties involved are different, even intrinsically in opposition. Indeed, "illegality" by the term itself presupposes a monolithic, all powerful party (the host state) applying a status and its corresponding sanctions on a subjugated party (the migrant). How can the subjugated, recipient migrant hope to transact "illegality" with its very applier, its source? Conversely, the host state may by default assume that given all the resources and infrastructure at its disposal controlling mobility through the status of "illegality" is quite straightforward and necessarily unilateral.

But despite the relative implausibility of a transactionable "illegality," as we saw in the discussion "illegality" is dynamically transacted even among intrinsically opposite vested

interests. The social system within which "illegality" exists is subject to structural conditioning elements that predispose (without predetermining) the agency of its vested interests. These structural conditioning forces impact intrinsically opposite vested interests in different ways. Their agency, issued in direct response to these structurally conditioning forces and other relevant conditioning elements, may or may not be consistent with their vested interests which at any given point in time is in flux and thus a moving target, so to speak.

A patent example of this situation I describe above is the Japan Labor Protectionism Matrix (see Figure 4 in section 4.2.3.6). A progression (or regression) of the agency of Japan as a host state is plotted in a matrix that shows that it has virtually exhausted the whole gamut of responses on the variables of bases and location. Each of the plotted 12 responses may be argued to be consistent or inconsistent or a combination of both with the vested interest of labor protectionism as it was currently interpreted and assessed in response to structural conditioning forces at a given point in time in the century-and-a-half span covered by the matrix.

This thus helps explain the possibility of the first paradox that actions of vested interests in "illegality" may at times be incoherent. This incoherence is due to the continuing evolution or redefinition – processes which I aggregate under the concept of emergence in Critical Realism – of each actor's interests amidst the ever transforming social system.

As an example of this continuously emerging agency that reflect ever-transforming vested interests I developed the concept of a Compatriot Mechanism (recall section 4.1.3) as a virtual snapshot of a crystallized response given the imperatives and nuances of the reality of embedded ethnic pockets in Japan. The particular aggregation of structural conditioning forces that I argue were ultimately traceable to recent historical events were met with specific agency that catalyzed in four distinct expressions of vested interests (recall Textboxes 1-4) that I argued all contribute to the sustenance of migrant "illegality" in Japan.

Now, our new understanding of a transactionable "illegality" must go beyond its immediately manifest usefulness, that is, in explaining the first paradox. Informed by the methodology of Analytical Dualism (Archer 1995) anchored on Critical Realism, we saw that a transacted "illegality" is not in itself a conditioning element external to agency. A transacted "illegality" is itself an emergent phenomenon arising from (but not wholly explained or attributed to) the instances of *Necessary Complementarity* that I argued existed in the 1980s and 1990s. Thus, the monolithic and unilateral powers of Japan as a host state transacted "illegality" in response to the imperatives of embedded ethnic pockets and rising globalization forces by institutionalizing the SRS (recall section 4.1.1). This particular instance of agency that embodied a transacted "illegality" by the state set in motion succeeding structural forces which, in turn, conditioned(not predisposed) the responses by other actors. On the other end of the spectrum of size/influence/power of

actors, the migrants themselves seeing this window of opportunity transacted "illegality" with the host state in their brazen appropriation of any SRS status that allowed them continue working toward their breadwinner role in Japan. I argued that from this situation of *Necessary Complementarity* embodied in the transacted "illegality" by migrants emerged the newcomer phenomenon which in the case of the Filipino ethnic pockets gave birth to its particular Compatriot Mechanism.

To summarize this first section, the first way to conceptualize "illegality" is that it is transacted by its vested interests in ways conditioned (but not determined) by structural forces but ultimately consummated by their agency. In and through this transacted "illegality" vested interests crystallize both their role in and impact to it.

5.2 Accretive Migrant "Illegality"

The second way to think (conceptualize) about migrant "illegality" is that it is accretive. By "accretive" I mean that at any given point in time the specific and current nature of the "Illegality" that is transacted by its vested interests is at once initialized from its previous forms but not explained by them. I must immediately qualify here that I purposely use the word "initialized" and not "produced by" or "determined by." This is so that I can qualify that, while accretion is, strictly speaking, a cumulative process, the accretive "illegality" I am suggesting here is a relationally emergent one (Elder-Vass 2010) with a constitution

not wholly attributable to its component parts and coming into form as a result of the specific interaction and relations between these same parts.

This we saw through our interrogation of the concept of the unskilled (recall section 4.2) through Japan's recent history. I argued that an accretive cultural or ideational conditioning of "illegality" that rendered the application of exclusion/inclusion rules vague, at best, make an "illegality" based on membership tenuous, at the very least, or unsustainable, at the very most.

To further this argument of mine I discussed the Korean and Filipino cases of ethnic pockets in Japan where historical events combined with the inability or unwillingness by the state to effect full integration conditioned a conception of "illegality" that is exhaustive in breadth and in depth (recall section 4.2.4). Ideational currents concerning "Illegality" in Japan can then be said to be, in a sense, "supersized" or "loaded," waiting for triggers in the present era to unleash its hibernating venom. In the case of the trivial or clinical aspects of "illegality" (its straightforward enforcement of duration and limitations on allowed economic activity), Japan is similar to other present day host countries. But in the case of an "illegality" supersized by historical events, the Japan case is both unique and particular both in how it kept at arm's length its once-colonized, now fully-embedded ethnic pockets.

That the cultural conditioning of migrant "illegality" is accretive in Japan has then at least two significant implications to consider. Once again, how and where these points become

relevant depends on the perspective of the vested interests interrogating each point. And, the reader is cautioned here that my argued relevance does not automatically translate to or predetermined action as an accretive migrant "illegality" is a mere conditioning input that, in the end, is consummated into particular action by active agency.

The first significant implication of an accretive migrant "illegality" in Japan is to wonder if the current cumulative++ outcome of present day "illegality" manifests in themes that ultimately deter new "illegality" aspirants or still motivate current "illegality" participants to dig in and persevere longer. In other words, in the case of the migrant, knowing that migrant "illegality" is accretive and thus banking on some kind of historical input to current action on "illegality" (which could be either leniency or strictness in implementing current migration policy) will he/she still invest in attempting legal entry but with the actual plan of overstaying or will he still persist longer? On the other end of the spectrum, in the case of the host state, will an accretive migrant "illegality" be a conditioning input that argues for further repression of "illegality" or one that inspires policy aimed at leveraging unstoppable human mobility to secure Japan's long-term demographic sustainability?

