

International Migration, Citizenship, Identities and Cultures:

Focus on the Japanese-Filipino Children (JFCs) in the Philippines

(Paper presented by Carmelita Nuqui at the Conference titled “International Migration, Multi-local Livelihoods and Human Security” in the Hague in August 2007)

The growing status of Japan as a major global and regional economic player during the 1980's attracted thousands of foreigners to come to Japan. The rising value of the yen and the labour shortages experienced by Japan during this period were enough incentives for foreigners to try their luck in Japan. And Filipinos were among those who flocked to Japan during this period to find work.

Japan is one of the top ten destination countries of overseas Filipino workers (OFWs)¹. Initially, OFW destinations were mostly countries in the Middle East. By the 1980s, the number of Filipinos going to Japan has increased, with a notable number of Filipino women going to Japan to work as ‘entertainers’. Since then, there has been an increasing trend in the deployment of OFWs to Japan. From 20,183 in 1996, this figure increased to 38,930 in 1998, to 63,041 in 2000, to 77,870 in 2002 and 74,480 in 2004². Majority of those deployed to Japan are entertainers or as the Philippine government calls them ‘overseas performing artists’ (OPAs)³. In fact, since the 1990s up to the present, the deployment of OPAs abroad has always been tilted towards Japan (see Table 1). OPAs in Japan are also called ‘Japayuki’⁴ (Japan-bound). Of the OPAs, deployed to Japan, more than 95% are women.

Among women OPAs, majority are singers and dancers. But while they signed their contracts as legitimate entertainers, upon reaching Japan they seldom or not at all get the chance to sing or dance. Rather, these women work as “hostesses” in various nightclubs and entertainment spots in Japan. They sit down with customers, talk to them

¹ Japan was included in the top ten destinations of OFWs until 2005. In 2006, the POEA recorded only 7,108 new hires deployed to Japan. However, Japan remains in the top ten sources of remittances.

² Based on reports of the Philippine Overseas Employment Administration. The figures indicate both new hires and rehires.

³ Overseas Performing Artists or OPAs as classified by the Philippine government are those who are composers, musicians, singers, choreographers, dancers, magicians, circus performers, and performing artists.

⁴ The term *Japayuki* was coined by filmmaker Yamatani Tetsuo. Literally, it means Japan-bound but it has become a derogatory term for Filipino women entertainers, as the *Japayuki* has been identified with prostitutes.

and pour their drinks. Many Filipino women who went to Japan to work as OPAs were trafficked, whether they were aware of it or not⁵.

Immediately upon arrival in Japan, the passports of OPAs are confiscated by their employers. The employers say they do this to ensure that the women do not escape. After arrival at the airport, the women are immediately brought to clubs so they can start work. Salaries are withheld and not given until after an OPA finishes her contract, which is usually for three or six months. Meanwhile, before the contract ends, the OPA has no money to meet her financial needs, which include sending money to their families back home. They are thus forced to find means to earn extra money. One way is to go out on 'dohan' or afternoon dates. Many clubs actually require their entertainers to go out on 'dohan' as this would mean extra and sure income for the club. After the 'dohan', Japanese men would have to bring back the women to the club and thus they are assured of customers.

Rather than change dates or have several customers, some women would rather have regular customers. Often, these regular customers become the boyfriends of these women. Relationships are formed and some have led to marriage.

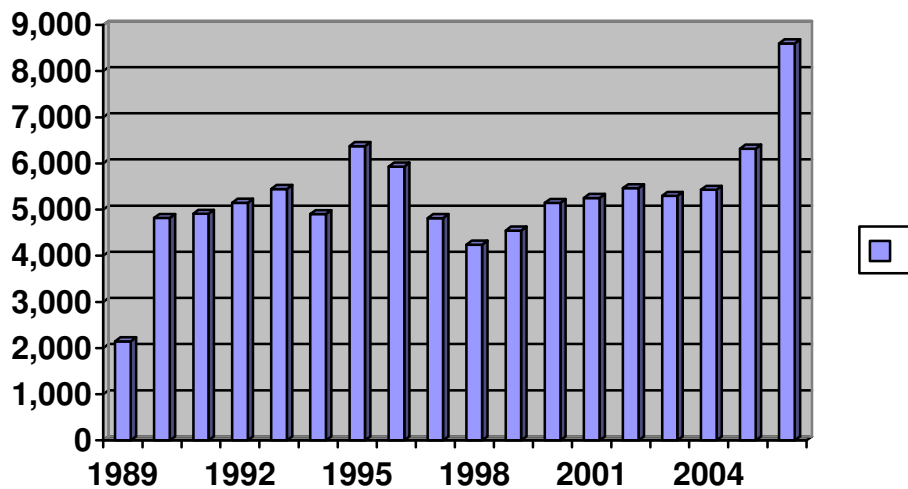
Aside from the entry of 'entertainers' in Japan, the 1980s was also witness to the entry of Filipino 'hanayome' (brides) into rural Japan. Women from poor Asian countries such as the Philippines, China and Korea, were brought to rural areas in Japan because of 'bride famine.' Local Japanese women were moving to urban areas for employment thus affecting the ratio of marriageable females and males. But unlike mail-order brides who were mostly brought to other countries for sexual purposes, the 'hanayome' were brought to rural areas in Japan reproduce for depopulated communities. Rural residents and local administrators in their efforts to populate their communities promoted 'international marriages'.

