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研究課題名（和文）入国管理法政パラダイム研究―グローバル人材育成施策推進のインパクトと可能―

研究課題名（英文）Immigration Law and Policy Paradigms: Assessing the Impact and Potential of Japan's International Human Resource Development Nexus

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研究成果の概要（和文）：近年、関係省や有力な団体が、一貫して、外国高度人材受け入れ政策を主張し続けてきたが、それに並行して、日本の出入国管理法政策のもう一つの特徴は人座育成政策に推進と言える。本研究は、１）外国人留学生、２）外国人技能実習生、そして、３）経済連携協定（EPA)に基づいた外国人看護師・介護士等の受入れ制度を対象に、日本の入国管理法政における国際自在育成施策推進のインパクトと可能性を明らかすることが目的であった。

また、ドイツとオーストラリアの外国人育成プログラムとの比較研究を行いながら、移民政策における国際的キャパシティー・ビルヂングの役割を分析しました。

研究成果の概要（英文）：Whilst Japan's Government and influential lobby groups continue to underscore the strategic significance of of admitting an increasing number of highly-skilled foreign professionals, a conspicuous feature of Japan's immigration framework has been the parallel development of immigration as a means of international human resource development and/or international contribution. Noting the importance of the concepts of intellectual contribution, international human resource development, and transfer of technology in Japan's immigration framework, as well as MOJ, METI, MOFA, and MHLW policy reports, this research investigates the hypothesis that international capacity-building constitutes a dominant element of Japan's immigration law an policy. Through comparative analysis, moreover, it test the proposition that such an immigration model is uniques amongst industrialised nations.

研究分野：社会科学

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キーワード：immigration policy　human resources　capacity-building　comparative policy

1. Background

In Japan, approximately 360,000 ostensibly education- or training-seeking immigrants were registered in December 2009, constituting a significant 16% of the resident foreign population of 2,186,121.[1] An emphasis on the development of international human resources, as opposed to simple labour procurement, arguably comprises a unique and distinguishing feature of the Japanese immigration model, and the objective of this research was to elucidate trends in, and the impact of what could broadly be termed the "international capacity building" nexus of Japan's immigration framework.

2. Purpose of Research

Paying attention to the importance of concepts such as 'intellectual contribution', 'international human resource development', and 'transfer of technology' in Japan's immigration framework, as well as policy reports of relevant Government agencies, this research, by means of comparative research with respect to German and Australian admission frameworks, investigated the hypothesis that 'international capacity building' constitutes a dominant and viable element of Japan's immigration law and policy.

3. Approach and Methodology

(1) Over a period of three years, the author analysed the function, results (intentional and otherwise), as well as challenges of 'human resource development' in Japan's immigration law and policy framework. In this context, attention was paid particularly to developments that facilitate 1) the admission of international students in the context of former prime minister Fukuda's "300,000 Foreign Students Plan", a plan that continues to gain momentum with the Government-inspired strategy of globalising Japanese universities, and 2) developments in programme formation exemplified by a) the revised technical intern training system, and b) nurses and care-givers admitted under Economic Partnership Agreements (EPAs).

(2) Moreover, the author engaged in overseas fieldwork, taking the form of sets of interviews conducted in Germany (March 2012) and Australia (December 2013), the results of which serve to provide insights as to how other legal systems pursue "international capacity building" considerations within the immigration framework. The Australian model is significant due to that country's promotion of an integrated economic growth-oriented immigration policy with a marked emphasis on client group politics/stakeholder engagement and co-operation with Asia. And, in Germany, international economic and security considerations have long (certainly before the enactment of the *Zuwanderungsgesetz* (*Immigration Act*, 2005)) resulted in a pro-active stance towards temporary immigration from Central and Eastern Europe ("Gastarbeitnehmer", "Werkvertragsarbeitnehmer", "Saisonarbeiter", etc.), a perspective which has now extended to the South Eastern Europe and North Africa.

4. Results of Research

Due to considerations of space, this section will focus primarily on the survey results of interviews conducted in Germany and Australia. For a more comprehensive account of research results see "The Human Resource Development Nexus in Immigration Paradigms: Policy Considerations and Findings of Survey Interviews in Germany and Australia" (Ishikawa, 2014), as listed below.

(1) Approaches to IHRD and International Capacity-building Abroad

Intending to acquire a comparative angle on international human resources development, the author conducted two sets of interviews, one in Germany in March 2012, and the other in Australia in December 2013 to gauge how these two countries approached the issue of international-capacity building in the context of immigration. This choice of countries was largely determined by 1) Germany's recent

[1] 『平成 23 年版　出入国管理』法務省入国管理局編、平成 23 年 11 月.

alignment as a "semi-pro-immigration country", its aspiration to secure the "best heads" despite not being an English language hub, and its emphasis in immigration policy on international economic and security considerations; and 2) in the case of Australia, of what the author perceives to be the strategic promotion of a fully-integrated economy-oriented immigration policy with a marked emphasis on stakeholder engagement and co-operation with Asia.