On this first point, I argued – based on the points I disussed in this dissertation – that Japan has chosen a continued path of repression of migrant "illegality" as seen in its recent actions (I cited three instances: the APCCRS in 2003 in section 4.1.4.1; the further polarization in income gaps between the highly skilled and those doing "illegal" work as

discussed in section 4.2.2 and plotted in Figure 3; the heightened racial profiling seen in recent policing trends discussed in section 4.1.5.1). On the side of the migrant – based on narrations of encounters with local authorities – I argued that there is a heightened dichotomy between local and national implementation of migrant policies with the former being more lenient given its relative invisibility and thus insignificance with national sentiments while the latter has to simultaneously project strict enforcement of status quo (recall discussion on section 4.1.4.3 and respondent narrations on the Compatriot Mechanism as Safety Net in Textbox 3).

The second significant point that an accretive migrant "illegality" brings to the fore is to wonder which of the previous layers of ideational conditioning have been subsumed/integrated to the core issue (of membership) to a degree that they are mainstreamed/institutionalized and thus become constant inputs to present-day decisions; and which layers remain peripheralized and are thus still largely dependent on the whims of policy makers if they are to be considered at all in present-day policy making.

On this second point, I argued that the "unwantedness" layer (recall section 4.2.4) on oldcomer ethnic pockets has largely been resolved on the level of legality but not on the level of continued heightened stigma (recall case of errant bus driver found to have Chinese ethnicity). This unwantedness layer could not be projected to newcomer migrants (and the overstayers among them) given that the legal basis that spawed their entry (recall discussion on Status of Residence system of 1981 in section 4.1.1) was

instituted by the host state itself. But the trivial layer of duration and activity limits is now selectivey applied by the host state depending largely on the visibility of the decision.

To summarize this second section, the view that migrant "illegality" in Japan is accretive is significant in explaining that current decisions by the host state on human mobility are impacted by both ideational conditioning and by present-day imperatives.

5.3 Functional Migrant "Illegality"

The third way to think about migrant "illegality" is that there is always a point at which each vested interest can carve out – amidst both the structural and cultural conditioning forces I discussed above – a functional state of things that at once satisfies short term needs and provides potentially incipient elements for a still-to-emerge future state. How that functional state is negotiated by vested interests and which constitutive elements are brought to bear is a result of both conditioning and agency.

To expound on this point, I discussed the case of savings by overstayer migrants arguing that the single fact of its possibility (as proven in the four cases of Bingo, Boy, Yumi and Subaru tabulated in Textbox 11) shows vested interests that may be instrinsically in opposition at some layers but also, at the same time, be tactically in cooperation in other layers. As discussed, the stances of these three vested interests are, on the one hand, intrinsically in opposition at the political layer as this deals with sentiments of exclusion/inclusion based on membership entitlement by constitutents but, on the other

hand, are simultaneously in tactical cooperation at the economic level as the benefits of cheap, compliant migrant labor powering industries that are constantly threatened with competition on a global scale immediately accrue to the same constituency.

The significant issue raised by this parallelism/coexistence of the political and economic manifestations of migrant "illegality" is not that this coexistence is possible but rather how that coexistence is achieved and maintained. Given the highly polarized stances of the political manifestation of migrant "illegality" and its economic manifestation, I attempted to explain the inner workings of this co-existence thru Critical Realism's concept of emergence. I argued that the arrowheads of migrant "illegality" – the battlefronts, so to speak – are the day-to-day decisions (expressed through agency) of migrants where they negotiate roles and identities given both structural and cultural conditioning inputs.

To this end, we saw that this coexistence is made possible since from migrants' reflexive agency on roles and identities emerges new elements that ultimately redound to a functional migrant "illegality." For example, I discussed how migrants with no legal status have a lower threshold on job satisfaction (i.e. they complain less about job conditions/pay and are more docile to job demands – recall discussion in section 4.3.8) and from this emerges skills transformation which, in turn, enables complementary sources of income.

In conclusion then migrant "illegality" can be conceptualized in the following formulation: its value is transacted by vested interests within accretive ideational

contexts forged in history through which roles and identities are negotiated and from which emerges functional, practical benefits. In this formulation, migrant "illegality" can then be summed up in one adjective: migrant "illegality" is morphogenetic. The term "morphogenetic" means that the persons engaged in a phenomenon within a social system continuously transform both themselves and that phenomenon. In the particular cases of Filipino migrants discussed in this dissertation, we saw migrant "illegality" as morphogenetic given that forging bilog savings amidst structural and cultural conditioning points impacted social structure in ways that eborated it. This elaboration can be seen in how migrants' reflexive agency transformed their skills and activated their social networks to produce income surplus. Moreover, we also saw that in this same case of bilog savings, outcomes that preserve or maintain the status quo – that is, that migrant "illegality" is a zero-sum game – is possible (given the cases of Yumi and Subaru coming home broke). In these cases migrant "illegality" is morphostatic since it reproduces the status quo of the social structure.

Now understanding that migrant "illegality is at once morphogenetic and morphostatic, let us return to the significance of this dissertation.

First, we may now appreciate better how the Filipinos persist and/or thrive in Japan. Embedded as Filipinos are as a newcomer group, day-to-day logistics of living are transacted within the defaults of social structure. From active and reflexive agency opportunities then emerges and these are negotiated to produce functional or practical

benefits. Compatriots without legal status are able to tap into this same process – anchored on their ethnic membership, producing a migrant "illegality" that is morphogenetic or morphostatic.

Second, since we now see that migrants without legal status in Japan may be on a morphogenetic level – that is, that they are able to overcome the liabilities of migrant "illegality" in order to effect elaboration of the status quo – then our understanding of the importance of the international labor market must be expanded to include migrants without legal status. This brings to the fore issues such as labor protection and human rights and how these must be extended to include even migrants without legal status given an appreciation of their productivity despite their legal handicaps.

Third, we now see better that both host and source societies must recognize that the active and reflexive agency of migrants may (morphogenesis) or may not (morphostatic) overcome the current zero-sum status quo of migrant "illegality." This then makes both host and source societies rethink whether the resources put into implementing a single strategy (zero-sum status quo in migrant "illegality") may be better invested instead in a dual-strategy: one that leverages "illegality"'s possible morphogenetic outcomes against its equally possible morphostatic outcomes for the long-term benefit of both societies.

Bibliography

Abe R., 2009. Gendered Labor Migration from the Philippines to Japan: Mapping "Philippine Pub Space" into the Japanese Context. *Geographical Review of Japan Series B,* 81(1), 68-78.

Abella, M., 2000. Migration and Employment of Undocumented Workers: Do Sanctions and Amnesties Work?. *Eurosocial Reports*, 67, 205-216.

