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Immigration Challenges in Japan and Germany

Dietrich Thränhardt

Summary
With its stubborn denial of immigration except for the highly qualified, Japan has long been considered a strange outlier among the rich nations. However, it is quite ironic that these days all other rich countries have adopted this mantra: let in the best and the brightest, keep out the unqualified. All over Europe there is talk that "we got the wrong migrants" (Sarkozy). Germany and other countries have developed plans to attract specialists, and to become less attractive for other immigrants. No other country is as effective in deportation as is Japan. The widely praised point systems, particularly in Canada and Australia, are clearly efficient in bringing in highly qualified people but not in placing them into highly qualified jobs. High percentages of qualified immigrants are working below qualification in all countries, and thus do not help countries to become more competitive. In all OECD countries, highly qualified immigrants suffer from "brain waste." Consequently, Germany and Japan, confronted by particular demographic challenges, should open up their labor markets, set minimum wage standards for immigrants, start large-scale student immigration schemes, and do away with impediments and red tape in both public and private life.

Keywords: Japan, Germany, immigration policy, skilled migrants, circular migration, migration models

1. Some Justice to Japanese Bureaucrats

Western authors in immigration literature have often treated the Japanese case with amazement, having expected that in the end the country would act like Western states: "Yet Japan remains an anomaly. It is the only industrial democracy that has not relied heavily on foreign labor to fuel economic growth in the post-war period, if we discount the resident Korean and Chinese populations" (Hollifield 1992: 15). Takeyuki Tsuda and Wayne Cornelius (2004: 440) see "a rather substantial gap […] between Japanese immigration policy and its outcomes," and many other authors just ignore the Japanese case when they conclude that large immigration numbers are a necessary element of advanced industrial societies.

Yet there is a certain irony here. In the last few decades, Western authors and the media have painted a catastrophic picture of overwhelming migration "floods" and of "the global migration crisis" (Weiner 1995). Western governments try to stop immigration entirely or at least keep out unwanted migrants and their families. France had a policy of *immigration zéro* under President Jacques Chirac (1995–

2007) and Minister of the Interior Charles Pasqua (1993–1995); as of very recently, campaigns for a policy of *immigration choisie* instead of *immigration subie* under President Nicolas Sarkozy (2007–2012) have aimed to select the "best" immigrants rather than accepting those who arrive on their own. In addition, Sarkozy urged his Minister of the Interior to expel 28,000 foreigners each year. But it is the United States that is ahead of all other countries with respect to deportations. In fiscal year 2011, the U.S. deported 396,000 immigrants. Yet, President Barack Obama (2009–present) is still criticized by Republicans in Congress for being too lenient. Jails in the United States are currently holding 200,000 immigrants—most of them without a criminal record (*NYT* 2011/12/05)—a number that comes close to the number of overstayers in Japan.[1] Moreover, the U.S. has built a wall to keep immigrants out, and is investing billions of dollars to make it more and more deterrent. All this bad news from America and Europe, over decades, has influenced Japanese perceptions about immigration in a negative way.

Again and again, politicians and academics in Western countries comment that there are too many low-qualified immigrants, and that highly qualified immigrants are needed (Doomernik *et al.* 2009). Germany's Süssmuth Commission[2] called for the intensification of the competition for the "best heads:" "Germany must become more attractive for qualified immigrants" (UKZ 2001). Politicians in Western countries are now constructing policies to select immigrants according to their qualifications and their usefulness to the labor market, and are therefore introducing point systems that reward prospective immigrants who have certain academic qualifications, work experience, and language proficiency, and who are relatively young. On the other hand, they try to discourage less qualified immigrants, and erect hurdles to hinder them. Examples of this policy are the Danish marriage ban for persons under the age of 24, a similar Dutch marriage ban for persons under 21, and the German and Austrian language tests that foreign spouses must pass. Sarkozy wanted to lift the percentage of highly qualified immigrants to 50 percent. He also tried to regain national sovereignty over immigration, which had been transferred to the European level, and he wanted to reaffirm and ensure the right of France to determine who may settle on its territory (*Vie Publique* 2006/07/27). U.S. politicians again and again have called for higher fences along the southern border. Thus the aspirations of Western countries are not too different from the stereotypical policy statement of the Japanese government:

> The official policy of the Japanese government is to allow entry to foreigners with technical expertise, skills or knowledge, or [those] who […] engage in businesses which require[s] a knowledge of foreign cultures not possessed by Japanese. On the

[1] The Japanese Ministry of Justice (MOJ 2006) in 2005 estimated the number of all overstayers in Japan to be approximately 210,000 persons.