(2) Insights from Field-trip to Germany

Period: February 27 – March 3, 2012
Interviews:
1) Dr. Herbert Bruecker, Institute for Employment Research (IAB), Nürnberg;
2) Dr. Holger Kolb, Expert Council of German Foundations on Integration and Migration (SVS), Berlin;
3) Prof. Thomas Bauer, RWI, Essen

In Germany, IHRD and international capacity-building in immigration policy were discussed with the above interviewees within the parameters of 1) labour procurement/labour security, 2) geostrategic concerns, 3) international student policy, and 4) future policy priorities.

① Labour procurement/labour security
As far as Germany is concerned, the enlargement of the European Union (EU) to the east has proven to be a significant factor in mitigating labour supply problems, and has naturally resulted in deprioritised relations with Central and Eastern Europe, including the utilisation of temporary migrant/training schemes. When this new labour pool is exhausted, it is envisaged that bilateral agreements will be sought in outward concentric circles commencing with the Former Yugoslavia, and moving onwards to the Middle East, North Africa, and Former Soviet States (CIS), respectively. Here, "fixed term labour contracts", rather than IHRD initiatives are expected to become the norm. Vis-à-vis healthcare workers, a bilateral agreement with Croatia, due to the quality of nursing training in that country (five years in length) currently exists,[2] and with a fast-aging population, the potential expansion to other East European states, China, and the Philippines is being contemplated. Accordingly, with regard to labour procurement, Germany's state philosophy centres less on investing in IHRD as an overseas economic growth strategy, than in finding short-term palliative measures to counteract demographic and labour security challenges.

② Geostrategic concerns and immigration
Geostrategic issues should be interpreted as security concerns, and here the focus revolves around securing energy resources and avoiding influxes of illegal labour. Policy is generally formulated by the EU, with Germany, as a major player, ensuring that its interests are protected and served by "European immigration policy". Plans under deliberation include circulatory migration programs with Georgia, in order to reduce dependency on Russian gas pipelines, and with Moldova and North Africa states to prevent an influx of illegal immigrants. As is the case with labour procurement, international capacity-building utilising immigration per se is not a priority for Germany with regard to geostrategic concerns. Migrant programmes, where envisaged, comprise ad hoc countermeasures for imminent problem areas.

③ International Student Policy
In contrast to labour and geostrategic dialogues, Germany has in the last few years placed emphasis on rendering the country a potentially more attractive employment destination for international students and, as far as Germany is concerned, IHRD as a concept should generally be interpreted to refer to "students" only. In 2012, there were 30,806 international students who graduated from German institutes of higher education, with 4,223 receiving permits to reside for the purpose of seeking employment. A further 4,363 were granted residence permits for the purpose of employment. Moreover, albeit a later development, as of August 1, 2013, international students graduating from

[2] In Germany, too, foreign nurses are required to pass the German state examination.

German institutes of higher education are granted eighteen months to search for employment, with an unrestricted right to work during this period. [3] Additionally, graduates can acquire a settlement permit (*Niederlassungserlaubnis*),[4] if they have held a residence title for two years. This arguably comprises the most generous treatment afforded to international students amongst industrialised nations.

④ Future policy priorities

All interviewees concurred that more PR efforts were necessary to enhance Germany's image as a skilled migration destination country, although the focus here is strictly on the acquisition of highly-skilled labour. Other initiatives that were considered to require prioritisation include, improved and more widespread German language education, a stronger immigration focus on countries with which Germany enjoys traditional networks, i.e., East and Southeast Europe, and a more pronounced emphasis on the acquisition and retention of international students. As is the case with Japan, Germany had previously considered the education of international students to comprise a form of international contribution; and, in order to avert the development of a "brain drain" phenomenon, students had, upon graduation, been required by the German state to leave the country. However, recent data supports the fact that many of these students, rather than returning to their countries of origin, actually moved on to third countries; hence, the notion has gained ground that, from a national strategy perspective, it is more rational to utilise these human resources in Germany.

(3) Insights from Field-trip to Australia

Period: December 10 – 16, 2013
Interviews:
1) Prof. Glenn Withers/Dr. Matthias Sinning, Australian National University;
2) Prof. Ernest Healy/Prof. Bob Birrell, Monash University;
3) Prof. Lesleyanne Hawthorne, University of Melbourne.

In Australia, IHRD and international capacity-building in immigration policy were discussed with the interviewees within the parameters of 1) labour procurement/labour security, 2) health care workers and, 3) international student policy.

① Labour procurement/labour security

As opposed to Japan and Germany, migration in Australia is expected to have practical economic implications immediately. Accordingly, in order to gauge current and emerging skills and workforce development needs, extensive use is made of data published by the Australian Workforce and Productivity Agency. An extremely accurate prediction of labour market skills shortages exists, and this is utilised by the Department of Immigration and Border Protection (DIBP) to determine skills shortages lists and quotas. As such, Australia's immigration interests seem to lie not in the realm of IHRD, but have a firm base in the science of economics. IHRD in terms of international capacity-building is not conspicuous as a strategy; rather immigration parameters should be viewed entirely as a business operation. There are, moreover, no regional preferences with regard to immigration policy. Australia is rich in natural resources, and thus the Government finds it unnecessary to secure pathways to energy. Therefore, although industries and universities are free to set their own policy agendas, which may include geostrategic considerations, the Government's approach is "non-discriminatory". In terms of immigration policy, IHRD is completely decoupled from efforts at international capacity-building and sustainable overseas investment.