⁵ Trafficking as defined in the UN Protocol is the "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

Thus by the mid-1980s, Japan has witnessed a significant increase in international marriages, mostly between Japanese men and foreign women. A survey in Japan in 1995 revealed that there were 20,787 international marriages in that year. One third of these international marriages or 7,188 couples were between Filipino women and Japanese men⁶. In 2003, Filipino women married to Japanese men were recorded at 7,794 brides or 28% of foreign women married to Japanese men, second only to the Chinese⁷. However, statistics also show that divorce rate among married Japanese and Filipinos is almost fifty percent.

Data from the Commission on Filipinos Overseas (CFO) show that there were 94,792 marriages between Filipino and Japanese nationals from 1989 to 2006. In 2006 alone, there were 8,601 recorded marriages⁸ up from the 6,322 recorded in 2005. These are only those that were recorded at the CFO and do not include unreported marriages or unions.

Figure 1. Filipino Spouses and Japanese Partners, 1989-2006



Source: Commission on Filipinos Overseas

The massive Filipino migration to Japan has produced an abrupt increase in the number of Japanese-Filipino families. Many Japanese-Filipino couples are now living

⁶ Otani, Mikiko 'The Child Custody Cases Between Filipino Mothers and Japanese Fathers in Japanese Courts', *World Bulletin*, Jan-Jun 2001, pp. 46-55

⁷ *Japan Almanac*, 2006

⁸ Partial data, as of March 2007

together in Japan as whole families. There are also many Filipino women who have divorced from their Japanese husbands but are still staying in Japan together with their children with the Japanese husband. The number continues to grow as the Japanese Embassy in Manila says about 5,000 Japanese spouse visas are issued yearly to Japan bound Filipinas.

Migration, through the years, has changed the outlook of Filipinos on the family. It is now common to see families living apart from each other because one or both parents are forced to work abroad to take care of the needs of their families. As a result, other relatives take care of rearing the children left behind. Migration has likewise altered the composition of the Filipino family. It has become more international due to international marriages or relationships formed. For instance, the rise in bi-cultural marriages between Japanese men and Filipino women coincided with the migration of Filipino female entertainers to Japan. And these marriages or relationships resulted in the birth of Japanese-Filipino children (JFC).

JAPANESE-FILIPINO CHILDREN (JFCs) IN THE PHILIPPINES

The Japanese term *Nikkeijin* refers to people of Japanese descent living outside Japan. This classification also includes those who have returned or emigrated to Japan. It is estimated that there are over 2.5 to 3 million *Nikkei* scattered across the world, mainly in Brazil and the United States⁹.

In the Philippines, there are two types of *Nikkei Nisei* or second generation Japanese: the pre-war Japanese immigrants and the children of Japanese-Filipino couples who married after the war, mostly after the 1980s as a result of the influx of Filipino ‘entertainers’ in Japan. For the purpose of this presentation, the latter type would henceforth be referred to as Japanese-Filipino children or JFCs to distinguish them from the pre-war generation of Japanese immigrants.

There is a dearth of knowledge about JFCs in the Philippines. We do not have much data as to how many they are, where they are located, what their situations are, how many need assistance, what type of assistance they need, etc. Most of the information on JFCs come from the handful of non-governmental organizations. The Development

⁹ en.wikipedia.org

Action for Women Network (DAWN), an non-governmental organization based in the Philippines, estimates that there are some 100,000 to 200,000 Japanese-Filipino children born out of the marriages or relationships of Filipino women migrants to Japan and Japanese men¹⁰.

DAWN was established in 1996 and has been working on the issue of Filipino women migrants in Japan and their Japanese-Filipino children. It provides a holistic range of programs and services for its clients that include counseling, therapeutic workshops, educational and health assistance, skills training, credit facilitation, alternative livelihood training. It also has a research and advocacy program that reaches out to people to inform and educate them on various issues confronting women.

For the past eleven years, DAWN has dealt with 318 cases of Filipino women and 416 JFCs. These are mostly women who worked in Japan as entertainers and are now back in the Philippines. Majority of them have children with their Japanese spouses or partners. Most of them approached DAWN to request assistance for the recognition and support of their children with their Japanese partners. They claim that they have been abandoned by their Japanese partners or have lost contact with them.

Aside from assisting women through various psycho-social interventions and skills training, DAWN likewise provides assistance to the JFCs in terms of counseling, educational and health assistance, and workshops. Since 1997, DAWN has conducted theater workshops for the JFCs that culminate in the production of a musical play. The musical play is about their own stories and this is presented before audiences in the Philippines and in Japan. Through DAWN's interventions, several of its JFC members were able to meet their fathers. Armed with enough proof and evidence, DAWN and its Japanese volunteers and networks try to contact the Japanese fathers and inform them of the existence of their child or of the child's desire to meet with them. In some instances, the Japanese fathers have agreed to meet with their children. In some instances, Japanese men have refused to acknowledge paternity. In the past, DAWN has even filed a case in court to make the Japanese man acknowledge paternity of a young girl with a Filipino mother.