[2] An independent commission of experts founded in 2000 by the German Ministry of the Interior aimed at reforming Germany's immigration policies.

> other hand, the entry of unskilled workers is not encouraged, because of their potential impact on industry, labor, education, welfare and public security as well as because of the absence of a national consensus on the issue. (OECD 1995: 99)

The present Western attitude is a far cry from that of the early days of recruitment, when Western governments were looking for manual labor. In 1954 German Minister for Economic Affairs Ludwig Erhard (1957–1963), associated with Germany's "economic miracle," stated that Germans should become qualified workers, and "foreign workers should perform the relatively more primitive jobs" (radio interview, quoted in Steinert 1993: 289). Such ideas introduced the perception of an "immigrant underclass" that is prevalent in European countries, even when a high percentage of the immigrants are well educated and suffer from "brain waste."[3]

The change in the German society's perception was connected to the changing structures of the German economy and to its envy of the highly qualified immigration that the United States had enjoyed, particularly during the administrations of President Bill Clinton (1993–2001). Automation has made much manual labor redundant, and it is evident that low-skilled workers suffer unemployment more often than do highly skilled workers. Over the years, this effect has slowly risen, and foreigners in Germany and in other countries have experienced higher unemployment rates than the citizens of those countries.[4]

The difference between Japan and most Western countries, however, is the ability of the Japanese state to control immigration. Whereas many in the West lament the "loss of control" and the "invasions" and "floods" of unwanted immigrants, the Japanese state has been able to meticulously guard its borders, to register all foreign residents and to regulate the numbers and the categories of immigrants. Surely, there is a gap between law and reality, and some Japanese citizens have developed negative stereotypes about immigrants (Herbert 1993). But compared to the eleven million "illegal" immigrants in the U.S. and in Russia each, an estimated 240,000 "illegals" in Japan are minimal (MOJ 2006). A "gap" between the legal and the factual situation exists in Japan, but it is much smaller than in the countries depicted above or in Southern Europe. Moreover, we do not find the amount of openly racist violence in Japan that we witness in Russia, the United States, Britain, Germany or the Netherlands.

Some legal arrangements are clearly, as Haruo Shimada (1994: 69) has stated, a charade or *tatemae*, serving the interests of some sectors of the Japanese economy: the "trainees" and "technical interns" that actually are mostly low-paid workers (Komai 1995: 37–54); the female "entertainers" who for many years made up three quarters of legal immigrant workers (Caouette and Saito 1999); and persons of

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[3] "Brain waste" refers to a situation in which a migrant's skills are not translated into a new occupation.

[4] In January of 2011 the unemployment rate of German citizens stood at 7.3 percent, while for foreigners it was 15.9 percent (Bundesagentur für Arbeit 2011).

Japanese origin—the *nikkeijin*[5]—who, it was ethnocentrically believed, would fit best into society (Thränhardt 1999). Despite the criticism of other countries for not accepting refugees made by a Japanese United Nations (UN) commissioner for refugees with close connections to the Japanese government,[6] Japan for decades took in fewer asylum seekers than Luxembourg. Even if this policy has changed since then, Japan's intake is still very small and it is dependent on administrative decisions. Only under American pressure has Japan accepted a limited number of Vietnamese refugees (Kosaka-Isleif 1991).

The United States, Italy, France, Spain, Greece and Portugal all tried to close the gap, allowing hundreds of thousands or even millions of "illegal" immigrants to become legal residents through large-scale amnesty programs. The intention has always been to consolidate the situation. In the end, however, the amnesty evoked more immigration (Lowell, Teachman and Jing 1995). One reason was the demand of certain economic sectors for unprotected and exploitable workers, while legal immigrants moved to better employment environments. The Japanese government, on the other hand, was able to sharply reduce the number of "illegals" several times, granting individual permissions to stay to only a very limited number of immigrants (Kondo 2008: 19). Japan was also able to reduce the number of "entertainers" when the government made this a specific goal.[7]

Japan provides conclusive evidence against the assumption that liberal democracies are not able to control immigration. This idea is based on James Hollifield's (1992) theory about the accumulation of rights in liberal democracies that protect immigrants against state authorities; Yasemin Soysal's (1995) thesis about international norms protecting immigrants and offering them rights similar to those of citizens; and Gary Freeman's (2002) thesis about strong special interests profiting from immigration at the cost of the public.

