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Understanding the creation of the “Specified skills” visa in Japan through the analysis of the Ministry of Justice’s round-table conferences proceedings

Introduction

“As a government, we do not envisage to adopt a so-called immigration policy [...] to face the labor shortage, [...] the new welcoming system is limited to sectors where it is really necessary to welcome foreign talents”¹

By declaring that the introduction of the “Specified Skills” visa is not an “immigration policy” but a way to welcome “foreign talents” (gaikoku jinzai) in response to labor shortage, it is necessary to reflect on what “immigration policy” means in Japan. Political scientist Takaya Sachi explains the meaning of the term “immigration policy” :

“Another aspect of this acceptance is reflected in the Abe administration's advocacy that [this measure] "is not an immigration policy." [...] What is denied in the use of the expression "immigration policy" is "family reunion" and a "permanent acceptance [of foreigners]” (Takaya, 2019 : 8)

According to her, when the Prime Minister indicates that it is not an immigration policy, he speaks out against the long-term settlement of foreign workers in Japan. The introduction of this policy was highly controversial and caused some violent reactions even at the Diet². It instigated a vivid response and we argue that it is due to the changes that it brought to the migration policy. Indeed since the Immigration Control and Refugee Recognition Act (shutsunyūkoku kanri oyobi nanmin nintei-hō) reform in 1990, numerous debates took place around the regularization of irregular workers as well as the creation of a visa for so-called low skilled workers (tanjun rōdōsha) working illegally in

¹ This declaration was pronounced at the Diet by the former Prime Minister Abe Shinzō on 08 November 2018 during the vote of the “Specified Skills” visa

² See the picture of Diet members fighting of the vote of this visa here: <https://www.lesechos.fr/monde/asia-pacifique/le-japon-se-resout-a-accueillir-des-travailleurs-etrangers-237550> (Accessed on 08 December 2018)

3K³ trades (Shin, 1999 ; Tezuka, 2005). No visa for this category of workers was created in the 1990 reform. Instead, in order to address the labor shortage in these sectors, two solutions were preferred: providing working visas to migrants of Japanese descent (nikkeijin) as suggested by Yamanaka (2002), and supplementing the labor market through an alternative approach, such as granting limited work permissions or practical training to students and trainees (Kamibayashi, 2015).

However, the introduction of “Specified Skills” visa in the revision of the Immigration Control Act in 2018 constitutes a front-door policy that allows manual or blue-collar workers such as construction workers, hotel/restaurant workers, etc. to officially work in Japan.

Most of the research on this visa has been concerned with the difficulty around the implementation of the visa (Yamaguchi, 2019), the definition of terms employed to describe this new policy (Oishi, 2020), or the issues surrounding the social cohesion (Shikama, 2019). Terasaki’s article (2020) provides a context into the migration policy from the 1990s and the problems that can occur with the new visa. More recently, Fujita and Roberts (2023) have published an extensive work on this new scheme that share the point of view from the agricultural sector.

Therefore, the focus of this paper is to delve into the progression of this research avenue and attempt to provide detailed insights into the policy's development. More precisely, we aim to examine the intricacies of the visa's creation by investigating the evolution of this new policy up until its implementation in 2019. A way to do this is to work on the Ministry of Justice’s “Immigration Policy Round-table Conferences” (shutsunyūkoku kanri seisaku kondankai). In political science and especially the analysis of public policies, these conferences represent the development of public policy. This step consists of government officials inviting members of the civil society (professors, experts, workers, employers’ union representatives....) to discuss a policy and get their opinions on incoming changes in policies. Our goal with this study is to provide insight into how migration policies are discussed between the government and civil society and how influential their participation can be. We also wish to go beyond the idea that demographic issues alone led the Japanese government to adopt such a controversial policy but rather

³ 3K (kitanai, kitsui, kiken or 3D dirty, difficult, dangerous)

that the involvement of members of the society helped build this new policy. Consequently, the aim is to demonstrate the preponderant role of civil society in the elaboration of migration policies through these round-table conferences.

As a method, we will be using the sequential method that consists of a 4 stage sequential grid that highlight: the diagnosis of problems, the development of solutions, the adoption of measures, and their implementation. We will focus primarily on the development of solutions part to explain the role of the different political actors who participated in it (Surel, 2002; Kubler and De Maillard, 2009; Muller, 2018).

This article will then firstly present the demographic and economic context, then move on to presenting the possible link between the Technical Intern Training Program (TITP) and the “Specified Skills” visa, and finally, we will lay down our analysis of the 6th Immigration policy round-table conference.

1. A contextualization of the economic and demographic situation in contemporary Japan

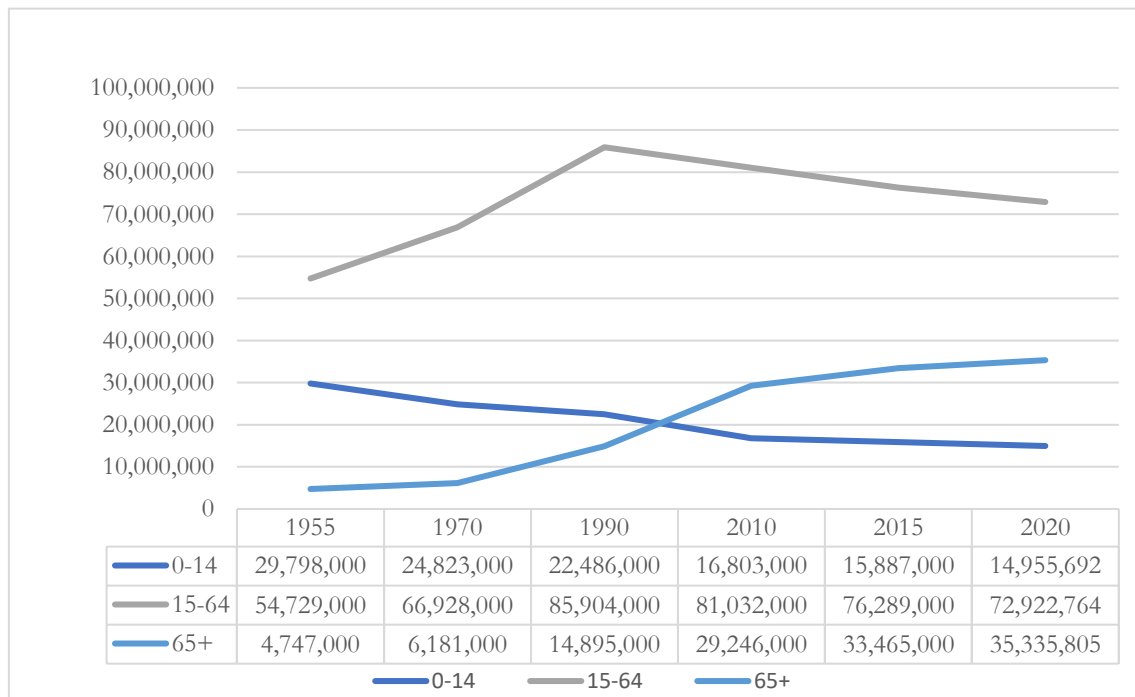
Before presenting the “Specified Skills” visa and the development of its creation, we will first introduce Japan’s demographic and economic context since the end of the Second World War. Doing so will allow us to understand under what circumstances this visa was elaborated.