¹⁰ The estimate is based on the recorded number of Japanese-Filipino marriages and estimates provided by Japan-based organizations.

In December 2006, an organization called the Center for Japanese-Filipino Children's Assistance (CJFCA) was launched to look into the situation and needs of JFCs in the Philippines. They conducted an initial survey to obtain a socio-demographic profile of the mothers and the JFCs, including their socio-economic status. This survey was done in preparation for a national registration of JFCs, which they hope to launch by August this year. The survey was conducted from 22 February to 10 March 2007. One hundred Filipino women with Japanese-Filipino children and fifty six JFCs, aged eight years old and above, from Metro Manila and the nearby provinces were interviewed.

Study findings obtained from interviews with the mothers indicate that:

- Among the mothers, most of them met the Japanese father of their child/ren in the clubs in different prefectures in Japan where they were working
- Less than half of the women were married to the Japanese father of their children. Others lived-in with the Japanese man and some merely went out on dates with the Japanese father of their children.
- Among those who married, most of them got married in the Philippines and close to a third of them submitted a marriage report to koseki of Japan.
- Most of the JFCs were born in the Philippines and most of their births were registered in the same birthplace.
- 8 out of 10 women indicated that they received financial support from the Japanese father of their children, but as of the survey, almost all have lost contact with the Japanese man and no longer receive financial support.
- Majority of the women at the time of the interview (56%) were unemployed. Others reported doing part-time work (17%), were self-employed (13%) and 13% had regular employment.
- The number of mothers with legal rights (i.e., married to Japanese fathers of children) is limited to only forty six
- A significant proportion of those married cannot even recall when their marriage certificate was issued
- Over one-third of the married women either did not submit, don't know or did not report to interviewers whether or not Marriage Report was submitted to KOSEKI.

- Only almost 7 out of 10 mothers indicated that the Japanese father gave his name to their children.
- Only a little over three-fourth of the Japanese father recognized their JFC.
- Among the women who received financial support from Japanese father of children, majority received monthly support which cannot be considered adequate to meet basic needs of children.
- Only 1 out of the 82 women who received financial support is receiving up to now.
- Majority of the school-age children are enrolled in public schools due to inadequate financial support from the Japanese father.
- Among the children not currently studying, the main reason is financial problem.
- A little over one-tenth (12 %) of women get financial support from Japanese father of children for the schooling of their children.
- Very few (10 %) of women regularly communicate with Japanese father of children.
- About a fifth (21 %) of Japanese fathers communicate with their children, mostly by phone.
- About a fifth (22 %) of Japanese fathers last talked to their children in 2006 and 2007.
- Close to one-third (32 %) of Japanese fathers never visited their children.
- Less than half (41 %) of women are currently working, but with meager salaries/wages, not sufficient to provide for the basic needs of their children.
- The quality of life of women is much better five years ago than today.

Study findings obtained from JFCs indicate that

- 3 out of 5 children have met their Japanese fathers.
- Close to half of those who met their fathers did so in the 2000's.
- Over one-third (37 %) children never met their Japanese fathers.
- Forty three of the fifty six children respondents were studying at the time of the interview. Seven out of ten (72%) are studying in public schools.
- Majority (55%) of the children have ever communicated with their fathers but only a few (11%) regularly communicate with their fathers.

- About a third (33 %) last talked to their father in 2006 and 2007.
- Just a tenth (11%) of the fifty six JFCs have ever lived in Japan
- Two JFCs could not state their fathers' name.
- Over one-third (37%) of JFCs could not state the job of their fathers.
- Half of the children know that they get financial support from their fathers.
- The amount of financial support received is inadequate.
- Only 7 % of JFCs are receiving financial support up to now.
- 41% of the JFCs interviewed experienced being teased or bullied by friends and classmates for being a JFC.

Based on the findings of the initial survey, the following conclusions were reached:

- Most of the women interviewed are barely surviving, getting very little financial support from Japanese father of children, hence are getting help mostly from their family , e.g. sister, mother).
- Financial support from Japanese father of children is inadequate and even comes irregularly
- The rearing of the children is mostly in the hands of the mother, with very little or no help from the father.
- Communication between Japanese fathers and women and Japanese fathers and children is very limited, hence a bonding between father and children is not established and fostered.
- The women seem not to be concerned nor bothered by the irregular and limited communication between father and children.
- The significant proportion of fathers who never visited their children and the proportion of children who never met their fathers is alarming.
- The quality of life of the women and children was assessed much better five years ago than today. On a 10-point scale, the mean number of steps increase was only 2.9 compared to the mean number of steps decrease of 4.09.
- Some of the children interviewed know so little about their fathers (e.g., name, job).

- Most of the children are aware of the inadequate and irregular financial support they get from their fathers.

The results of the initial survey done by CJFCA are similar to the findings of DAWN. These findings are significant because they provide us with a broader ideas as to the profile of the women with JFCs and the JFCs. These findings would help in further understanding the situation and needs of JFCs in the Philippines and in crafting the needed programs and services for them. However, it would be better if similar surveys would be conducted in other parts of the Philippines to further corroborate the findings.