In this context, we can discuss Japan's qualities as a liberal democracy. With respect to immigration, Japan is a strong state, a *stato forte* in Machiavelli's sense. Civil society does not have much influence upon the state apparatus (Pekkanen 2006), and this is particularly true in the case of the manifold human rights initiatives for immigrants. In contrast to this, of course, powerful business groups like Tokyo Electric Power Company (TEPCO) live in a symbiotic relationship with the state, as emerged so scandalously in 2011. In Japan, despite long and complex debates

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5 The term *nikkeijin* refers to non-Japanese with Japanese ancestors, who are eligible for a simplified visa process and a visa that allows them to work without restrictions. A large share of *nikkeijin* in Japan is from Latin America.

6 "Many countries are blatantly closing their borders to refugees while others were more insidiously introducing laws and procedures which effectively deny refugees admission to their territory. The threat to asylum has taken on a global character" (UN High Commissioner for Refugees Sadako Ogata, 1995, quoted by Crisp 2003: 76–77).

7 From 2005 to 2009, the number of newly entering entertainers decreased from 99,342 to 31,170 (MOJ 2011).

between ministries, pressure groups, and specialists (we have had detailed knowledge about controversial interests and arguments since Chiavacci's profound 2011 study), the Ministry of Justice (MOJ) and its bureaucrats have kept their hold on policy decisions. This is even visible in the Continuous Reporting System on Migration (SOPEMI) of the Organisation for Economic Co-operation and Development (OECD) where Japan is the only country with more than one representative: it has one from the Ministry of Health, Labour and Welfare (MHLW), to provide information, and another from the MOJ, to control the policy-making process (OECD 2010: 355). This situation has not changed since 1991, when the author had a chance to conduct interviews in both ministries (Thränhardt 1999). Despite the governing party and/or coalition changing three times, there was no effect on policy. The lively public discussion with dozens of plans, concepts, newspaper articles, and television programs also failed to influence government decisions. The Japanese situation can be summarized by the following headline: "A non-immigration country discusses migration" (Kibe and Thränhardt 2010). There were two waves of discussion: one focusing on guest worker schemes in the boom years around 1990, and the second focusing on demography, human trafficking, sexual exploitation, and immigrant crime around 2009, in a period of rising unemployment in Japan.

In the absence of national integration policies, local government and civil society become more important, and many studies about Japanese immigration concentrate on their activities. This parallels the situation in Italy and Greece, where the state does not provide care and governance with respect to immigrants. In countries with more thorough immigration policies, civil society and local governments can concentrate on additional activities programs, for example, organizing and making a space for cultural, civic, and leisure activities, and integrating immigrants into social and political structures.[8]

On the other hand, local special interest was important in shaping the "side-door" policies (Tsuda and Cornelius 2004: 456) that brought immigrants into Japan, with trainee schemes deliberately constructed to use their labor without paying them full wages and while denying them status security. Over the years, these schemes were modified to keep trainees longer at work, to push them to small and medium-sized firms and to keep them dependent on their employers (Chiavacci: forthcoming). Criticism on the part of concerned lawyers, activists and humanitarian organizations led to nothing. The umbrella organization administering the program is a place for ex-bureaucrats to get profitable jobs after retirement (*amakudari*). Language

[8] In the end, this is what brought immigrants to positions like prime minister of Belgium (since 2011, Elio di Rupo), mayor of Rotterdam (since 2009, Ahmed Aboutaleb), and head of the German Green Party (since 2008, Cem Özdemir). In Japan this happened only in specific business sectors and in popular culture, not in politics or in the core business realm.

students and *nikkeijin* are also in an exposed position. They do not naturalize easily but stay in Japan one generation after the other (Green 2011).