1.1. Demographic reality: the shōshikōreika phenomenon and its consequences on Japan’s labor market

Since the 1990s, Japan has been facing two demographic phenomena: the decline in the birth rate and the aging of the population, which is called shōshikōreika in Japan. The cause of these phenomena has been attributed to several factors such as improved birth control techniques as well as increased female participation in the workforce. At the same time, advances in medicine enable a more active, healthier, and therefore longer life. This part will examine the demographic situation in Japan since the 1990s for further context on Japan's recent migration reforms.

Before and even after the Second World War, Japan was a relatively young country. According to the National Institute of Population and Social Security Research, in 1930, the population aged 15 to 64 made up 58.6% of the total population, while people over 65 made up only 4.7% of the population. In 1950 the figures were approximately the same, although there was a slight increase in the population under 64 (59.8%).

Graph 1 Population in Japan by age (1955 - 2020)



Data collected from the National Institute of Population and Social Security Research website: <http://www.ipss.go.jp/>

However, from 1955, as can be seen in the graph above, the number of children under the age of 14 began to decline, while from the 1970s, the elderly population began to grow. The trend reversal took place in the 2000s, the elderly population was then more numerous than the younger population, only 14.6% were under 14 years old while people aged 65 or over represented 17.4% of the total population. This phenomenon resulted in a labor shortage that began in the 1990s in Japan. The median age was 22 in 1950, it was 46 in 2015. The National Institute of Population and Social Security Research projects that the total population and the number of people under 64 will continue to decline as shown in the table below.

Table 1 Actual and provisional figures of the total population in Japan (2015 - 2065)

	0-14 (%)	15-64 (%)	Plus de 65 (%)	Total
2015	15 945 000 (4.8%)	77 282 000 (55.9%)	33 868 000 (26.7%)	127 094 745
2040	11 936 000 (3.92%)	59 777 000 (49.9%)	39 206 000 (35.36%)	110 919 000
2065	8 975 000 (3.86%)	45 291 000 (47.56%)	33 810 000 (38.4%)	88 077 000

Data collected from the National Institute of Population and Social Security Research website: <http://www.ipss.go.jp/>

In 2010, the total population was a total 128,057,352 people. This number continued to decline until reaching 127,094,745 people in 2015. According to the National Institute of Population and Social Security Research, the total population will have decreased by 30% in 2065 but the elderly population will continue to gradually increase.

These phenomena could have a significant impact on retirement pensions or care for the elderly, but also on the labor market. The fertility rate is decreasing mainly because it is difficult for parents and especially for women⁴ to combine work and raising children. The obligation to work overtime is also one of the causes of this decrease. In addition, 62% of women leave their employment after having their first child due to the difficulty of enrolling their child in a daycare center (Kingston, 2019: 186). Despite measures taken by the government and certain companies, it is still difficult for a woman to return to work after pregnancy, be promoted and earn a high salary. Thus given the greater risk of financial instability that motherhood represents, fewer households are deciding to start a family (Kingston, 2019: 185 – 187).

⁴ For more on the history of gender role and feminism in Japan see (Bullock, 2010)

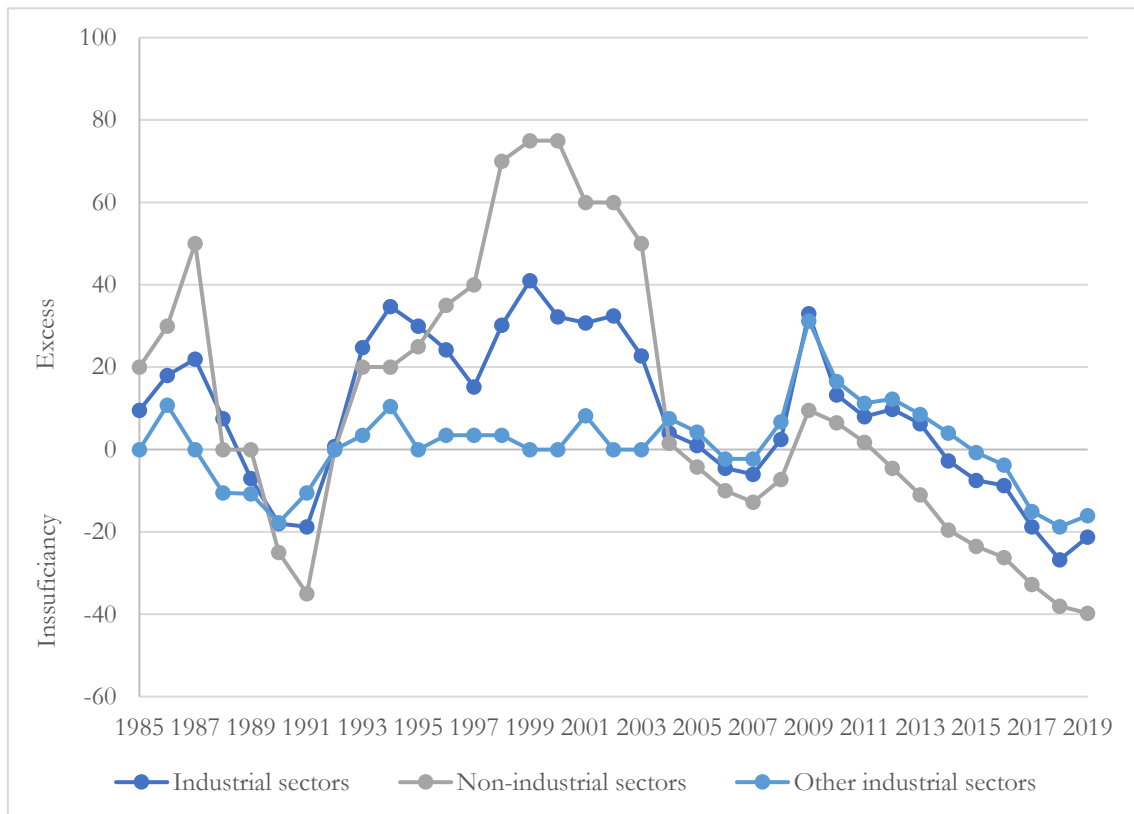
Along with this, the aging population is increasing and Japan have one of the longest life expectancies in the world. The government implemented several reforms on pensions, elderly care and medical care costs. For example, the consumption tax was increased in order to increase revenues. But when it comes to care for the elderly, the tendency is to rely on family; 85% of caregivers are women and the majority of them are elderly people themselves (Kingston, 2019: 188) .