THE ISSUE OF CITIZENSHIP AND NATIONALITY¹¹

In the Philippines, the issue of citizenship is clear in the 1987 Constitution. According to Article IV, the following are citizens of the Philippines:

1. Those who are citizens of the Philippines at the time of the adoption of this Constitution;
2. Those whose fathers or mothers are citizens of the Philippines;
3. Those born before 17 January 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
4. Those who are naturalized in accordance with law.

In 2003, the Philippines also enacted the Dual Citizenship Act (Republic Act 9225), in which former natural-born Filipinos who later became naturalized citizens of other countries are deemed not to have lost their Philippine citizenship.

In the case of the JFCs, they are citizens of the Philippines by virtue of one of their parents being a citizen of the Philippines, unless they were registered in the 'koseki' (family registration) of Japan as a Japanese citizen. For those who were registered as Japanese citizens, it is also possible for them to become dual citizens, although the Japanese nationality law does not allow for dual citizenship and dual allegiance.

¹¹ As used in this paper, the term citizen would refer to the rule of *jus soli*. According to this ancient doctrine—the term means “right of land or ground”—citizenship results from birth within a territory. This contrasts with *jus sanguinis*, or right of blood, by which nationality derives from descent. "Nationality" and "citizenship" are not interchangeable. "Nationality" is the quality of "owing permanent allegiance to a state." Thus it has always been clear that not all nationals are citizens.

Most JFCs in the Philippines are aware that they have Japanese fathers. Some of them were born in Japan and some have experienced living in Japan. Many have met their fathers or have lived with them for some time. Among the JFC members of DAWN, some have been to Japan as part of DAWN's annual theater tour. JFCs have undeniable Japanese features, aside of course from having Japanese names. Among the JFC members of DAWN, the children take pride in being both Filipino and Japanese.

In the CJFCA survey conducted in 2007, some of the dreams and aspirations of the JFC respondents relate to their Japanese roots. Many expressed the desire to meet with their Japanese fathers, live with the Japanese father, or meet their other Japanese relatives.

Obtaining Japanese nationality is not much of an issue among many JFCs in the Philippines. Especially among the small children, the concept of a nationality is still vague. In a few focus group discussions with JFC members of DAWN, when asked whether they would want to be Filipino or Japanese citizens, many still chose to become Filipinos. Having lived most of their lives in the Philippines, they identify themselves more as Filipinos than as Japanese. Many though have expressed their wishes to go to Japan. Among the older JFC members of DAWN, some have expressed wishes of going to Japan to work after they graduate from college. A few said they would want to live in Japan because their fathers are there. Among the mothers of the JFCs, some have expressed hope that their children would be granted Japanese citizenship so that they can also be issued Japanese visa and stay in Japan to work.

The issue of acquiring Japanese nationality among JFCs has been more pronounced recently. In 2005, there was an article in the *Asahi Shimbun*¹² about the petition filed in court for the recognition of Japanese nationality of a seven-year old boy, born to a Filipino mother and a Japanese father.

Again, on 12 April 2005, Filipino mothers in behalf of their nine JFCs, filed a petition at the Tokyo District Court to change provisions of the law that grant Japanese nationality to children of mixed parents. They petitioned for "equal rights to children recognized by their Japanese father."

¹² 'Nationality Should Not Be Taken For Granted', in *Asahi Shimbun*, 16 April 2005

Although recognized by their Japanese fathers (*ninchi*), the petitioners claim that they are deprived of Japanese nationality because their parents are not legally married and recognition of the child by the father came after birth. This is because Article 2 of the Nationality Law requires that at least either parent should be a Japanese national at the time of the child's birth. Thus, without the Japanese father's acknowledgement before the child's birth, a child who was born from a non-Japanese mother is not eligible for Japanese nationality because either of its parents was not recognized as Japanese at the time of its birth. Regardless of the availability of blood evidences, in Japan, the intent of acknowledgement in the legal system (*koseki*) is a significant factor in deciding who the father is.

Under Japanese nationality law, nationality is given to children of mixed marriages and to illegitimate children only when the child was recognized by the Japanese father before birth (*taiji ninchi*). This does not apply to illegitimate children who were recognized after birth. In such a case, the marriage between parents is the only means to acquire Japanese nationality. On the other hand, under Article 2, Section 1 of the Nationality Law, a child borne by a Japanese mother and a foreign father is automatically given Japanese nationality even if the parents are not legally married.

The Tokyo District Court ruled in 2006 that the provision in the Nationality Law is unconstitutional and it granted Japanese nationality to nine children fathered by Japanese to Filipinas. This was a morale booster and a victory for the children and their mothers. It was a short-lived victory though. The Tokyo High Court overturned the district court ruling and appealed the case before the Supreme Court. The Tokyo High Court denied Japanese nationality to the nine children. According to the ruling, 'the court does not have the authority to grant the children citizenship...' While Japan is a signatory to the UN Convention on the Rights of the Child and Article 7 of that convention states that 'the child shall have the right to acquire a nationality', the court argued that the decision to grant nationality is an inherent right of the State.

