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Japan's Refugee Policies: Perspectives of Vietnamese refugees on inclusion and exclusion

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Contents

<i>List of Tables</i>	<i>v</i>
<i>List of Acronyms</i>	<i>vi</i>
<i>Abstract</i>	<i>vii</i>
<i>Relevance to Development Studies</i>	<i>vii</i>
<i>Keywords</i>	<i>vii</i>

Chapter 1 Introduction

1.1 The Research Problem	1
1.2 Research Objectives and Research Questions	1
1.3 Background to the Problem	2
1.4 Methodology	4
1.5 Structure of the paper	6

Chapter 2 Key Analytical Concepts: Social Exclusion, Liminality and Integration of Refugees

2.0 Introduction	7
2.1 Social Exclusion Theories	7
2.2 Liminality	9
2.3 Integration	10

Chapter 3 The Context Of Refugee Policy in Japan

3.0 Introduction	12
3.1 Official Responses to Indochinese Refugees	12
3.2 Recent Revisions of Japan's Immigration Policy	16
3.3 Policy on Resettlement Refugees in 2010	17
3.4 Major Critics on Current Refugee Policy	19
3.5 Chapter Conclusion	20

Chapter 4 Experience of Vietnamese Refugees and Japanese community

4.0 Introduction	22
4.1 Issues for First Generation Refugees	22
4.2 The Second Generation's Experience	25
4.2.1 Education	26
4.2.2 Employment	28
4.2.3 Identity as an overlooked issue	30

4.3 Response to Refugees of Japanese Communities	31
Chapter 5 Conclusion	33
<i>Appendices</i>	1
<i>References</i>	6

List of Tables

Appendix 1 : Transition of application and results for Recognition of
Refugee Status in Japan(1982-2009)

Appendix 2 : Government's plan of measure upon accepting Karen Refugees

Appendix 3 : Responses by actors in communities of Yao and Nagata

Appendix 4 : List of Interviewees

Appendix 5 : Refugees' Rights Article 12-30 of 1951 Refugee Convention

List of Acronyms

CERD	United Nations Committee on the Elimination of Racial Discriminations
CPA	Comprehensive Plan of Action
CSO	Civil Society Organizations
DFID	Department for International Development
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Persons
MOFA	Ministry of Foreign Affairs
MOJ	Ministry of Justice
NGO	Non Governmental Organizations
NPO	Non Profit Organization
ODP	Orderly Departure Program
RHQ	Refugee Assistance Headquarters
SMJ	Solidarity Network with Migrants Japan
TBBC	Thailand Burma Border Consortium
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioners for Refugees

Abstract

This study explores some mechanisms of exclusion of 'non Japanese' persons within Japan which may function as a hindrance to accepting resettlement refugees as permanent residents of the country. Using the concept of social exclusion, it first looks at the context of Japan's Refugee Policy. Then it attempts to capture the experience of Vietnamese refugees and especially their children in education and employment with the concept of liminality. This study pays attention to response to refugees of Japanese communities in terms of integration since Japan's Refugee policy is very limited and does not adequately address/act on issues of integration. This study argues that integration is about mutual adaptation of both resettlement refugees and Japanese society. At the end of this study it identifies some significant factors upon integration in Japan.

Relevance to Development Studies

No matter who or where the person is, all people are entitled to their rights. Global migration is now recognised as pertinent to all areas of development studies including human rights. Understanding exclusion and discrimination which deprive 'non Japanese' including refugees of rights is significant in view of the globalised world with dynamic and complex flow of people thus there is a need to explore in the subject.

Keywords

liminality, integration, identity, mutual adaptation, resettlement refugees, social exclusion, rights

Chapter 1

Introduction

1.1 The Research Problem

This research analyses Japan's Refugee Policy with a focus on issues of social exclusion and integration/inclusion. The paper seeks to explore some of the many ways in which mechanisms of exclusion of 'non Japanese'¹ persons within Japan may function as a hindrance to accepting refugees as permanent residents of the country. This research is important, since generally speaking, Japan's refugee policies have been very limited and have not adequately addressed issues of integration, inclusion or exclusion. By analysing some of the experiences of Vietnamese refugees, this paper aims to show how and why refugee policies in Japan may be unsuited to receiving the small number of Karen refugees (from Myanmar/Thailand) who started arriving in 2010. The hope is to draw some lessons for more constructive debate and action in relation to refugee policies in Japan in future.

1.2 Research Objectives and Questions

The objective of this study is to identify existing mechanisms of exclusion of refugees as well as other 'non Japanese' (Zainichi Korean, Nikkei jin² and other migrant workers, etc) from Japanese society. The focus is on personal and institutionalised (or passive and active) discrimination in policy and real life with particular focus on Indochinese refugees' experience in both education and employment. The location where the research fieldwork was conducted was Yao city in Osaka and Nagata district in Kobe. The aim is to draw lessons from the experience of Vietnamese Refugees for the Karen refugees as well as other Japanese residents for a better integrated society in future.

Main Research Questions

How is the concept of 'non-Japanese' and refugees as subset, and 'acceptance' perceived in policy and how has it been influencing the mindset of Vietnamese in Yao and Nagata and Japanese?

What significant factors can be drawn out from the study of the experiences of both Vietnamese and Japanese in Yao and Nagata especially in relation to education and employment?

Among the key issues that will be addressed in answering these two central questions, are some of the following:

- Obstacles to Vietnamese refugees' participation (politically, economically, socially, and culturally)
- Different concepts of 'integration' historically
- Perceptions of children of Vietnamese refugees of their lives (especially integration in Yao and Nagata into school, work)
- Actions by different agencies and by refugees themselves in relation to their lives (e.g. measure taken to reduce exclusion in Yao and Nagata, especially in schools etc)

1.3 Background to the Problem

Traditionally, Japanese society holds an exclusionary attitude towards foreigners due to the legacy of Japanese national seclusion, which lasted from 1639 to 1854.³ This attitude has a bearing on how refugees are viewed and received. In addition, the perception that the 1951 Convention Relating to the Status of Refugees (Refugee convention hereafter) and 1967 Protocol Relating to the Status of Refugees (Refugee protocol hereafter) was a product of post-World War II in Europe has led to a widespread perception in Japan that refugee issues as being more or less irrelevant to Japan.

A major turning point was the influx of Indochinese refugees⁴ into Japan in the late 1970s and early 1980s. Japan was not a signatory of the Refugee Convention and therefore initially allowed Indochinese refugees to stay in Japan temporarily, treating them as in transit to a third country of resettlement (e.g. US and Canada). The arrival of refugees in larger numbers combined with the international community urging Japan to consider allowing permanent resettlement of Indochinese refugees in the country. International criticism led the government to open its door to refugees and to move into designing refugee policies for the first time. This later resulted in Japan's government signing the 1951 Refugee Convention and the 1967 Protocol.

The signature of this convention requires Japan to take part in alleviating the refugee problem worldwide. This includes not just through its contribution to UNHCR but also through receiving and resettling refugees (UNHCR 2003:28, 73-81). Although Japan has put in place procedures for recognition of refugee status, the number of people who have received refugee status is very limited. From 1982 to 2008, 508 out of 7297 applicants were granted full refugee status, and 882 were granted special residence permission on humanitarian grounds⁵ and 4399 applications were refused. Due to international pressure, however, Japan is launching a three-year pilot initiative according to which 30 Karen refugees will be coming to Japan per year for 3 years under the Protocol and the Convention. Karen people are an ethnic minority who have been persecuted by the military junta of Myanmar. The vast majority of Karen remain inside Myanmar as Internally Displaced Persons (IDPs).⁶ Those who have escaped Myanmar currently live in refugee camps along the Thai side of the Thailand-Myanmar (some have lived there for 20 years). It appears that Japan

is moving to favour the resettlement of refugees by invitation only. Those who are not 'invited' (irregular migrants and asylum seekers) are locked up in detention centres, where the treatment has been criticized inhuman (Rafiq 2010). This in itself is not exceptional, since detention is now widely used for failed asylum seekers and other 'irregular' migrants worldwide, however few high-income countries have such a strict 'invitation only' policy. Some critiques point to the government's decision to 'invite' Karen refugees as a public relation exercise for the international community rather than being "humanitarian assistance", as the government has claimed.

More than 30 years of experience of Indochinese resettlement in Japan, there are many issues that have arisen concerning social integration, in the shape of exclusion and discrimination both explicit and implicit. After the arrival, the refugees had received 4 months of training at the Settlement Promotion Centers which were run by the governmental organization to assist them settling in Japan. Because Japan did not have any department that could respond to such demand, the government entrusted the Foundation for the Welfare and Education of the Asian People⁸ to take care the refugees. In the centers they had received Japanese lessons, cultural orientations, vocational training, and job search services. After the training, they had gone into the Japanese society to be integrated and live their lives. It is fair to say that Japanese government has put quite an effort in the development of correspondence to them, specifically in material sense such as establishment of Refugee Assistance Headquarters (RHQ)⁹ and services mentioned above. Though material support may be somewhat sufficient, lack of integration consideration in terms of social inclusion and participation to community is problematic. Current policy on the pilot case lacks this notion of providing equal care to other residents in order to raise awareness of need for acceptance preparation. After 30 years living in Japanese communities the Indochinese refugees continue to be confronted with discrimination in the everyday life, including how institutions treat them (eg. limited access to governmental support on healthcare, education, employment etc), cultural exclusion (eg. discriminations against non-Japanese embedded in the society) that would hinder participation to the society. The existence of xenophobia and racial discriminations are acknowledged by the government of Japan, and it is also recognized by the UN Commission on Human Rights which recommended the government to take action (Doudou 2006). However there is no legislation that allows people to denounce racial discrimination and get reparation in present-day Japan. The only options are to go to sue in court, an expensive option not often open to refugees and migrants.

Most studies about the lives of non-Japanese residents including Indochinese refugees have focused mainly on the difficulties and issues they face in terms of daily lives such as occupation, education, health, housing, as well as language and habitual differences. Though the situation of disadvantages of these people were identified and analysed, the discussion has often remained to stay on additional assistances and services that should be given to them in order to improve their situation within the community. Little attention is given to issues of integration in terms of overcoming the cultural barriers that operates at the

level of everyday life. This could require also the adaptation on the part of the local communities regard to the traditional fear of foreigners.

This study examines government and community responses toward resettlement refugees' integration, with a focus on people from Vietnam resettled in Yao city in Osaka prefecture and Nagata district in Hyogo prefecture. Among this group of people the research especially focused on second generation in Japanese education system. There are also a number of individual refugees and migrant workers, as well as Zainichi Koreans and Nikkeijin and people of Buraku¹⁰ who may share similar experiences in the mechanism of exclusion and discrimination in Japanese society with resettlement refugees. However they are not going to be the specific scope of this research. The study will also examine identity issues in relation to third country resettlement program. In line with UNHCR's concern and discusses emerging aspects faced by identity issues of new generations, it could be another concern to the UNHCR in its standing point about this issue, since UNHCR is a major facilitator of this program. A major focus of research will be the domain of education and employment which is on extension of education. Education is important in terms of occupation which is another predominant notion of social participation. This can be explained by people's dominant perception toward homeless people and young unemployed people in Japan which often are victims of discrimination and exclusion from many aspects. Several studies on resettlement refugees and their education have shown issues and its relevance to later occupation¹¹.