Aiden, H. S. 2011. 'Creating the 'Multicultural Coexistence' Society: Central and Local Government Policies towards Foreign Residents in Japan'. *Social Science Japan Journal* 14(2): 213-231.

Archer, M. S. 1995. *Realist social theory: the morphogenetic approach*. Cambridge: Cambridge University Press.

Archer, M.S., 1998. Realism and Morphogenesis. *In:* Archer, M.S., Bhaskar, R., Collier, A. and Lawson, T., ed. *Critical Realism: Essential Readings.* London: Routledge, 356-381.

Archer, M. S. 2003. *Being Human: The Problem of Agency.* Cambridge: Cambridge University Press.

Arudo, D. 2004. *Ministry of Justice's Immigration Snitch* Site. www.debito.org. (http://www.debito.org/immigrationsnitchsite.html).

Australia Department of Immigration and Border Protection – ADIBP (2012a). *Various Section Pages*. [online] Department of Immigration and Border Protection Website. http://www.immi.gov.au/skilled/skilled-workers/sbs/ (Accessed on 5 July 2012)

Australia Department of Immigration and Citizenship – ADIBP (2012b). *Temporary Work (Skilled) visa (subclass 457).* [online] Department of Immigration and Border Protection Website. http://www.immi.gov.au/asri/ (Accessed on 10 November 2012)

Australia Department of Immigration and Citizenship – ADIBP (2012c). *SkillSelect.* [online] Department of Immigration and Border Protection Website. http://www.immi.gov.au/skills/skillselect/ (Accessed 1 December 2012)

Baldwin-Edwards, M., 2008. Towards a Theory of Illegal Migration: historical and structural components. *Third World Quarterly*, 29(7), 1449-1459.

Baldwin-Edwards, M. and Kraler, A., 2009. *REGINE - Regularisations in Europe.* Amsterdam: Amsterdam University Press.

Bauer, T. and Sinning, M. 2011. 'The savings behavior of temporary and permanent migrants in Germany'. *Journal Of Population Economics* 24(2): 421-449.

Bélanger, D., Ueno, K., Khuat Thu, H. and Ochiai, E. 2011. 'From Foreign Trainees to Unauthorized Workers: Vietnamese Migrant Workers in Japan'. *Asian & Pacific Migration Journal* 20(1): 31-53.

Bhaskar, R., 2008. *A Realist Theory of Science.* London: Routledge.

Bommes, M. and Sciortino, G. 2011. 'Steps Towards a Conceptual Framework for the Study of Irregular Migration'. In *Foggy Social Structures: Irregular Migration, European Labour Markets and the Welfare State*, eds M. Bommes and G. Sciortino, 213-228. Amsterdam: Amsterdam University Press.

Canada Citizenship and Immigration – CCI (2012a). *Working Temporarily In Canada*. [online] Citizenship and Immigration Canada Website. http://www.cic.gc.ca/english/work/apply-who-permit.asp; http://www.cic.gc.ca/english/work/occupations.asp (Accessed on 12 July 2012)

Canada Citizenship and Immigration – CCI (2012b). *Labor Market Opinion Basics*. [online] Citizenship and Immigration Canada Website. http://www.cic.gc.ca/english/work/employers/lmo-basics.asp (Accessed on 12 July 2012)

Canada Citizenship and Immigration – CCI (2012c). *Provincial/territorial pilot projects—Work in Canada*. [online] Citizenship and Immigration Canada Website. http://www.cic.gc.ca/english/work/occupations.asp (Accessed on 8 August 2012)

Cohen, A.P. (1985) *The Symbolic Construction of Community*, Routledge, London.

Coniglio, N., De Arcangelis, G. and Serlenga, L. 2009. 'Intentions to return of clandestine migrants: The perverse effect of illegality on skills'. *Review Of Development Economics* 13(4): 641-657.

Chung, E.A., 2010. *Immigration and Citizenship in Japan.* Cambridge University Press.

Collier, A., 1994. *Critical Realism: An Introduction to Roy Bhaskar's Philosophy.* Verso.

Djajić, S. and Vinogradova, A. 2013. 'Undocumented migrants in debt'. *Labour Economics* 21: 15-24.

Duus, P. (1976) *The Rise of Modern Japan*, Houghton Mifflin Company, Boston.

Duus, P. et al (Eds.), (1989) *The Japanese Informal Empire in China, 1895-1937*, Princeton University Press, New Jersey.

Elder-Vass, D. 2008. 'Integrating institutional, relational and embodied structure: an emergentist perspective'. *British Journal of Sociology* 59(2): 281-299.

Elder-Vass, D., 2010. *The Causal Power of Social Structures.* Cambridge University Press.

Fahrmeir, A., Faron, O. and Weil, P., 2003. Introduction. *In:* Fahrmeir, A., Faron, O. and Weil, P., ed. *Migration Control in the North Atlantic World.* Oxford: Berghahn, 1-7.

Fan, M. 2013. 'The Case for Crimmigration Reform'. *North Carolina Law Review* 92(1): 111.

Gorodzeisky, A. and Semyonov, M. 2013. 'Making a living in two labor markets: Earnings of Filipinos in the global and the domestic economy'. *Research In Social Stratification And Mobility* (2014: article in press).

Hatton, T.J. and Williamson, J. G. (1994) 'International Migration: 1850-1939,' in Hatton, T.J. et al (Eds.) *Migration and the International Labor Market*, Routledge, London

Hatton, T.J. and Williamson, J.G., 2009. Emigration in the long run: evidence from two global centuries. *Asian Pacific Economic Literature,* 23 (2), 17-28.

Hugo, G. 2012. 'International Labour Migration and Migration Policies in Southeast Asia'. *Asian Journal Of Social Science* 40(4): 392-418.

Ichioka, Y. (1988) *The Issei: The World of the First Generation Japanese Immigrants, 1885-1924*, The Free Press, New York.

Inagami, T. and Whittaker, D. H. (2005) *The New Community Firm: Employment, Governance and Management Reform in Japan*, Cambridge University Press, United Kingdom.

Iwasawa, Y., 1986. Legal Treatment of Koreans in Japan: The Impact of International Human Rights Law on Japanese Law. *Human Rights Quarterly,* 8(2), 131-179.

Japan Immigration Bureau, 1994. *Basic Plan on Immigration Control (1st Edition).* Tokyo: Ministry of Justice (Translated by Japan Immigration Association).

Japan Immigration Bureau, 2004. *Deportation and Departure Order System.* Tokyo: Ministry of Justice. Available from: http://www.immi-moj.go.jp/english/tetuduki/taikyo/syutukoku.html [Accessed 20 January 2013].

