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研究課題名(和文) Keeping Tabs on Aliens: An Analysis of Monitoring Mechanisms in Japan's Immigration Law and Policy Framework

研究課題名(英文) Keeping Tabs on Aliens: An Analysis of Monitoring Mechanisms in Japan's Immigration Law and Policy Framework

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研究成果の概要(和文)：本研究は、日本の出入管法・政策の枠組みにおけるモニタリング・メカニズムの発展、役割、影響について調査することを目的としたものである。文献・判例調査および現地インタビューなどを通じて、日本政府が中長期の在留資格を有する外国人に対する体系的なモニタリング仕組みの構築を検証することに主眼を置いた。特に、国際比較が本研究の支柱となることから、3カ国への現地調査が予定されていたが、コロナ禍の流行とそれに伴う規制によって、フィールドワークの制限のみではなく、各国の入管の枠見自体研がひっくり返られる実態となり、研究成果に大きな影響を受けたのである。波乱の状態のなか、今回の研究成果は主に口頭発表の形を取った。

研究成果の学術的意義や社会的意義

The debate on immigration policymaking in Japan has largely been dominated by economic growth concerns and attracting foreign skilled resources. In contrast, scant attention has been paid to the establishment of control mechanisms to monitor foreign residents, a gap that this research aims to fill.

研究成果の概要(英文)：This research was intended to comprise an investigation into the development, role, and impact of monitoring mechanisms in Japan's immigration law and policy framework. Through a literature review, case law review, questionnaire surveys, and on-site interviews, it aimed to examine Japan's establishment of mechanisms that serve as systematic monitoring tools for those foreign nationals who have been admitted to the country as medium- to long-term residents. An international comparison was, furthermore, expected to comprise an integral tool in the investigation. Unfortunately, the outbreak of COVID-19 and its widespread ramifications significantly curtailed opportunities for fieldwork or surveys in general. Moreover, the ensuing and radical overhaul of immigration frameworks and regulations worldwide severely impacted progress. As a consequence, research achievements have been limited largely to oral presentations given locally.

研究分野：Immigration Law and Policy

キーワード：immigration policy control monitoring mechanisms

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Keeping Tabs on Aliens: An Analysis of Monitoring Mechanisms in Japan's Immigration Law and Policy Framework – Report of Research Achievements

1. Background

In December 2015, 2.2 million foreign nationals were registered as medium- to long-term residents in Japan, marking a five percent increase from the previous year. This growing presence of foreign residents, in tandem with increasingly complex security challenges (9/11 Terrorist Attacks of 2001; the Paris Attacks of 2015, etc.) and a perceived rise in criminal/potentially hostile activities amongst the foreign population in the domestic arena, have resulted in the incorporation into Japan's immigration administration of a myriad of 'monitoring mechanisms'. The legal and political framework of immigration control in Japan has, hitherto, been researched largely in terms of labour immigration, asylum and refugee recognition, and 'multicultural co-existence'. By contrast, the development, function, efficacy, and ramifications of monitoring mechanisms as they related to foreign residents comprise a largely neglected dimension of immigration studies, with ramifications for contemporary society as a whole.

2. Purpose of Research

This research was intended to comprise an enquiry into how Japan has balanced its admission of a growing number of foreign residents (and, in the face of demographic phenomena, its mounting need for certain categories of migrant labour) with the necessity of devising mechanisms that serve both, 1) to exclude "undesirable elements" at her borders, and 2) continuously and systematically monitor those foreign nationals who have been admitted to the country in the name of 'security governance'. Furthermore, tensions inherent in these enhanced-control mechanisms, in particular the extent to which they may be argued to infringe upon certain rights (e.g., right to privacy, right to control personal information) was to be examined.

3. Approach and Methodology

Through a literature review, questionnaire surveys, and on-site interviews, the PI, over the allocated period, aimed to analyse the establishment of mechanisms in Japan that serve as systematic monitoring tools. An international comparison was deemed to comprise an integral tool in the investigation (taking the form of a 'control'), and the PI intended to conduct fieldwork in Australia, Germany, and the United Kingdom. Unfortunately, due to the outbreak of COVID-19 and ensuing restrictions across a myriad of spectrums, such fieldwork, as well the direction of this research in general, were severely impacted.