By looking at the experience of Indochinese refugees which has similar features of the issues, (as a group, family unit, presupposed resettlement in Japan) it is possible to find out what are the underlying elements of exclusion in Japanese society that hinders 'integration' of 'non-Japanese'. The study is relevant not only for the coming refugees specifically, but also for Japan especially regarding with population change and how Japan is going to sustain as a society with 'non Japanese'. Increase of foreign population incident to demographical change of declining birth rate and aging society is starting. Understanding social exclusion and discrimination which deprive 'non Japanese' including refugees of rights is important in view of the globalised world with dynamic and complex flow of people, and the fact that Japan is inevitably affected.

1.4 Methodology

This research has used mostly qualitative data and of both primary and secondary data. Primary data mainly consists of narratives and findings of interviews which were held in Yao¹³ and Nagata¹⁴ from June 7th to Aug 28th. One on one in depth interview method was used. The average length of interviews is between 90 minutes to 120 minutes. Recorder was not used instead note taking was used. Various backgrounds of interviewees had provided variety of stories and hints for the study during the interviews. Field research also includes observations of community activities (Vietnamese language class for children with Vietnamese roots), participation in casual gathering of the community and Sat-

urday school for tutoring such children. Through tutoring children at Saturday school for Vietnamese-root children in Kobe as a volunteer, I was able to participate in community activities, facilitating further understanding of complex situations that each individual are placed at.

List of interviewees is as follows; Vietnamese refugees (2nd generation), staffs of community organizations (Japanese, Zainichi Koreans), volunteer teachers at Saturday school for Vietnamese children, Vietnamese teacher at Vietnamese language class and a teacher at Japanese public elementary school. As myself belonging to the 'majority' member of Japanese society, hearing the narratives of Vietnamese refugees could not be rushed. Building trust and comfort was crucial in order to be shared of their experiences in Japanese society.

The community organization staffs shared some experiences of self as Zainichi Koreans in general during interview. This opportunity had made me aware of the impacts of identity issues of 'non-Japanese' living in Japan. This issue of identity tends to be overlooked from the majority of the society as it is more of emotional issue which is invisible. Moreover, one after another, the reality of various forms of discrimination towards both non Japanese and Japanese embedded in Japanese society were highlighted.

Attendance to a symposium on Third country resettlement program enabled myself to understand the current plan of the government and international organizations. Attending several seminars on children of foreign roots and development education enabled me to have a wider view on general issues taking place in the field of education as well as what is currently being developed, and changing within education in Japan.

Literature review was also a very significant methodology for this study in comprehension of the history of Japanese refugee policy, in relation to immigration policy and attitudes toward non Japanese persons. Numbers of literatures had provided the basic social background of how and why the community organizations were established, as well as concrete events of discriminations which people had been target of. Another very significant literature review conducted for this study was the graduation essays of Indochinese refugees who arrived in Japan in the later 70s to 90s that had continued studying in Japanese education system. This provided me very rich materials for the analysis of their experiences in education, as it was trouble some to hear the experience directly from people who have already graduated from schools and are engaged in work.

All those methods of research can serve the purpose of the research which is to capture the mechanism of exclusion and finding out what perspective is necessary for a better integration that people's rights are ensured.

1.5 Structure of the paper

The paper consists of five chapters. Chapter one has addressed introductory elements of the study on acceptance of refugees in Japanese community. Chapter two has discussed the analytical framework and concepts that are relevant to the study. Chapter three has explored the refugee policy in Japan along with course of history of immigration policy revisions. It has also explored the current policy of resettlement refugees' acceptance in 2010 and existing critiques are identified. Chapter four has looked at the experiences of both first and second generations of Vietnamese refugees. The responses and measures taken previously by the communities are explored as well. Chapter five presents general conclusions of findings through analysis. Chapter two will now present the analytical framework to be used in understanding the implications of the case study.

Chapter 2

Key analytical concepts: Social exclusion, liminality and integration of refugees

2.0 Introduction

This chapter draws out the elements of the concepts of Social exclusion and combine them with the ideas emerged from discussions on liminality as applied to the situations of refugees. The concept of social exclusion is useful to capture the physical and social aspects that are more visible in the treatment of Vietnamese refugees as 'different' from Japanese. The concept of liminality is useful to capture the more ambiguous issues of identity and invisible problematic experience of second generation of Vietnamese refugees within Japanese society. The chapter also questions of the concept of 'integration', which operates given the experience of social exclusion and the liminal identity of refugees, as it is a key in this study.

2.1 Social exclusion theories

Social exclusion as a concept emerged from Pierre Lenoir who was the French Secretary of State for Social Welfare during the 1970s referring to outcastes (mental/physical handicapped, problem children, single parent households, drug addicts, and other "social misfits") who were not under the protection of social insurance principles then (Silver 1995:63). Later on, it had become to refer to people with social disadvantages including unemployed, as well as non-participation from the labour market and finally it became a new description of the difficulty establishing solidarities between individuals/groups and the society (Silver 1995:64). It is linked with social discrimination and can be the and thus results in a sequence of denial of rights. For example, if one become homeless due to unemployment. Because they can not be hired, they may engage in informal work such as garbage collecting. It is usually at night that stores throw garbage away therefore many of them do nothing during the day-time but work at night. Because of what they do and how they look, they can be the subject of discrimination by other members of society, and because they have no address it is not possible for them to receive welfare related notice which is aimed to protect people or what so ever.

According to Beall and Piron that has reviewed and synthesised on the working of Department of International Development (DFID), social exclusion refers to 'a process and a state that prevents individuals or groups from full participation in social economic and political life and from asserting their rights' (Beall and Piron 2005:9).

The effectiveness of a social exclusion analysis centers on three main features. First it provides multi-dimensional view of economic, social, political, cultural issues. Exclusion has several patterns; exclusion from goods and services, from labour market, from security, from access to human rights, and so on. Social rights and material deprivation are linked therefore it is possible to lead to the analysis, for example, “group A is integrated economically but excluded politically”. Second, it emphasises on the process of how people come to the conditions of exclusion and inclusion, thus requires analysis of the situation of being deprived of certain assets as well as the mechanism which lead to deprivation. Third, the social exclusion approach focuses on social actors who can be both included in and excluded from the society to varying degrees and helps identify the interaction between actors and examine how some are excluded by other individuals and groups (Rodgers 1995:50-55). This approach views government as an indispensable factor in the society in the sense that the government establishes economic, political, legal institutions that influence all actors in the society, including their behaviour and social tendency (Rodgers 1995:54).

Rodger refers to the link between livelihoods and rights as the core issue of exclusion, as he says ‘Exclusions from the market, from productive assets, from the capacity to work productively and gain an adequate income are the issues around which other exclusions are structured’ (Rodgers 1995:54). This can be applied to the situation of Vietnamese refugees in Japan as social exclusion of Vietnamese refugees manifests itself as limited participation opportunities in the society. Because of their insufficient command of the Japanese language, the majority of 1st generation are engaged in manufactured work which demands little chance of using the language. This keeps them in lower income occupations creating financial difficulties which inevitably affect educational path for their children.

Taking those into account, now that Japan have formally invited Karen refugees, Japan will have to abide to 1951 Refugee Convention which set out the rights that refugees are entitled to (Appendix5). Right to access to education and the right to engage in wage-earning employment are to be ensured. However the experience of Vietnamese refugees show that simply ensuring these rights on paper does not always imply they are “NOT” excluded. They could be the subject of bully at school for being different from Japanese, they could easily be target of forced retirement at work. Does it imply “inclusion” when some children try to keep a low profile and results in passive self-expression in the enrolment at school due to the fear of being bullied/picked on by other Japanese students? These subtle mechanisms of exclusion will be discussed in chapter 4.

All the non- Japanese nationality holders do not have suffrage therefore they cannot participate politically. Some discriminatory or exclusive attitudes from other members due to differences from Japanese prevent them of participating socially, such as school and work place resulting as exclusion. Both government and Japanese’s discriminative responses are problematic for integration

and realization of people's rights in Japanese society. However it is very rare that people can explain the reason for discrimination.

2.2 Liminality

Liminality refers to the state of “in- betweenness”. It also implies a state of belonging neither here nor there. It is the temporally situatedness of outside of social and cultural structures of identity and belonging during transition from one social stage to another. (Gibb 2008:6)

This concept of liminality was first introduced by Van Gennep in the field of anthropology. It was used to study the rites of passage such as coming of age of rituals and marriages in his anthropological work. He had described the rites of passage as having three structures; Separation, Liminal period, and Reassimilation. Separation refers to an individual being stripped of social status, and liminal period refers to an individual being in the liminal period of transition. Reassimilation refers to the individual being given new social status and Reassimilated into the society (Shure 2005).

Turner has developed this concept further. He had focused on the liminal period and noted that ‘in the liminal period, the subject of passage ritual is structurally, and if not physically ‘invisible’ (Turner 1967:95). It implies at any level, the statuses of individuals at liminal period are ambiguous, expressed as “betwixt and between” (Turner 1967:95)

The term “Communitas”, a Latin word which refers to an unstructured community where all members are equal, to express this “betwixt and between” situation of non- structure or anti-structure society. This is one of the major models for human interrelatedness together with a “structured society” at the other end. In the communitas, individuals are

‘stripped of anything that might differentiate them from their fellow human beings — they are in between the social structure, temporarily fallen through the cracks, so to speak, and it is in these cracks, in the interstices of social structure, that they are most aware of themselves. Yet liminality is a midpoint between a starting point and an ending point, and as such it is a temporary state that ends when the initiate is reincorporated into the social structure’ (Shure 2005).

The concept of liminality can also be used to expose the grey area of liminal legality. According to Menjivar (2006), this “in-between” status or “liminal legality” shapes different spheres of life, the spheres different from the majority of the society. She uses this concept to capture the experience of Salvadoran and Guatemalan immigrants in the United States. She analyses that their uncertain status of those immigrants that went on for years, and how this ambigu-

ousness gives impacts on various dimensions of the immigrants' lives. The ambiguous status 'delimits their range of action in different spheres from job market opportunities and housing, to family and kinship, from the place of the church in their lives and their various transnational activities, to artistic expressions.' (Menjivar 2006:1001) In Japan, the concept of liminality is useful to analyse the second generation of Vietnamese refugees.

