

Constraints on Migrant Workers' Lives Due to Structural Mediation in Labour Migration: A Case Study of Thai Technical Intern Trainees in Japan

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Abstract

The Technical Intern Training Program (TITP) is a mechanism for supplying foreign workers as technical intern trainees to Japanese companies encountering labour shortages, particularly small and medium-sized enterprises. Previous studies reveal that despite the growing number and importance of TITP workers, their lives—professional and personal—and rights in Japan are constrained because of Japan's rules and regulations. I argue that the mediation between actors at the structural level, from both migrant-receiving and migrant-sending countries involved in labour migration, such as the governments of the two countries, entrepreneurs who receive migrant workers, and recruiting agencies, should be considered transnationally. Through a case study of TITP workers from Thailand—a prominent supplier of TITP workers to Japan—this study analyses the constraints and/or restrictions on the migratory capabilities of Thai workers. These constraints and/or restrictions have continually emerged throughout the course of TITP implementation because of the mediation between concerned parties on both the Japanese and Thai sides. This study has implications for understanding the lives of migrant workers who are conditioned by structural factors.

1. Introduction

Japan's progression towards an ageing society signals an impending and severe labour shortage crisis. In 2019, the Ministry of Health, Labour and Welfare (MHLW) of Japan reported that since 2013, the problem of labour shortages in Japanese companies has continuously worsened, reaching the same level as after the bubble crisis of the early 1990s. Small and medium enterprises (SMEs) in non-manufacturing sectors are the most vulnerable to this situation [MHLW 2019: 79]. While employing foreign workers is regarded as a solution, the experiences of Western developed countries, particularly Germany, with the settlement of immigrants and

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guest workers from the 1960s to the 1980s, have instilled anxiety in Japan, causing the country to avoid accepting unskilled foreign workers [Koido 2019: 206–207]. Instead, in order to balance the need for labour and anti-foreigner sentiment, Japan has opened its ‘side-door’ to unskilled workers in two ways since the early 1990s: Japanese descendants or *Nikkeijin* from Latin American countries and technical intern trainees who are mostly from Southeast Asian countries and China [Higuchi 2019: 23]. However, the significance of the Technical Intern Training Program (TITP) surpassed that of the ethnic-oriented scheme of receiving *Nikkeijin*. Tian [2019] argued that the failure of *Nikkeijin* workers to assimilate into Japanese society caused a tendency of ‘de-ethnicisation’ in Japan’s immigration policy, turning its interest towards the TITP, which suited the Japanese economy because numerous small and medium-sized Japanese companies were experiencing labour shortages. A condition in the TITP that prohibits TITP workers from changing their employers during their stay in Japan made it favourable for Japanese employers, particularly in the agricultural sector, which is dominant in rural and remote areas¹⁾ [Tian 2019: 1506–1510].

Despite the growing importance of TITP workers in the Japanese economy, previous studies have shown that during their stay in Japan, they are constrained in their daily lives, and their rights are restricted by Japan’s immigration policy and TITP rules and regulations. Similar to guest worker employment arrangements in other countries, the TITP prevents foreign workers from obtaining citizenship and provides limited human and labour rights. The TITP is also intended to address the issues of overstayers and undocumented workers in Japan [Tian 2019: 1503]. In his study of the contest between the central government, local government, and societal actors involved with the rights of foreign workers in Japan, Shipper [2010] argued that the visa categorisation system of Japan created a racial hierarchy among foreign workers. Their entitlements differentiate their wages, rights, and privileges. Compared to other groups, TITP workers, mostly from Southeast Asian countries, receive lower wages, and there have been reports of violations of their rights [Shipper 2010: 506–507, 516–517]. According to Kamibayashi [2013], TITP rules and administration have constrained TITP workers’ rights, both at work and in their private lives. They are only permitted to work in certain industries and are prohibited from changing jobs. Their stay in Japan is also limited to a specific period, and they

1) *Nikkeijin* workers hold the status of ‘Spouse or Child of Japanese National’ or ‘Long Term Resident’ that allows them to stay in Japan for 1–5 years. In these categories of residence status, a foreigner is not required to be under employment, yet he/she is free to do so. As a result, *Nikkeijin* workers are capable of changing occupations or becoming unemployed during their period of stay in Japan. This differs from the status of TITP workers, who are only allowed to stay in Japan if they are engaged in a work activity.

are not allowed to bring family members with them. Moreover, they have no right to choose their housing and have to stay in facilities provided by their Japanese employers, most of which are located in remote areas far from local communities.

These previous studies concentrated on the rules and regulations designed by the government of Japan that impose constraints or limitations on TITP workers. In other words, the conditions in the lives of TITP workers are solely attributed to variables on the migrant-receiving side, omitting perspectives from the migrant-sending side, as well as interactions among actors from both countries. I argue that this issue should be considered from a transnational perspective. Constraints on the lives of TITP workers emerge continually and transnationally. Their lives are constrained from the moment they enter these channels, which are intensively controlled by states on both the migrant-receiving and sending sides. Sophisticated rules and regulations related to labour migration are developed by sending and receiving countries to engage with the transnational movement [Xiang 2013]. Additionally, according to Xiang and Lindquist [2014: S124], migration is intensively mediated within a network of systematically interlinked technologies, institutions, and actors that facilitate and condition mobility, which they refer to as migration infrastructure. It is important to examine the mediation between all parties as well as the evolution of infrastructure. To identify the limitations and/or constraints on the lives of foreign workers throughout the course of their migration, structural factors such as the need for labour in the receiving country, the sending country's need for remittances from migrant workers to boost its economy, and the engagement of other concerned parties, should be considered.

By applying the notion of 'mediation' in the 'migration infrastructure' to the study of TITP in Japan, structural actors, other than the immigration policy of the Japanese government that influences TITP workers' lives, can be analysed transnationally. Through a case study of Thai TITP workers, one of the majority nationalities (see Table 1), this study engages key actors from both migrant-receiving and sending countries and elucidates their roles as well as their mediation in the construction of TITP worker migration infrastructure. By reviewing the development of the TITP since its introduction in the 1990s on both the Japanese (as a migrant-receiving country) and Thai (as a migrant-sending country) sides, I examine the rules and regulations for participating in the TITP that have arisen as a consequence of mediation between the most prominent concerned parties: the government of Japan, Japanese entrepreneurs, the government of Thailand, and Thai recruiting agencies. This article demonstrates how such mediation has imposed constraints, limitations, and/or restrictions on the migratory capabilities of Thai

Table 1. Number of TITP Workers between 2015 and 2020 by Nationality (people)

Nationality	Year					
	2015	2016	2017	2018	2019	2020
Vietnam	57,581	88,211	123,563	164,499	218,727	208,879
China	89,086	80,857	77,567	77,806	82,370	63,741
Indonesia	15,307	18,725	21,894	26,914	35,404	34,459
Philippines	17,740	22,674	27,809	30,321	35,874	31,648
Myanmar	1,978	3,960	6,144	8,432	13,118	13,963
Thailand	6,084	7,279	8,430	9,639	11,325	10,735
Cambodia	3,106	4,865	6,180	7,424	9,516	9,970
Mongolia	624	774	1,099	1,484	2,123	2,310
Sri Lanka	223	265	341	487	740	839
Laos	321	394	429	480	555	521
Others	605	584	777	874	1,220	1,135
Total	192,655	228,588	274,233	328,360	410,972	378,200

Note: Adapted from ‘*ginō jissshū ichi-gō / ni-gō / san-gō no zairyū shikaku niyoru kokuseki chiiki-betsu chūchōki zairyū-sha-sū no suii*’ [Changes in the number of mid- to long-term residents with the status of residence of Technical Intern Training (i)/(ii)/(iii)] and ‘*Zairyū gaikoku-jin tōkei 2020 nen 12 gatsu matsu*’ [The alien statistics, end of December, 2020] by the Immigration Service Agency [2020: 182, 2021: 184].

workers from the beginning of their migration process in Thailand, as well as on their lives as migrant workers in Japan.