The increase in life expectancy leads to a growing demand for labor in the care sector for people in situations of dependency. Japa is facing a serious shortage of healthcare workers. However, the solution of welcoming foreign healthcare workers was not considered in Japan before 2018. While in 2010, in France, Israel or South Korea, more than 50% of caregivers were foreigners, the same year, in Japan, the rate of foreign caregivers was 0.2% for nurses and 0.6% for caregivers (Takahashi, 2018). Although since 2008 Japan has signed an Economic Partnership Agreement (EPA) with Southeast Asian countries to enable the recruitment of foreign healthcare workers, in 2010 the Ministry of Labor declared that the first objective of the agreement is to open the domestic market to foreigners for commercial reasons and not to combat Japan's labor shortage (Hirano et al, 2012). It is necessary to observe more precisely the current state of the recruitment rate in Japan as well as the shortage of workers and then relate it to the creation of the “Specified Skills” visa.

1.2. Economic reality: the continuing labor shortage from the 2010s

The demographic crises since the 1990s have resulted in a decline in the active population, but certain industries are more impacted than others. In this subsection, our objective will be to observe to what extent the labor shortage is advanced and which industries and types of businesses are impacted. We will also see how the creation of the “Specified Skills” visa has been influenced by this phenomenon.

Graph 2 Evolution of the employment rate in percentage (1985 - 2019)



Data collected from the Bank of Japan website: <https://www.boj.or.jp/>

In order to collect data on the decline in the workforce in Japan, we collected the figures published on the Bank of Japan website and we calculated them semester by semester then year by year from 1985 to 2019. Data was distributed by sectors. Industrial and other industrial sectors (*seizōgyō, sono hoka no seizōgyō*) include the following areas: textiles, lumber and wood products, pulp and paper, chemicals, petroleum and coal products, ceramics, stone and clay, iron and steel, non-ferrous metals, food and beverages, processed metals, general purpose, production and commercial machinery, electrical machinery, transportation machinery, shipbuilding, heavy machinery, and other transportation machinery motor vehicles. Non-industrial sectors (*hiseizōgyō*) include the following areas: Construction, real estate, rental and leasing of goods, wholesale and retail trade, transport and postal activities, communication of information, other communication of information, electricity and gas services, business services, services to individuals, accommodation, catering services, stone and gravel extraction.

As shown in the graph above. If the decline in the workforce can be dated from the 1990s, after the 1991 recession, the employment rate was significantly high. However, from the

2010s, after the global economic crisis, the employment rate has fallen in a way that all economic sectors were impacted by this crisis.

To be more precise, the labor shortage which began in the 2010s did not immediately affect large companies as detailed in the table below. Indeed, although there was slight decline in non-industrial sectors in large companies, the phenomenon was not as advanced as it was in 2018. From then, all types of companies were affected by the phenomenon and SMEs were the most impacted.

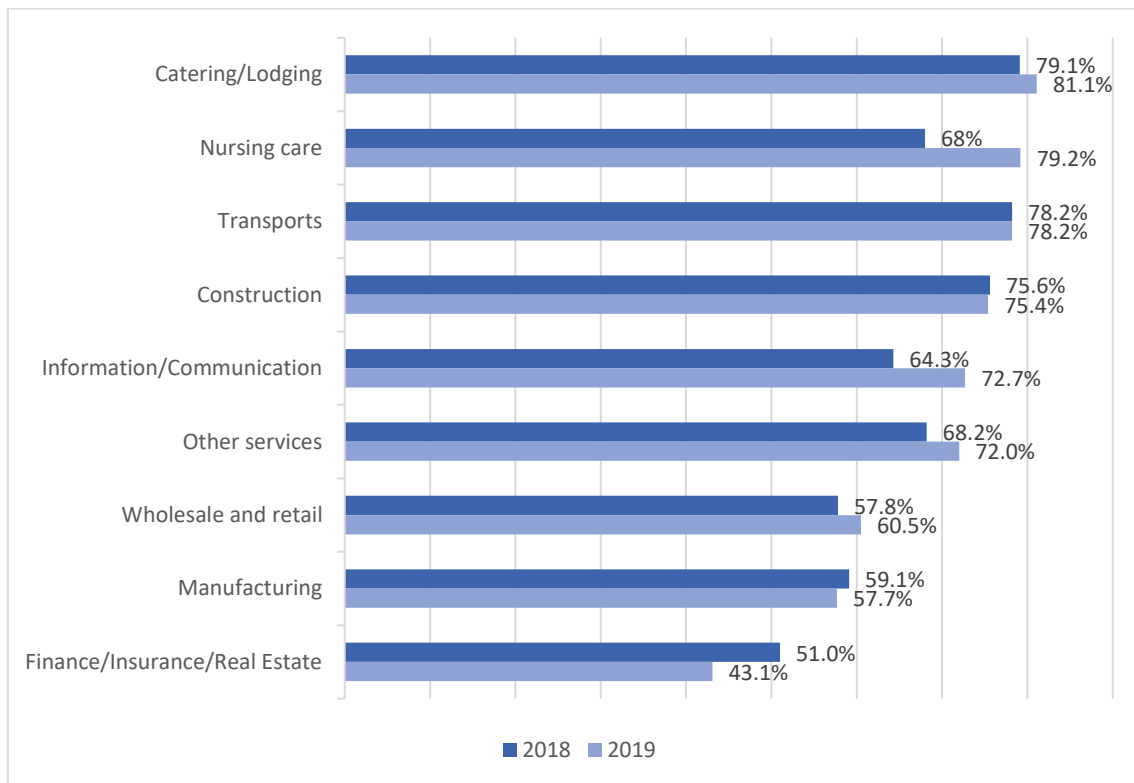
Table 2 Situation of employment by type of company (2012 and 2018)