It is also possible that among JFCs, there are many who were eligible for Japanese nationality at the time of their birth but have lost their Japanese nationality because their Japanese fathers did not submit the birth registration and the reservation registration. According to Article 17 of the Family Registration Law, if the child who has lost

Japanese nationality is under 20 years old and is holding address in Japan, the child can apply for re-acquisition of Japanese nationality. However, the legal requirements in such a case are quite severe.

Article 2 of the Convention on the Rights of the Child, to which both the Philippines and Japan are signatories, states that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status.” Specifically, the child has the right to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them. The child has the right to live with his or her parents unless this is deemed to be incompatible with the child’s interests. The child also has the right to maintain contact with both parents if separated from one or both. The State likewise has an obligation to protect and, if necessary, re-establish basic aspects of the child’s identity, and this includes name, nationality and family ties.

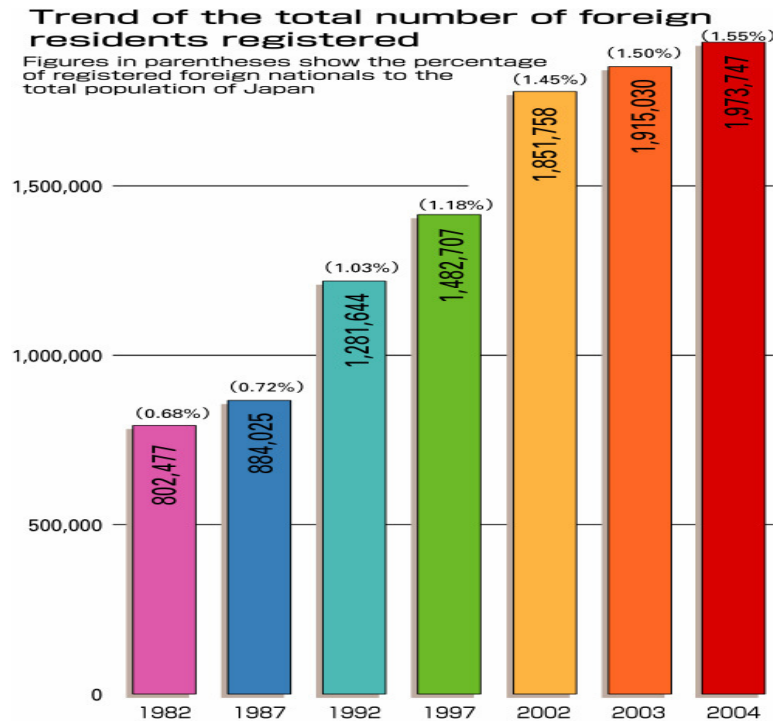
The national registration of JFCs in the Philippines that will be conducted by the CFCA and DAWN starting August this year will likewise determine who among the JFCs to register are likely candidates for the acquisition of Japanese nationality. For others, it will pave the way for them to meet their Japanese fathers and be acknowledged by them. This would be a long and arduous process though and would entail legal interventions.

JAPAN’S CHANGING SOCIETY

In this era of globalization, people keep on migrating not just internally but outside their own country’s borders in search of better opportunities. Even Japan, which has always been considered as a closed society, is grudgingly being forced to open its doors and accommodate foreigners. Its changing domestic needs, including its ageing population, low birth rate, and labour shortages are factors that contribute to the entry of foreigners in Japan. At the same time, people from other countries such as the Philippines are looking up to countries like Japan as a destination country for work, considering the lack of employment and livelihood opportunities in their own countries.

Since the 1980s, when Japan experienced a robust economy, the number of foreigners entering Japan increased. Despite the bursting of the ‘bubble economy’ of Japan in 1991, the number of foreigners entering, living and working in Japan increased. At present, the foreign population in Japan is about 1.97 million. This accounts for 1.5% of the Japanese population¹³. Koreans top the list, followed by the Chinese, the Brazilians and the Filipinos.

Figure 2. Trend of Total number of foreign residents registered



Source: Ministry of Justice, 2004

In 2004, Japan’s Immigration Bureau recorded about 6.76 million foreign nationals who entered Japan. In terms of employment, data compiled by the Japanese Health, Welfare and Labor Ministry show that about 760,000 foreigners were employed

¹³ Ministry of Justice. Available online at: www.moj.go.jp/ENGLISH/IB/ib-01.html. Accessed on 15 June 2007.

by Japanese companies in 2003. This number is up from 660,000 in 1998 and represents about 1.5% of the total working force.

Those who are in favor of admitting foreign labor argue that immigrants are important to ease the impact of Japan's aging population. By 2020, 25 percent of Japanese citizens will be over 65, making this country home to one of the world's fastest aging populations. The Justice Ministry estimates that the labor force will shrink 10 percent to 60 million by 2025, thereby slashing the country's gross domestic product (GDP) by 6 percent. This is because with a large percentage of the population being old, there would be pension benefits to pay and lower consumer spending.

While the need for foreign workers is undeniable, Japan is also trying to control the entry of too many foreign workers. With regards to the entry of foreign workers into Japan's domestic labor market, former Prime Minister Junichiro Koizumi stated in 2005, 'If [the foreign labor] exceeds a certain level, it is bound to cause a clash. It is necessary to consider measures to prevent it and then admit foreign workers as necessary. Just because there is a labor shortage does not mean we should readily allow [foreign workers] to come in.' Other people would rather support the further automation of industries rather than import more foreign workers.