Japan Immigration Bureau 2004. *Report an Overstayer Website Posting* [web page in Japanese: title given is my own]. Tokyo: Ministry of Justice. http://www.immi-moj.go.jp/zyouhou/index.html.

Japan Immigration Bureau, ca.2005. *Procedures for appearing at immigration office and declaration of charges: For foreign nationals who worry about their illegal stay.* Tokyo: Ministry of Justice. Available from: http://www.moj.go.jp/content/000052868.pdf [Accessed 30 January 2013].

Japan Immigration Bureau, 2005. *Basic Plan on Immigration Control (3rd Edition).* Tokyo: Ministry of Justice (Translated by Japan Immigration Association).

Japan Immigration Bureau, 2012. Table 16: *Changes in the estimated number of overstayers by major nationality (place of origin: 1991-2012 (page 40, Part 1, Immigration Control in Recent Years 2012).* Ministry of Justice. Available from: http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri06_00025.html and http://www.moj.go.jp/content/000105779.pdf [Accessed 29 January 2013].

Japan Ministry of Justice – JMOJ (2008). *Public Notice on the Required Examinations for Classification of Information Technology Engineers.* [online] Bureau of Immigration Website. http://www.immi-moj.go.jp/english/hourei/public_notice.html (Accessed 30 December 2012)

Japan Ministry of Justice – JMOJ (2009a). *Immigration Control and Refugee Recognition Act (ICRRA).* [online] Japanese Law Translation. http://www.japaneselawtranslation.go.jp/law/detail/?id=1934&vm=&re= (Accessed on 30 July 2012)

Japan Ministry of Justice – JMOJ (2009b). *Characteristics of Illegal Foreign Workers (In Japanese).* [online] Immigration Bureau of Japan.

http://www.moj.go.jp/nyuukokukanri/kouhou/PRESS_100309-1-1.html;

http://www.moj.go.jp/content/000025095.pdf;

http://www.moj.go.jp/content/000025090.pdf (Accessed on 28 July 2012)

Japan Ministry of Justice – JMOJ (2011) *Table 1 - Changes in the Number of New Arrivals by Status of Residence; Table 27 - Changes in the Number of Cases of Illegal Work by Type of Work.* [online] Immigration Control Report 2011, Immigration Bureau of Japan. http://www.moj.go.jp/content/000081971.pdf (Accessed 31 July 2012)

Japan Ministry of Justice – JMOJ (2012). *Point Calculation Table for Highly Skilled Foreign Professionals: Academic Research, Advanced Specialized/Technical Activity, Business Management.* [online] Immigration Bureau of Japan. http://www.immi-moj.go.jp/newimmiact_3/en/pdf/05_e.pdf (Accessed 27 July 2012)

Japan Ministry of Internal Affairs and Communications – JMIAC (2012). *Table 2-12: Registered Aliens by Nationality and Status of Residence, 1947-2009*. [online] Statistics Bureau JMIAC. http://www.stat.go.jp/data/chouki/zuhyou/02-12.xls (Accessed on 25 November 2012)

Japan Ministry of Justice – JMOJ (2013). *Points-Based Preferential Immigration Treatment for Highly Skilled Foreign Professionals.* [online] Immigration Bureau of Japan. http://www.immi-moj.go.jp/newimmiact_3/en/index.html (Accessed on 30 July 2013)

Japan Ministry of Justice, Judicial System and Research Department, ca.2013. *Registered Aliens in Japan 1948-2011.* Minister's Secretariat, Ministry of Justice. Available from: https://www.e-stat.go.jp/ [Accessed on 13 January 2013].

Japan Police Policy Research Center, 2003. *Action Plan to Create a Crime-Resistant Society: To Re-Establish Japan as the "Safest Country in the World" (Tentative Translation).* National Police Academy of Japan. Available from: http://www.npa.go.jp/english/seisaku8/action_plan.pdf [Accessed 14 February 2013].

Jimenez, J. (2014) 'Illegality from within: the sustenance of migrant illegality in Japan.' *The Electronic Journal of Contemporary Japanese Studies, 14(1)* [online] http://www.japanesestudies.org.uk/ejcjs/vol14/iss1/jimenez.html (Accessed 12 April 2014).

Kanayama, T., 2009. *Rising Crime and Crime-Reduction Strategies in 21st Century.* Japan Police Policy Research Center, National Police Agency of Japan. Available from: xxx.xxx [Accessed on 22 January 2013].

Kearney, J.M., 1998. Local Public Employment Discrimination Against Korean Permanent Residents in Japan: A U.S. Perspective. *Pacific Rim Law and Policy Journal,* 7(1), 197-227.

Lee, S., Sukrakarn, N. and Choi, J. 2011. 'Repeat migration and remittances: Evidence from Thai migrant workers'. *Journal Of Asian Economics* 22: 142-151.

Lin, J. and Rajapakse, R. (1984) 'Workers, Peasants, and Women in Taisho Japan: Legacy of the Meiji Mind,' in Conroy H. et al (Eds.) *Japan in Transition: Thought and Action in the Meiji Era, 1868-1912*, Associated University Presses, New Jersey.

Liu-Farrer, G., 2011. *Labour migration from China to Japan : international students, transnational migrants.* London: Routledge.

Lopez, J., 2003. Critical Realism: The difference that it makes in theory. In: Cruickshank, J., ed. *Critical Realism: The difference that it makes.* London: Routledge, 75-89.

Makina, D. 2014. 'Determinants of Migrants' Savings in the Host Country: Empirical Evidence of Migrants living in South Africa'. *Journal Of Economics & Behavioral Studies* 6(1): 68-74.

Massey, D.S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A. and Taylor, J.E., 1993. Theories of International Migration: A Review and Appraisal. *Population and Development Review*, 19(3), 431-466.

Massey, D.S., 1999. International Migration at the Dawn of the Twenty-First Century: The Role of the State. *Population & Development Review,* 25(2), 303-322.

Mori, H., 1997. *Immigration Policy and Foreign Workers in Japan.* Macmillan Press LTD.

Morita, K. and Sassen, S. 1994. 'The New Illegal Immigration in Japan: 1980-1992'. *International Migration Review* 28(1): 153-163.

Morris-Suzuki, T. 1998. *Re-Inventing Japan: Time, Space, Nation*. M.E. Sharpe.

Morris-Suzuki, T., 2010. *Borderline Japan: foreigners and frontier controls in the postwar era.* Cambridge University Press.

Moriyama, A.T. (1985) *Imingaisha: Japanese Emigration Companies and Hawaii*, University of Hawaii Press, Hawaii.