Type of company	2012			2018		
	Large	Medium	Small	Large	Medium	Small
Industrial sectors	8%	8%	11%	-18%	-27%	-32%
Non-industrial sectors	-3%	-5%	-5%	-28%	-37%	-41%
Other industrial sectors	15%	12%	12%	-10%	-22%	-19%

Data collected from the Bank of Japan website: <https://www.boj.or.jp/>

Concerning the areas of work affected in particular, according to the Ministry of Labor, hotels and restaurants, nursing, transport as well as construction are the industries that suffer the most from the decline in the workforce in Japan. The phenomenon has become increasingly important in 2019, particularly concerning nursing care. On the other hand, for certain trades, notwithstanding slight improvements, the labor shortage remains significant, as is the case for construction, manufacturing, finance, insurance, and real estate.

Graph 3 Sectors most impacted by labor shortage in Japan in percentage (2018 and 2019)



Data collected from the Ministry of Health, Labor and Welfare, 2019

It was from 2010 that Japan began to be strongly impacted by the decline in the working population, today the phenomenon is at a very advanced stage. The creation and content of the “Specified Skills” visa demonstrates the urgent nature of the situation.

2. The “Specified Skills” visa and the radical change of migration policy: an extension of the Technical Intern Training Program (TITP)?

This section attempts to present the “Specified Skills” visa as part of a radical change in Japan’s migration policy since the 1990s. It has been highly controversial in the media and the political world and many have accused it of being an extension of the Technical Intern Training Program (TITP). Our goal will be to introduce these two systems and observe how they are linked. Then we will get further into how was the “Specified Skills” visa created.

2.1. The Technical Intern Training Program: A development aid program or a means to recruit cheap labor?

In 1950, Commonwealth Foreign Ministers drew up the Colombo Plan, as a type of “Marshall Plan”, for the Cooperative Economic and Social Development of the Countries of Southeast Asia. It aimed to help rebuild Asian countries affected by the Second World War (Oakman, 2000). Japan joined this cooperation in 1954, with the same objectives. The Japanese authorities decided to participate in the economic and social development of Southeast Asian countries, prioritizing technology transfer and human capital development. From 1986 onwards, Japan officially welcomed trainees from China and Southeast Asia on the "Internship" visa (kenshū), with 40,000 trainees in 1991. However, the late 1980s saw major reforms in migration policies (Oishi, 1995).

Indeed, the Immigration Control and Refugee Recognition Act was revised in 1989 and was enforced in 1990. The plan to take in technical trainees (ginō jisshūsei) was formulated during these debates for the revision, and it was in 1993 that it came to fruition with the introduction of the TITP (ginō jisshū seido).

The Japanese workplace has been accused of using technical interns as cheap labor. A survey carried out by Hiroshi Komai in the late 1980s showed that 72% of the companies he investigated were guilty of this (Yamanaka, 1993). Furthermore, according to the Ministry of Labor’s statistics⁵, between 2003 and 2008, 1,369 training venues were found guilty of wrongdoing (fusei kōi) towards technical trainees: wrongdoing covers, for example, not granting technical interns their training allowance and therefore making them work without pay or the obligation to work overtime illegally and without pay, but also abuse of power, psychological, physical or sexual violence. Subsequently, technical trainees who have fled their place of training have been declared missing (shissōsha) by the Ministry of Justice. Between 2003 and 2008, according to the Ministry of Justice’s statistics, this was the case for more than 9,000 technical trainees⁶.

It should be pointed out, however, that the majority of technical trainees return to their country of origin satisfied with the training program⁷. Victims of exploitation and

⁵ See the statistic on the Ministry of Labor’s website here: <https://www.mhlw.go.jp/index.html>

⁶ See the data of the Ministry of Justice’s website here: <http://www.moj.go.jp/>

⁷ Information available on JITCO’s website here: <https://www.jitco.or.jp/ja/jitco/statistics.html>

violence are a minority in this category. However, the government decided to introduce measures to protect trainees. The TITP was reformed in 2010, 2013 and 2017. In 2010, this involved the introduction of the "Technical Training" visa (*ginō jisshū*) separating interns from technical interns. It includes two residency statuses: the "Technical Training 1 (a and b)" status (*ginō jisshū 1 gō i, ro*) lasts for one year, and is used to train apprentices theoretically. Then after passing an aptitude test, trainees are awarded "Technical Training 2 (a and b)" status (*ginō jisshū 3 gō i, ro*) for their practical training⁸. In 2013, a new residency status "Technical Training 3 (a and b)" (*ginō jisshū 3 gō i, ro*) extends the apprentice's residency time to 5 years provided they pass an aptitude test again.