Many Japanese are still wary of having too many foreigners within their midst. For some Japanese, foreigners not only dilute their culture but their presence also serve as a threat to public security as they are perceived as responsible for the increasing crime rates. Max Frisch's comment on the unintended consequence of the guest worker policy in Europe – 'we called for workers and got human beings' – holds true in Japan. And the human beings they brought in would like to be reunited with their families. Thus, many Filipino women married to Japanese and legally staying in Japan are bringing in their sisters or other relatives, who sometimes get married to Japanese or work in snack bars or factories. The country is experiencing the influx of hundreds of thousands of foreigners who have stayed longer in Japan than their original plan. They have become permanent residents and their presence has affected and brought in changes to Japan's society.

Residence Status

Even among the many Chinese and Koreans who have long resided or who were born and educated in Japan, the issue of citizenship is not easy. Japanese citizenship is

based on the nationality of the parent rather than on the place of birth, and therefore subsequent generations were not automatically Japanese and had to be naturalized to claim citizenship. However, it is possible and much easier for foreigners to obtain permanent residence status in Japan.

The Immigration and Refugee Control act of Japan regulates the entry, including the stay and residence of all foreigners in Japan. The status of residence and the period of stay would depend on the category of the foreign visitor. Article 3 of the Immigration Control and Refugee Recognition Act stipulates many types of status of residence (e.g., diplomat, official, professor, artist, journalist, investor, researcher, engineer, entertainer, skilled labor, temporary visitor, college student, trainee, dependent). The scope of activities in which a foreigner residing in Japan may engage is also limited by his/her Status of residence. If he/she desires to engage in any activity other than that permitted under his/her status of residence, he/she must receive permission from the Immigration authorities.

There are also those who are allowed permanent residence. These are mostly the spouse or children of a Japanese national or a permanent resident. The Table below lists those who are permitted for permanent residence.

Table 2. Persons Permitted for Permanent Residence

| Permanent Resident | Those who are permitted for permanent residence by the minister of justice | Indefinite |
|---------------------------------------|--|-----------------------------|
| Spouse or Child of Japanese National | The spouse of Japanese nationals, the children adopted by Japanese nationals in accordance with the provisions of Article 817-2 of the Civil Code (Law #.89 of 1896) or those born as the children of Japanese nationals. | 3 years, 1 year or 6 months |
| Spouse or Child of Permanent Resident | The spouse of those who stay with the status of residence of "permanent Resident" or "Child of Resident under Law # .126 of 1952", or with the permission for permanent residence under the special immigration Law for enforcement of the agreement on the legal status and treatment of the nationals of the republic of Korea residing in Japan between Japan and | 3 years, 1 year or 6 months |

| | | |
|---|--|---|
| | republic of Korea (Law#.146 of 1956). (hereinafter referred to as " Permanent Resident" etc." those born as children of permanent Resident etc. In Japan and having been residing in Japan or the spouses of those who have been residing by the virtue of the provisions of Article 2, paragraph 6 of the Law #.126 of 1952 | |
| Child of Resident under Law # 126 of 1952 | Those who were born as children of the persons falling under Article 2, paragraph 6 of the Law # 126 of 1952 in Japan and who have been residing in Japan. | 3 years |
| Long Term Resident | Those who are authorized to reside in Japan with designation of period of stay by the Minister of Justice in the consideration of special circumstances. | 1-In case one of the personal relationships or statuses publicized in the official gazette by the Minister of Justice is recognized, it 's to be chosen from 3 years, 1 year or 6 months. 2- In case other special personal relationship or status than those mentioned above is recognized, the period is to be specifically designated by the Minister of Justice. |

Source: Ministry of Justice

Records from the Immigration Bureau of Japan in 2004 show that there are about 199,000 registered Filipino residents in Japan. Even with stricter immigration rules that resulted in the drastic decline in the number of entertainers entering Japan, the number of Filipinos in Japan is still expected to rise. There are many opportunities for Filipinos to stay in Japan – as Japanese descendants, as trainees under the trainee program, or in the other various categories of working visa.

It will be recalled that the Immigration and Border Control Act was amended in 1990 to allow easier access to residential visas with no employment restrictions to second and third generation persons of Japanese descents, mostly from Brazil. Japanese descendants up to the third generation, whose Japanese roots can be verified through the family registry on the Japan side, and birth and marital documents on the Philippine side,

are eligible to apply for long-term resident status. To date, many Japanese descendants from the Philippines have already availed of this opportunity and are now living and working in Japan.

In recent years, there has also been a growth in Philippine resident population as 'spouse or child of Japanese national.' The Philippine Embassy in Tokyo said that some 7,000 marriages between Japanese and Filipino nationals are processed either in Tokyo or in the Philippines every year. Many of these marriages are between the Japanese and entertainers or former entertainers who have overstayed. This trend increased after the change in Immigration law in March 2005 that puts stricter requirements on entertainer visas.