Nakamura, T. (1998) 'Depression, Recovery, and War, 1920-1945,' in Large, S. (Ed.) *Showa Japan: Political, economic and social history: 1926-1989*, Routledge.

Nagy, S. R. 2013. *Local Government Migrant Policies in Tokyo, Japan : National Exclusion, Local Inclusion*. New York: Edwin Mellen Press.

Papademetriou, D. 2005. *The Global Struggle with Illegal Migration: No End in Sight*. Migration Information Source. http://www.migrationpolicy.org/article/global-struggle-illegal-migration-no-end-sight.

Patterson, W. (1984) 'Japanese Imperialism in Korea: A Study of Immigration and Foreign Policy,' in Conroy, H. et al (Eds.) *Japan in Transition: Thought and Action in the Meiji Era, 1868-1912*, Associated University Presses, New Jersey, pp. 294-313.

Patterson, W. (1988) *The Korean Frontier in America*, University of Hawaii Press, Hawaii.

Patterson, W. (2011) 'Immigration and Imperialism: A New Look at the Japanese Takeover of Korea,' *Acta Koreana*, Vol. 14, No.1, pp.267 - 274

Rahman, M. and Lian, K. 2011. 'The Development of Migrant Entrepreneurship in Japan: Case of Bangladeshis'. *Journal Of International Migration & Integration* 12(3): 253-274.

Saito, O. (1986) 'The Rural Economy: Commercial Agriculture, By-Employment, and Wage Work,' in Jansen, M.B. (Eds.) *Japan in Transition: From Tokugawa to Meiji*, Princeton University Press, New Jersey.

Sellek, Y., 2001. *Migrant Labor In Japan.* PALGRAVE.

Shin, H. (2010) 'Colonial legacy of ethno-racial inequality in Japan,' *Theory & Society*, Vol. 39 No.3, pp.327 - 342

Shipper, A.W., 2008. *Fighting for foreigners: immigration and its impact on Japanese democracy.* Cornell University Press.

Skeldon, R., 2009. *Managing Irregular Migration as a Negative Factor in the Development of Eastern Asia*. Thailand: International Labor Organization. Working Paper #18: Asian Regional Programme on Governance of Labour Migration (Working Paper 18). Available from: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_105108.pdf [Accessed 1 January 2013].

Smith, T.C. (1988) *Native Sources of Japanese Industrialization, 1750-1920*, University of California Press, California.

Smith, D.P. (2011) 'Geographies of long-distance family migration: Moving to a 'spatial turn',' *Progress in Human Geography*, Vol. 35 No. 5, pp.652 – 668

Spencer, S. 1992. 'Illegal Migrant Laborers in Japan'. *International Migration Review* 26(3): 754-786.

Stark, O. and Byra, L. 2013. 'Intentions to Return of Clandestine Migrants: Comment'. *Review Of Development Economics* 17(1): 156-162.

Stumpf, J. 2006. 'The Crimmigration Crisis: Immigrants, Crime and Sovereign Power'. *American University Law Review* 56: 367.

Stumpf, J. (2012) 'The Justice of Crimmigration Law and the Security of Home,' in Hudson, B. et al (Eds.) *Justice and Security in the 21st Century: Risks, rights and the rule of law*, Routledge, London.

Suzuki, N., 2011. "Japayuki," or, Spectacles for the Transnational Middle Class. *Positions,* 19(2), 439-462.

Sugimoto, H.H. (1978) *Japanese Immigration, The Vancouver Riots and Canadian Diplomacy*, Arno Press, New York.

Taira, K. (1962) 'The Characteristics of Japanese Labor Markets,' *Economic Development and Social Change*, Vol. 10 No. 2.

Taira, K. (1970) *Economic Development and the Labor Market in Japan*, Columbia University Press, New York.

Takahashi, Y. 2010. 'Creating a Crime-Resistant Society in Japan: Maintaining Public Safety with Community Resources'. *Japan Studies Association Journal* 8: 179-195.

Torii, I. 2013. 'The Abuse of Immigration Policy to Facilitate Human Trafficking in Japan'. *International Perspectives in Victimology* 7(2): 84-96.

Totsuka, H. (1974) *Nihon ni okeru Gaikokujin Rodosha Mondai ni tsuite (The Problem of Foreign Workers in Japan)*, Shakai Kagaku Kenkyu, Japan

Van Sant, J.E. (2000) *Pacific Pioneers: Japanese Journeys to Hawaii, 1850-80*, University of Illinois Press, Illinois.

Vilog, R. 2012. 'Perceived Discrimination in Ancestral Homeland Filipino Nikkeijins and the Dynamics of Migrant Resistance'. *Asia-Pacific Social Science Review* 12(2): 33-49.

Vinogradova, A. 2013. 'Legal and illegal immigrants: an analysis of optimal saving behavior'. *Journal Of Population Economics* 27(1): 201-224.

United Kingdom Visas and Immigration – UKVI (2012a). *UK VISA Sponsorship for Employers: Resident Labor Market Test*. [online] United Kingdom Government Website. https://www.gov.uk/uk-visa-sponsorship-employers/job-suitability (Accessed on 20 December 2012)

United Kingdom Visas and Immigration – UKVI (2012b). *Various Section Pages*. [online] United Kingdom Government Website. http://www.ukba.homeoffice.gov.uk/ (Accessed on 8 July 2012)

United Kingdom Visas and Immigration – UKVI (2012c). *Tier 2 Shortage Occupation List*. [online] United Kingdom Government Website. http://www.ukba.homeoffice.gov.uk/sitecontent/documents/workingintheuk/shortageoccupationlistnov11.pdf (Accessed on 11 November 2012)

Weiner, M. (1989) *The Origins of the Korean Community in Japan: 1910-1923*, Manchester University Press, United Kingdom.

Weiner, M., 1994. *Race and Migration in Imperial Japan.* Routledge.

World Bank (2011). *Migration and Remittances Factbook – Data Notes*. [online] World Bank Website. http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/FactbookDataNotes.pdf.

Yamamura, K. (1986) *The Meiji Land Tax Reform, in: Japan in Transition: From Tokugawa to Meiji*, Princeton University Press, New Jersey.

Yamanaka, K.(1993) 'New Immigration Policy and Unskilled Foreign Workers in Japan,' *Pacific Affairs*, Vol. 66 No. 1, pp. 72-90

Yamamoto, B. A. 2012. 'From structured invisibility to visibility: is Japan really going to accept multiethnic, multicultural identities?'. *Identities* 19(4): 428-439.