Finally, it is important to put Japan's situation into the East Asian context. South Korea, Taiwan, China and Malaysia are important recruitment countries. Mainland China itself now hosts four million foreign workers, two times the official number of foreigners in Japan, indicating that the borders of this totalitarian country seem to be more porous than those of Japan. There are approximately 200 million internal migrant workers in China, and China's population grew by 74 million last year, even though growth is much slower than in India or Vietnam. Under the present conditions of one-child policies, the Chinese working-age population will peak between 2013 and 2016 (Li 2011). It can be assumed that the inflow from Asian countries to Japan may slow because these countries are experiencing demographic changes themselves and because China's dynamic economy is attracting a rising number of foreign workers.

2. Germany: From High to Low Immigration Numbers

While Japan can be considered a strong isolationist state with respect to immigration, Germany constitutes the other extreme. Germany has sacrificed parts of its sovereignty on the altar of European integration. Every EU citizen can come to Germany and work there, with the same rights and conditions as German citizens. Moreover, the EU–Turkey Association Treaty gives Turkish citizens living in Germany largely the same rights as European citizens. The supranational European Court protects all these persons, its jurisdiction is integration-friendly, and it interprets European rules broadly. With respect to the EU, Germany is coming closer to Peter Katzenstein's (1987) interpretation of "the growth of a semi-sovereign state."

From the beginning, German immigration policies have been directed towards a united Europe. Since European policies were mostly discussed separately from immigration, this connection has often been lost in the literature. Declining offers from non-European states like India, Germany began recruiting workers in 1955 from Italy, one of the original six participants in the European integration process. Spain and Greece followed in 1960, Turkey in 1961, Portugal in 1962 and Yugoslavia in 1968. To strengthen bilateral relations in a diplomatic crisis regarding German weapons that were delivered to Israel, a limited number of Moroccans and Tunisians were also recruited.

Germany's constitutional system with its strong judicial controls and other checks and balances further limits the government's maneuvers. Human rights and the family are protected under the constitution, human dignity is a constitutional principle, the "social state" principle implies basic care for everybody, and asylum is guaranteed under the constitution. Under the doctrine of "social and economic equality," immigrants were partially included into the fabric of German corporatism

(Thränhardt 2009; Schneider 2010; Musch 2011). Immigrants have full voting rights in company councils, and more than four hundred are presidents of these influential bodies in the engineering industry alone (Hinken 2001). Welfare organizations, churches and civil society were active and able to influence government policies and to work with immigrants (Puskeppeleit and Thränhardt 1990). Many successful second-generation immigrants like Cem Özdemir (1999) or Dilek Kolat (Bebber 2011) report that they were taught German or given their first children's book by a neighbor.

In this immigration framework of rights and guarantees, it was easy to start recruitment, but difficult to control or to end it. When the recruitment was discontinued in 1973, many migrants went back to their country of origin. However, in times of economic growth in Germany—and in situations of conflict, repression and civil war in Turkey and the former Yugoslavia—immigration rose, as families used their right to reunite in Germany. When the economy deteriorated due to the oil shocks of 1974 and 1980 and also suffered under the post-reunification crisis of 1992, the consequences were unemployment and social security dependence, particularly among immigrants.

Moreover, asylum applications in Germany rose to 438,000 in 1992 (Thränhardt 2009). For bona fide as well as for phony refugees it was easy to get to Germany and to stay there for some years because the administration and the judicial system could not cope with the number of refugees; soon, a backlog developed. In addition, the German government accepted ethnic Germans from ex-communist countries due to discrimination, and Jews from the former Soviet Union because of anti-Semitic tendencies there around 1990. The situation was further complicated by the German reunification, the breakdown of East German industry, the consequential movement of East Germans to the West, and their dependence on welfare.

These developments led to a "state crisis" (German Chancellor Helmut Kohl, 1982–1998, cf. Thränhardt 2009: 161) in the early 1990s and to the feeling that "immigration into the welfare systems" (Angela Merkel, who has served as German chancellor since 2005, cf. *Merkur-online* 2010/12/03) constituted a problem for Germany in the early 2000s. As a consequence, Bavarian Minister of the Interior (1993–2007) Günther Beckstein expressed the popular opinion that Germany should attract "fewer foreigners who need us and more whom we need."[9] In a long and complex process from 1990 to 2007, incentives and rights for various potential immigrant groups were taken away. Asylum seekers were no longer accepted if they had passed through a country that had ratified the Geneva Convention, or if they came from a "safe country." At airports, a special "accelerated procedure" was introduced. As a consequence, the number of asylum applications sank dramatically, even though it is still about thirty times higher than in Japan. Ethnic Germans in

[9] "Wir brauchen weniger Ausländer, die uns ausnützen, und mehr, die uns nützen" (quoted in *FOCUS* 2000/06/10).