The introduction of the "Technical Training" visa in 2010 also aimed at strengthening the protection of technical apprentices. Since then, apprentices have been limited to 5% of the total workforce in host companies, in order to prevent abuses against them. In addition, companies guilty of wrongdoing would be banned from training trainees for one, two, or even five years. Following the 2017 reform and because of the increase in wrongdoing and missing apprentices, the government tightened the process for their recruitment. Companies are now required to receive accreditation from the government, which assesses whether the company is competent to take on trainees through a series of evaluations. To this end, the Organization for the Training of Technician Trainees (*ginō jisshūsei kikō*) has been set up and conducts surveys every year and every five years at training locations to check that standards are being met (MOJ, 2017).

A survey carried out by the Ministry of Justice in 2017 confirms that the main reasons they fled and therefore found themselves in irregular situations were low wages, the severity of trainers, violence suffered, or even threats of deportation. In 2019, 759 cases of abuse and 171 deaths were reported by the Japan Times newspaper⁹. Of the 171 deaths, the majority of apprentices died on the job.

Many of those dissatisfied with the TITP have been victims of abuse during their training, which has driven them to escape. Trainees continue to be victims despite several government reforms to eliminate these reprehensible acts. Demographic crises are such that, in a context where workers are in short supply, companies have found themselves

⁸ From this point on, there were also subjected to Japan's Labor Standard Law (Fujita and Roberts, 2023).

⁹ The Japan Times, Probe reveals 759 cases of suspected abuse and 171 deaths of foreign trainees in Japan.

illegally hiring a substitute workforce, including trainees. To remedy this, the government has reversed some of its positions regarding the type of foreign workers desired in Japan.

2.2. Introduction of the “Specified Skills” visa: introduction of a new recruiting system and its controversies

The phenomenon of *shōshikōreika* has intensified and has forced the government to propose solutions to reverse or at least lessen its effects. One of these solutions recently implemented has been to welcome foreign workers with "Specified Skills" into industries where labor shortage is on the rise, particularly in nursing, construction, or catering. This is a new development in migration policy, as the Japanese authorities have always explicitly refused to accept workers in these industries. Instead, employees in these sectors were unofficially recruited among students or long-term foreign residents, legally or not. The creation of this visa therefore defines a legal status for workers without having to go through other channels. As for the visa itself, it is divided into two residency statuses called "Specified Skills 1" (*tokutei ginō 1 gō*) and "Specified Skills 2" (*tokutei ginō 2 gō*). They allow the recruitment of workers in the following industries:

Nursing, building cleaning, forges and foundries, industrial machinery manufacturing, electrical and electronic information industries, (14 fields) construction, shipbuilding and marine industry, automotive maintenance, aviation, accommodation, agriculture, fishing, food industry, and catering.

The following table lists the prerequisites and benefits available under the "Specified Skills" visa:

Table 3 Prerequisites and benefits of “Specified Skills 1” and “Specified Skills 2” statuses of residence

	Specified Skills 1	Specified Skills 2
Status of residence	Status of residence for foreigners engaged in work requiring a significant degree of knowledge or experience belonging to a Specified industry field.	Status of residence for foreigners engaged in work requiring skills from training belonging to a Specified industry field

Period of stay	1 year (possible to change it after 6 months or every 4 months, possible to extend it up to 5 years)	(Possible to change it after one year or every six months)
Standard level of talent	Confirmed by examination (people who have completed their training as with the visa technical training 2 are exempted)	Confirmed by examination
Japanese language proficiency level	Verification of Japanese language proficiency necessary for life and work through examination (people who have completed their training as with the visa technical training 2 are exempted)	Confirmation not necessary
Family reunion	Not admitted	If the requirements are met, possible (spouse, child)

Data collected from the Ministry of Justice website: <http://www.moj.go.jp/>

The government's goal is to welcome nearly 345,150 workers in five years. Specifically, four ministries have announced expected numbers by sector, the Ministry of Labor (MHLW), the Ministry of Economy, Trade and Industry (METI), the Ministry of Land, Infrastructure, Transport and Tourism (MLIT), and the Ministry of Agriculture, Forestry and Fisheries (MAFF).

Table 4 Number of foreign workers expected to be welcomed under the “Specified skills” visa by Ministry and sectors

MHLW		METI		
Nursing care	Building cleaning	Forges and foundries	Industrial machinery /Manufacturing	Electrical and electronic/information related industries
60 000	37 000	21 500	5 250	4 700

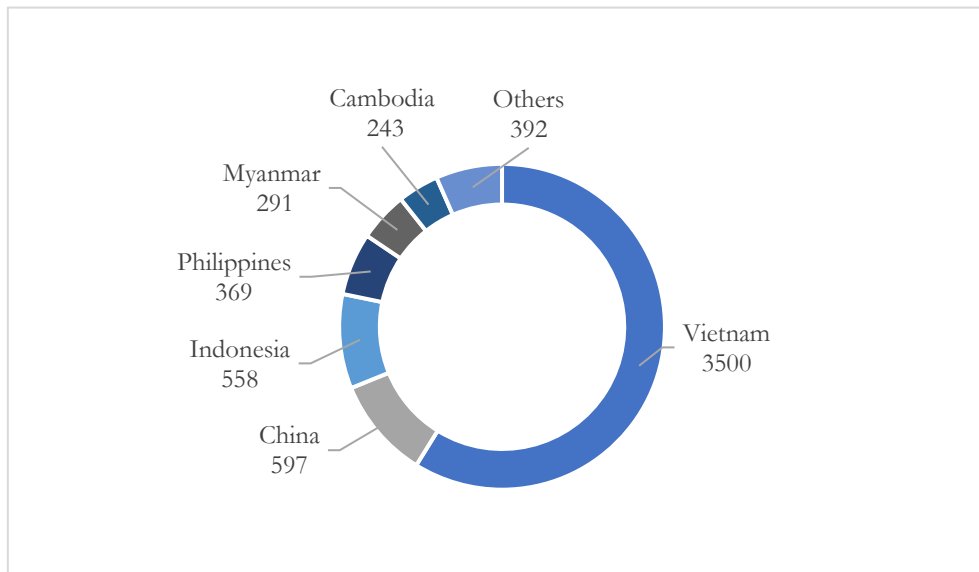
MLIT					MAFF			
Construction	Shipbuilding and marine industry	Automobile maintenance	Aviation	Lodging	Agriculture	Fishery	Food and drink manufacturing	Catering business
40 000	13 000	7 000	2 200	22 000	36 000	9 000	34 000	53 000