Yamawaki, K. (2000) 'Foreign Workers in Japan: A Historical Perspective,' in Douglass, M. et all (Eds.), *Japan and Global Migration: Foreign Workers and the Advent of a Multicultural Society*, Routledge, London

Yu-Jose, L. (2002) *Filipinos in Japan and Okinawa: 1880s-1972*, Research Institute for the Languages and Cultures of Asia and Africa, Tokyo.

Yu-Jose, L., 2007. Why are Most Filipino Workers in Japan Entertainers: Perspectives from History and Law. *Philippine Journal of Third-World Studies,* 22(1), 61-84

Annex A: Selected Data on Flows and Stocks of Filipinos in Japan, 1954-2012

Year	All Arrivals	Re-Entrants	New Flows	Stocks	All Departures	Entertainers		Overstayers	
						Flows	Stocks	Headcount	% of Stocks
1954	1,584			476	1,492				
1955	2,476			435	2,449				
1956	2,919			376	2,910				
1957	3,653			395	3,706				
1958	3,875			365	3,710				
1959	4,991			431	5,100				
1960	5,508			390	5,510				
1961	7,128			444	6,969	73			
1962	7,225			495	7,059	113			
1963	7,938			494	7,844	92			
1964	9,105			497	9,020				
1965	8,945			539	8,930	2			
1966	10,824			520	10,736	150			
1967	12,028			539	11,886				
1968	14,190			632	13,943				
1969	13,573			758	13,518				
1970	20,477			932	20,306	651			
1971	12,672			863	12,510				
1972	10,860			2,250	10,831	570			
1973	7,874			2,424	7,604	1,328			
1974	10,411			2,758	9,896	32			
1975	12,574			3,035	12,110				
1976	13,073			3,083	12,776				
1977	16,138			3,600	15,383				

1978	20,375			4,281	19,380				
1979	23,223			4,757	22,176				
1980	27,902			5,547	26,384				
1981	37,483			6,729	34,473				
1982	37,878			6,563	36,797				
1983	47,887			7,516	43,443				
1984	49,511			11,183	38,966				
1985	65,529			12,261	53,012				
1986	80,508			18,897	55,952				
1987	85,267	44%	76,956	25,017	67,248	36,039			
1988	86,567	52%	73,497	32,185	76,980	41,357			
1989	88,296	58%	69,567	38,925	78,515	32,636			
1990	108,292	62%	84,327	49,092	90,212	42,738		23,805	48%
1991	125,329	61%	95,547	61,837	107,104	56,851		27,228	44%
1992	120,660	55%	86,812	62,218	115,540	50,976		31,974	51%
1993	109,353	52%	77,170	73,057	98,365	42,612		35,392	48%
1994	126,739	49%	90,900	85,968	112,480	53,704		37,544	44%
1995	105,838	48%	64,144	74,297	114,936	24,022		39,763	54%
1996	106,394	62%	60,203	84,509	91,240	18,905		41,997	50%
1997	124,856	60%	74,345	93,265	112,606	31,585		42,547	46%
1998	129,053	58%	75,161	105,308	116,162	36,550		42,608	40%
1999	144,305	57%	84,767	115,685	131,019	45,594		40,420	35%
2000	169,755	57%	104,324	144,871	151,487	60,455	43,790	36,379	25%
2001	186,262	49%	115,318	156,667	170,616	71,678	44,784	31,666	20%
2002	197,136	49%	120,812	169,359	185,863	74,729	46,547	29,649	18%
2003	209,525	46%	131,834	185,237	193,148	80,048	50,539	30,100	16%
2004	236,291	48%	147,817	199,394	221,099	82,741	50,691	31,428	16%
2005	221,309	44%	132,745	187,261		47,765	23,643	30,619	16%
2006			91,474	193,488		8,608	14,149	30,777	16%
2007			84,198	202,592		5,533	11,065	28,491	14%

2008			75,651	210,617		3,185	9,199	24,741	12%
2009			61,100	211,716		1,873	7,465	17,287	
2010			66,120	210,181		1,506	6,319	12,842	
2011			51,006	209,376		1,407	4,188	9,329	
2012								6,908	

Notes:

1. Sources: All Arrivals, Stocks and All Departures: Judicial System and Research Department, Minister's Secretariat, Ministry of Justice.

   New Flows and Entertainers: Japan Immigration Bureau, Immigration Contro Reports at http://www.immi-moj.go.jp/english/seisaku/index.html.
   Data earlier than year 2000 were collated from various official (printed) sources of the Ministry of Justice.

   Overstayers: Immigration Bureau, Ministry of Justice (2010). 2009 Immigration Control, page 37. Retrieved on August 21, 2010 from http://www.moj.go.jp/content/000007330.pdf. Data after 2009 were collated from http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri04_00008.html
   Data before 1991 were manually collated from various official printed sources of the Ministry of Justice.

2. Computation details

   Re-Entrants: All Arrivals minus New Flows divided by Stocks

   Overstayers - Percent of Stocks: Headcount of Overstayers divided by Stocks

Annex B: Overstayers in Japan, By Gender, 2005-2010

		2005	2006	2007	2008	2009	2010
TOTAL	Total	207,299	193,745	170,839	149,785	113,072	91,778
	Male	106,279	100,562	86,885	76,378	58,411	46,324
	Male %	51%	52%	51%	51%	52%	50%
	Reduction %		-5%	-14%	-12%	-24%	-21%
	Female	101,020	93,183	83,954	73,407	54,661	45,454
	Female %	49%	48%	49%	49%	48%	50%
	Reduction %		-8%	-10%	-13%	-26%	-17%
KOREA	Total	43,151	40,203	36,321	31,758	24,198	21,660
	Male	15,370	14,566	12,957	11,273	8,703	7,796
	Male %	36%	36%	36%	35%	36%	36%
	Reduction %		-5%	-11%	-13%	-23%	-10%
	Female	27,781	25,637	23,364	20,485	15,495	13,864
	Female %	64%	64%	64%	65%	64%	64%
	Reduction %		-8%	-9%	-12%	-24%	-11%
CHINA	Total	32,683	31,074	27,698	25,057	18,385	12,933
	Male	17,845	17,287	15,656	14,489	10,969	7,624
	Male %	55%	56%	57%	58%	60%	59%
	Reduction %		-3%	-9%	-7%	-24%	-30%
	Female	14,838	13,787	12,042	10,568	7,416	5,309
	Female %	45%	44%	43%	42%	40%	41%
	Reduction %		-7%	-13%	-12%	-30%	-28%
PHILIPPINES	Total	30,619	30,777	28,491	24,741	17,287	12,842
	Male	10,245	10,612	9,323	7,937	5,395	3,669
	Male %	33%	34%	33%	32%	31%	29%
	Reduction %		4%	-12%	-15%	-32%	-32%
	Female	20,374	20,165	19,168	16,804	11,892	9,173
	Female %	67%	66%	67%	68%	69%	71%
	Reduction %		-1%	-5%	-12%	-29%	-23%
TAIWAN	Total	6,760	6,696	6,347	6,031	4,950	4,889
	Male	3,422	3,384	3,264	3,152	2,663	2,653
	Male %	51%	51%	51%	52%	54%	54%
	Reduction %		-1%	-4%	-3%	-16%	0%
	Female	3,338	3,312	3,083	2,879	2,287	2,236
	Female %	49%	49%	49%	48%	46%	46%
	Reduction %		-1%	-7%	-7%	-21%	-2%
THAILAND	Total	12,787	10,352	8,460	7,314	6,023	4,836
	Male	5,274	4,188	3,146	2,626	2,092	1,592
	Male %	41%	40%	37%	36%	35%	33%
	Reduction %		-21%	-25%	-17%	-20%	-24%