Another observed migration trend in Japan in recent years is the internal movement of foreigners from the informal to the formal sector. Filipinos whose visas have lapsed but have opted to stay illegally in Japan are called *bilog* or overstayers. Overstayers are finding ways to become legal residents. This is mostly done through marriage to a Japanese national. The overstayer may be granted a visa if she is pregnant or has a child by the Japanese. After five years, this former overstayer is eligible to apply for permanent residency.

Marriage to a permanent resident is also another means of moving from the informal to the formal sector. Marriage to a Japanese descendant is also another way of making the move from the informal to the formal sector, especially if the descendant has a permanent residency.

Recently however, a considerable number of these marriages are thought to be 'gizo kekkon' or sham. They are registered only for the purpose of obtaining a visa. There are several stories about Filipinas paying their Japanese husband a lump-sum fee upon acquisition of visa and a monthly allowance thereafter.

There are also some overstaying foreigners who have acquired visa status by becoming legal custodians of a child with a Japanese national they are not married to if the child has been recognized by the Japanese partner within three months of pregnancy in the so-called 'ninchi' procedure.

While Japan in recent years has been contemplating on a more open immigration policy, there are other mounting concerns and apprehensions about public security and

international terrorism that are prompting Japan to adopt stricter immigration controls. As a result, there have been changes and amendments in Japan's immigration policy.

DEVELOPMENTS IN JAPAN'S IMMIGRATION POLICY

There has been a growing perception among the public that migrants, particularly those with unauthorized or questionable status in the country, are contributing to the rising crime rate and general deterioration of public security. In response, the government amended the Immigration Control and Refugee Recognition Act in 2004 in order to decrease the number of unauthorized foreign residents. The plan also called for stricter examination of the status of residence upon entering the country, strengthened detection of illegal residents and more efficient deportation procedures, more pressure on foreign countries to exercise control over their nationals who have been deported from Japan, expansion of immigration control personnel, and upgraded detention facilities and related equipment.

With regards to the issue of Japan's ageing population that has contributed to labour shortage, there has been a relaxation on restrictions on employment of certain categories of workers for which there are serious labour shortages, such as medical doctors and nurses. Part of the provisions of the Japan-Philippines Economic Partnership Agreement (JPEPA), which was signed in September 2006, is the entry of Filipino health care providers, such as nurses to Japan¹⁴. However, this is not as easy as it looks. Foreign doctors and nurses must pass Japan's national examinations in those respective fields before they are allowed to practice. This means that they also have to have a good command of the Japanese language, both oral and written, before they can practice their professions in Japan.

Japan has come under mounting international criticism for its insufficient efforts to combat trafficking in persons. Although it is a signatory to the UN Convention against Transnational Organized Crime in December 2000 and, in December 2002, the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention against Transnational Organized Crime as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, it has not done much to prevent trafficking.

¹⁴ To date, the JPEPA has not yet been ratified by the Philippine Senate.

Several NGOs and international organizations have criticized the entry of so many 'entertainers' in Japan. This visa category was allegedly abused by suspected criminal groups in Japan and abroad to bring in prostitutes into the country. In 2004 and 2005, Japan was in the Tier 2 Watch List of the annual US Trafficking in Persons report.

In 2005, the Japanese government began enforcing stricter procedures for screening employers and employees in the 'entertainment' industry and heavier punitive measures against violators. This included the amendment of the Immigration Bureau's criteria for the landing permission for the status of residence 'entertainer'. According to the amendment 'an entertainer is required to have spent a minimum of two years at a foreign educational institution studying subjects relevant to the type of performance in which he or she will engage, or have a minimum of two years' experience outside Japan in the type of performance in which he or she will engage'. This new policy took effect on 15 March 2005.

Again, in relation to the issue of human trafficking, the government further amended the penal code and the Immigration Control and Refugee Recognition Law in June 2005 to provide for the protection of foreign victims of human trafficking. With this amendment, women trafficked from the Philippines to work as prostitutes cannot be deported because of their illegal entry and activity in Japan. The amended laws also deny entry to foreign nationals known to have engaged in human trafficking in Japan or abroad and allow for their deportation if they are caught in the country.

In January 2005, the government amended the penal code, raising the statutory penalties for heinous and serious crimes and extending the statute of limitations for prosecution. The government is also working on legislation to remove domestic legal barriers to the execution of criminal provisions of the revised penal code, a necessary step in ratifying the UN Convention against Transnational Organized Crime.

In relation to terrorism and the issue of public security, the Japanese government in December 2004, adopted an action plan for the prevention of terrorism. As such, the Immigration Bureau is undertaking stricter entry and admission procedures. These include the finger-printing of all foreign nationals 16 and older entering Japan, the use of an advanced passenger information system, and the installation of crisis management officials at major ports and airports. Japan has also initiated closer international

cooperation, particularly with the United States, to stop the entry of known and suspected terrorists.

CONCLUSION

The transformation of labour migration into permanent residency has brought about more complex issues into Philippines-Japan relationship. The transformation from labour migration into family migration has opened up some thorny issues for the two countries. Given the temporary nature of migration, when the marriage or relationship does not work out, issues of settlement, identity and nationality of the children, recognition and child support, among others, become problematic.