Poland and Romania lost their right to immigrate to Germany after these countries became democracies and established minority rights. Step by step, the incentives to move to Germany were reduced until *Aussiedler* (emigrants) from the former Soviet Union lost their right to come to Germany in 2005, and are now under the same harsh visa conditions as other Russian or Kazakh citizens.[10] The open door for ex-Soviet Jews to immigrate to Germany because of rising anti-Semitism in 1990/1991 was curtailed in 2005 after an intervention by the Israeli ambassador at the Central Council of Jews in Germany. Moreover, due to low economic growth rates in Germany, large investments by German companies in Poland, China and other countries, as well as high unemployment, immigration figures went down year after year. Emigration was higher than immigration in 2008 and 2009, and critics argued that elites were leaving and low-educated persons were coming (Sternberg 2012).

Ironically, Germany experienced record immigration in the decades when the Kohl government again and again declared that Germany was "not an immigration country." Now, with the immigration law of 2005, it is a declared immigration country, but there is not much immigration (Statistisches Bundesamt 2010). In 2010, Germany registered a net immigration of 127,000 persons, mostly from the new EU member states. There was a net *emigration* of 5,862 persons originally from Turkey, a statistic that signaled the end of the Turkish immigration stream and put more pressure on Germany. That was also the year that ex-politician and then member of the Executive Board of the Deutsche Bundesbank (2009–2010) Thilo Sarrazin published a polemic bestseller about Germany "abolishing itself" and being taken over by Turks whose only economic skill was "trading vegetables."

In the first decade of the 21st century, stagnating migration in Germany contrasted sharply with the immigration booms in Britain, Ireland, Italy, Spain and the United States, which were largely driven by financial and real estate speculation. Since Germany is an island of stability in the present crisis, immigration from EU countries like Spain is likely to grow again. Today, the only meaningful net immigration originates in the new EU member states. Because Romanians and Bulgarians will be able to take up work freely starting in 2014, these countries are likely to become an important source of immigration, particularly since hundreds of thousands of Romanian and Bulgarian migrants in Italy and Spain are now in uncertain employment conditions.

A typically German reaction to the perceived crisis of integration was enhanced welfare state activity, providing public funding for language and civic integration courses, accompanied by symbolic "summit" meetings with the chancellor and the minister of the interior (Schneider 2010; Musch 2011). This follows a European trend to introduce mandatory integration programs that Ines Michalowski (2007) has called the "Dutch model." In this context, Angela Merkel uttered in fall 2010 that

[10] See Brubaker and Kim (2011) for more information on the winding down of ethnic immigration.

"Multikulti" (multiculturalism) had utterly failed—a statement that was then repeated by French President Sarkozy and British Prime Minister David Cameron (who has served since 2010, *NYT* 2011/02/05). Thus we find an assimilative trend in Europe, even when the term itself is taboo in Germany. The public has confidence in the new policy, and the percentage of people who believe that there are "too many" foreigners in Germany has fallen to 28 percent, in contrast to 33 percent in France, 48 percent in Spain, 48 percent in Italy, 47 percent in the United States and 57 percent in Britain (GMF 2011: chart 3).

3. Challenges: What Should Not Be Done? The Brain Waste Migration

Germany and Japan both face severe demographic changes. In Germany, the problems began earlier: birth rates had already begun to decrease in the early 1970s. However, demographic changes were softened by immigration, particularly because first-generation immigrants tended to have more children than the native population. The other difference is that Germany is part of an integrated Europe with free internal migration. Thus we can expect that there will be more immigration from the new member states, particularly Poland, Romania and Bulgaria. Since all these countries, however, suffer from low birth rates and decreasing populations, this is only a limited option for Germany. The same problem applies to Russia, Ukraine and Belarus, potential sources of immigration, where the population is decreasing faster than in any other part of the world. In East Asia, we also find low birth rates, particularly in South Korea, Taiwan and Singapore. In mainland China, low birth rates have been brought about by the one-child policy. A softening of that policy could change the demographic situation in East Asia—at least in the current generation.