		2005	2006	2007	2008	2009	2010
	Female	7,513	6,164	5,314	4,688	3,931	3,244
	Female %	59%	60%	63%	64%	65%	67%
	Reduction %		-18%	-14%	-12%	-16%	-17%
MALAYSIA	Total	7,431	6,822	6,397	4,804	2,986	2,661
	Male	3,333	2,913	2,610	2,000	1,193	941
	Male %	45%	43%	41%	42%	40%	35%
	Reduction %		-13%	-10%	-23%	-40%	-21%
	Female	4,098	3,909	3,787	2,804	1,793	1,720
	Female %	55%	57%	59%	58%	60%	65%
	Reduction %		-5%	-3%	-26%	-36%	-4%
PERU	Total	6,624	5,997	5,283	4,481	3,396	2,402
	Male	4,308	3,981	3,442	2,906	2,148	1,520
	Male %	65%	66%	65%	65%	63%	63%
	Reduction %		-8%	-14%	-16%	-26%	-29%
	Female	2,316	2,016	1,841	1,575	1,248	882
	Female %	35%	34%	35%	35%	37%	37%
	Reduction %		-13%	-9%	-14%	-21%	-29%
SINGAPORE	Total	3,075	3,587	2,241	2,207	2,128	2,107
	Male	1,185	1,304	1,050	1,034	992	988
	Male %	39%	36%	47%	47%	47%	47%
	Reduction %		10%	-19%	-2%	-4%	0%
	Female	1,890	2,283	1,191	1,173	1,136	1,119
	Female %	61%	64%	53%	53%	53%	53%
	Reduction %		21%	-48%	-2%	-3%	-1%
SRI LANKA	Total	4,209	4,590	4,042	3,615	2,796	1,952
	Male	3,652	4,030	3,565	3,209	2,513	1,747
	Male %	87%	88%	88%	89%	90%	89%
	Reduction %		10%	-12%	-10%	-22%	-30%
	Female	557	560	477	406	283	205
	Female %	13%	12%	12%	11%	10%	11%
	Reduction %		1%	-15%	-15%	-30%	-28%
INDONESIA	Total	7,169	6,926	6,354	5,096	3,126	1,820
	Male	5,171	4,961	4,536	3,712	2,318	1,322
	Male %	72%	72%	71%	73%	74%	73%
	Reduction %		-4%	-9%	-18%	-38%	-43%
	Female	1,998	1,965	1,818	1,384	808	498
	Female %	28%	28%	29%	27%	26%	27%
	Reduction %		-2%	-7%	-24%	-42%	-38%
OTHERS	Total	52,791	46,721	39,205	34,681	27,797	23,676
	Male	36,474	33,336	27,336	24,040	19,425	16,472
	Male %	69%	71%	70%	69%	70%	70%

		2005	2006	2007	2008	2009	2010
	Reduction %		-9%	-18%	-12%	-19%	-15%
	Female	16,317	13,385	11,869	10,641	8,372	7,204
	Female %	31%	29%	30%	31%	30%	30%
	Reduction %		-18%	-11%	-10%	-21%	-14%

Source: Immigration Bureau, Ministry of Justice (2010). *Overstayers in Japan by Gender, 2005-2010*. Retrieved on August 23, 2010 from http://www.moj.go.jp/content/000033380.pdf.

Notes:

[i] See the "Points-based preferential immigration treatment for the highly-skilled foreign professional," first mentioned in the 2010 Basic Plan for Immigration Control, was finally implemented by the Immigration Bureau of Japan only last May 7, 2012. Click on http://www.immi-moj.go.jp/newimmiact_3/en/index.html to see more details on the point-based system; click on http://www.immi-moj.go.jp/seisaku/keikaku_101006_english.pdf and go to Page 21 of the 2010 Basic Plan for Immigration Control (4th Edition) to see the first discussion of the points-based system. Also see the new Residency Management System of July 2012 at http://www.immi-moj.go.jp/newimmiact_1/en/index.html.

[ii] I apply the same arrow naming conventions used in Figure 1 so as to achieve continuity in the migrant types.

[iii]Case snippets are drawn from full case studies of current and previous Filipino overstayers with whom I have conducted multiple interviews between August 2009 and March 2012.

[iv] http://www.immi-moj.go.jp/english/hourei/index.html
[v] http://www.immi.gov.au/asri/
www.immi.gov.au/skilled/_pdf/assessing-authorities.pdf
[vi] http://www.immi.gov.au/skills/skillselect/
[vii] certificate that can't hire from local
- Canada: Labor Market Opinion (http://www.cic.gc.ca/english/work/employers/lmo-basics.asp)
-UK: Resident Labor Market Test (http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/sponsorship/employingmigrants/#header2
[viii] Occupation-based visa from employer-based visa
pilot projects

- Canada: http://www.cic.gc.ca/english/work/occupations.asp
- Canada: open work permit

[ix] UK Border Agency, Home Office (2012). Shortage Occupation List. *UK Border Agency Website*. Retrieved on 2012-7-12 from http://www.ukba.homeoffice.gov.uk/sitecontent/documents/workingintheuk/shortageoccupationlistnov11.pdf. Some of the strategies implemented in recognition of a shortage of occupations, that is, a shortage of people with specific skill sets willing to work under specific conditions (salaries and benefits, other work conditions, work location), include awarding points to prospective immigrants in selected jobs (New Zealand, Denmark), declaring a list of occupations to be in high-demand(Canada), and, as cited above, maintaining job shortage lists(France, Ireland and United Kingdom)(Sumption 2011).