To demonstrate the mediation between concerned parties over the course of this programme’s nearly 30 years of development on both the Japanese and Thai sides—the receiving and sending countries of migrant workers in this case—the findings in this study are mainly based on secondary sources, particularly previous studies on the TITP, as well as reports from Thai government officials in charge of the programme. Additionally, primary sources, such as statistical data and experiences of Thai TITP workers whom I interviewed during my fieldwork in Japan, were used to highlight the realities of their migratory conditions. Fieldwork was conducted between July 2020 and September 2021 with 28 TITP worker informants (18 males and 10 females) in the prefectures of Miyagi, Saitama, Aichi, Shiga, Mie, and Kumamoto. They were employed in machinery (15), construction (5), industrial packaging (5), and agriculture (3) sectors. The majority of them were from Thailand’s northeastern provinces (20), while the rest were from the northern (6), central (1), and eastern (1) regions. Most of them were between the ages of 26 and 30 (12) and 21 and 25 (10), while the remainder were between the ages of 31 and 35 (3) and 36 and 40 (3). These informants were introduced to me through the network of Thai people residing in Japan, as well as through a snowball sampling technique.

2. Formation of a Regulatory Structure: Development of the Technical Intern Training Program

In this section, I begin by reviewing the cornerstones in the course of TITP development: the beginning of the ‘training’ residence status in 1982, the introduction of the TITP in 1993, and the reformation of the TITP and the establishment of the ‘technical intern training’ residence status in 2010. Concerned parties at all levels—government agencies, entrepreneurs, and business associations—have always mediated their own interests, establishing a regulatory structure that shapes this particular pattern of the flow of foreign migrant workers.

2.1 The Beginning of Receiving Foreign Workers as Trainees

The history of the so-called ‘training programme’ can be traced back to the 1950s. As an official development assistance (ODA) donor country, Japan initiated training programmes to transfer its technology to developing countries by inviting personnel from recipient countries to receive training in a variety of areas. Government entities implemented these programmes. For example, in 1954, the Japan International Cooperation Agency (JICA) began inviting employees from ODA recipients’ public organisations, universities, research centres, hospitals, and businesses to participate in its training programmes. Other organisations include the Association for Overseas Technical Scholarship (AOT), a non-profit organisation that was established in 1959 and overseen by the Ministry of International Trade and Industry (MITI) with the aim of promoting cooperation for industrial development in developing countries; the Japan Vocational Ability Development Association (JAVADA), which was founded in 1979 in accordance with the Human Resources Development Promotion Act; and the International Labour Organization (ILO) Association of Japan, which became a juristic person in 1970 and began a training programme in 1972. Furthermore, during the 1960s, large manufacturing businesses began to develop foreign subsidiaries in developing countries, and training programmes were implemented to transfer technologies to subsidiaries and local industrial communities [Sano 2002: 2–3]. According to the immigration control order, personnel receiving training in Japan had to be invited by one of the government entities or their Japanese parent companies.

After signing the Refugee Convention and its Protocol, Japan enacted the 1982 Immigration Control and Refugee Recognition Act (hereinafter referred to as the immigration law) in which residence status (4-1-6-2) was introduced. The residence status was later officially titled ‘training’²⁾ in 1990 (see Table 2). This visa category permitted foreigners to enter Japan with the intention of learning industrial techniques and skills from Japanese public and private

Table 2. Residence Status of TITP Workers from 1982–present

Year	Residence status	Note
Before 1982	‘Designated residence status’ ¹⁾ <i>granted to trainees in both public and private entities</i>	1) The residence status (4-1-6-2) in the 1982 immigration law was changed to ‘training’ in 1990.
1982–2009	‘Training’ <i>granted to trainees</i> ‘Designated activity’ ²⁾ <i>granted to technical interns who transferred from the trainee after finishing the first year of training</i>	2) Technical interns had been permitted to work in Japan with the residence status ‘designated activity’ from 1993–2009.
2010–present	‘Technical intern training’ <i>granted to technical intern trainees in the individual enterprise and supervising organisation types; subcategories are as follows</i> <i>(i)-(a) 1st year-individual enterprise</i> <i>(i)-(b) 1st year-supervising organisation</i> <i>(ii)-(a) 2nd - 3rd years-individual enterprise</i> <i>(ii)-(b) 2nd - 3rd years-supervising organisation</i> <i>(iii)-(a) 4th - 5th years-individual enterprise</i> <i>(iii)-(b) 4th - 5th years-supervising organisation</i>	3) Technical intern training (iii) was introduced after the immigration law reform in 2017.

¹⁾ ‘Designated residence status’ refers to a residence status for activities other than 15 categories (diplomat, official, transit, tourist, business and investment, student and researcher, professor, artist, entertainer, religious activities, journalist, engineer, skilled labour, permanent resident, spouse, and child of Japanese national) in Section 4 of the 1951 Immigration Control Order. At first, the permission was granted by the Ministry of Foreign Affairs. Later, in 1952, the authority of immigration control was transferred to the Ministry of Justice. It should be noted that the 1951 Immigration Control Order listed residence statuses numerically along with the attributes of each category. The term ‘Designated residence status’ in Table 2 is translated from *Tokutei no zairyū shikaku* (特定の在留資格) which was previously used in a study of Ochiai [1974: 16] to refer to category 16 in the Order.

²⁾ ‘Designated activity’ (*Tokutei katsudō* [特定活動]) refers to a residence status for activities that are specifically designated by the Ministry of Justice for foreign individuals, which in this case is a technical internship that was established according to the Ministry of Justice Notification No. 141 in 1993.

organisations. Private Japanese companies that can accept trainees are usually large corporations with overseas subsidiaries or factories that can transfer their local staff to Japan for training [Kamibayashi 2015: 127–128]. According to Komai [2001], the number of trainees arriving in Japan increased in 1987. Approximately 43,000 trainees worked in Japan between 1991 and 1992 [Asano 2007: 38–39]. The majority of them were trainees from China, Thailand, the Philippines, and Indonesia in Japanese private organisations, while the others were in public organisations. They work in civil engineering, construction, agriculture, manufacturing, computer programming, and trading.