In Japanese society the prevalence of the myth "Japan is homogeneous" is an important factor behind the clear distinction between who is considered to be 'Japanese' and 'non-Japanese'. As Japan that distinguishes 'Japanese or Non Japanese', those people who are not accepted by mainstream society as 'self' would be in a liminal space as they don't fulfil some required elements that are expected in order to be recognised as belonging to specific groups. Yet, those elements are often not concrete. Children of Vietnamese refugees, occupy a liminal space, in the sense that they are considered to be 'non-Japanese' by Japanese people and/or 'non Vietnamese' by Vietnamese people, but in reality they are both Japanese and Vietnamese. If you see the Vietnamese refugees from non structured society, they are neither Japanese nor Vietnamese however they have their own identity. By human rights principles, belonging to a minority group does not deny the identity as the individual as a person as a human being. This is also for second generation of Vietnamese refugees, accepting him/herself having both Japanese and Vietnamese backgrounds, not fully Japanese but not fully Vietnamese however as one human being with own identity.

2.3 Integration

Integration is another key concept in this research. Like social inclusion and insertion, the notion of integration was seen as the appropriate response to exclusion in Europe where the discourse of social exclusion rose. (Silver 1995: 64) It can be said that originally this concept emerged for including/integrating those who have different background (which often were seen different from the majority) into the same social system if they live in the same society adopting the rhetoric of solidarity, cohesion, and social ties¹⁵. According to Commission on Integration and Cohesion¹⁶ (2007), the main elements of integration which could be extracted as are: a shared sense to a future vision of neighbourhood, similar life opportunities and access to service and treatment. 'Respect diversity and recognize multiple identities build common bonds of belonging to the local community' (UNDP 2004:12) could be critical principles for integration. From the point when a new group of people come into the society, it is no longer the same society. Though forms may vary from one to another, all are human beings that require same rights in lives as listed in the Convention. This is why integration requires mutual adaptation of both groups.

The term 'integration' may be very contesting and contextual. (Ager and Strang 2008:167) Kitahara refers to the importance of this point that 'integration' attempts to form one society including both majority and minority in the society, and that functions to prevent marginalization and exclusion of minorities.

Therefore, he claims it is a policy-fit concept. (Kitahara 2008:19) In fact, many of the European countries use this term in policies¹⁷.

Ager and Strang introduce core domains of integration into four categories; Markers and Means (employment, Housing, Education, and Health), Social Connection (Social Bridges, Social Bonds, and Social links), Facilitators (Language and Cultural Knowledge, Safety and Stability), and Foundation (Rights and Citizenship) (Ager and Strang 2008). This could be used to analyse the integration process and it could also find out what is the precondition for a shared sense to a future vision of neighbourhood and similar life opportunities and access to service and treatment as it is not fully ensured to Vietnamese refugees as well as their children born in Japan where currently, the notion of integration questions the idea of full assimilation or to become like Japanese.

Chapter 3

The Context of Refugee Policy in Japan

3.0 Introduction

This chapter traces the course of how Japanese refugee policy links with official immigration and integration approaches, ever since the country took responsibility for a limited number of Indochinese refugees in the late 70s. Refugee policy took its roots in immigration policy and the issue of ‘humanitarian intervention’ remains an issue of contention, given the lack of integration and the treatment of refugees as non-Japanese, including in terms of formal citizenship. In order to show the continuities in policy, the Chapter will also examine a pilot case of ‘invited refugees’ involving the resettlement of Karen refugees from Myanmar, who had been living in refugee camps in Thailand. The chapter identifies major inter-connections in Japan’s policy positions, and highlights issues that will be given further attention in later chapters. First a historical overview of refugee policies will be provided, in connection with immigration priorities and integration practices.

3.1 Official Responses to Indochinese refugees

‘Accepting refugees’ resettlement is the foundation matter of refugee policy’ (Tanaka 1994:148). This section will show the limits of this in the case of early Vietnamese refugees arriving in Japan. Due to the political regime transitions in countries of the Indochina peninsula (Vietnam, Cambodia, and Laos), there was a mass exodus of people from these countries, known as “Indochinese Refugees”. It is said that more than two million people (Goto 1994:56) had fled to other countries by land route, sea route, and air route. Countries they had fled were not only the surrounding countries such as Thailand and China, but also the Philippines, Australia, the US, European countries, and Japan. Vietnamese people who had fled by boats are also called the “Boat people”. At the end of 1975, 126 people had arrived with 9 boats. In 1976, 247 people with 11 boats, and in 1977 the number increased to 833 people with 25 boats. From 1979 to 1982, it was recorded that more than 1000 boat people had been arriving in Japan every year. (RHQ 2010)

In May 1975, nine Vietnamese landed on Japan as the first group. Japan had permitted only their short temporary landings as “Landing Permission Due to Disaster at Sea”, since there were no legal institutions nor so called refugee policy existing in Japan. Japan had given such permit based on the immigration policy of that time as below.

1. In the case of those people rescued by Japanese boats and ships, special landing permission is given according to article 12 of Immigration Control Order (initially 15 days but changed to 30 days later)
2. In the case of these people rescued by foreign boats and ships, landing permission due to water accident is given (period of landing is from 15 to 30 days)

It was rather a conditional arrangement and Japan had agreed to respond only if the act was requested to the government of Japan by UNHCR with it covering the cost of stay, and if refugees' next destination of resettlement is determined, etc. However, the constant arrival of refugees spurred Japanese society to design ways of responding to new comers from abroad.

Subsequently pressure from the international community led to a revision of this approach. In 1977, in the Cabinet Understanding¹⁸ “*Betonamu Nanmin Taisaku Ni Tsuite* (Concerning Vietnamese refugees)” had made a decision that specific measures will be taken for this problem as ‘a part of international corporation concerning humanitarian affairs’ (Cabinet Understanding 1977). Even though it was not a law through Diet proceeding, the fact that such official decision was made under the Cabinet Understanding was ‘the fledgling of Refugee Policy in Japan’ (Tanaka 2004:1480). From 1977 to 1980, the standard of refugees' resettlement permission eased gradually.

A critical point that should be noted is how the term ‘humanitarian’ is interpreted and applied in Japan’s policy towards refugees. A refugee policy without a resettlement policy endorsed and acted upon by civil society is not worthy of being called ‘humanitarian’. The Cabinet Understanding of 1978 and 1979 which had made the decision of recognizing Vietnamese refugee’s resettlement implies that Japan had started its act purely to protect refugees as refugees. The criteria for Vietnamese resettlement refugees under the Cabinet Understanding of 1978 were as follows;

1. Spouse, parent, or child of Japanese national
2. In the case of spouse, parent or child of foreign resident, his/her living condition is stable. (economic security as a criteria)
3. In the case of foster child, foster parent’s living condition is stable
4. In the case that the person makes living and support his/her family, he/she has a recognisable work which is stable enough to do so, reliable referee, and the person is in good health. (social stability)

In 1979 the Cabinet Understanding had brought a concrete advancement in accepting Indochinese refugees. Until then, Japan was responding only to refugees from Vietnam, however it was broadened to Cambodian and Laotian refugees in 1979. Japan had attempted to realize resettlement by giving the concrete number of 500 persons as acceptance limit. Provision of Japanese language education, vocational training, and job placement service were also

determined. Furthermore, even the person was temporally staying in Asian country, if the person had relation with Japanese society, or with people in relation with Japanese society²⁰, it was determined that their resettlement to Japan would be permitted.

The criteria were further broadened in 1980. The limit of 500 people had expanded to 1000, and resettlement aiming family integration was granted due to Orderly Departure Program (ODP)²¹. Quite a number of people were brought over by those who had previously fled Vietnam. The number changed to 3000 in 1981, 5000 in 1983, and 10000 in 1985(Tanaka 1994:158).

Another distinctive change at the time was that for those who had no relation with Japanese society had come to be considered of resettlement permission if they were acknowledged as having adaptation ability to Japan, such as lingual efficiency. At that time there were few Indochinese refugees who had relationship to Japanese or Japanese society therefore there were almost no refugees that were applicable to the criteria of 1979²². Hence, Japan making such change in 1980 could be seen as a positive movement regarding refugee issues.

Japan ratified International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenants on Civil Political Rights (ICCPR) in 1979 alongside those change regarding Indochinese refugees. At that time, principle of equality between nationals and non national in the sphere of social security institution was demanded specifically. Therefore after the ratification, Japan had launched on legal system development of social security related laws by abolishing nationality requirement. In the new system people who do not possess Japanese nationality are also able to have access to social services. This was a drastic change for making a mechanism of securing lives not only refugees but all the non Japanese nationality holders living in Japan. Ratification to ICESCR and ICCPR made the responsibility of Japanese government clear toward security of all people's human rights in Japan, and in this regard it was very meaningful to Japanese society.

Another progressive development in refugee policy in Japan is its ratification of Refugee Convention in 1981 and Refugee Protocol in 1982. This lead revision of Immigration Control Act and its name changed to Immigration Control and Refugee Recognition Act, establishing Procedure for Recognition of Refugee Status in Japan. It explicitly influenced Japan as it can be seen the quota of Indochinese refugees increased to 3000 in this year.

The Refugee Convention adopted by the UN does not give any guidelines of concrete accepting system, and it was up to discretion of each governments. Generally speaking, Immigration administration is centred on regulating and controlling, whereas refugee recognition is aimed for protection, therefore logically thinking, it was possible to establish a independent institution which deals with only refugee issues. However, it was lumped to immigration of "non-Japanese" administration. Under the Procedure for Recognition of Refugee Status, practically the immigration bureau was determined to hold jurisdic-

tion over, however the Minister of Law was assigned to have the decision discretion.

As previously discussed, Indochinese refugees went through different procedure of acceptance with no individual screening whereas Procedure for Recognition of Refugee Status did. However as time passed, it was estimated that there were a number of people who were aiming to migrate for economical reasons rather for the fear of persecution. It is said that there was also influx of such people to Japan disguised as “boat people”²³. Even the term “bogus refugees” and “economic refugees” frequently appeared in the media. It was not only an issue which Japan faced, but other countries in the world. Many refugees who had already put so much effort to fit in Japan were negatively affected from this because Japanese people started to become suspicious of refugees.

It was not only the concern of Japan however also an international one as many of Indochinese refugees had been fleeing to Western countries as well as to countries in South East Asia. To deal with this problem, the International Conference on the Comprehensive Plan of Action (CPA) for Indochinese Refugees was held in Geneva in 1989. The policy of dealing people as refugees without individual screening was put to an end but instead a new system, the CPA was established. It has 3 main pillars;

1. Recommendation of ODP
2. Inducement of screening system
3. Recommendation of repatriation

After adoption of CPA, the number of economic reason based “boat people” exodus which was over 22,429 in 1991 decreased to 55 in 1992, and 777 in 1993. (RHQ) It shows that a large number of people with rather economic purpose existed among refugees.

Furthermore, the situation had changed after the 90s in Japan. The majority of refugees were perceived as immigrants with no element of refugees. (Nagasaki 1995:206) Therefore CPA was no longer applied to boat people who arrived after 1994; instead Procedure for Recognition of Refugee Status which was inaugurated in 1982 was determined to be applied to all cases. The international community came to the agreement that there was no reason of refugee influx due to the gradual stabilization of political and economic situation in the three Indochinese countries, and it was declared in Geneva that this Indochinese Refugees exodus had come to an end. Family integration went on in Japan, however it was determined by Cabinet Understanding of 2002 that receiving the application be put an end at the end year of 2003.