Since the world economy is globalized, it is highly unlikely that the traditional industries will need large numbers of manual workers in the future. The production of standard industrial goods like refrigerators, cell phones and textiles has been transferred to the emerging economies, particularly to China, where wages are much lower. With China and other countries becoming more expensive, production will be shifted to other places like Vietnam, Indonesia and Bangladesh. Automation made many jobs in the remaining industries redundant. The efficient German automotive industry employs only a quarter of the manual labor it did in the 1970s. Thus, in the future all countries will need more qualified labor, or they will need to qualify workers. One prospective scenario involves a competition for the "best brains," as the German Süssmuth Commission in 2001 argued will eventually occur, and as has been echoed in many advanced countries.

Avoiding "brain waste" is related to the advancement of an "hourglass" society. If immigrants continuously move into the low-paid sectors, as we can see in the United States, Russia and Southern Europe, a vicious cycle is set into motion: wages in

"immigrant industries" are getting lower and lower, and a race to the bottom ensues. In an environment of low demand and high unemployment, these effects will be even stronger. In such a context, immigration reform and regularization can help some of the immigrants, but the structural imperatives of the economic situation demand that new, low-paid immigrants be recruited—whether this happens legally, semi-legally or illegally.

In insecure legal environments, new immigrants are downgraded, and "brain waste" occurs on a large scale. This makes dining out, hiring household help and using certain other services cheap for the middle class, but it destroys the social fabric and makes countries less competitive. It is a waste of immigrants' qualifications and it creates an immigrant underclass—not because immigrants are necessarily low qualified but because they are living in a legal limbo, and thus can be exploited easily (Bruquetas-Callejo *et al.* 2011: 294; Pajares Alonso 2007: 51). One example of this trend is in Italy. Italian critics sometimes describe their social welfare system as "perverse" because it finances many well-off people and neglects many needy. Giuseppe Sciortino (2004) has shown 1) how Italian welfare state regulations discreetly force new immigrants—particularly women—into in-house care jobs, making them dependent and vulnerable, and 2) how new immigration is driven up when the state regularizes immigrants after a certain time. This type of migration brings down the wages in certain jobs and industries, and causes the migrants to be held in disrepute by the indigenous population. It advances the trend towards an hourglass society, particularly if the poor migrant strata are brought into jobs where they serve elite migrants, like tourists in Southern Europe, or bankers in New York and London. Even if Germany and Japan do have fringe elements of this type of migration, it should neither serve as a model nor be seen as an inevitable development (Sassen 2001). With the economic downturn in the United States, Southern Europe and Russia, the waste model is going into a crisis and will be less attractive.

4. Challenges: What Should Not Be Done? State-organized Rotation

Implementing a point system based on the Canadian or Australian model has been suggested in many discussions—including by a report by the "consensus group" of notable German political figures in November 2011—as a way to attract more qualified immigrants to Germany. Curiously, some German liberals advocate state-planning with respect to the numbers and skills of immigrants, even when they are strictly critical of government intervention into market processes in all other aspects of life. Education, work experience, mastery of the language, age, present income, demand for the particular profession, the qualifications of family members, and earlier experience in Germany are mentioned as possible criteria (HKFZ 2011: 77–78).

Canada welcomes immigrants and has a good reputation as an immigration country. However, it has experienced problems with its state-organized quota immigration, producing in particular the proverbial taxi drivers with academic qualifications. In recent years, Canada has sidelined persons on the point system lists and has allowed immigrants with job offers to jump the queue. The United States, with its market-, family- and job offer-based immigration system has been more successful than Canada (Doomernik *et al.* 2009; O'Shea 2009), even if the U.S. system is complex, bureaucratic and opaque. A recent study about the reasons scientists and engineers immigrate to the United States also demonstrates the value of family networks and education in securing immigration of people with high qualifications.