While the purpose of training programmes in the early phase was mainly to transfer skills

2) *Kenshū* (研修) in Japanese.

and technologies to developing countries, many scholars [for example, Ochiai 1974; Oishi 1995; Suzuki 2001] argued that it was also a channel through which Japanese industries procured foreign workers to cope with emerging labour shortages. Training programmes were, therefore, a migratory channel that allowed the flow of foreign labour into the Japanese labour market. However, despite the existence of the migratory channel, foreign workers eligible to migrate through this channel were limited to those employed by Japanese subsidiaries in their home countries. Additionally, they had to be chosen by their companies to migrate temporarily to Japan. Thus, their migration opportunities were determined by their organisations rather than their own aspirations. Therefore, it is difficult to claim that migrant workers entered this channel by first joining Japanese subsidiaries with the intention of migration.

2.2 Mediation with Small and Medium-sized Companies, and the Establishment of a Supervising Organisation Category

The opportunity for migration through this channel broadened when SMEs became involved in the 1990s. As the Immigration Act of 1982 only allowed government agencies and large private companies with foreign branches to receive trainees, small, and medium-sized firms, notably those in the sewing and moulding industries, could not take advantage of this programme. Industrial associations of small and medium-sized firms began to put pressure on the government to allow them to accept foreign trainees by submitting an appeal to the Ministry of Justice to explain the process of accepting foreign trainees. Consequently, the Minister of Justice issued a public notice in 1990, permitting SMEs to accept foreign trainees, regardless of international branches, by forming an organisation³⁾ that could provide training supervision. This marked the beginning of training in the category of supervising organisation [Kamibayashi 2015: 133–134; Komai 2001 38]. Following the public notice, the government of Japan founded the Japan International Trainee & Skilled Worker Cooperation Organization (JITCO) in 1991 and sent officials from the Ministry of Justice, Ministry of Foreign Affairs, and Ministry of International Trade and Industry (MITI) to work as JITCO's staff. The team was then expanded to include

3) There are several types of the supervising organisations: 1) chamber or society of commerce and industry registered with the MITI; 2) small enterprises association (common facility cooperatives, small common facility cooperatives, fire insurance cooperatives, credit cooperative, federation of cooperatives, joint business cooperatives, business cooperatives, commerce and industry trade association) registered with its corresponding ministry; 3) non-profit organisation or foundation in accordance with article 34 of the public law of Japan, namely Association for International Manpower Development of Medium and Small Enterprises (IMM) and International Personnel Management (IPM); 4) a non-profit organisation for agriculture cooperation; 5) corporate vocational training organisation or foundation (Shadan or Zaidan) that registered to the Ministry of Justice; and 6) agricultural cooperative that registered to their prefectural administration. [Akanittawong 2002: 8]

officials from the Ministry of Construction and Ministry of Agriculture, Forestry, and Fisheries. JITCO's role was to assist supervising organisations and SMEs in receiving foreign trainees in terms of documenting work, training, and certificate issuance.

However, businesses in the individual enterprise and supervising organisation categories can only hire trainees for one year. Thus, SMEs were disadvantaged because they were obliged to bear the costs of retaining trainees for only one year, which involved administrative fees and complicated paperwork. These businesses demanded that the government extend trainees' duration of stay in Japan. In response to this matter, the Ministry of Justice established the 'Technical Intern Training Program'⁴⁾ (TITP) in 1993, which allows the trainee to continue working in Japan as a 'technical intern'⁵⁾ under the visa category of 'designated activities' (see Table 2). With this new residency status, foreign trainees were allowed to work in Japan for an additional year and were subject to the same labour laws as all other workers. Furthermore, unlike trainees, technical interns were paid wages rather than allowances. Nonetheless, according to Komai, the new system was ineffective at drawing foreign workers into the economy. In 1996, only 10% of foreign trainees were transferred to technical intern positions, while the remaining 90% were employed as trainees. The duration of their stay was extended once again in 1997 so that foreign workers under this programme could work in Japan for a total of three years: one year as trainees and two years as technical interns [Kamibayashi 2015: 134–135; Komai 2001: 38–39; Watanabe 2010: 45].

2.3 Introduction of the 'Technical intern training' Residence Status and the Technical Intern Training Act

While the mediation between the government of Japan and enterprises, particularly SMEs, enabled more migrant workers to enter the Japanese labour market during this phase of the TITP's development, the implementation of receiving workers as trainees and technical interns imposed restrictions on the participants. Shipper [2010] explained that TITP workers were not protected by Japanese labour law until they transferred to technical interns in their second year. The TITP has been criticised for failing to accomplish its initial goal of transferring skills and technology to foreign trainees from developing countries with the aim of contributing to their home countries upon their return. In reality, it had become a channel through which SMEs

4) *Ginō jissbū-seido* (技能実習制度) in Japanese.

5) The title *Ginō jissbū-sei* (技能実習生) was referred to as 'technical intern' in English until the 2009 immigration law reform with the new residence status 'technical intern training,' after which it was renamed 'technical intern trainee.'

could hire foreign workers to fill labour shortages. In particular, the jobs assigned to trainees and technical interns were low-wage, low-productivity tasks requiring little skill. Consequently, trainees and technical interns did not gain much knowledge from their participation in the programme. During the 2008 economic slump caused by the Lehman Brothers shock, many trainees and technical interns were retrenched and were required to leave Japan before the expiration of their contracts [Watanabe 2010: 50]. However, according to Kamibayashi [2015: 39], the number of TITP workers retrenched during this period was smaller than that of *Nikkeijin* workers, owing to their lower wages. This bolstered the argument that TITP workers were required in the Japanese market as low-wage labourers.

Apart from the low-wage issue, there were concerns regarding the programme's exploitation and abuse of worker rights. With a three-year contract limit, they have become a calculable workforce for Japanese enterprises. In many cases, training differed from the plan submitted to the government. In some cases, companies exaggerated the number of employees in order to obtain a higher proportion of trainees as the proportion of trainees was limited to 5% of the total number of permanent personnel. Furthermore, there have been reports of abuses against TITP workers, such as the act of withholding their wages by the company to pay administration fees, infringement of their labour rights, the use of physical violence, and sexual harassment. There were also many instances of TITP workers abandoning their training sites [Shipper 2010: 516–517; Watanabe 2010: 48–50].

Concerned Japanese government entities responded to the criticism, resulting in the reformation of the programme in 2010. According to Watanabe [2010], the MHLW advocated that the trainee and the technical intern be combined into a single status, subject to the provisions of the existing labour law. Furthermore, it was suggested that there should be a plan for the internship as well as an evaluation of the participant once the programme is completed. The Ministry of Justice requested that the JITCO's guidance be improved. The MHLW also proposed a change in the proportion of trainees. The residence status of 'technical intern training' was introduced in the 2009 revision of the immigration law, and became effective in July 2010. New residence status is divided into two types: technical intern training (i) and technical intern training (ii). Technical intern training (i) refers to the first-year technical intern trainee who must complete language and skills training in class, whereas technical intern training (ii) refers to the second-year technical intern trainee who has passed the competence examination (see Table 2). The new regulation requires the sending organisation to provide applicants with classroom training prior to their departure to Japan. Penalties for sending and supervising

organisations that charge applicants' administration fees are also set [Watanabe 2010: 51–65].