3.2 Recent revisions of Japan's Immigration policy

As mentioned previously, response to refugee issues was lumped to immigration administration. With the demise of the CPA, Indochinese refugee policies were officially perceived to end.²⁴ However, Japan is not free from dealing with refugees issues (convention refugees) because people continue to come to Japan from countries in Asia, Africa, Middle East to seek asylum. These people go through the Procedure for Recognition of Refugee Status on the extension of immigration policy, which had, and still have several faults. Over the years revisions were made such as; abolition of 60 days rule, establishment of Refugee Adjudication Counsellors System, and inducement of provisional stay (in 2004). However it continues to have a number of issues such as the period of provisional stay is 3 months which requires renewal at immigration office where is often distant from residential area. For asylum seekers, working in Japan is not permitted. Furthermore, even though they might have a strong claim to refugee status, they may not be able to be the subject of this status.²⁵

In 2009, another revision to the Act was introduced, in order to establish a system whereby the Minister of Justice could continuously keep information necessary for residence management by combining the information collected via the Immigration Control Act (the work of the Immigration Bureau) and the Alien Registration (work of municipalities). In the past, these tasks had been separated. By combining the provision of social services and taxation, better functioning of public services was expected. Extension of the maximum period of stay will be changed from 3 years to 5 year, and the re-entry permission system will ease. With these revisions, a “Zairyu card” (IC residence card) will be issued with obligation of carrying it at all times (exemption for those less than 16 years old). One of the major concerns regarding this new system is that if a person has no card, because they do not (yet) have the right to remain, then that person can be perceived as “nonexistent”. This is highly related with people in provisional stay including asylum seekers who can wait for one or two years for a determination about their application for refugee status²⁶. The implication is that they have no formal status of stay in Japan. This situation should be carefully monitored in relation to Procedures for Recognition of Refugee Status.

As we have seen so far, even when changes are made in the name of convenience of non-Japanese residents, these changes may come with increased forms of centralised data control. Furthermore the discussion of local suffrage did not come up though this is about residents. Being same residents in Japan, non Japanese are registered separately; Japanese nationality holders registered under Basic Resident Register, and non-Japanese nationality holders registered under Alien Resident Register. There are elements of control and exclusion of foreign people at the root of the Japanese policy regarding foreign people. It shows how the sense of control is strong but not protection which should be the precondition of Refugee procedure and this is thought to be a key for understanding the absence of integration notion from resettlement refugee acceptance. However in 2008, it was determined by the Cabinet Understanding that Japan

is going to launch on the pilot case of the third country refugees resettlement, as often referred as ‘invited refugees’ based on the premise that they are going to be “permanent residents” of Japan.

3.3 Policy on resettlement refugees in 2010

As previously noted, the third country resettlement is one of the permanent solutions for refugee issues. Japan is accepting Burmese Karen refugees who are temporally staying in refugee camps along the border of Myanmar and Thailand. Since it is a pilot case, it was determined Japan will be accepting about 30 people per year, for 3 years starting in 2010. Five families (27 people) are determined to resettle in 2010 as the first group²⁷.

At present, there are 30,838 people registered as refugees (TBBC May 2010²⁸) living in the Mae La camp²⁹. It is Japan’s responsibility to select the 30 refugees from among those who wish to resettle in Japan. In February in 2010, the government of Japan has conducted interviews at the camp. There are major requirements for attaining permission of resettlement. All points have to be fulfilled. To qualify, someone has to:

1. come from Mae La camp
2. be registered by the Thai government as well as recognized by UNHCR as in need of international protection and recommended by UNHCR to Japan,
3. be an UNHCR mandated refugees
4. be a family unit with children, able to live independently in the future
5. have no criminal record
6. be in good health
7. be able to adapt to Japanese society, and reasonably expect to gain decent work to sustain themselves³⁰.

Some say that these requirements draw on lessons learned through Indochinese refugees’ experience. For example, age limitations³¹ can be set for children, because of concern with the fact that children over a certain age generally have difficulty in adapting to Japanese society. However, making the requirements stricter does not bring any change to Japanese society where it is difficult for such children and future children to fit in. The society and people also needs to adapt and be flexible to the people that come in. The requirements which Japanese government has made for the coming refugees implies that Japan will not accept them unless these refugees are predictably going to succeed in fitting in and will not have a difficult time in making a living (employment). From one perspective it seems the government is concerned with refugees’ integration and with avoiding their illegal or unemployed status. However there is little evidence of a major change having taken place in Japanese refugee policy, in ways that might pro-actively ease the situation for new refugees seeking to fit in with Japanese society and economy.

Official web page on the Karen pilot case, by the Secretary Cabinet,³² indicates that government announced that these refugees would become full residents of Japanese society. In these documents the government also clearly stated ‘its attachment to the principle of burden sharing with the rest of the international community, in relation to the refugee issue’ (Cabinet Understanding 2008). Whilst it might be proper to use the term “burden” sharing when referring to international obligations, this has a negative connotation once those who are described as a “burden” are resident inside the country. Essentially, it seems that not much in this policy has changed since that of 30 years ago. At the time of the Indochinese refugees’ acceptance in the 70s, the same sentiment was expressed, that this was “part of International Corporation concerning humanitarian affairs” (Cabinet Understanding 1977).

This kind of minimalist approach (undertaking obligations rather than securing rights of vulnerable forced migrants) may help explain why many former refugees continue to have a ‘sense of being guests’ (Tanaka 2008:38) today. Not only do they suffer from handicaps of language, but social differences and difficulties also keep them ‘at arm’s length’ from mainstream Japanese society. Failing to get understanding from the host society, many choose to keep quiet (Tanaka 2008:38) So as Kawakami claims, Japan need to stop viewing refugees as simply refugees, and instead needs to perceive them as constituent member of Japanese society, (Kawakami 2005:203) and start to listen to them.

The Refugee Measure Liaison and Coordination Committee has made the guideline of measures for the coming refugees, dividing into three sections. (Appendix 2) However in practice, it is very difficult to see what change it really can bring. Though new measures are taken in, it is questionable if the content of these is satisfying for integration, to accept them as residents or not. This is a crucial point for not only for refugees in terms of living in Japanese society, but also Japan. Borrowing the core domains of integration of Ager and Strang, the government is only taking a part to fulfil its role as developing and assisting “facilitator” such as language by improving Japanese lessons, cultural orientations, and so on. Though facilitator such as language is a crucial key for integration, it is not enough, as it is understood as ‘removing barriers to integration’ (Ager and Strang 2008:177) What seems to be lacking from current policy of resettlement refugee program is the governments commitment for Social Connection; Social Bridges, Social Bonds, Social links³³. (Ager and Strang 2008: 177-181) The reality of unprepared-ness can be seen from one remark by an official,

‘We are just groping in the dark to tell the truth...we have no know-how of receiving resettlement refugees.’³⁴

An International Handbook to Guide Reception and Integration published by UNHCR refers to the difficulties of the government upon providing direct support to refugees; ‘Resettled refugees require personalised, flexible and very practical support which may be difficult to deliver from a governmental setting, particularly if it is highly regulated and professionalised’, and notes that NGOs/CSOs tend to be working well in this term with a wider support net

work and a more intimate knowledge of local contexts. (UNHCR 2002:80) It is not always necessary that the governments provide the same support as NGOs/CSOs. Each of them have advantages and disadvantages therefore in this context, there are other role that the government of Japan could take, such as commitment in making the base environment for removing the barriers for integration. Control and exclusion constitute the bedrock of the government's posture toward non Japanese. Thus, neither the notion of protection or integration of refugees has not been high enough in the society.

3.4 Major critics on current refugee policy

From what has been discussed so far in this chapter, some points of critique have arisen. Several critical approaches have pointed out that the third country resettlement program of the Japanese government is not well designed. Many point to a double standard toward refugee issues on the part of the Japanese government. The first critique regards Japan's reluctant recognition of the refugee status. In other words, the government practices a very restrictive policy towards asylum seekers. This results in a very low refugee recognition rate, as well as number (Appendix 1). The procedure usually takes a long time, often some years.³⁶ Not only does the decision-making take time, but few people ever get approval. In many cases it is not clear why proof submitted is not considered valid. One example is a Ugandan asylum seeker who left his country for political reason, and took all his paper certificates and proofs with him. He left for the country which first issued him a tourist visa, which was Japan. He had already provided clear past experience and reasoning for applying for refugee status, together with his identity documents, including his passport and his university transcripts. He even sent off his medical records as proof for the scars he got when he was tortured. However his case was disapproved and he is now appealing the case. Though it is time consuming and costly, he said during an interview:

'It's ok, this is what I have to do now. For me, the choice is either to get refugee status or to be deported to my country. But I can not be deported so I don't care how many years it takes, I try.....But you know, I really regret getting involved in the politics....'³⁷

On the other hand, Japan practices a policy that officially welcomes refugees. Why accept other refugees when the government is not capable of responding, or even not willing to respond appropriately to existing refugee status requests already in the country? In answer to this, Tanaka points out that it may be easier for government to handle and recognize group of refugees who come as already recognised refugees rather than trying to handle individual refugee applications from those who are already resident in Japan, a troublesome process in comparison (1994:166)

In addition, another criticism of Japan's policies related to refugees is the lack of respect for human rights in the governmental authorities within the overall Procedure for Recognition of Refugee Status. Several cases have been reported of procedural malpractices and negligence by the authorities within the procedure of recognition.³⁸ There are several cases that procedure carries on without satisfactory communication as often precise translation is at difficulty.³⁹ Also it reported about prejudiced assumptions that asylum seekers are taken as disguised economic migrants and 'override their ability to make fair judgements and pay serious attention to the provision of due process to claims'. (SMJ 2010:31) Refugee determination is faced with the survival of people. However procedures are not always processed with full seriousness to one's life. Although the decision of the government does influence one's fate, present response and treatment of asylum seekers is negligent.

As we have seen there are revisions within law, and new launch on refugee issues, such behaviour toward potential refugees makes Japan seem very hypocritical with its acceptance of resettlement refugees who are persecuted by the government of other countries. Because of the reality, several NGOs wonder the invitation of Karen refugees is rather a cover up to the international society and people in Japan, and claim that consideration/respect to human right is lacking in the first place.

The last critique upon acceptance of Karen refugees is the lack of preparedness on the Japanese society. This concerns not only the official resettlement programs and financial assistance to refugees, but also how they can start a new life within the wider Japanese community. The Japanese government decided to accept refugees, and even chose those who would be admitted. However, it is residents in the communities who will be living together with the refugees and help to determine how and whether they can integrate. If local residents are not prepared (administratively at local government level, and also practically at the individual level) to welcome refugees, then people in the communities will find themselves at odds, trying to interact with different cultures and falling back on "common sense". Japanese communities thus also may need some preparation to help them become more welcoming to resettlement refugees like the Karen.