Data collected from the Ministry of Justice website: <http://www.moj.go.jp/>

It is possible to perceive that the sectors most impacted by the labor shortage in 2019 (as seen on Graph 3), nursing, catering, or construction, are those where the numbers in demand are greatest. To achieve the desired figure in 5 years, i.e. 345,150 workers, 70,000 workers a year would have to be registered. One year after the revised law came into force, figures have been published and as of June 30, 2020, 5,950 were registered as holding "Specified Skills 1" residency status¹⁰, so the desired figure is far from being achieved. Almost 99.8% of them come from Asian countries, led by Vietnam. The graph below summarizes the number of visa holders by country:

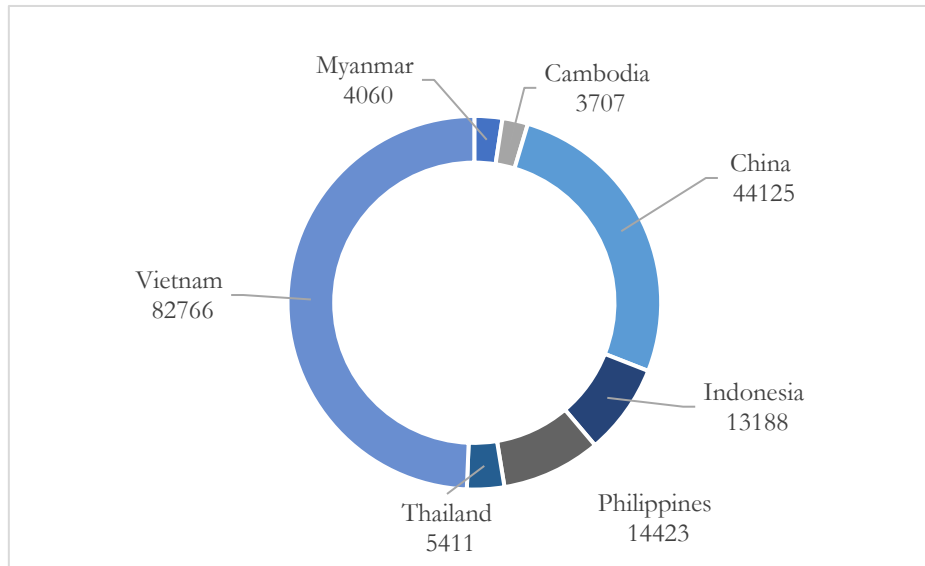
¹⁰ While this research primarily examines the evolution of the 'Specified Skills' policy up to 2019, it is crucial to acknowledge the recent increase in the numbers of Specified workers 1 according to the Ministry of Justice. Indeed, in 2022 there were 46 673 Specified workers 1 and 46 640 of them were from Asia. This number however is still inferior to what was expected from the government and was significantly impacted by the repercussion of the pandemic. As mentioned before, an ideal number to fulfill the initiative goal would be to welcome at 70 000 specified workers per year.

Graph 4 Number of foreign resident possessing the “Specified Skills 1” status of residence in June 2020



Data collected from the Ministry of Justice Website: <http://www.moj.go.jp/>

The percentage of people from Southeast Asian countries is very high, and the origin of visa holders is similar to those holding the "Technical Training" visa in 2018.



What's important to note here, and answers part of our questioning, is that of the 5,950 workers with the "Specified Skills" visa, 5,041 of them, or 85%, are former technical trainees. The overwhelming majority, therefore, do not come from abroad but were present in Japan. Could we say then that the TITP goals have indeed changed? Whereas

it was originally designed to meet the objectives of the Colombo Plan and thus provide assistance to the countries of Southeast Asia in their economic and social development, it seems now to be used to train trainees so that they can then become workers for the Japanese labor market, which is necessary in this context of labor shortage.

“To face the labor shortage [...] The new welcoming system is limited to the sectors in which it is highly necessary to welcome foreign talents.”¹¹

The immigration control revision was finally enacted in November 2018 and put into effect in April 2019, introducing the "Specified Skills" visa. The subject of controversy is that the visa allows "foreign talent" (*gaikoku jinzai*) to be welcomed into various industries impacted by labor shortages. The creation of this visa has generated much debate in Japanese society. The terms foreign workers (*gaikokujin rōdōsha*) were considered taboo and quickly provoked concern. By using the word "talent" to designate those who were previously considered low-skilled workers, the aim is to reassure and prove that they are a necessary and useful resource. Far from assisting the developing countries of Southeast Asia, today the TITP appears to have become a tool to combat the demographic crises threatening Japan's economy and society; technical trainees have become the new foreign talents, essential to ensuring Japan's long-term survival. However, studying the development of this policy through the sequential analysis method will allow us to provide a more nuanced analysis.

3. The role of round-table conferences in the development of migration policies: the Specified Skills visa case

In this last section, we aim to highlight the role of civil society members in developing this migration policy by analyzing the 6th Immigration Policy round-table conferences. What we want to show is, although the reason for the policy change in 2018 is indeed the intensification of the *shōshikōreika*, we wish to demonstrate in what way this policy was constructed by different political actors (government officials and civil servants as well as civil society). After explaining the methods used to study the round-table conferences,

¹¹ This declaration was pronounced at the Diet on November 8th, 2018 by the former Prime minister Abe Shinzō

we will analyze the major points tackled in the proceedings made available on the Ministry of Justice website and the members' influence on policy changes.

3.1. The development of a public policy and the role of civil society in round-table conference

We will study creation process of the “Special Skills visa”, especially the development process, by using the public policy analysis method. Our reference authors for this method will be the political scientists Pierre Muller (2018), Daniel Kubler and Jacques De Maillard (2009) as well as Yves Surel (2002). According to Yves Surel, public policy is: “A set of decisions linked together, then by an actor or a group of actors with the fundamental characteristics of defining the goals to be achieved as well as the means necessary to achieve the set objectives” (Surel, 2002).