Table 1: The Most Important Reason that Scientists and Engineers Immigrated to the United States

Reason	Percentage
Family-related reasons	37.1 %
Educational opportunities	29.7 %
Job or economic opportunities	20.8 %
Scientific or professional infrastructure	4.9 %
Other	7.4 %

Source: Kannankutty and Burrelli (2007: 5–8)[11]

Another idea, one which has recently received more attention, is "circular migration," which has been integrated into EU agreements and was in 2006 presented to the public through a joint paper by then German and French Ministers of the Interior, Wolfgang Schäuble (2005–2009) and Nicolas Sarkozy (2005–2007). They took a cue from comments made by the Global Commission on International Migration (GCIM), which called for an opening of rich countries to migrants, stressed the importance of remittances, and presented the possibility of migrants working in other countries for some years, and then returning home or moving on to a third country. However, instead of leaving the timeframe and direction of the movement to the migrants and the markets, the ministers of the interior conceived a state-supervised system of time-limited migration, with the state bureaucracy organizing and enforcing the coming and going. This is clearly impossible because the state cannot foresee the ups and downs of the economy, particularly in its various branches. The experience of the 1960s was that employers do not want trained and reliable workers to leave, and that workers stick to their workplace if they find it better than what they could find in the country of origin. However, it

[11] Results of this study were echoed by Nassar's (2010) study on Egyptian migrants.

might be worthwhile to look into factors hindering their movement back to their countries of origin—for example, the portability of pensions in the various systems (Thränhardt 2010).

The system of state-controlled "circular migration" is realized in Japan through trainees. However, this is an exploitative migration scheme and has rightly been criticized by many analysts (Chiavacci: forthcoming). Again, Japan is able to manage this state-dominated system with respect to the control of immigrants going in and out but it is unable or unwilling to control exploitation by Japanese employers. Several Japanese researchers and organizations have presented plans for a guest worker system, mostly on a rotation basis (a plan that has been implemented in Switzerland, though not in Germany). Such policies, if implemented, would also suffer from the practice-related deficits mentioned above.

5. Challenges: What Should Be Done?

The GCIM (2005), made up of former ministers from nineteen countries, advocated for countries to take a broader perspective on immigration and has raised ideas of possible triple-win situations for the sending countries, the receiving countries, and the migrants themselves. It has pointed to the rising importance of remittances for the developing countries and the fact that transfers to developing countries through remittances have been more important than development aid. In the time of the financial crises since 2008, remittances have been more stable than development assistance, particularly since Japan and some other countries have cut their development budgets. Moreover, remittances reach their destinations and provide income and market demand, whereas development assistance feeds large bureaucracies, is reduced by transfer costs, and is often connected to special interests in the donor countries.

In the whole discussion, we need to look at these issues from a broader perspective, one that not only focuses on the accepting countries but also includes the sending countries and the immigrants themselves. The challenge will be to create an environment where people can move as freely as possible and have the opportunity to contribute to the local society, helping themselves and their home countries in the process. The rich countries need qualified immigration; many emerging and poor countries have more young and qualified persons than they need, and both sides need people who speak the languages of the countries and can translate and mediate between them in areas such as trade, production, culture and politics. Thus, Japan must move beyond its national perspective, and Germany must move beyond its European perspective.

Controlled opening can be implemented in two ways: as a spatial enlargement or as a categorical enlargement. Spatial enlargement means the widening of the realm of free movement, either in the completely open way of the EU model or by removing visa restrictions. In Europe, the easiest way to do that would be to open its borders to

its eastern neighbors, discontinuing visa requirements for citizens of Russia, Ukraine, and Turkey. For Japan, possible initial steps would be opening up to migrants from South Korea and Taiwan.

Categorical enlargement would include opening up to professionals such as university instructors, IT specialists, and so on. The German government announced on December 7, 2011, that it planned to take a big step in that direction. All "MINT" specialists (mathematicians, information and natural scientists, technicians) are free to work in Germany, provided that they earn at least 33,000 euros a year. This is in line with the EU blue card directive that refers to a general, controlled opening of the EU to outside specialists (*Süddeutsche Zeitung* 2011/12/08).

The immigration of students has been described as the "royal path to expatriation" (Le Bail 2011: 73), or the best way to achieve immigration. Indeed, students and bona fide trainees arrive at an age that allows them to better adjust to life in the new country. They go through training and socialization, which enables them to get qualifications as well as experience intimate communications and friendships with indigenous persons in an especially formative phase of their lives. Interestingly, in 1984, Japanese Prime Minister Yasuhiro Nakasone (1982–1987) called for the recruitment of 100,000 foreign students by the year 2000. The number was reached in 2002, and this is one the few pathways where Japan has really opened up, even at a time when the financial environment has been less generous than in Germany (OECD 2005: 216).