3.5 Chapter conclusion

This chapter provided a historical overview of the main transitions in Japan's refugee policy since the 70s. With the arrival of Vietnamese 'boat people', Japan first opened its door to refugees, recognising its responsibility as a country. Over time, a set of refugee policies have developed gradually, piece-meal. However, the fundamental posture of control and non-integration for non-Japanese seems not to have changed significantly 'on the ground'. This applies also to those refugees allowed entry for permanent residence in Japan.

The major critics on this acceptance of Karen refugees were; reluctance on refugee recognition based on the recognition system, lack of concern on human rights, and lack of preparedness of acceptance on Japanese society. In other words, little understanding toward implication of becoming refugees, lack of respect and seriousness to one's life, and irresponsibleness to both refugees and people in Japan are the basic stance of the government. Accepting resettlement refugees means accepting them as residents of Japanese community and integrating each other. However the posture of refugee policy shows that Japan is not ready for integration. Because this concept has not been used in national policy, Japan is seen unprepared, as well as not used to non-Japanese, which result as exclusion of refugees. It would demand only the "burden" to adjust to the accepting society. Along with the perception of "burden sharing" this could possibly generate rather institutional discrimination which is difficult to tell who really is discriminating against. Often it comes up on surface in the shape of limited opportunities, limited access to certain services and participation in the society as Indochinese refugees and other non-Japanese residents are not given rights as residents officially. Chapter four will look at the actual experience of Vietnamese refugees and their children based on interviews and observations of communities.

Chapter 4

Experience of Vietnamese Refugees and Japanese community

4.0 Introduction

Discrimination takes place within interactions with other members of the society, which is the main stage for integration. In Japan, there have been discriminations against foreign people⁴⁰. The mechanism of exclusion is not only one, but plural. Though being refugees as sub set of “non Japanese” in Japanese society, the experience differs from that of first generation⁴¹ from that of second generation. This study has so far provided the background policy context of those refugees who have been raised and who are currently being raised in Japan. The main discussions in this chapter, however, are on the second generation of Vietnamese refugees who were born in Japan and who may or may not have Japanese citizenship. The first generation’s experience is also briefly explored, since there are indivisible links between generations. Experiences of several second generation Vietnamese are then explored, on the basis of interviews. The response of Japanese sides toward them in the community based on the case of Nagata and Yao will be explored, as the other key actor toward integration.

4.1 Issues for first generation refugees

As mentioned previously, when Vietnamese refugees’ arrived, Japan had no “know how” as how to provide assistance to refugees that suddenly arrived on their land. In a way this is quite predictable, since a ‘passive’ posture toward acceptance of people from outside Japan had already taken root historically in the national administration as well as in the common perceptions of many Japanese. Furthermore, there had been few previous opportunities for people in Japan to meet with refugees.

The refugees from Vietnam were almost 100% supported by humanitarian or religious, faith-based organisations (such as Caritas Japan, Japan Red Cross etc) from the time of their arrival in 1975, and until at least 1979 (Tanaka 1994:150). Then the government established the Settlement Promotion Centers in Himeji city in Hyogo in 1979. This was followed by the one in Yamato city in Kanagawa in 1980, and an International relief center in Shinagawa in 1983 in Tokyo. Japanese language education, vocational training, job placement and financial assistance were provided. After spending three to four months here, refugees had gone into Japanese communities.

There are two major interrelating issues surrounding the first generations upon integration to Japanese society; language skill and type of work which they have been engaged in. Even living in Japan for more than 20 or 30 years, the Japanese language skills of the first generations are often insufficient. They are generally able to have basic daily conversations, but when it comes to more complex content, they cannot express themselves fluently or understand fully what is written or spoken in Japanese. In interviews, many second generation Vietnamese-Japanese interviewees mentioned how difficult it is/was for them to have deeper-level communications with their parents in Japanese.⁴²

There are some reasons why, after even two or three decades, language skills remain weak in Japanese. The first is that Japanese language education at the Settlement Promotion Centers was inadequate in terms of quantity and quality, barely allowing people enough skills to adjust to daily life in Japan. According to Vietnamese refugees, the language taught in the centers was based on common Japanese. In Kansai region where Nagata and Yao are located in, most people have their own strong dialect/accents. The language problems of Vietnamese refugees therefore reflect the diversity of uses of Japanese, as well as language lessons in the centers that were not adequate.

Another key issue was the type of work, which also related deeply with language skills. At the center, there was a process of job placement. Though refugees had no knowledge about Japanese society and limited Japanese language, they still had to work for living. Though each of the first generation had their own profession in Vietnam, their lack of Japanese, and the non-recognition of their previous training and knowledge prevented them from gaining employment close to their previous professional background and experience. Their choice of jobs was thus very limited and naturally enough, the jobs they were introduced to were low-skilled manufacturing jobs, that required less linguistic communication, mainly in the form of factory assembly-line work.⁴³ Such types of work were easier to find, and they could earn money even though they could not speak Japanese. Compared to other types of work, however, the salary was not high, and once provided with a job by the job placement agency, the Vietnamese people had no other choice.

Since Vietnamese refugees were introduced to work before acquiring Japanese, they can be seen as fitting in with a notion of “cheap labor”(Yoshitomi 2007) , and they did support Japan’s growing economy rather than being viewed by government and other Japanese as simply equal “residents” of Japan. At the time of their settlement in Japan, the economic condition was favourable in Japan since it was the high economic growth period generating the demand for labor. Around this time, a number of Japanese-origin migrants, the Nikkei jin,⁴⁴ moved to Japan from South America migrated in order to work.⁴⁵ It was decided by the government that Japan should ease immigration regulations to allow their entrance and residence. Nikkei jin had come to Japan for economical reason, but shared similar problems with Vietnamese refugees, including a lack of language skills and difficulties with children’s education. In spite of

their different backgrounds, once they came into Japan, they too were treated simply as a good supplementary labor force.

What can be said is that many first generation Vietnamese remain economically vulnerable due to their relatively lower salary levels. A number of Vietnamese refugee families live on social relief⁴⁶ which implies that they face financial difficulties in this society. According to a 1997 survey by the Cabinet Secretariat on the employment of Vietnamese refugees, 64.9% responded that their “salary was lower than the cost of living”, and 37.4% answered that their “income is not steady, so there is no stability in life”. Even though Japanese fluency is critical to living in Japan, the learning system prepared for refugees and other foreign workers was insufficient to the task. Kawakami sums up that many of Vietnamese refugees that are granted permanent residents in Japan were acknowledged as a “labor force”, just as Nikkeijin were. They are not “official members of Japanese society”, which amounts to saying: “you can leave anytime you want” (Kawakami 2008:66).

Migration research in Australia has also highlighted the linkage between language skills and employment (Shimono 2009). That study also which highlighted the tendency for prolonged periods of unemployment, and that migrants without fluency in the national language tended to be concentrated in low salary, and insecure manufactured work. Even if someone has skills, and is qualified, unless that person has fluency in the dominant language, his or her employment opportunities become severely limited. Free official English classes are provided to (legal, settled) migrants by the Australian government. From her study on immigration policy in western countries⁴⁷, Shimono points out that the reason language ability is prioritised is because of the reality that it is difficult to engage in meaningful and rewarding work without relative fluency in the host society’s language (Shimono 2009:95).

Engaging in manufacture type of work, Vietnamese refugees spend most of their time in the workplace, where there is little verbal communication with Japanese workers, and return home only late in the evening. This implies that their work also deprives them of time to improve their communication skills, so crucial for economic improvement in the society. From this, Japanese insufficiency and type of work are key elements that help to understand the first generation’s situation. These elements function as a barrier toward refugees’ daily participation in Japanese society. This is a type of exclusion, where language is a key to being able to do things in society⁴⁸, not to mention how it affects the second generation who is in the same household. This will be discussed later in this chapter.

Lack of communication with accepting community can lead discrimination. One Vietnamese teacher in Saturday school who have been teaching almost 20 years has referred to the “negative understanding” born from cultural/custom difference and lack of communication⁴⁹. For example, the way to dispose garbage was often a source to trouble. There are rules of garbage separation, and

days are determined that certain types of garbage is collected on certain days. When Japanese see Vietnamese throwing garbage without knowing (and therefore without following) the rules, they generalise the fact and start to have a negative image of Vietnamese and perhaps also to treat them in an unfriendly way. Both implicit and explicit discrimination exists within people's daily lives. However this, a big part, is about the lack of understanding and ignorance to each other due to lack of information and communication.

Three levels of their fact; non-Japanese, low income, low Japanese skill, accelerated to keep refugees and Japanese stay apart as well. One of the second generation interviewees had mentioned that

'Even though you do not know who live in your neighbour, you could live. Vietnamese speak loud compared to Japanese, so they were perhaps annoyed. The smell of food we cook is quite strong and different from that of Japanese and they are not used to it. So the neighbours might have thought we are smelly. We had almost no opportunity to interact since my father worked all day and he did not speak Japanese well, so we did not become neighbour friends...and my father has no Japanese friends.'⁵⁰

They lived in the same neighbourhood, but the relation was very distant. These kinds of negative understandings towards each other is in part the consequence of a lack of effective communication. Seen negatively, refugees may sometimes try to distance themselves from the Japanese community, as a form of self-protection from criticism. However this also implies that refugees may lose information and mean of understanding toward Japanese culture that they need to know in order to live in Japan and as a result, invites many forms of exclusion: denial of rented housing, complaints about everyday behaviour, garbage etc. The first generation had a vicious cycle of experience, of low language skills compounding poor communication and reinforcing the initial lack of understanding on which discrimination was based.

4.2 The second generation's experiences

Though it is an extension of the first generation's issues, the experiences of the second generation are in some respects quite different from those of first generation Vietnamese refugees. Firstly, the majority of the second generation was raised inside the Japanese education system. Most of the day they spend in school and after school they also spend time with Japanese friends. For them, Japanese language skills are no longer a serious problem. On the other hand, since they have less opportunity to learn Vietnamese and Vietnamese culture, there can be rifts with the first generation in terms of having a common language in which to communicate inside the family. Whereas first generation Vietnamese refugees had a very limited choice of job due to their lack of Japa-

nese language skills and limited understanding in Japan of their situation, second generation has wider future economic and career choices. They have acquired Japanese fluency and their comprehension of Japanese values is similar to that of other Japanese who grew up in their neighbourhoods in Japan. This explains why there can be cases where children are actually able to facilitate the integration of their own parents by what they have acquired. (Nishino, Kurata 2001:33)

The second generation themselves are aware of the differences with the first generation. As one of the interviewees expressed it:

'You know, my base is in Japan. I am too 'soaked' in the Japanese cultural space. So even though my father and myself have been in Japan for the same period of time, we think differently about many things. I am from Vietnam but for me, Vietnam is a foreign country. I don't remember Vietnam. When I came to Japan, I was 5, and I was a refugee. But now I am 'new style' and 'refugee' is my past.'⁵¹

What this conveys is that he also sees himself as not Japanese like others and not Vietnamese like his father, but a new one. However, there still seem to be some obstacles to 'new style' living in Japan for second generation Vietnamese. This implies that language fluency and an 'insider' understanding of Japanese culture do not automatically make participation in Japanese society smooth for "non-Japanese". The particular focus here will be on obstacles of education and employment.