Additionally, in 2016, the government of Japan passed the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (Technical Intern Training Act), which established principles for and clarified the responsibilities of Japanese governmental bodies, as well as those parties involved with the TITP implementation, such as supervising organisations and entrepreneurs. The Technical Intern Training Act provides principles for the preparation of training plans and the licencing of supervising organisations, lists prohibited acts against TITP workers, and specifies penalties for those who fail to comply with the Act. Moreover, the government, through the Ministry of Justice and the MHLW, established the Organization for Technical Intern Training (OTIT) in January 2017. This new entity is responsible for accrediting supervising organisations, providing advice and support to TITP workers, and conducting research on TITP.

The legislative reform of 2017 has implications for the permissible number of foreign workers and their duration of stay in Japan. The reformation of the TITP has increased the proportion of TITP workers to regular employees in a company from 5% to 10%, as well as increased the number of areas/professions that can receive trainees. In other words, reformation has allowed more prospective migrant workers to participate in this migration channel. Additionally, the new TITP has introduced a novel category for the 'technical intern training' residence status: 'technical intern training (iii).' The TITP workers who pass a competence examination after completing their three-year course of work can transfer from 'technical intern training (ii)' to 'technical intern training (iii)' and can work in Japan for another two years (see Table 2). Kamibayshi [2013: 4] pointed out that before this reformation, TITP workers were deprived of their rights because they had a three-year limit for staying and were not allowed to re-enter Japan after completion of the programme. The new legislation extended this length of stay and allowed the returnee or the former participant⁶⁾ to re-enter Japan with newly established technical intern training (iii) status. Furthermore, in 2019, the government of Japan introduced a new scheme for receiving foreign workers—the so-called specified skilled workers. TITP workers can transfer to this status, which will extend their stay in Japan even longer [Immigration Service Agency and MHLW 2021: 2–19].

While the development of the TITP has continued to engage more migrant workers in this

6) Trainees of technical intern training (ii) who have passed a competency exam after completing the programme are required to return to their countries for at least one month before transferring to technical intern training (iii).

migration channel, the rules and regulations that emerged throughout the development process have resulted in what Xiang and Lindquist [2014] refer to as 'infrastructural involution.' 'Involution' is a term coined by Alexander Goldenweiser and Clifford Geertz to describe cultural patterns that have reached a definitive form and continue to become more internally complicated, rather than stabilising or evolving into new forms [Geertz 1963: 80–82]. Similarly, while the regulatory infrastructure for migration has become more complex, it does not necessarily enhance people's ability to migrate. Migrant workers are intensively regulated; therefore, they are not independent or free in their migratory course [Xiang and Lindquist 2014: S124–S125]. Japan created a migratory route to accept guest workers in the form of TITP workers. However, throughout the implementation process, rules and regulations have been created or revised, and several public and private entities have been established to execute the programmes. Under the new legislation, some limitations or restrictions on migrant workers, such as the duration of stay or types of jobs, are relaxed. However, TITP workers are required to follow additional procedures such as passing a series of competency examinations. TITP workers who have completed the three-year programme and are eligible to continue their fourth and fifth years are required to return to their home countries for at least one month before transferring to their post as technical intern training (iii). Changing employers during this transfer is possible, provided that they work in the same type of job. These conditions limit migrant workers' freedom to move through this channel.

3. Engaging the Migrant-sending Country: TITP Development on the Thai Side

Japan has been among the top destinations for Thai migrant workers since the late 1980s and the early 1990s, when their preference shifted from the Middle East to Asia because of economic stagnation in the former and economic development in the latter. Between the 1980s and the 1990s, most Thai migrant workers in Japan appeared to be undocumented. In 1993, there were more than 55,000 Thai overstayers in Japan (see Figure 1). Most of them became undocumented labourers in the Japanese labour market. Women outnumbered men, and most worked in sex and entertainment businesses, both on purpose and as victims. Male workers were generally employed as unskilled labourers at construction sites, manufacturing plants, stores, restaurants, and sex and entertainment facilities [Ruenkaew 2002; Smutkupt and Kitiarsa 1999: 32]. Workers who legally entered Japan included entertainers who had applied through recruiting agencies, engineers, and cooks who had applied for jobs directly in Japan; flight attendants who were sent by Thailand's Ministry of Labour for training in Japan; and trainees in the above-

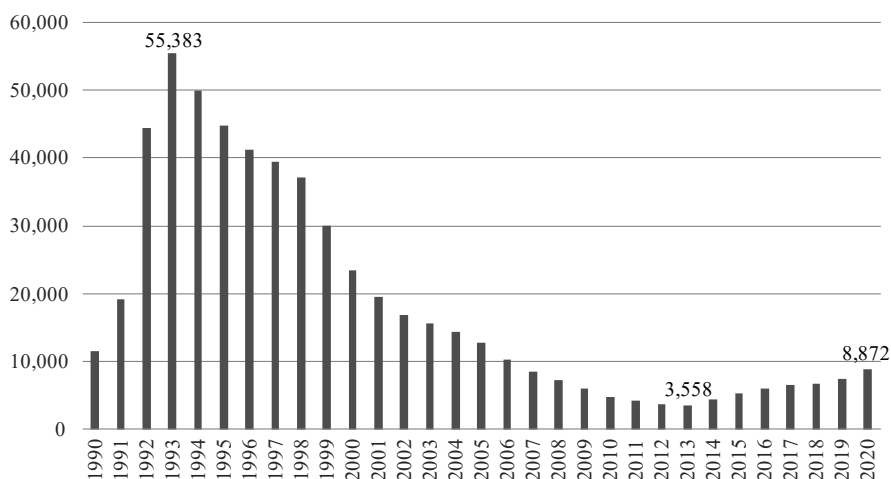


Fig. 1. Number of Thai Overstayers in Japan (1990–2020)

Note: Based on the ‘Changes in the estimated number of foreign nationals overstaying the authorised period of stay by nationality/region’ by the Immigration Bureau of Japan [2003: 50] and the Immigration Service Agency of Japan [2020: 44].

mentioned ODA training programmes of Japanese government entities (JAVADA, AOT, JICA, etc.). There were also employees of Japanese-Thai joint ventures who were sent to their mother companies for training in Japan [See Akanittawong 2002; Phadungsupalai 1997: 14–15; Plueangram 2005]. Since TITP’s official establishment in 1993, the number of Thai TITP workers has been consistently growing, reaching approximately 10,000 by 2020 (see Figure 2). Most of them work in the machinery, food processing, agriculture, construction, and other industries [OTIT 2020].

In this section, I examine the development of TITP on the Thai side, particularly the Thai government’s motivation and role in establishing migratory channels for Thai workers in Japan. Two different recruitment processes emerged as a result of mediation between actors from both the Thai and Japanese sides: one through the Department of Employment (DOE) channel and another through private recruitment agencies. This section demonstrates how these two migratory channels impose different constraints and/or limitations on Thai migrant workers.