In the case of many Filipino women who return to the Philippines because of failed marriages or relationships, they find that they have to confront and deal with manifold challenges as they build a life of their own. Once the Japanese husband or partner stops sending financial support to the family, their lifestyle changes. The woman is now forced to find work in order to augment the family income. At times, the education of the children is affected – from studying in private schools, the children are forced to transfer to public schools. Among Filipino women who are in the Philippines with their Japanese-Filipino children, and who have been abandoned by their spouses or partners, issues pertaining to child recognition and support come to fore. Most of the time, these women go to the Japanese Embassy in their effort to locate their spouses or partners. Such issues however are regarded by the Embassy as personal matters and therefore do not fall into their jurisdiction. They are referred to non-governmental organizations such as DAWN, Maligaya House and Batis for possible resolution.

Although the deployment of entertainers to Japan has been drastically cut, Filipinos are still finding several avenues and opportunities to go to Japan. Some would even go to the extent of getting into fixed marriage with Japanese nationals or permanent residents for the expediency of visa issuance. The number of Filipinos going to Japan is still likely to increase and with this increase is the corresponding increase in the number of Japanese-Filipino children.

JFCs are a product of migration. Their current situations were shaped and affected by the migration phenomenon. They, too, like their mothers suffer from the consequences

of migration. It is not any of their fault that they were born into this world. They, like any other children, would like to belong and be accepted. They long for families of their own that would nurture and protect them. They would want to be accepted as Filipinos or as Japanese nationals and not looked down because they are different. Policies and programs that address their issues should be looked into. While there are a few NGOs in the Philippines that support and assist former entertainers and their JFCs, the Philippine and Japanese governments should also look into their situations and see how they can provide the necessary interventions needed by this group. As shown by the findings and reports of some NGOs, the JFCs have their particular needs. Just like all other children, the JFCs have aspirations and dreams. Some would want to be a professional or an artist, some wish to finish their studies, while some dream of meeting their Japanese fathers or relatives in Japan. These are good signs that young as they are, they have goals in life. Their aspirations and dreams are worth nurturing and pursuing. But being young as they are, they are not yet in a position to take charge of their lives and fulfill their dreams. And the governments of Japan and the Philippines, some NGOs, and individuals, can help fulfill the dreams of these children.

This rapid increase in number of Japanese-Filipino families is a new phenomenon that gives pressure to the closed society of Japan to accommodate changes. While there are efforts from migrants and some groups to build Japan's multicultural society, some Japanese still look at the entry of foreigners into their country as an intrusion. The foreigners are still 'gaijin' or outsiders (as opposed to the more politically correct term 'gaikokujin'). For some Japanese, foreigners not only dilute the Japanese culture but they are also the reason for the increasing crime rate.

Globalization is here to stay and even the Japanese, with all their immigration and border controls, cannot escape the inevitable consequences of border-crossing forces. Given these and the domestic needs of Japan, the Japanese need also to see the positive impacts of the growing presence of foreign communities.

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U.N. Convention On the Rights of the Child

1987 Constitution of the Republic of the Philippines

*Table 1. Deployment of Overseas Performing Artists by Selected Destinations (New Hires)
1992 – 2006*

| Destinations | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|--------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
| Japan | 49,216 | 41,410 | 52,386 | 22,940 | 18,232 | 31,071 | 35,335 | 43,822 | 59,568 | 70,244 | 73,246 | 57,605 | 70,628 | 38,533 | 6,672 |
| Korea | 107 | 174 | 194 | 28 | 4 | 50 | 46 | 47 | 3 | 94 | 256 | 237 | 615 | 687 | 487 |
| China | 2 | - | - | 8 | - | 5 | 17 | 30 | 35 | 13 | 3 | 15 | 47 | 93 | 62 |
| Hong Kong | 259 | 220 | 265 | 134 | 11 | 27 | 8 | 1 | 18 | 13 | 4 | 5 | 22 | 75 | 42 |
| Saipan | 173 | 42 | 1 | 1 | - | - | - | - | 1 | 1 | 1 | - | 5 | 17 | 30 |
| Bahrain | 53 | 28 | 29 | 20 | 24 | 32 | 58 | 65 | 36 | 43 | 9 | - | 12 | 9 | 24 |
| Singapore | 21 | 33 | 81 | 24 | 52 | 131 | 55 | 60 | 60 | 90 | 54 | 41 | 24 | 2 | 19 |
| Croatia | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 15 |
| Vietnam | - | - | - | - | - | - | 16 | 12 | 2 | - | - | - | 5 | - | 14 |
| Taiwan | - | - | - | 8 | 31 | 58 | 23 | 22 | 11 | 8 | 6 | - | 2 | 7 | 13 |
| Others | 167 | 147 | 346 | 289 | 210 | 298 | 218 | 237 | 125 | 129 | 106 | 98 | 129 | 72 | 53 |
| Grand Total | 49,998 | 42,054 | 53,302 | 23,452 | 18,564 | 31,672 | 35,776 | 44,296 | 59,859 | 70,635 | 73,685 | 58,001 | 71,489 | 39,495 | 7,431 |

Source: Philippine Overseas Employment Administration (2006)