4.2.1 Education

There are a number of problems regarding how education interacts with second-generation Vietnamese refugees' integration into Japanese society. According to Kawakami, in a survey of "The most difficult educational issues", 29.9% of Indochinese refugees were concerned with education continuance, 27.4% were concerned with economic difficulties, and 27.4% were concerned with the leaning their mother language and culture (Kawakami 2005). All these are signs that their participation might not be equal to that of young Japanese people of a similar age. We will first look at the real world of the classroom situation.

One of the obvious factors which prevent children of refugees' education opportunity is bullying. Bullying by other Japanese students at school, for being somehow different from others. 13.4% said that they are currently being bullied by other students. (Kawakami 2008:71) For example, Japanese children pun on their name often when they have quarrels. Normally people's name⁵² is written in Kanji and occasionally Hiragana, and things from "outside Japan" is usually written in Katakana, and that is also the case for their names, too. Students have name tags on their chest at school, therefore it can be quite eye catching when they have Katakana name with foreign name⁵³. Japanese children could give them a mouthful words/phrase such as "Go back to your

country!”⁵⁴, even if they do not understand the implications fully. This kind of bullying can damage the minority in ways difficult to imagine for the Japanese “majority”.

A strong sense of little differences – which can be made large – can generate worry and uncomfortable feelings for second generation Vietnamese who have only known Japan. According to one of the interviewee:

‘I didn’t know exactly why, but I felt very inferior to others for having such differences, and I was even ashamed of being Vietnamese. I had a complex about being a “foreigner” in Japan. I had no confidence in myself and I felt like I just have to deny Vietnam per se.’⁵⁵

He had both Japanese and Vietnamese friends, and claimed he had never been a target of bullying, yet he suffered from lack of confidence, and explained that: “in the past I was a very shy child, and at school I tried to efface myself as much as possible.”⁵⁶ The fear of being bullied is such that some parents make their children go by alias names, Japanese-sounding names. By the appearance there is not much difference between Japanese children and Vietnamese children⁵⁷. This suggests that if ‘visible’ markers like names are removed, and second generation adopt Japanese name as their aliases, then Japanese people will generally assume they are Japanese. This would mean that they were more able to protect themselves and make things go smoothly for themselves. However, having a “Japanese” name also implies that you lose all claim to the previous identity, and that you seek to become just like other ‘Japanese’, because otherwise it is difficult to live in Japan, get through school and find employment. This has been pointed out also in the discussion on Zainichi Koreans, who are even more similar to Japanese in appearance than Vietnamese, and have been living in Japanese society for three generations or more. In order to live in Japan, some people try to deny their own identity, by changing their names and hiding their original ethnic identity.

This tendency can be explained by the way Japan is often referred to as a unified, homogenous society. In fact, it is doubtful that Japan is an ethnically homogenous society, but it may be highly homogenous compared with many other societies.⁵⁸ Fukuyama argues that when people insist on Japan being a homogenous society, this means: “nothing more than a declaration that the majority of Japan have almost no tolerance toward anything that is different from them”⁵⁹ (Fukuyama 1993:15). He further goes on that the discourse “Japan is a homogenous society” is almost always combined with the value judgement that “Japan is supposed to be a homogenous society”. Intolerance to ambiguity is part of this, and therefore any persons that possess differences to any degree face two responses to living in Japan, either being forced to assimilate and to become “Japanese”, or gradually being reduced to liminality, by being made “invisible”, and being categorized as “NOT Japanese”. In this way, all residents of Japan become subject to the clear dual categorisation of “Japanese”/“Non Japanese”(Fukuyama 1993:16) and there is little space or idea of

people potentially being 'both and'. This insight helps to understand the mind-set of most people in Japan, and it is no wonder that bullies are among the main worries of second generation school children, given the influence of such simplistic ideas of identity in mainstream society in Japan.

Another factor preventing them from education is language constraints. In comparison to the first generation, the majority of second generation Vietnamese refugees are fluent in Japanese. This makes sense since they have been receiving education in Japanese schools, and all the information around them has been in Japanese from their birth and childhood. Japanese is the native language for them. At the same time, many of them do not have sufficient Vietnamese ability⁶⁰. Low levels of mother language skills generally can negatively affect their ability to learn Japanese, and occasionally this constrains their academic progress (Kawakami 2005:71). Many of the volunteer teachers at the Saturday school⁶¹ for Vietnamese children in Kobe point out that it is true that some of the children have disadvantages academically, compared to other Japanese students⁶². Therefore it seems, though they speak Japanese with fluency, this does not guarantee a sufficient ability of using Japanese.

The second generation's insufficient knowledge of (academic, intellectual) Japanese can also limit the choices for their future educational participation in Japan. It is pointed out as one tendency that many times second-generation refugees attend schools located in academically lower tracks, especially vocational rather than academic high schools. Their parents may have little understanding of these distinctions within Japanese educational system due to their inability to use Japanese. The parents may tend to leave important decisions up to their children.⁶³ Though at the age which students can make their own decision, decisions with little knowledge about the society/culture can lead unfavourable situation for them, and suggestions from parents (or other grown ups) are necessary at staple of one's life. In addition, previously discussed (in 4.1) economic situation of household also work as a hindrance to future educational participation. In many cases they start working after junior high school or high school, and they choose their work from few choice. In addition to this, it was found that some students help family moonlighting in Nagata.⁶⁴

4.2.2 Employment

Discrimination around employment can be noted as another problem faced. Such discrimination may be decreasing, but it continues to exist. As previously mentioned, a lot of Vietnamese people are quite similar to Japanese in appearance. They may have the ability which is demanded at work, but could lose the chance of working only because they are not "Japanese". One female student that grew up in Japan and continued to study in University went through the same process of job hunting as other Japanese students, and finally she found a work. The only difference she had was that she used her alias on her resume and the procedure went on with her Japanese name. The company

later had asked every student to submit official paperwork, and on hers she had her name in Vietnamese. After the submission, the company denied her saying that they were not informed about the name.⁶⁵ This implies, until the moment the company find out that she is not Japanese, everything was going well because she was perceived as “Japanese”.⁶⁶ Such events have been occurring in Japan also for Zainichi Koreans and other non Japanese people who are difficult to tell the difference by the appearance. In order to secure themselves, many people use their alias to hide that they are not Japanese, as we have already seen in the sphere of education.

Another example of second generation upon employment is again about the name, not discrimination but prejudice. He came to Japan in his infancy, and all his life he grew up in Japan. He has graduated from a university and has been working in several companies for over 10 years. In recent years, he has got a job in one company in the position of sales. Different from the previous girl's case, he has used his real name all his life, and this company had no problem with his background. However the company president had asked him, “We have no problem, but can you accomplish work as sales with your name, in Katakana?” implying that the president was concerned how the customers would perceive it and react, and that might influence business. He said that he is first going to try with his real name first, and if it seems to be problematic for business, he has no problem using his Japanese name just for that purpose. He remained with his Vietnamese name, and gave a remark about it;

‘I mean, people can react in many ways, some people even thought my name was the company name because it's in katakana. So some of my customers stare at my name card for a while and ask me, and...your name is...? But I realised, anyways it is not the name. It's the matter of how much I understand Japanese forms in business, and how much I can understand them...what they expect, their common sense.... If we have similar sense and value, whether my name is Japanese or not doesn't matter.’⁶⁷

As he said, contrary to the president's concern, it turned out to be no problem when he worked. Because he grew up in Japan, the way he communicates with people, the values he share with other people made him more or less like any other “Japanese person” Even though his name on his card is not a Japanese name, he knows how things work and what is expected of him on different occasions, including in work. Therefore he was accepted by customers without any apparent problems. This is an interesting example, extracted from the cases and providing some convincing evidence that perceived ‘Japanese-ness’ is critical to making things go smoothly in Japan for second-generation refugees and other ‘non-Japanese’. The more you are ‘Japanese’, the less you encounter direct difficulties in the society.

4.2.3 Identity as an overlooked issue

The issue of identity⁶⁸ attracted my attention as I conducted my field research. Identity has no clear definition, but according to Fearon it can be explained in double sense; one in social sense and the other in personal sense. The former is an identity categorised by rules and membership in the society whereas the latter refers to distinguishing characteristic which individual takes a special pride in him/herself. It is bound up with the base of an individual's self-respect. (Fearon 1999:2)

To build and sustain self identity and self respect/esteem, the right to learn mother language and culture is inevitable (Son 2008:26) for ethnical minorities in Japan. The issue of identity has been claimed by Zainichi Koreans who share some same experience with Vietnamese refugee's second generations. "There is a tendency that many of Zainichi Koreans think they do not have their country, but perceive their community where they grew up as their home."(Fukuoka 1993:91) This has something in common with the interviewee who described himself as "I am too much soaked in Japan...I am from Vietnam but Vietnam is a foreign country.....I am 'new style'." He had a complex about being "not Japanese" and somehow always wanted to deny Vietnam until second year in University, when he had the opportunity to go back to Vietnam, for the first time since he came during his infancy. He became interested in learning Vietnamese, and one year later he went back to Vietnam as a translator volunteer⁶⁹. This experience in Vietnam made him wonder, why he was ashamed of being Vietnamese. By accepting the reality as it is; to be not categorised in existing categories in the society but "that's me", his complex resolved, and is active in many activities in his everyday life in Japanese society. His experience is one example which proves Son's argument that learning mother language and culture is inevitable for building and sustaining self identity and self esteem.

However this is not everybody's case as previous cases elaborated the hardships of participating in activities in life, and possible exclusion from the society. Fukuoka argues that people can not just sit and do nothing about it if there is a demand of constructing a society where people of different ethnic background accept each other's difference and live (Fukuoka 1993:75) in a more integrated society. Japan is a rather homogeneous society, and also a society that tend to try distinguishing Japanese and non-Japanese. Though ethnically different, many things are shared with other Japanese around them, such as the way they think, feel, value, and style of living. From this perspective, they are assimilated in Japanese way and society. On the other hand, it is essential truth that their parents came from Vietnam so they have some difference from other Japanese majority. With these two facts, it was found many of second generations are facing inner conflict which is not always visible.

It has been and it might still be seen as a personal issue, however in recent years scholars has been pointing out this issue of identity (Kawakami, Hosoya et al), alongside the fact that ethnic minorities in Japan has been claiming.⁷⁰ At

national level, it seems like acknowledgment to this is still low yet in 2006, Ministry of Internal Affairs and Communication has drawn up a report on “*Tabunka Kyosei* -multicultural co-living”⁷¹. In this report they touch upon the issue of identity of children with foreign roots and mention that the needs which the government faces are becoming more diverse and complex. In order to facilitate multicultural co-living, they insist that institutional reform is indispensable in Japan. It seems like there needs to be clearer explanation on how (national) identity is related to people, how identity constructs the core of each person.