3.1 Mediation between Japanese and Thai Governmental Entities

Not long after the establishment of the JITCO in 1991 to support supervising organisations as well as SMEs to receive foreign workers as trainees, it became evident that both the Japanese and Thai governments were eager to bring Thai workers into this scheme. The JITCO began discussions with the Ministry of Labour and Social Welfare of Thailand⁷⁾ (at that time) through

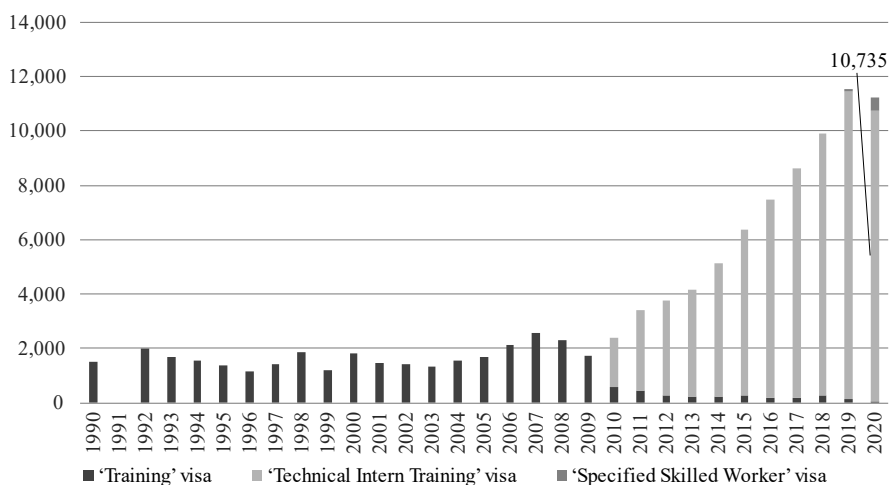


Fig. 2. Number of Thai Technical Intern Trainees in Japan, 1990–2020

Note: 1) Before 2010, TITP workers held the ‘Training’ visa (*Kenshū* [研修]). After the 2009 immigration law revision, they hold the ‘Technical Intern Training’ visa (*Ginō jissshū* [技能実習]).

2) Based on the ‘Statistics of Foreign Nationals Residing in Japan’ by Japan Immigration Association [1995, 2000], the Immigration Bureau [2005, 2010, 2015] and the Immigration Service Agency [2021].

the DOE about sending Thai workers to Japan as trainees in 1992. The two parties agreed in principle during the first meeting to promote cooperation through training and technology transfers. However, no agreement was signed at that time. The DOE and JITCO convened meetings and discussed in detail the prospect of sending Thai trainees several times after their first conversation. The main issues discussed at the meetings were trainees’ residence status, the mechanism through which trainees transition to technical interns, applicant requirements, and allowances or wages paid to trainees and technical intern trainees. On 31 March 1994 the two parties signed the first agreement, which outlined their roles and responsibilities in executing the training programme. The JITCO subsequently informed the Thai side about Japanese enterprises’ willingness to receive trainees, as well as the International Personnel Management (IPM), a supervising organisation that would oversee Thai trainees and technical interns in Japan. Meanwhile, the DOE began recruiting juristic entities to operate as sending organisations that would cooperate with Japanese supervising organisations to send Thai workers to Japan [Phadungsupalai 1997: 21–29].

7) It was renamed the ‘Ministry of Labour’ in 2002.

However, despite the official agreement between the two governments in establishing a new migratory channel for Thai workers to Japan, their migration did not begin immediately after that agreement. A hurdle in the implementation of TITP in Thailand arose as a result of the differences between the laws of the two countries. While the Japanese immigration law recognised workers recruited through this channel as trainees and technical interns, the Thai recruitment law⁸⁾ defined trainees as employees of a company who could be transferred abroad for training. Recruiting firms that applied for the position of the sending organisation, however, did not send employees, but rather job seekers. Furthermore, the law prohibited these agencies from charging applicants any fee. These regulations made it impossible for recruiting companies to serve as sending organisations on the Thai side. Therefore, in 1996, the DOE and JITCO agreed that the DOE would recruit and send Thai workers to Japanese SMEs approved by the JITCO. Those who would be dispatched by the DOE included unemployed people, job seekers, and people who had trained in vocational schools or other institutions and passed a semi-skill examination. Additionally, the DOE would locate employment for TITP workers who completed the training programme and returned to Thailand. Following the agreement, 34 workers were dispatched to Japan for training under the supervision of JITCO in late 1997 and early 1998 [Akanittawong 2002: 4–5].

The migration of Thai workers through the TITP channel was, therefore, comprehensively regulated and managed by the governments of the receiving and sending countries. Despite both governments agreeing to establish a migratory channel for Thai workers, their migration remained hindered for years owing to disagreements between the laws of the two countries. In other words, regulations in both countries constrained their capability to migrate to Japan, making them unable to travel, even if a migratory channel was available. When it became possible to migrate, only a small number of workers were permitted to do so. This opportunity was limited to those who had been approved by the Thai government.

3.2 Establishment of Governmental and Private Sending Organisations in Thailand

The possibility of Thai workers migrating improved when Thailand's labour export policy was altered in the late 1990s to encourage Thai workers to work overseas. The Asian financial crisis of 1997 resulted in a high unemployment rate in Thailand. According to the Ministry of Labour and Social Welfare, the number of Thais who were unemployed or retrenched reached 1.17

8) Employment and Job Seekers' Protection Act, B.E. 2528 (1985), amended by the Job Placement and Job Seekers' Protection Act (No. 2), B.E. 2537 (1994), and the Ministry of Labour and Social Welfare's Ministerial Regulation No. 12, B.E. 2538 (1995).

million in 1997, or 3.48% of the Thai labour force, and the ratio was predicted to rise to 6% in 1998. To address this issue, the Ministry proposed an action plan for unemployment reduction to the cabinet for approval on 9 December 1997. The promotion of sending Thai workers overseas, notably to Israel, Brunei, Taiwan, and Japan, was one of the measures included in the Action Plan. To accomplish this, the Ministry intended to expand its engagement with the business sector while relaxing labour export rules and regulations [Ministry of Labour and Social Welfare, Thailand 1997, 1998].

To facilitate the recruitment of Thai workers to the Japanese market, the Ministry of Labour and Social Welfare established two regulations that allowed private recruiting businesses to participate in the trainee sending procedure: the Rule of the Ministry of Labour and Social Welfare on the Application and Permission for Recruiting Workers and Dispatching to Overseas through the Training Program/Technical Intern Training Program, B.E. 2542 (1999), and the Rule of the Department of Employment on the Application and Permission for Recruiting Workers and Dispatching to Overseas through the Training Program/Technical Intern Training Program, B.E. 2542 (1999)⁹⁾ [Akanittawong 2002: 4–5]. As a result of this reform, the application and recruitment procedures were no longer limited to governmental agencies, but included private recruitment agencies in this migratory channel. This opened a new entrance door for prospective Thai migrant workers.