② Health care workers

In Australia, a highly intricate foreign credential recognition system has evolved over the last twenty years under the direction of a national assessment body. Recognition is based not on direct equivalency of qualifications, but rather on determination of "competency", including mandatory language skills. Within this framework, goods and

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[3] Art. 16(4) of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (*Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet, 25.02.2008 <BGBl. I S. 162>*).
[4] Ibid., Art. 9.

services-related bilateral agreements that encompass labour mobility do exist; however, with respect to foreign health care workers, in particular nurses, there is generally perceived to be insufficient quality assurance by sending countries. Interestingly, only 17% of Filipino nursing applicants satisfy Australia's criteria for credential recognition. The figures for Indonesia are even lower, primarily due to what is considered 1) an inadequate length of training at the tertiary education level, and 2) the low percentage of university/college instructors in sending countries who are actually qualified nurses. Australia's approach to overseas healthcare workers has interesting implications for Japan's policy with respect to the admission of nurses and caregivers under EPAs, and deserves analysis.

③ International Student Policy

In keeping with a strictly economic agenda, the higher education sector in Australia is considered to comprise a significant national export industry and, after cuts in state funding to institutions of higher education in the 1990s, an indispensable source of income to universities. In 2005-6, 52% of those entering through the study pathway became skilled permanent migrants. In 2012-13, the corresponding percentage was 35%, but the total number greater. However, such extensive utilisation of international students in the domestic labour market has very little connection either to the concept of IHRD or soft power play. Universities in Australia are an exceptionally influential lobby group, and have been instrumental in manoeuvres to increase the number of international students for financial reasons. This is a totally different perspective to that adopted in Japan, where despite Government efforts to depict them as valuable cogs in the IHRD nexus, international students are generally negatively viewed as contributing little to the general economy or higher education sector.

(4) Concluding Comments: Next Steps

As alluded to above, the Japan's utilisation of international human resources development initiatives in its immigration framework is unparalleled in policy-making on the international stage. At the same time, the non-existence of other models for comparison, render it difficult to draw conclusions on directions that Japan should henceforth deliberate in its immigration framework. Nevertheless, whilst Japan's approach is unique, there are a few lessons that can be drawn from Australia's and Germany's more extensive and multifaceted experiences.

From Australia, Japan can learn to develop a more refined scientific foundation for the procurement of international human resources. As stated above, Australia has established both the Australian Workforce and Productivity Agency to provide data on domestic labour market needs, and a national assessment body to evaluate the credentials of foreign labour skills and qualifications. If the Japanese Government could promulgate a clear message and show in raw data, 1) exactly what skills shortages are expected to arise, and 2) the contribution made by migrant workers/international students to the economy, this would result in a more persuasive platform, and subsequently increasing popular support for the admission of international human resources.

Moreover, such a development would have potential ramifications for Japan's Technical Interns. After having passed skills examinations, Technical Interns engaged in what are proven to be skills shortage occupations could, for example, be offered residence in Japan under a deregulated "skilled labour" residence status.

Germany's clear message is to develop a more pro-active international student policy. Japan has established a variety of imaginative pilot cases, such as the "Asia Human Resource Fund Initiative",[5] but these have been limited in scale. More resources need to be invested not only in securing numbers, but also in ensuring that a larger proportion of international students meet the Japanese language standards sought by corporations, and that they receive uniform career support across the nation. Moreover, a shorter path to permanent residence (which in Japan currently stands at ten years), as in Germany, would serve as a magnet for more international

[5] Joint METI/MEXT initiative of 2007.

students, many of whom may be contemplating a long-term future in Japan.

International human resource development is a valiant and value-added endeavour that potentially contributes to the economic and social capital of a state. However, Japan needs to progress to next stage, where IHRD comprises not simply a glossed-over stop-gap solution for labour shortages or short-term fix for foreign economic policy challenges. The "human resources" need to perceive that they themselves are, in some way, stakeholders in Japan's economic growth strategy. This would comprise the most effective soft power strategy.

5. Principle Publications/Oral Presentations

Journals (one article)

① Claudia Ishikawa、The International Human Resource Development Nexus in Japan's Immigration Paradigm: Policy Considerations and Findings of Survey Interviews in Germany and Australia、**名古屋大学国際教育交流センター紀要, 査読無, 創刊**、2014 **年** 10 **月発行予定**、pp. 13-27

Oral Presentations at Academic Societies (one presentation)

① Claudia Ishikawa、Learning and Labouring: International Human Resources Development in Japan's Immigration Paradigm, and Insights from Germany and Australia、**移民政策学会**、2014 **年** 3 **月** 22 **日**、**早稲田大学**（**東京都**）

6. Research Organisation

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