4.3 Responses to refugees of Japanese communities

This section of the chapter will look at Japanese communities’ responses. It will explore examples of progressive integration in the educational sphere which resulted in tackling the problem of exclusion of Vietnamese refugees children (Appendix3). Analysis up to this point has extracted main factors as key to refugees’ integration, including for the second generation, and these are: (i) communication (language and knowledge of Japanese systems), (ii) increased attention to the issues of identities and spaces for self-expression for minorities, and (iii) attitudes that foster mutual learning possibilities.

To avoid Vietnamese children lagging behind in learning, some elementary schools decided to hold tutorial classes after school.⁷² To catch up and follow schoolwork, it was clear that Vietnamese children needed such assistance. Often, even though children acquire daily conversational Japanese language, they are not always able to write and read or use and understand more academic language, and this is often a hurdle. Parents are also not able to teach or explain to their children when they face difficulties with grammar or vocabulary. This outside-class activity contributed to an increase in the children’s depth of understanding, so that they were more able to participate in class during the day. In terms of enrolment in school, sending reminders of school activities to parents was an issue. By translating the reminders into Vietnamese, parents were better informed about school activities and were able to prepare their children to take part more fully in such activities.

The tutorial class also functioned as a space where the children themselves could express themselves more freely than in school or at home. According to a Japanese teacher who taught at an elementary school in Yao from 1990 to 2000, the “children see how their parents struggle and how hard they work, so at home, in many cases they seemed to have been not able to pour out their inner struggles.” Having friends of same background in the tutorial class, and the fact that there were no other Japanese students, students were more relaxed to release whatever they had within themselves. Similarly, Saturday school in Nagata has such role. With the help of volunteer teachers from the community around, not only had it functioned to advance academic performance of Vietnamese children, but also functioned as a comfortable space to raise their voice and develop more positive self esteem. The teachers give posi-

tive response to everyone in every small thing. When it is necessary, they scold children, however it was seen that with positive comments which encourage every small efforts they make, they develop self esteem which function as a fundamental element for people to participate in Japanese society.

Mutual learning is one of the significant reasons why integration is advanced in Yao and Nagata. As we have seen in previous section, bullying take place at school. Many words in quarrels affect them, as well. At one elementary school students got into a fight. As raised previously, Japanese student said “(name in Vietnamese), Go back to your country!” Instead of scolding the Japanese students, the teacher took up the theme why the boy is here in classroom discussions, to try to understand his back ground, to share information, which majority don’t usually know. Such measures to facilitate mutual understanding were taken and mutual learning was emphasised. As a result, both areas are quite progressed in terms of integration. With active participation of minority in society (such as being able to fight with class mates, taking a role at school, raising voice to community organizations, etc), majority become aware of issues and share them. In this way, exclusion from the society is prevented better⁷³. We have previously found out that language fluency nor an ‘insider’ understanding of Japanese culture which often depend on the effort of non Japanese do not automatically make participation in Japanese society smooth for “non-Japanese”. It is never too much to say integration depends on the majority of the society if there are further barriers that can not be overcome by efforts of non-Japanese.

Chapter 5

Conclusion

There are mechanisms of discriminations against ‘non Japanese’ persons within Japanese communities which function as hindrances to acceptance of refugees as residents of Japan, resulting as exclusion. In the Japanese context, ‘acceptance’ of ‘non Japanese’ as residents seems to mean their full assimilation or to become like Japanese.

The main finding of the study is as follows. First of all, no matter what background people have, once people from other countries/ethnic enter Japan, people are categorised as foreigner and makes it clear in people’s mind that they are not Japanese, they are different from Japanese. It was found that notion of integration as well as notion of residents is not in the policy at national level. It is very ambiguous as how they are perceived in official text. For Japanese policy, as for many other Western countries, refugees have basically been viewed as a ‘burden’ of the international community, a burden they are sharing. As long as one perceives the other as a burden, there will be no equal relationship in the society. All of these work synergistically with the myth that “Japan is a homogeneous society” increasing the risk of exclusion of non Japanese.

Language is a crucial factor upon integration. Being unable to speak the language, there is a high risk of exclusion from the Japanese society. It is true that exclusion of refugees and other foreign people (including people of non Japanese root) exist, but communication and mutual understanding ease the barriers and makes it possible for the participation at multiple levels. In the sphere of education, not only the lingual ability of student themselves but also that of parents facilitated active participation. However lingual ability does not simply guarantee non-exclusion.

Seeing that the minorities have already been claiming the issue of identity as well as other issues, change of social mentality over non Japanese in Japan is a significant factor for integration along with institutional reform. Mentality or cognitive issue is very much related to the morale and human rights perception, as well as sense of empathy and shared-ness. It is something which can not be measured.

It is the same thing as people’s empathy or understanding toward experience of exclusion and experience in liminal space. It is easier to do it if people have some relation to each other, or even have opportunities to share same experience and take it as his/her own issue as well as a member of the same space just like the classroom discussion in Yao.

Though Japan is not a single ethnic nation, Japanese is the majority in Japan. Unconsciously, the society is demanding non-Japanese people to be like “Japanese” at different levels. And this notion is pressuring and affecting them both implicitly and explicitly. When they fail, or reject to be like “Japanese”, it is difficult for them to participate in Japanese society thus resulting in number of disadvantaged situation as the study looked at. However, it is inevitable that Japan is/will be accepting people that are not Japanese, such as coming resettlement refugees that are to live in Japan permanently. They will be a part of Japanese society and also be key members that will be shaping and supporting Japan in the future. As residents in the same society, their human rights also need to be respected. If Japan accepts people of various backgrounds and become more multicultural nation, not only institutional reform but also cognitive change is required, reflecting in the policy.

‘When you see the society with the view of minorities, impervious majority is informed of many issues, and development of society as a whole moves forward.’

(Yoshitomi.S⁷⁴ 2007:167)

Appendices

Appendix1

Transition of application and results for Recognition of Refugee Status in Japan(1982-2009)

Year	Number of applicants	Approval	Disapproval	Withdraw	Resident permission on humanitarian grounds
1982	530	64	40	59	-
1983	44	63	177	23	-
1984	62	31	114	18	-
1985	29	10	28	7	-
1986	54	3	5	5	-
1987	48	6	35	11	-
1988	47	12	62	7	-
1989	50	2	23	7	-
1990	32	2	31	4	-
1991	42	1	13	5	7
1992	68	3	40	2	2
1993	50	6	33	16	3
1994	73	1	41	9	9
1995	52	2	32	24	3
1996	147	1	43	6	3
1997	242	1	80	27	3
1998	133	16	293	41	42
1999	260	16	177	16	44
2000	216	22	138	25	36
2001	353	26	316	28	67
2002	250	14	211	39	40
2003	336	10	298	23	16
2004	426	15	294	41	9
2005	384	46	249	32	97
2006	954	34	389	48	53
2007	816	41	446	61	88
2008	1,599	57	791	87	360
2009	1,388	30	1703	123	501
Total	8,688	548	6102	794	1383

(created based on Immigration Bureau press release)

Appendix 2
Government's plan of measure upon accepting Karen Refugees

Before entry to Japan	①3 to 4 weeks of Cultural Orientation in the camp ②Medical Check ③Assistance for transportation cost
After entry to the Settlement promotion center	①Medical Check ②1 week orientation on daily life, security. Assistance on food, clothing, daily living ③Comprehensive assistance measures (Resettlement Program) i .Japanese lessons ii .Social life adaptation guidance iii . Job search services and counseling iv . Vocational training v . Schooling assistance for children/students vi .Financial assistance (living expenditure, commuting expense from accommodation to the center, medical expense, etc) vii .Financial assistance for job placement viii .Financial assistance to employers ix .Financial assistance for getting housing right after the leaving of the center
After leaving the center (assistance which will be provided with particular focus)	①Work place adjustment training ②Periodical guidance and advise by the Japanese language counselors ③Periodical guidance and advice by the daily life counselors

(Created based on Refugee Measure Liaison and Coordination Committee (2008) or *Daisannkoku ni yoru nanmin no ukeire ni kansuru pilotto no jisshi no gutaiteki sochi nit suite*)

Appendix 3
Responses by actors in communities of Yao and Nagata

Actor	Activities	Initial Aim	Function
An elementary school in Yao	Tutorial class after school.	To teach academic Japanese. Support of daily learning, homework	Advancement of comprehension toward academic language. Space to raise voice. Comfortable space.
	Class room discussion	To teach academic Japanese. Support of daily learning, homework	Sharing issues. Facilitate Mutual understanding.
	Teacher's home visits	To teach academic Japanese. Support of daily learning, homework	Information sharing with school and households. Advisor
Saturday school in Nagata	Tutorial classes. (it was established upon request of Vietnamese parents.) Recreation	To teach academic Japanese. Support of daily learning, homework	Advancement of academic performance. Comfortable space. Development of self esteem. Understanding toward Vietnamese-family situations by the community.
Zainichi Korean Youth Group in Yao	Vietnamese class. Development of Vietnamese textbooks.	To teach academic Japanese. Support of daily learning, homework	Space to raise voice. Opportunity to know culture of roots.
Church in Nagata	Practice. Information sharing. Recreation	To teach academic Japanese. Support of daily learning, homework	Information sharing. Problem sharing. Comfortable space. Space to raise voice. Making social connections.

(Created based on hearings in field research)

Appendix4
List of Interviewees

Second Generation of Vietnamese Refugees

Male: age 33

Male: age 17

Female: age 12

NGO/CSO Workers

Female: age 60+, Japanese

Female: age mid-20s, Japanese

Male: age mid-40s, Zainichi Korean

Female: age mid-20s, Zainichi Korean

Vietnamese Teacher at Vietnamese language class

Female: age mid-40s

Japanese teacher at Japanese public elementary school

Female: age 40-60

Volunteer teachers at Saturday school

Female: age mid-50s

Female: age mid-50s

Male: age mid-50s

Male: age mid-60s

Appendix 5
Refugees' Rights Article 12-30 of 1951 Refugee Convention

Chapter 2: Juridical Status

- Article 12. Personal Status
- Article 13. Movable And Immovable Property
- Article 14. Artistic Rights And Industrial Property
- Article 15. Right Of Association
- Article 16. Access To Courts

Chapter 3: Gainful Employment

- Article 17. Wage-Earning Employment
- Article 18. Self-Employment
- Article 19. Liberal Professions

Chapter 4: Welfare

- Article 20. Rationing
- Article 21. Housing
- Article 22. Public Education
- Article 23. Public Relief
- Article 24. Labour Legislation And Social Security

Chapter 5: Administrative Measures

- Article 25. Administrative Assistance
- Article 26. Freedom Of Movement
- Article 27. Identity Papers
- Article 28. Travel Documents
- Article 29. Fiscal Charges
- Article 30. Transfer Of Assets

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T, Suzuki. E et al (eds) "*Tabunnka pawa- shakai, tabunka kyosei wo koete*" Akashi Syoten

Notes

¹ In this study, Japanese refers to people who hold Japanese nationality and have ethnic roots only in Japan. Anyone that does not apply this definition is considered as “non-Japanese” in this study.

² Zainichi Korean refers to the Korean descendants during and after the Second World War. Nikkei jin refers to the descendants of Japanese emigrants to the South Americas.