If we look at comparative OECD statistics, we see that Japan and Germany are indeed important places of study for international students, even if they are not as popular as some English-speaking countries. However, contrary to the widespread perception that the United States is the main destination for international students, EU countries have a larger immigrant student body on a percentage basis. Combining statistics from France, Britain and Germany alone, we find 792,110 foreign students. The OECD calculated the percentage of 20- to 24-year-old foreign students relative to a given country's citizens of the same age and found that Australia and Britain are the leading nations in this respect, promoting university education as a business. The United States trails Germany, and Japan is not too far behind.

Table 2: International Tertiary-level Students in OECD Countries, 2008

Country	Number of immigrant students	Immigrant students per persons aged 20–24 in the destination country
Australia	230,640	15.9 %
Great Britain	341,790	8.4 %
France	243,440	6.1 %
Germany	206,880	4.2 %
Canada	92,880	4.1 %
United States	624,470	2.8 %
Japan	115,280	1.7 %
Norway	4,470	1.5 %

Source: OECD (2011: 64)

It is no surprise that regional aspects are also important for students' choices of where to pursue education. But even from Egypt, Japan is drawing a growing student body.[12] The main sending country is China, whose 409,840 foreign students made up 18.4 percent of all foreign students in OECD countries in 2009. In spite of language difficulties, Chinese students present a great opportunity for Japan because they can more easily master the difficulties of Japanese writing. China's sheer size implies a large growth potential with respect to "exporting" students. The large number of 409,840 students comprises merely 0.4 percent of all Chinese aged 20 to 24 (OECD 2011: 66). Moreover, Chinese parents have a traditionally high regard for education and are prepared to spend large amounts of money to pay for the best quality.

Considering the enormous difference in earnings when one compares countries like Japan and Germany with countries like China (but not necessarily Shanghai, Beijing, or the Pearl River Delta), Vietnam or Egypt, we can only imagine the possibilities that lie in educational migration in the coming decades. Moreover, in many developing countries young people are desperate to find jobs. Discussing the relationship between development assistance and immigration, political scientist Uwe Hunger (2005) has made the bold assumption that the United States with its egoistic, brain-drain approach and its low level of development assistance may have been more efficient than Germany with its high spending on development aid and its traditional (though now abandoned) policies of forcing students back to their countries to assist the home countries in their economic and technological development.

[12] The number of Egyptian students in Japan rose from 142 in 1998 to 238 in 2002 (Nassar 2010: 15).

A new German study demonstrates that 61 percent of immigrant students are interested in finding jobs in Germany and personally feel that they can find them, even if they do not feel very informed about the legal situation; curiously, only 37 percent think that foreign students are fully welcomed into the job market (SVR 2011). It will take time and effort for a culture of welcoming to project a more open image of Germany inside and outside the country. The same holds true for Japan. In that respect, both countries can learn from the United States and Canada, where we find a principle of openness towards newcomers and an optimistic feeling about the inclusiveness of the nation. This has to do with the public atmosphere as well as the naturalization laws. Immigrants to Canada can naturalize in three years' time, and they are free to keep their former citizenships. It is unrealistic for a receiving country to expect that well-educated immigrants will give up their former citizenships. Germany, and even more so Japan, are laggards in the worldwide trend to tolerate second and third nationalities, still clinging to the traditional "one and only one" principle of international law of former times.[13] It is also unrealistic in an age of circular migration to continue to implement a single-citizenship policy. The German experience has shown that circular migration is often precluded if immigrants are not naturalized, particularly if they have vested interests like the right to quality health care or other social security benefits. The EU is working to make social benefits portable both inside the EU and with third countries through mutual agreements (European Commission 2011).

Besides student immigration, other forms of immigration should be opened up as well—for instance, apprenticeships or other job training programs. It would be in Japan's best interest to demonstrate that it is a strong state with respect to not only controlling the flow immigrants but also ensuring the quality of its trainee programs. This includes a decontamination of the term "trainee" in Japan. The new caregiver program is very small, and it demonstrates the ability of the Japanese bureaucracy to implement and manage (Ogawa 2012). Moreover, only a good integration of immigrant parents can increase the chances of the children of immigrants staying on and contributing to the receiving country's economy (Yoshikawa 2011).

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[13] Refer to OECD (2003: Chart I, 18) for Japanese and German naturalization rates in comparison to other OECD countries.

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