4. Research Results

1) Interview Survey

Intending to acquire the basis for comparing the function, efficacy, and ramifications of

monitoring mechanisms targeting foreign nationals, the PI devised survey questionnaires for interviews in Australia, Germany, and the United Kingdom. Unfortunately, the PI was only able to conduct an interview in the United Kingdom prior to the outbreak of COVID-19, but considers the results of thereof to be valuable, especially from the perspective of the UK's decision to leave the EU (Brexit), and subsequent revisions in the management of foreign residents.

Results of Field-trip to the United Kingdom

Period: April 15, 2019
Interview: Dr. Madeleine Sumption MBE (University of Oxford; Government Advisory Committee on Migration; Director, COMPAS)

Vis-à-vis the United Kingdom, the control/management of foreign nationals was discussed within the parameters of, 1) structural monitoring mechanisms, 2) distinction between categories of foreign residents (EU vs third-state nationals), 3) future policy considerations.

(1) Structural monitoring mechanisms

Whilst irregular foreign residents are confronted with what is labelled a 'compliant environment' (i.e., no work, renting of housing, or granting of social services), municipal offices in the UK generally find it problematic to continuously monitor legal foreign residents. Unless paying council tax, there is no registration system for the general population, with resistance to such a development being widespread. This sentiment, by nature, extends to foreign national nationals, and the equivalent of a 'residence card' (ID card for foreign nationals) does not exist. No authoritative system of statistics has been established, partially due to ambiguity in defining who counts as a 'foreigner'. (Foreign born? Foreign citizen?) Even with regard to 'overstayers', statistics have only started to be collected and published since 2015. Rather than keeping tabs on resident foreign nationals, the UK's emphasis lies on establishing and maintaining strict entry and departure regulations.

(2) Distinction between categories of foreign residents (EU vs third-party nationals)

At the time of the interview, EU nationals were not monitored or restricted, unless criminal acts were involved, which usually resulted in deportation. There had been an increasingly vigorous enforcement of compliance with the EU treaty rights; five areas, which importantly included 'having a place of residence' and 'having a place of work', were specified as conditions for the right of abode. In contrast, for the two million third-party nationals with temporary leave to remain, monitoring continues to exist in the form of 'remote control', i.e., through sponsors. Employers, or institutions of education, are required to report even seemingly minor changes, such as salary increases, with the renewal of visas or granting of permanent residence comprising discretionary acts of Government.

(3) Future Policy Developments

Post-Brexit, there was expected to be a transition period of approximately two years, in line with the EU budget cycle, before the curtailment of EU immigration. It appeared

likely that unskilled immigration from the EU would be term-limited, entailing the granting of a maximum two-year, non-renewable visa, and prohibiting the accompaniment of dependents. Ironically, with the evolution of the Brexit debate, public sentiment has now shifted to view migration more favourably, partially because anti-immigrant sentiment has been assuaged by the UK's secession from the EU. Interestingly, with Brexit looming, there is a growing interest amongst UK policy-makers in the immigration framework adopted by Japan, which is seen to be comparatively strict.

2) Contribution to Books

移民政策学会設立 10 周年記念論集刊行委員会、『移民政策のフロンティア』(コラム「日本の移民政策はなぜ立ち遅れているのか」) 24 項、明石書店 (2018) (Refereed)

3) Journal Articles

(1) Claudia Ishikawa, NUPACE 2020-2021: A COVID-19 Chronology, 名古屋大学 国際教育交流センター紀要 第 8 号, 2021, pp. 35-43. (Non-refereed.) The article discusses the impact of COVID-19 on the immigration framework for international students.