To analyze this public policy, we will use the sequential approach as an analytical method. It consists of a grid organized into several sequences that constitute 5 distinct stages. The main objective of this sequential grid is to explain the development of public policy. The latter includes the involvement of various political actors made up of individuals or organizations who influence the content of a public policy during its development. Political actors can be national or local elected officials, international organizations, workers' or employers' unions, or even the media or citizens.

Coming back to the sequential approach, the most commonly used model is that of political scientist Charles O. Jones, which he developed in his work *Introduction to the Study of Public Policy* in 1970. His model divides the political process into four sequences. The first is the identification of the problem until it is put on the agenda. The problem is brought to the attention of the government by political actors. Then, when the public problem is defined and recognized as such by the government, it is placed on the political agenda.

Subsequently, the public policy development phase occurs. For this, the government addresses the problem and transforms it into a program or public policy. According to Sophie Jacquot (2014), this sequence should be split into two parts, that of solution production and that of decision. Once developed, the political program is implemented, a step that symbolizes the realization of solutions. During this stage, the administration is

responsible for implementing the program as it was defined by the public authorities. The penultimate step consists of the evaluation of the program by political actors, ideally different from those who participated in its development.

We will use this method to analyze the creation of the “Specified Skills” visa. Although this analysis grid proves to be effective, it has certain flaws that should be exposed here. Surel, as well as Muller (2018), denounce the deterministic and mechanistic character of the sequential grid; the State does not necessarily act according to sequences when developing public policy (Surel, 2002). On the contrary, the order of the steps is often disrupted and some of the steps may even be omitted. In addition, the stages themselves are sometimes difficult to identify. Surel then argues, just like Daniel Kubler and Jacques De Maillard (2009), that the sequential approach does not allow for a feedback phenomenon, whereas public policy often follows random sequences. Finally, the sequential grid may turn out to be too descriptive and lack an analytical dimension, it will therefore be necessary to use other tools to understand the sequence of sequences. The fact remains that the sequential grid remains an important part of public policies.

As we want to analyze the development stage of this public policy, we would like to use the Ministry of Justice round-table conferences focusing on migration issues and the recruitment of foreign workers. These round-table conferences are composed of government officials, civil servants of the Immigration Services Agency, and other ministries. Are also invited by the Ministry of Justice, university professors, eminent members of the society, workers’ and employers’ unions representatives (notably Rengō and Keidanren), and experts from the civil society such as attorneys, and employers¹²... It was created back in the 1990s, a period where the migration policy was subject to many reforms. We specifically concentrated our research on the 6th Immigration Control Policy Round-table Conference that started on March, 7th 2013, and lasted until October, 19th 2015. During this time, out of 18 sessions, 6 of them concentrated on the recruitment of foreign workers¹³. Several subjects were discussed during these sessions, however, for this article we chose to focus solely on the recruitment of care and construction workers

¹² The list of the members of the 6th round-table conference can be found here: https://www.moj.go.jp/isa/policies/policies/nyuukokukanri06_00026.html (Accessed on 12 August 2023)

¹³ Specifically sessions 7, 8, 9, 10, 11 and 18. The proceedings of the conferences can be found here: https://www.moj.go.jp/isa/policies/policies/nyuukokukanri06_00028.html (Accessed on 13 August 2023)

and the revision of the TITP. This particular round-table conference is central to our study. Indeed, as the 5th Immigration Control Policy Round-table Conference¹⁴ was avoiding the subject of recruiting low-skilled workers (or blue collars), the 6th Round-table Conference sessions were the first to introduce the subject in a novel manner.

3.2. Analysis and results of the 6th Immigration Policy Round-table Conference

We have analyzed sessions 7 to 11 that focused specifically on the welcoming of foreign workers as well as session 18 that discussed the new measures introduced in the 5th Edition of the Basic Plan for Immigration Control¹⁵. We then compiled and organized the different opinions and positions of the members present during these meetings concerning the welcoming of foreign workers.

During the sessions, the emphasis was put heavily on revising the TITP. In 2013, there was talk of reforming this system by extending the number of years of training and ensuring greater protection of the system. Some spoke in favor of these changes but supported the fact that the system should be completely reformed or even eliminated. It has often been used to recruit cheap labor therefore they claimed that it should be used for its primary purpose which is to help develop developing countries.

The discussion also brought up the recruitment of care workers in the system through a new residence status. The question here was whether a new system should be created outside of the EPA as it is primarily a commercial agreement. Despite this, many oppositions against this new system have been raised. For instance, by the representative of Rengō¹⁶, particularly because of the issue of Japanese language proficiency. His argument regarding language proficiency pertains to the fact that it is dangerous for care workers to not be able to communicate with Japanese people. Other concerns have been

¹⁴ The complete proceedings are not available online for this round-table conference but summaries of sessions are available here: https://www.moj.go.jp/isa/policies/policies/nyukan_nyukan44-02.html (Accessed on 13 August 2013)

¹⁵ Concerning the Basic Plan for Immigration Control, according to the provisions of Article 61-10 of the Immigration Control Act, “the Minister of Justice shall, in order to ensure fair management of immigration, establish a basic plan for immigration control that will serve as the basis of measures for managing the entry and residence of foreign nationals” According to a civil servant from the Immigration Services Agency in session 1 of this round-table conference, they rely heavily on the result of these meetings.

¹⁶ During session 7

raised, notably by Professor Yoshimura of Hōsei University¹⁷. If he is not fundamentally against their recruitment, he emits doubts about whether care workers are necessary for parents, particularly women. For him “it is not a need but a consequence of a situation [...] created because of the working conditions and the current state of society”. Ultimately, the “Care workers” visa ended up being defined in the 5th Basic Plan for Immigration Control with prioritization given to people who have studied Japanese and who have completed training in Japan, particularly within the framework of the EPA.