In April 1999, the DOE signed an agreement with the Association for International Manpower Development of Medium and Small Enterprises, Japan (IMM Japan), a public-interest corporation founded in 1991 with the permission of Japan's Ministry of Labour, and recognised by the JITCO as a supervising organisation. In the early days of exporting Thai workers under the IMM Japan programme in 2000 and 2001, 114 workers were sent to Japan for three years of training. However, only 55 trainees, or roughly 48.25% of the workers dispatched at the time, could complete the programme. According to a report from a DOE government official, eight trainees returned to Thailand before the completion of their training, both by intention and as a result of their contracts being revoked, and 51 trainees absconded from their Japanese employers. As a result of this unfavourable outcome, Thai and Japanese parties agreed to temporarily halt the dispatch of Thai workers to Japan to find effective

9) It should be noted that there is no official English translation available for these regulations. The names of these two regulations were translated in this study using English translation style used in other official Thai law translations. In this translation style, Buddhist Era (B.E.) is always put in the name, followed by Anno Domini (A.D.) or Christian Era in parenthesis.

solutions to these problems. The applicants' qualifications were changed to fit the needs of the jobs that were hiring trainees. Before their departure to Japan, companies were obligated to provide trainees with detailed job descriptions. Most notably, to prevent applicants from absconding or leaving Japan before completing their training, applicants were required to sign contracts with the acknowledgement of their parents or siblings [Plueangram 2005: 26; Thiratrakun 2012: 6–7].

Furthermore, the two parties reviewed and revised technical agreements (TAs) attached to the Memorandum of Understanding of the Technical Intern Training Program, TAs on the recruitment of technical interns, TAs on the expenses of the TITP, TAs on the living conditions of technical interns, and TAs on the expenses incurred for the early termination of technical interns' participation. The amendment sought to improve the recruiting process while also ensuring that trainees' rights were protected by Japanese labour regulations. Following the implementation of Japan's amended immigration law in 2010 and the introduction of the 'technical intern training' residence status, trainees' rights and benefits have been improved, including the right to wages from the first year. In 2011, after the IMM Japan was renamed the 'International Manpower Development Organization' (IM Japan) as a public-interest corporation,¹⁰⁾ the Ministry of Labour and IM Japan modified the TAs once more. The adjustment enabled female workers to apply for the programme, and the age limit, which had previously been set at 20 to 25 years, was relaxed to include those aged between 20 and 30 years due to Japan's policy shift [Bunlong 2012: 6; Thiratrakun 2012: 6–7]. Japan's policy shift since 2009 can partly be attributed to the declining supply of labour in the Japanese market [MHLW 2019: 79]. This enabled IM Japan, as a supervising organisation, to recruit a more diverse workforce for Japanese enterprises under its supervision.

3.3 Diverse Migratory Processes Emerging from Diversified Entrance Doors

The structural mediation outlined above has resulted in a regulatory consequence that greatly conditions the flow of migrant workers, notably in terms of who is permitted to move and how to engage in the flow. While employees of Japanese enterprises in Thailand may be transferred to Japan as trainees under the category of individual enterprises, workers seeking employment in Japan, regardless of their temporary status, must apply for positions under the supervising organisation category through the recruitment of sending organisations in Thailand. The mediation between Thai and Japanese actors resulted in the establishment of two distinct sending

10) Public-interest corporation means organisations that execute government-sanctioned public-interest projects and receive approval to establish themselves based on the regulations of the Civil Code (Article 34).

organisations through which Thai workers might apply: the DOE or private recruitment companies licenced by the Ministry of Labour. Both categories of sending organisations partner with Japanese supervising organisations to find and recruit employment openings in Japan, although the variety of positions as well as the recruitment process are different in several ways.

Given the different supervising organisations in Japan that collaborate with the DOE and recruitment agencies, the implication is that applying through different channels will provide different job opportunities and possibilities for Thai workers to work in Japan. According to the OTIT, as of 2021, there are 324 Japanese associations (out of about 3,347 associations)¹¹⁾ serving as supervising organisations for Thai trainees. Furthermore, about 60 private recruiting agencies¹²⁾ partner with 323 Japanese supervising organisations, with some agencies collaborating with multiple Japanese partners, while the DOE exclusively partners with IM Japan (formerly IMM Japan). As previously indicated, prior to the 2011 modification of TAs, employment applications through the DOE were restricted to male workers aged 20–25 years. Female workers had been barred from the channel of the DOE and IM Japan for more than a decade, dating back to 1999, when it was established in Thailand.

Additionally, the Japanese supervising organisations with which Thai sending organisations partnered, specified the types of jobs that were available for application. Most supervising organisations, including IM Japan, work with Japanese enterprises across a range of industries. However, some supervising organisations focus on only a few industries. Additionally, it was found that some Thai sending organisations have specific agendas that confine them to recruiting Japanese enterprises in specific industries. For example, Tainichi Yuko is a recruiting agency that sends Thai workers to Japan as trainees in the agricultural industry. Dr. Somchai Chakatrakarn, the company's president and founder, founded this firm as a private recruiting agency to conform to Thai regulations. Dr. Somchai was a vocational student in Chonburi Province before he won a scholarship to pursue his doctorate in Japan. During that time, he worked closely with the Japan Agricultural Exchange Council, an organisation that promotes exchange programmes by

11) As of 27 July 2021, there were 250 excellent supervising organisations (*Tokutei kanri jigyō* [特定監理事業]) (out of 1,700 in total) and 74 normal supervising organisation (*Ippan kanri jigyō* [一般監理事業]) (out of 1,647 in total) that accepted Thai trainees [OTIT 2021c, 2021d]. It should be noted that the terms 'excellent' and 'normal' supervising organisations used in this study are taken from English translations available on the OTIT's website. Excellent supervising organisations are allowed to supervise TITP workers in categories (i) and (ii), or in their first to third years. Their licenses are valid for a period of three or five years. Normal supervising organisation are allowed to supervise TITP workers in categories (i), (ii) and (iii), or in their first to fifth years. Their licenses are valid for a period of five or seven years [OTIT 2021b].

12) The total number of Thai recruiting agencies authorised to send Thai workers as trainees to Japan was around half of the 129 Thai recruiters for overseas employment in 2020 [Office of Labour Affairs 2020b].

sending Japanese students to European and American countries. After completing his degree, he began teaching at Thammasat University's Faculty of Science and began sending his university students to Japan on exchange programmes, thanks to his personal ties with the Japan Agricultural Exchange Council. He encouraged vocational students to gain agricultural knowledge and experience as trainees in Japan. However, neither Thai, nor Japanese regulations, permitted him to develop this endeavour into an academic project. As a result of the regulatory predicament, he established a recruitment firm to function as a sending organisation [KU Radio Network 2021 (February 11)].

The case of Tainichi Yuko demonstrates both the mediation of Thai business and Thai regulations, as well as the simultaneous mediation of Thai and Japanese businesses. As a result of this mediation, an entry point for migrants via a private recruitment agency was established. However, it was given limited options, which in this case were limited to agricultural jobs. Additionally, the recruitment agencies to which prospective migrants are initially exposed have a significant influence on their decision to migrate [Korekawa 2020: 366]. Encountering the DOE recruitment process or particular recruitment companies may have a detrimental effect on job prospects and work lives in Japan.