³ Interaction was restricted to entry to specific port to few countries such as the Netherlands and China.

⁴ When it is described as Indochinese refugees, it refers to refugees from Vietnam, Cambodia and Lao.

⁵ Applicants for a refugee status in Japan receive a are in Japanese society with provisional permit of stay usually with NGO/CSO assistance.

⁶ Substantially the definition of refugees suits IDPs however due to the fact that they do not cross the border and remain in the country of origin, they are not treated as refugees under the 1951 convention. In most of the cases they are not able to receive the protection and emergency assistance from international human rights regime.

⁸ It was initially established in 1969 in order to assist orphans and mothers and children during Vietnamese war in Vietnam.

⁹ It was set up as one unit in the Foundation for the Welfare and Education of the Asian People to specialize on Indochinese refugees assistance in Japan.

¹⁰ It is one of the major human rights issue in Japan since old times. Ethnically they are no different from ‘Japanese’ and people have been fighting against discrimination however there are still strongly rooted discrimination against Buraku people in many parts of Japan.

¹¹ Yoshitomi (2007)

¹³ Yao has been dealing with a lot of human rights issues since Zainichi Koreans have long lived there. In addition to this, there are communities of Buraku. The response of local administration such as school and community as well as consideration is quite keen and advanced. Manufacutual factories and Employment Promotion Apartment (sponsored by Employment Development Association) gathered Vietnamese refugees in the area.

¹⁴ The major industry of Chemical Shoes factories collected high population of Vietnamese refugees here. Nagata also holds relatively high population of socially vulnerable therefore it is said that local administration was used to respond kindly and considerably to foreign residents.(Toda 1998:151) Nagata was also badly damaged by the 1995 Great Hanshin Awaji Earthquake(One of the biggest earth quakes which occurred 1995/01/17 in the west part of Japan. Since most of houses are wooden house in Japan, and especially there was a high concentration of old wooden houses in Nagata therefore houses were completely burned down in this area) and both Japanese and foreign residents shared a same experience and its effort toward co-living and progress are distinctive.

¹⁵ Because such an equal situation went against the ideas of; liberty, equality, and fraternity that was the core ideology in France since the French revolution.

¹⁶ A fixed term advisory body started in UK in 2006.

¹⁷ For example, Germany has established an integration program which is compulsory for new immigrants with no ability of German. This implies that the German government perceives language as one of the important elements upon in living in Germany in gaining access to the basic services and information as other people in the community. Therefore the degree which migrants are marginalized and excluded would be lower than when it is not compulsory.

¹⁸ One form of decision making of the Cabinet which is understood as governments paper. Cabinet Understanding is taken originally on issues that are to be determined due to the jurisdiction of a certain minister. However depending on the importance of issues, it is seen necessary to attain inclination of Minister of State.

²⁰ This includes those who are spouse, parent, child of Japanese or of foreign people living in Japan, those who has experiences of working in Japanese corporations more than 1 year, those who have experience of studying in Japan more than 1 year. Yet having stable living condition was precondition to this.

²¹ Based on Memorandum of Understanding between UNHCR and Government of Vietnam, people are granted order departure only for humanitarian reasons such as family reintegration.

²² About 10 people were considered for resettlement to Japan under these criteria. One family out of these people applied and received permission of resettlement however consequently resettled to the third country.

²³ This includes Chinese people (Tanaka 1994:165) who had physical feature similar to some groups of Vietnamese refugees. In addition to this it should be noted that many Vietnamese people who became 'boat people' were from North Vietnam. Those coming from the South (previous regime) were readily accepted as refugees, but those coming from the North were not.

²⁴ However it is never possible to say that Indochinese refugee's problem is also solved, as they and Japanese community continue to face various kinds of problems living, being a part of the community.

²⁵ In cases of; they apply to certain reason of deportation; they applied the recognition procedure after more than 6 months since their landing in Japan; if they arrived Japan via other countries (based on the first asylum principle).

²⁶ MOJ has announced in October 2010 that they will try to carry on the procedure on average of 6 months. Available at
http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00029.html

²⁷ UN sponsored symposium "Resettlement in Japan: Bringing refugees to better protection and integration" 25/08/2010 Tokyo at UNU

²⁸ Camp population figure, <http://www.tbbc.org/camps/populations.htm>

²⁹ The largest refugee camp on the border of Thai/Myanmar border.

³⁰ Cabinet Understanding, *Daisangoku teijyu ni yoru nannminn no ukeire ni kansuru pairootto ke-su no jisshi ni tuite*, 16/12/2008, presentation of MOJ officer at the symposium of 25/08/2010

³¹ One of the officials mentioned that there is age limitation. However he could not remember the exact age.

³² Cabinet Understanding (2008) “*Daisangokuteijyu ni yoru nanmin no ukeire ni kansuru pilot case no jisshi ni tsuite*” (cabinet agreed policy on accepting the third country resettlement refugees) ,

Refugee measure liaison and coordination committee (2008) “*Daisannkoku ni yoru nanmin no ukeire ni kansuru pilot case no jisshi no gutaiteki sochi nit suite*”

³³ Foundation of integration should never be left behind however in reality it seems to be a discussion beyond Japan’s capacity.

³⁴ From the remark in the symposium 25/08/2010in Tokyo

³⁶ It was announced by the immigration bureau that the period of procedure will be 6 months on average by March 2011. (press release 16/07/2010)

³⁷ From the conversation with a refugee in Osaka 01/08/2010

³⁸ According to SMJ, for example, there was an asylum seeker who claimed that he left his country because his house was shot by a opposing political group, and one refugee examination counsellor reviewed his claim. His conclusion was that the “attack to the asylum seeker’s house did not constitute a direct threat to his life.”(SMJ 2010:30)

³⁹ Several mis-translations were found in checking them with one refugee.

⁴⁰ An UN report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in 2006 covers major ones that exist. (Doudou 2006)

⁴¹ The first generation here refers to the refugees who had come to Japan as grown up as well as youths that were at the stage of higher education. Refugees who were born in Vietnam and came in their childhood are understood as second generation in this study as well as those born in Japan.

⁴² The issue of communication difficulty between parents and children is pointed out by several studies. (Kawakami 2008, Kurata, Nishino 2001, Yoshitomi, 2007)

⁴³ For example, Chemical Shoes Industrial Association in Nagata.

⁴⁴ During the period of high economic growth in Japan in the 80s, there was a huge demand of labor (rather unskilled labor) in Japan. Japan was hesitant to open door for foreign migrants, therefore residence permit different from others was given to Nikkei jin and in this way Japan acquired labor force. However due to the economical recession these years, they are left to bear the burden through unemployment. No effective measures are taken to deal with this. Nikkei jin issue has been one of the social issues in Japan for a long time.

⁴⁵ One person mentioned that many people including himself had decided to come to work with the feeling of contribution to the country of their roots. (From hearing on 01/08/2010 in Osaka)

⁴⁶ Article 2 of Social Relief Act is based on non discriminative principle however this applied only to “Japanese nationals” and so called “foreign people” is off the intended recipients. However foreign resident who have certain residence permits are able to receive this.

⁴⁷ Shimono compared the immigration policy of Australia, New Zealand, and Canada.

⁴⁸ In fact, there were several refugees that left Japan in order to resettle in other countries such as the US and Australia.

⁴⁹ From the interview on 17/07/2010 in Yao

⁵⁰ From the interview on 26/06/2010 in Nagata

⁵¹ From the interview on 26/06/2010 in Nagata

⁵² In Japan, three types of writing form is used for writing; Kanji, Hiragana, and Katakana.

⁵³ This is not particular one for children of Indochinese refugees but an issue which any of non-Japanese name holders might face in Japan.

⁵⁴ From the telephone interview on 01/09/2010 at Ritsumeikan University

⁵⁵ From the telephone interview on 01/09/2010 at Ritsumeikan University

⁵⁶ From the telephone interview on 01/09/2010 at Ritsumeikan University

⁵⁷ During my field research I had a chance to join a community summer festival in Nagata which took place on August 7th. There were children of Japanese and Vietnamese as well as other countries. However I was not able to tell who Japanese were, nor who Vietnamese were.

⁵⁸ The total population of Japan is 127,486,000. Among this, Japanese population is 125,802,000,(2010 February, Final estimates, Statistic Bureau, Ministry of Internal Affairs and Communications) which implies that foreign nationals consist 1 or 2 % in Japan.

⁵⁹ This tendency can be seen in many dimension of Japanese culture such as proverb.

⁶⁰ The degree of their Vietnamese ability depends on individual family beliefs.

⁶¹ It was established in the community by the volunteers in order to assist Vietnamese refugees' children. They have been looking after their study as Japanese schools. Soon after the earthquake it was requested by the parents to start it. This also helped Japanese people by creating some fixed moment to forget about the earthquake and anxiety, and give some hope to live.(interview on 04/09/2010 in Nagata)

⁶² There are discussions over BICS (Basic Interpersonal Communicative Skills), CALP (Cognitive/Academic Language Proficiency) (Cummins&Swain 1986), and The Interdependence Hypothesis (Cummins1984, 1991 et al) explaining the relationship of first language and second languages. It is out of the scope of this paper however it is a very relevant subject in order to explore the issue of their language proficiency.

⁶³ An example is the issue of personal seal. Personal seal occupies an important part in Japanese culture used as certificate or proof in contracts. There was one case where one student (17) had to make his personal seal in order to submit official paper work. It is common that the last name is carved and first name is not acceptable in many cases. He had asked for suggestion to his father however because he has little understanding of Japanese society and significance of personal seal, he left the decision to the student. The student was about to make one with his first name however community worker had realized about it and was able to make suggestion.

⁶⁴ From several hearings from teachers in Saturday schools and CSO workers in Nagata.

⁶⁵ From the interview 26/06/2010 in Nagata

⁶⁶ With the support from her community, finally she was able to work at this company,

⁶⁷ From the interview on 26/06/2010 in Nagata

⁶⁸ Though relevant, a deeper discussion on identity is beyond the scope of this paper therefore it will not be discussed any further

⁶⁹ From interview 26/06/2010 in Nagata

⁷⁰ It has been written by many Zainichi Koreans.

⁷¹ Multicultural co living refers to people of different background such as nationality and ethnic living together by accepting cultural differences and attempting to build equal relationship as members of shared society.(Ministry of Internal Affairs and Communication 2006)

⁷² Both in Yao and Nagata.

⁷³ Never the less, the progressiveness of integration of resettlement refugees in those two places is large part the background of communities. Yao: “minorities of Japan have been fighting and taking action to change the discriminative tendency of society. The efforts of forerunners had raised awareness of human rights and inevitably brought progress to response and teaching in education. Nagata: In addition to high population of foreign residents, the shared experience of earth quake had shortened people’s distance, developing the perception of non Japanese as “residents of communities”. The earth quake had destroyed everything, and people stood at the same line upon re establishing life. Sense of helping each other, supporting each other regardless of nationality was emphasized.

⁷⁴ One of the core members of the community groups of the integration activities in Nagata.