The other most discussed point concerns the recruitment of workers in the construction field as part of the “Emergency measures regarding the utilization of foreign human resources in the construction field” (*kensetsu bunya ni okeru gaikoku jinzai no katsuyō ni kakaru kinkyū sochi*). At that time, according to the government, welcoming foreign workers in this sector was only an emergency measure for the Olympic and Paralympic Games. Some, like Professor Glenda Roberts of Waseda University, have asked why not welcome foreign workers in a guest worker type of system and that if this idea were to be implemented¹⁸, it would be necessary to ensure that the rights of workers were respected and that they had access to the same salaries as Japanese workers. A point of view shared by all the invited members from civil society.

However, the government official representative expressed reluctance concerning the welcoming of low-skilled foreign workers in the long term, especially those without any qualifications. Thus, when the Tokyo University Senior Advisor proposed to provide irregular workers a way to access permanent residency, it was immediately rejected for the following reason, the role of immigration control was to welcome workers according to their competence and not the time they have spent in Japan¹⁹.

In fine, during session 18, we could see that most of the measures that were discussed in these round-table conferences were implemented or were to be implemented such as the creation of the “Care worker” visa or the Emergency measures regarding the utilization of foreign human resources in the construction field. The “Specified Skills” visa includes both of these work sectors.

¹⁷ From session 7 to session 11

¹⁸ During session 8

¹⁹ During session 7

We could end this analysis by exposing the following findings. First of all, most of the invited members, whether they are professors, experts workers, or employers' union representatives, all seem to have the same stance on the importance of respecting human rights and protecting workers' rights, paying the same salaries to foreign workers and Japanese workers, and evaluate thoroughly the impact on the labor markets (this is particularly the case for the unions and the government). Secondly, most of them believe that the TITP program should be completely reformed or even abolished. Thirdly, from the government's point of view, although they are well aware of the demographic and economic issues of the *shōshikōreika* at the time and thus the importance of recruiting low-skilled foreign workers as advised by most members, they are still prioritizing the economic and social safety of Japanese people meaning that they prioritize the protection of an impact on the social security and public order.

These sessions nevertheless highlight the key role that plays civil society in the creation or revision of immigration policies. Although they are described as being informal, members have access to numerous confidential documents from the government and meeting reports. These sessions, for instance, have shown that before the introduction “Specified Skills” visa was considered, the government had provided a visa “Designated Activities” (*tokutei katsudō*) to former technical trainees at its discretion, while it was not normally permitted for them to remain in Japan after they have completed their training. This does furnish another explanation for the high number of former technical trainees that have obtained this status of residence. Would it mean then that the TITP’s goal has indeed changed? Instead of aiding the development of developing countries, the TITP appears to serve the Japanese labor market (Tong, 2019). Through these conferences, we have also learned that at first the government wanted it to be a temporary solution, it should only have lasted 3 years. This puts into perspective the recent changes that occurred in the government's management of immigration. Lastly, the Korean employment permit system from 2004 that Professor Sano of Fukushima University presented²⁰ has been an inspiration for the “Specified Skills” visa showing the influence of civil society members.

²⁰ During session 10 Professor Sano of Fukushima University thoroughly explained how the system worked and what to avoid to not reproduce the same mistakes

All these points demonstrate that the advice given by the invited members are more or less applied by the government when the bills are drafted and submitted to the Diet as was the case for the TITP reform and the “Care worker” visa²¹. Therefore, civil society actively participates in the elaboration of measures to be applied to immigration policy. More than just debating, they are missioned by the government to give their opinions and conduct studies according to their expertise.

Conclusion

This article has studied the creation of the “Specified Skills” visa by analyzing the Ministry of Justice Immigration Policy round-table conferences. These conferences provide a space for the government as well as civil society to reflect on the direction of migration policy. By analyzing them, our objective with this article has been to point out the role of civil society in the creation of this new visa and go beyond demographic and economic issues to explain the changes in the migration policy. To do so, we first contextualized the current phenomena that Japan is experiencing and that is causing a decline in the working population. We then presented the correlation between the TITP and the creation of the “Specified Skills” visa. Lastly, we have laid out our analysis of several sessions of the 6th Immigration Policy Round-table Conference. The result of this study shows that civil society assumes multiple roles and that its participation goes further than the development of a public policy. Not only are they actively participating in the creation of the visa by providing context, their extensive knowledge and expertise as well as presenting comparative studies of other existing systems and by debating the propositions given by the government, but they also act as evaluators of existing programs and help redesign them when necessary.

The analysis permitted us to discover other elements of the creation of the “Specified Skills” visa that would not have been available without these conferences. Notably, this system was primarily a temporary one. In 2014, at the discretion of the authorities, “Designated Activities” status was granted to several former technical trainees as part of

²¹ It was also mentioned by government officials several times during the sessions.

the “Emergency measures regarding the utilization of foreign human resources in the construction field”. While technical trainees have to go back home at the end of their training to help develop their country, some of them were granted a working visa to mitigate the effect of the labor shortage, Specifically in the construction sector. This explains why so many technical trainees, instead of going back to their home country, are applying for this visa that is now open to them and possibly changing the goals of the TITP.

A further in-depth analysis of the development and effectiveness of the "Specified Skills" visa, as well as a broader examination of Japan’s immigration policy direction, could be pursued. As pointed out in session 11 of the 6th Immigration Policy Round-table Conference by the Keidanren’s representative, Japan is currently competing with many countries – notably East Asia but also South East Asian countries that are both emigration and immigration countries (Hirschmann, 2022) – for the acquisition of foreign workers, not only highly skilled talents but also low-skilled workers. Exploring how Japan compares to these countries in acquiring foreign workers, not only in terms of highly skilled talents but also in the realm of low-skilled workers, presents an avenue for further research. Various researchers, such as Chung (2019) and Hollifield and Sharpe (2017), have offered insights into the subject. They speculate on the potential directions Japan might take, including the possibility of remaining a developmental state (Chung, 2019) and selectively welcoming migrant workers based on different political, social, and economic pressures. Alternatively, Japan could become a "migratory state," opening its borders to various types of workers and adopting a comprehensive integration policy (Hollifield and Sharpe, 2017). Encompassing economic, social, and political dimensions, the decision taken in this regard could have a profound impact on Japan's future.

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