It should be noted that even when a wide variety of job industries are involved, prospective migrants can only apply for jobs that are available at the time of their application. One of the respondents in this study applied to the programme via a private recruitment agency and was employed by a construction company in Miyagi Prefecture. He explained that he applied for the job because it was the only one available at the time, and he did not want to wait for other positions as he had no idea when they would become available. This is also true for applications made through the DOE. However, because its partner, IM Japan, is a large organisation supervising 1,750¹³⁾ Japanese businesses, the positions available at any particular time appear to be more varied. According to a respondent who applied through the DOE and was employed at a metal sheet coating factory in Saitama Prefecture, he was interviewed three to four times throughout the recruitment process by different companies in the metal and construction industries. He even declined an initial employment offer involving the production of temple tiles because he had his sights set on other industries.

Regarding the number of recruitment agencies, it is also worth noting that despite the fact that the majority of Thai migrant workers come from the northeastern region of the country,

13) In comparison to IM Japan, other supervising organisations that overseeing Thai workers partner with 1–833 Japanese companies.

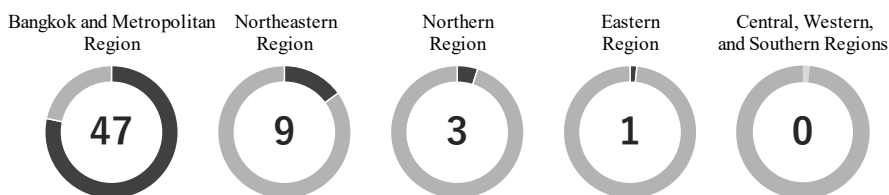


Fig. 3. Number of Approved Thai Sending Organisations by Region in 2021

Note: Based on Thailand's complete list of sending organisations, OTIT [2021a].

only 15% of recruitment firms have offices there—most are based in the Bangkok metropolitan area (Figure 3). Even in the northeastern region, six out of nine agencies are located in the same province, Udonthani. Opportunities for potential Thai migrants are therefore influenced by the location of recruiting agency offices. During my fieldwork, I found that some agencies with offices in Bangkok or northeastern provinces sometimes dispatched personnel to other provinces to advertise their recruitment services. Their advertising activities were frequently conducted in vocational institutions throughout the country. Several of my informants said that they knew about TITP from recruitment agencies' advertisements at their schools. Nevertheless, all recruitment processes would inevitably take place at their offices, requiring applicants to travel across provinces. According to several informants, they were required to travel to Bangkok to submit their applications and participate in the recruitment processes at the offices of recruitment agencies. In this respect, job seekers from other provinces inevitably incur additional travel and, in most cases, lodging costs. However, it should be noted that a few respondents from northeastern provinces had already moved to Bangkok for work before they applied to this programme.

In this regard, the application through the DOE is not different: applicants may apply through provincial labour offices, but the recruitment process requires them to travel to Bangkok. Occasionally, examinations are organised in other provinces. For example, according to the DOE's recruitment plan for IM Japan participants in 2020, examinations were conducted in Bangkok, Lampang Province (in the north), Khon Kaen Province (in the northeast), and Nakhon Si Thammarat Province (in the south) on different dates [Department of Employment (DOE) 2019]. However, the number of venues is limited. In reality, however, job seekers apply for examinations regardless of the location, in order not to lose an opportunity by waiting for examinations to be held nearby [DOE 2020]. This condition is unfair for candidates who lack the time and money to travel.

Different paths that emerged from the mediation between the two governments resulted in different conditions for Thai migrant workers, although they were all TITP workers in Japan. DOE's recruitment procedures and fees differ from those of private recruiting agencies. There is no fee for applications through the DOE. Applicants' expenses, such as language training before travelling to Japan and airline tickets, are covered by IM Japan, a supervising organisation. Only personal expenses, such as health-check costs, passport and visa fees, airport taxes, and health insurance payments in Japan, may be borne by applicants. On the contrary, applying through private recruiting agencies usually costs applicants roughly 200,000 baht (or 6,420 USD). These expenses include management fees, airline tickets, and language-training costs. Some agencies, such as an agency through which my respondents in Mie Prefecture applied, require applicants to pay the amount in two or three instalments before travelling to Japan. In other cases, for example, in the case of a recruiting agency through which a respondent in Shiga Prefecture applied, applicants can acquire a loan that they can repay while working in Japan.

Additionally, different paths imply different migration possibilities for Thai workers. The application process for private agencies is considerably simple. The process comprises a job interview with Japanese employers and at least two months of Japanese language training before departure to Japan. This process may be executed differently by each agency. For example, a recruiting agency through which respondents in Miyagi Prefecture applied provided language instructions to applicants after they were interviewed and hired by Japanese employers. On the contrary, some agencies mandated that applicants undertake language training prior to interviews. In such instances, applicants were interviewed while undergoing the language course.

The DOE recruitment process is considerably more complex. It consists of a written exam, physical exam, and interview. The written exam tests mathematical ability, technical skills, and Japanese-language skills. Applicants must pass the maths and technical skills sections with a 50% score and the Japanese language skills test with a 40% score. According to a government report [Samatthai 2011], this exam clarifies whether applicants possess the required knowledge to undergo training. Successful candidates then undergo a physical test that includes squatting, push-ups, and running. If successful, they are interviewed by the DOE and IM Japan, and undergo evaluation for their attitude, personality, adaptability, emotional maturity, and technical suitability for training under the supervision of IM Japan. Thus, this is a highly competitive process. As shown in Table 3, only 39.57% of applicants in 2019 passed the screening process and received language training before departing to Japan. Even if there are only a few applicants, it does not guarantee that all of them will pass; in the 4/2011 recruitment session,

only 19 out of the 66 applicants were successful (see Table 4). Applicants were further evaluated based on their Japanese language skills and behaviour during their four months of language training; unsuccessful candidates were not permitted to travel to Japan. In 2010 and 2011, only 68.68% and 62.87% of applicants, respectively, passed the complete evaluation process (see Table 5) [Samatthai 2011: 3,13].

Due to the high level of competition and the high level of qualification necessary in the DOE recruitment process, despite the lower cost, prospective migrants are forced to rely on private recruitment agencies, which incur substantial financial expenses. This study found that several respondents who came to Japan through recruitment agencies had prior experience taking the DOE's recruitment examination. However, they were unable to pass the screening process at either the written exam or the interview stage. In this sense, the recruiting agency route becomes a more convenient, but pricier, alternative for workers who are not qualified for the DOE's recruitment. However, it is worth noting that this alternative is only accessible to workers who can afford the additional costs.