Notes:
[x] Ministry of Justice (2011). Table 1 - Changes in the Number of New Arrivals by Status of Residence; Table 27 - Changes in the Number of Cases of Illegal Work by Type of Work. *Immigration Control Report 2011*. Retrieved on 2012-7-31 from http://www.moj.go.jp/content/000081971.pdf .
[xi] Ministry of Justice (2009). Immigration Control and Refugee Recognition Act (ICRRA). *Japanese Law Translation*. Retrieved on 2012-7-30 from http://www.japaneselawtranslation.go.jp/law/detail/?id=1934&vm=&re=.
[xii] The "Points-based preferential immigration treatment for the highly-skilled foreign professional," first mentioned in the 2010 Basic Plan for Immigration Control, was finally implemented by the Immigration Bureau of Japan only last May 7, 2012. Click on http://www.immi-moj.go.jp/newimmiact_3/en/index.html to see more details on the point-based system; click on http://www.immi-moj.go.jp/seisaku/keikaku_101006_english.pdf and go to Page 21 of the 2010 Basic Plan for Immigration Control (4th Edition) to see the first discussion of the points-based system.
[xiii] For full details on the points assigned per criteria set and the corresponding rewards, see http://www.immi-moj.go.jp/newimmiact_3/en/pdf/05_e.pdf.
[xiv] Canada points sytem: http://www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp
Australia: http://www.immi.gov.au/skills/skillselect/index/visas/subclass-189/

UK: http://www.ukba.homeoffice.gov.uk/visas-immigration/working/

[xv] Ministry of Justice (2012).Point Calculation Table for Highly Skilled Foreign Professionals: Academic Research, Advanced Specialized/Technical Activity, Business Management. *Immigration Bureau of Japan*. Retrieved on 2012-7-27 from http://www.immi-moj.go.jp/newimmiact_3/en/pdf/05_e.pdf.
[xvi] Ministry of Justice (2009). Characteristics of Illegal Foreign Workers (In Japanese). *Immigration Bureau of Japan*. Retrieved on 2012-7-28 from

http://www.moj.go.jp/nyuukokukanri/kouhou/PRESS_100309-1-1.html (for summary), http://www.moj.go.jp/content/000025095.pdf (for age groupings), http://www.moj.go.jp/content/000025090.pdf (for income groupings).

[xvii] Please note that to arrive at the annual income figures I multiplied the given daily income figures by 20 days per month and 12 months per year – an ultra-conservative assumption I applied so as not to completely depress income levels. In reality we know that unskilled workers are rarely able to work full-time, or continuously for 12 months.

[xviii] At this point I must qualify once more that the figures for the unskilled are based on those who were arrested for illegal work. I am taking the position that their characteristics are indicative (but not wholly representative) of all unskilled workers. Also please note that as seen in **Error! Reference source not found.** that the reported income of four percent of arrested illegal workers intersects with the rewarded income levels of skilled workers (about 4% reported income between 2.4m to 7.2m or higher). Possible explanations for this include either skilled workers employed in companies using fake documents or untruthful responses to the questions asked by the MOJ at the point of arrest.

[xix] Department of Immigration and Citizenship, Australian Government (2012). Various Section Pages (see below). *Department of Immigration and Citizenship Website*. Retrieved between 2012-7-5 and 2012-7-7 from:

a. Visas, Immigration and Refugees>Employer Sponsored Workers>Temporary Business (Long Stay) - Standard Business Sponsorship (Subclass 457): http://www.immi.gov.au/skilled/skilled-workers/sbs/ (for summary) http://www.immi.gov.au/skilled/_pdf/sol-schedule1-2.pdf (for Consolidated Sponsored Occupation List (CSOL);
b. Visas, Immigration and Refugees>Specialist Entry> Domestic Worker (Executive) Visa (Subclass 427): http://www.immi.gov.au/skilled/specialist-entry/427/ (for summary)

[xx] UK Border Agency, Home Office (2012). Various Section Pages (see below). *UK Border Agency Website*. Retrieved between 2012-7-8 and 2012-7-10 from:
http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/eligibility/cos/ (explaining shortage occupation list)
http://www.ukba.homeoffice.gov.uk/sitecontent/documents/workingintheuk/shortageoccupationlistnov11.pdf (for Shortage Occupation List valid from 2011-11-14)
http://www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers/ (for Domestic Workers)

[xxi] Citizenship and Immigration Canada (2012). Working Temporarily In Canada. *Citizenship and Immigration Canada Website*. Retrieved between 2012-7-12 and 2012-7-15 from:
http://www.cic.gc.ca/english/work/apply-who-permit.asp (for summary)
http://www.cic.gc.ca/english/work/occupations.asp (for list of occupations).

[xxii] Ministry of Internal Affairs and Communications (2012). Table 2-12: Registered Aliens by Nationality and Status of Residence, 1947-2009. Retrieved on July 31, 2012 from http://www.stat.go.jp/data/chouki/zuhyou/02-12.xls.

[xxiii] "Bilog," Filipino for "round or circle," is a popular moniker for Filipino overstayers in Japan or those who remain in the country beyond the period specified in their visas. Some reasons given to explain this moniker, include, identifying Bilogs with the somewhat rounded shape of a zero, or amounting to nothingness, signifying overstayers' invisibility, their exclusion from the mainstream; or that their future is going nowhere, hopelessly trapped in a vicious circle.

[xxiv] Note that debt-financed remittances are still considered as savings from future income.

[xxv] Refer to summary table.

[xxvi]

[xxvii] Yumi had legal status in the 5 of her 8 years tenure in Japan due to "fraudulent entry" (Papademetriou, 2005) or the use of bogus documents to gain legal entry. The Sustenance of Migrant Illegality Framework (Jimenez, 2014: Figure 1c) would classify Yumi's fraudulent entry under Type D1 under Group 2 – or those migrants who are unable to satisfy the educational, skills or experience thresholds set by destination states.

[xxviii] Note that only housing expenses are considered in the surplus baseline. Since the other discussed costs of intimacy, vices and dependents are harder to quantify, I nevertheless qualitatively discuss in the text their impact to surplus. I treat other costs such as food, health or entertainment costs as constants across all four respondents.

[xxix] The resulting deficit (negative surplus) of Boy could mean either: 1) that his estimate of 3 million pesos savings was inaccurate; or 2) his savings estimate was accurate but it was his estimate of other remittances of ¥1,500,000 which was inaccurate.

[xxx] Central conflation, which Archer argues views structure (collectivism) and agency (individualism) as essentially indistinguishable, will not be discussed in this paper due to length constraints.

[xxxi] How this zero-sum structural design is a result of intended or unintended consequences of emergence-interplay-outcome sequences (operating individually or in confluence) is beyond the scope of this paper.