4) Oral Lectures/Presentations

- (1) Claudia Ishikawa, 「日本の『移民』政策」 Invited lecture on the state of, and issues in Japan's immigration policy at the Nagoya University Law School, 2022/7.
- (2) Claudia Ishikawa, 「日本の『移民』政策」 Invited lecture on the state of, and issues in Japan's immigration policy at the Nagoya University Law School, 2021/7.
- (3) Claudia Ishikawa, 「外国人政策をめぐる動向～外国人労働者の受入れを中心に」 Invited lecture on the state of, and issues in Japan's immigration policy at the Nagoya University Law School, 2020/7.
- (4) Claudia Ishikawa, 「外国人政策をめぐる動向～外国人労働者の受入れを中心に」 Invited lecture on the state of, and issues in Japan's immigration policy at the Nagoya University Law School, 2019/7.
- (5) Claudia Ishikawa, 「留学生の専門性を生かしたキャリア形成」 Invited lecture on the role of higher education in the immigration nexus for Nagoya University's Centre for Asian Legal Exchange Consortium, 2019/6.

5. Concluding Comments: Next Steps

It has been a difficult period for research. During the last five years, the PI suffered a major setback in her personal health, a large-scale restructuring of the organisation she is affiliated to, and then a myriad of ramifications engendered by the spread of COVID-19. As a consequence, this particular research stalled, and the majority of the grant initially allocated has been returned to the JSPS. Nevertheless, the theme of monitoring mechanisms related to foreign residents, including the advantages and drawbacks inherent therein, is a topic that

deserves examination and scrutiny. Japan, at least compared to the United Kingdom, employs an extensive network of 'control', that is based not only on solid raw data shared across various ministries, agencies, and municipalities, but also draws on the co-operation of stakeholders, in particular employers, institutions of education, and so-called 'supporters'. Whilst the possession of foreign nationals' data satisfies certain national security needs, questions of transparency, accountability, lack of control over personal information are omnipresent. Moreover, an argument exists for the loosening of this web of control for established foreign nationals, such as permanent residents. In short, whilst the Government of Japan is seen to be skilled in amassing and co-ordinating control mechanisms, it may be accused of employing a crude means of application. The PI intends to continue pursuing this theme, and completing the research project that she has embarked upon.

5. 主な発表論文等

〔雑誌論文〕 計1件（うち査読付論文 0件/うち国際共著 0件/うちオープンアクセス 1件）

1. 著者名 Claudia Ishikawa	4. 巻 8
2. 論文標題 NUPACE 2020-2021: A COVID-19 Chronology	5. 発行年 2021年
3. 雑誌名 名古屋大学 国際教育交流センター紀要	6. 最初と最後の頁 35-43
掲載論文のDOI（デジタルオブジェクト識別子） なし	査読の有無 無
オープンアクセス オープンアクセスとしている（また、その予定である）	国際共著 -

〔学会発表〕 計5件（うち招待講演 5件/うち国際学会 0件）

1. 発表者名 石川 クラウディア
2. 発表標題 日本の「移民」政策
3. 学会等名 名古屋大学法科大学院（招待講演）
4. 発表年 2022年

1. 発表者名 石川 クラウディア
2. 発表標題 外国人政策をめぐる動向～外国人労働者の受入れを中心に
3. 学会等名 名古屋大学法科大学院（招待講演）
4. 発表年 2019年

1. 発表者名 石川 クラウディア
2. 発表標題 日本の「移民」政策～外国人労働者の受入れを中心に～
3. 学会等名 名古屋大学法科大学院（招待講演）
4. 発表年 2021年

1. 発表者名 石川 クラウディア
2. 発表標題 外国人政策をめぐる動向～外国人労働者の受入れを中心に
3. 学会等名 名古屋大学法科大学院（招待講演）
4. 発表年 2020年

1. 発表者名 石川 クラウディア
2. 発表標題 留学生の専門性を生かしたキャリア形成
3. 学会等名 日本法教育研究センター・コンソーシアム（招待講演）
4. 発表年 2019年

〔図書〕 計1件

1. 著者名 移民政策学会設立10周年記念論集刊行委員会	4. 発行年 2018年
2. 出版社 明石書店	5. 総ページ数 292
3. 書名 移民政策のフロンティア、1章（コラム「日本の移民政策はなぜ立ち遅れているのか」）	

〔産業財産権〕

〔その他〕

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6. 研究組織

氏名 (ローマ字氏名) (研究者番号)	所属研究機関・部局・職 (機関番号)	備考

7. 科研費を使用して開催した国際研究集会

〔国際研究集会〕 計0件

8. 本研究に関連して実施した国際共同研究の実施状況

共同研究相手国	相手方研究機関