Not only does migration through different entrance doors impose distinct constraints on job opportunities or opportunities to work in Japan but it also affects the migrants' livelihoods in Japan. Budsaen [2011: 316] argued that trainees in different categories are treated differently. She pointed out that trainees recruited by the DOE under the supervision of IMM Japan (at that time) received better training than those recruited through recruiting agencies. Therefore, the

Table 3. Number of Successful Applicants for IM Japan Participation, 2010–19

Year	Applicant(s)	Successful applicant(s) after the written and physical tests	Successful applicant(s) after the interview	Success rate (per cent)
2010	2,126	463	433	20.37
2011	1,234	433	413	33.47
2012	1,882	578	428	22.74
2013	1,545	433	368	23.82
2014	1,661	610	546	32.87
2015	1,323	482	404	30.54
2016	1,854	819	608	32.79
2017	3,424	806	766	22.37
2018	1,593	587	505	31.70
2019	1,741	908	689	39.57

Note: Adapted from '*phon kan sanha lae khatlueak phu khao ruam khrongkan*' [The results of IM Japan selection] by Samatthai [2011: 4–12] and '*phon kanchatsong khon ha ngan pai fuek patibatngan theknik nai prathet yipun doi phan ongkon IM Japan*' [The dispatch of job seekers for technical intern training in Japan through IM Japan] by Chuenchom [2020: 6].

Table 4. Number of Attendees and Successful Applicants for IM Japan Participation, 2009–11

Batch	Number of applicants	Attendees at the written exam	Successful applicants	Attendees at the physical test	Successful applicants	Attendees in the interview	Successful applicants	Success rate (%)
1/2009	652	349	148	144	131	127	100	28.65
1/2010	384	240	92	88	80	76	57	23.75
2/2010	494	249	119	116	110	105	98	39.36
3/2010	561	296	132	53	45	68	64	21.62
4/2010	294	201	120	115	67	64	63	31.34
5/2010	195	137	97	97	87	64	80	58.39
6/2010	198	128	80	78	74	82	71	55.47
1/2011	266	171	96	90	85	83	81	47.37
2/2011	102	53	34	33	33	33	33	62.26
3/2011	119	78	52	49	47	46	45	57.69
4/2011	66	37	24	21	19	21	19	51.35
5/2011	443	284	163	166	153	151	149	52.46
6/2011	238	149	107	105	96	95	86	57.72

Note: Adapted from '*phon kan sanba lae khatlueak phu khao ruam khrongkan*' [The results of IM Japan's recruitment] by Samathai [2011: 4–12].

Table 5. Number of Successful Applicants after the Pre-departure Training of IM Japan, 2010–11

Batch	Number of attendees	Successful applicants	Success rate (%)	Batch	Number of attendees	Successful applicants	Success rate (%)
1/2010	29	23	79.31	1/2011	11	10	90.91
2/2010	21	12	57.14	2/2011	46	29	63.04
3/2010	45	35	77.78	3/2011	49	20	40.82
4/2010	39	23	58.97	4/2011	50	36	72.00
5/2010	30	20	66.67	5/2011	31	25	80.65
6/2010	20	15	75.00	6/2011	29	20	68.97
7–8/2010	83	50	60.24	7/2011	28	19	67.86
9/2010	54	44	81.48	8/2011	29	16	55.17
10/2010	15	12	80.00	9/2011	11	7	63.64
11/2010	44	27	61.36	10/2011	68	39	57.35
				11/2011	52	33	63.46
Total	380	261	68.68	Total	404	254	62.87

Note: Adapted from '*phon kan kan damnoengnan oparam phasa lae watthanatham yipun*' [The results of Japanese language and culture training] by Samathai [2011: 14–15].

IMM Japan trainees were better prepared for their positions. Furthermore, Thai government officials regularly visited trainees in the IMM Japan programme and gave briefings or advice about the training system and life in Japan. These trainees also received monetary incentives upon their return to Thailand to launch businesses.

The mediation for the establishment of the TITP migratory channel in Thailand has increased the complexity of the process in terms of who can migrate. To some extent, it has also placed constraints and/or restrictions on migrant workers. The complexity of infrastructural involution is increased, not only by the rules and regulations of the migrant-receiving country, but also by the engagement of the migrant-sending country, at both the governmental and business levels, such as recruiting agencies, which serve as sending organisations in this system. The two distinct recruitment methods, which are the result of mediations between different actors and the Thai government and a Japanese business in the case of the DOE's recruitment, and Thai and Japanese businesses in the case of private recruitment agencies—have had markedly different effects on the lives of migrants. As indicated in this section, their job opportunities, particularly in terms of preferred industries, economic burdens encountered along their migration routes, and living conditions in Japan, are characterised by these distinct migration channels.

4. Conclusion

Constraints, limitations, or restrictions on migrant workers have continually emerged, and occasionally been alleviated, but these issues re-emerge anew as a consequence of infrastructural mediations. Constraints are imposed on candidates from the very beginning of the migration process, as evidenced by the case study of Thai technical intern trainees in Japan. The development of the TITP on both the Thai and Japanese sides, demonstrates the mediation between actors in both migrant-receiving and migrant-sending countries. The engagement between Japanese policymakers and Japanese enterprises resulted in a structured mechanism for receiving foreign migrant workers under the guise of 'technical intern trainees.' In other words, companies that want to hire foreign workers for so-called 3D jobs must employ them as technical intern trainees, not as regular employees. Consequently, they must fulfil other tasks aside from employment, such as providing language training through supervising organisations and accommodation for workers. Similarly, because foreign workers who wish to work in Japan are recognised as technical intern trainees rather than regular employees, they can work in Japan only temporarily. Despite meeting the conditions of the Japanese Minimum Wages Act, their wages are considerably lower than those of Japanese workers in the same jobs. To complete the programme, they must pass skills assessment tests in addition to performing their usual duties at work. This migratory mechanism impacts migrant workers in terms of their work lives, personal lives, and future prospects by limiting them to specific jobs, at specific places, and for a fixed duration. Their ability to plan to extend their migratory life or return to their home country to

start a new life depends largely on the assessment procedure.

Furthermore, involving Thailand as a migrant-sending country in this labour procurement mechanism has shaped migration channels and rules for Thai workers. The mediation between the two governments diversified the original supervising organisation channel which Japan set up into two sub-categories: via the DOE or recruiting agencies. While the government's channel promises lower expenses, it also requires higher qualifications and consequently provides fewer opportunities. Alternatively, the private recruiting agency channel, despite its higher costs, offers a higher probability of success for aspiring migrant workers. However, this alternative is offered only to prospective migrants who can afford the financial costs. Moreover, all channels require applicants to commit two to four months for language training before departure. My respondents had to resign from their jobs to attend this training session for which they were not paid. In this regard, the language training requirement consumes workers' time and financial resources. In other words, only candidates with adequate financial resources and time are eligible to participate.

The diverse migration paths for TITP workers are not unique to Thailand. Indeed, IM Japan [n. d] has reached agreements with the governments of several sending countries, including Indonesia, Vietnam, Bangladesh, and Sri Lanka. As was the case with Thai TITP workers, a previous study by Korekawa [2020] reported the cost differences that Vietnamese TITP workers encountered when applying through government or private recruitment channels. While his study sheds light on the roles of migrant-sending countries' governments and businesses in creating such conditions for migrants, in this article, I have incorporated mediations between concerned parties to gain a better understanding of the constraints, limitations, and restrictions imposed on migrants from a transnational perspective. Analysing migratory flow in this manner improves our understanding of the migratory patterns of Thai workers, as well as TITP workers from other countries, given that it allows the appreciation of the infrastructure that impacts their migratory capabilities, their adjustment to the host society, and their future prospects.

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