Civic Association and the Filipino Irregular Migrants in Japan

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Abstract: *This case study focuses on addressing the question, "How do non-state actors address the predicament of the irregular migrants' precarious status?" The study reveals that an unwanted irregular migrant will certainly seek recognition, not necessarily from mainstream society but from peers, networks, and most of the time from compatriots – establishing links, and building contacts – and thus negotiated their status with the host society. This research also generated an alternative hypothesis which states, "As migration control becomes much stricter, more irregular migrants are seeking assistance from non-state actors and the migration industry." This paper finds that the collaborative effort of migrant and non-migrant organizations between Filipino-run and Japanese-run NGOs at the local level (including church and non-church based groups) play an immensely indispensable role in sending a message across national boundaries that transnational migration agency (actors forming as collectivities) inadvertently reshapes a new world order for the global migration process.*

1. Introduction

Irregular migration is not a recent phenomenon. It has been a part of a sustained movement of people that includes migrants as the main actors who enter and remain in a country of which they are not citizens in breach of its immigration laws. While numerous studies have focused on irregular migration in general, very few dwell on its repercussions and/or unintended consequences. In the case of Japan, the regularization or the legalization of some migrants' status turns out to be the case due to their special circumstances. Some migrants are able to negotiate their status with the state, as provided for by law, and perhaps inadvertently capitalized on such circumstances even while being held up at an immigration detention facility. They could not have done it all anyway without assistance and some piece of advice, as well as aids and programs offered by some state and non-state actors (Filipinos and Japanese) including lawyers and some immigration personnel educating them of their rights in the process of arguing their cases with the authorities. Though this study partly deals with the legalization process of irregular migrants, this generally rather focuses on those who circumvented immigration controls (unauthorized and/or those who came to Japan on illegal entry and/or those who overstayed).

This study presents an exploratory case-based research based on the plight of the Filipino irregular migrants by incorporating discussions on the significant role played by non-state actors in addressing their precarious status. This case study mainly focuses on answering the question, "How do non-state actors address the predicament of the irregular migrants' precarious status?" To address the research question, the study utilizes theories from political and sociological standpoint on the interplay between structures and agency giving emphasis on the need for people to organize themselves and the importance of working with others to fulfill societal changes and transformation. The indispensable role of non-government organizations (NGOs) is observable in this particular respect. In this study, the researcher describes this phenomenon as "civic association" or the formation of NGOs to particularly address certain social or political, long-term ends, as opposed to merely addressing short-term goals or purely cultural activities. What is more interesting is that the

concept of negotiated citizenship is also incorporated in the discourse to deepen understanding of the phenomenon studied.[1]

2. Methodology

The study utilizes an exploratory case study research design using multiple cross-case analyses. In reference to Yin (2009), the research addresses the question of validity through utilization of varied sources of information in terms of data and theory. The study was accomplished through a modified-grounded instrumental approach (research-before-theory model), using replication sampling instead of the typical population sampling (Berg, 2007). Reliability of the data gathered was made certain through a pilot study conducted at the earlier phase of the research process. The modified approach here means that as the researcher conducted the fieldwork from one case or informant to another, data generated that needs further reading were incorporated in the succeeding interviews and emergent observations. Moreover, replication sampling here refers to the multiple cases which are actual replications, not sampled cases (see also Villa & Mani, 2013).

Data for the nine (9) case respondents were derived using replication logic. Replication logic, along with replication sampling, is adopted from Yin's (2009) case study research methodology to address questions of reliability. The logic behind the use of multiple case studies is that each case "must be carefully selected so that it either: a) predicts similar results – a literal replication or b) predicts contrasting results but for predictable reasons – a theoretical replication (p. 47). To address differing explanation of some phenomenon (rival perspective), a rival replication is conducted when "two or more cases support the same theory/proposition but do not support an equally plausible, rival theory" (p. 33).

With voluminous verbatim responses, the data gathered were arranged and organized for tabulation of responses according to related themes and patterns, framed according to the case protocol. The study was able to also partially utilize NVivo – qualitative data analysis software – to organize the data transcriptions. Three levels of case write-ups were prepared: 1) life stories of case respondents, 2) common responses from key-informants, and 3) field notes (memos) from direct and participant observations. The names of all case study respondents are withheld with anonymity, while places/locations may be vaguely described for privacy and confidentiality reasons vis-à-vis rights of the interviewee. This case study research primarily involves former irregular Filipino migrants (status regularized or deported between 2008 and 2012) with series of validation from those who were detained when the researcher conducted ocular visits in selected immigration detention facilities as the researcher frequented Japan from 2014 to 2018. Thus, the data results and findings do not necessarily represent in totality the current situation of irregular migrants of other nationalities and/or of all the *Filipino irregulars* in Japan, in Asia and across countries of the world.

3. Literature Review

In this study the researcher introduces the term "negotiated citizenship" which is a borrowed concept from the work of Stasiulis and Bakan (2003, p. 39) who argues that non-citizens or migrants have now negotiated their national citizenship(s) and in the process may have gained rights and

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[1] A related preliminary paper was co-published with Dr. A.V. Mani examines the contradictory positions of the state on the treatment of immigrants and irregular migrants in Japan (Tambara, Vol. 30-1, 2013).

privileges previously granted exclusively to the citizens of host country. Other migration scholars describe this theory as "post-national membership rights" which means that "a new form of *citizenship* or membership has emerged in which rights extend across national borders. As such, supranational institutions (e.g. United Nations) and global legitimizing discourses (international human rights regime) have superimposed their authority on that of a nation state, with the effect of rendering national citizenship increasingly irrelevant as a source of rights for migrants" (Marshall, 2006, p. 258). Such discourse has been expounded by researchers on "citizenship and immigration" including the processes engaged through by irregular migrants in negotiating their citizenship status with host countries (Ball & Piper, 2002; Ellermann, 2010; Leerkes & Broeders, 2010).

Discourses on regularization processes such as integration programs and amnesty is incorporated in above definition. Regularization involves the "legalization" or normalization of irregular immigrants' status. Amnesty, on the other hand, is the granting of legal resident-status to longer-staying irregular migrants usually offered by the US government to regularize Mexican migrants (Marshall, 2006). Nevertheless, this study does not discount the argument of Engbersen, Van San, and Leerkes (2006) which contradicts Soysal's (1994) view on the emergence of post-national citizenship in Europe. Rather, the thesis attempts to make sense out of identified factors that could have influenced the state's decision of granting such "limited rights" to immigrants and irregular migrants alike, through a combination of their agency and the lobbying of civic associations and NGOs alike, thus a "negotiated citizenship."

Moreover, Stasiulis and Bakan (2003, p. 39) expounded, that in such negotiated relationship, in gaining some of these rights and entitlements, migrants praxis is markedly "transnational" and that "migrants negotiate national citizenship in the context and through a network of sustained linkages that evince their transnational existence." In other words, a "transnational migration agency" (actors forming as collectivities) is sustained through several important ways: 1) migrants struggle to retain the citizenship status of their home countries; 2) many maintain transnational household structures; and 3) they are part of a transnational labor force and "imagined global community" defined by their national origins, shared culture and exploited occupational and citizenship status across the globe (p. 39).

Negotiated Citizenship through Civic Association

Tocqueville (1961), as cited by Eliasoph (2013), argued that participating in associations or organizations offers people some sort of cognitive (knowledge), emotional (solidarity), and political benefits (power) (p. 12-13). Non-governmental organizations (NGOs) undeniably play a crucial if not an indispensable role in positioning migration issues and considered as primary non-state actors-participants in the migration stream and migration industry. Eliasoph (2013) in adopting the views of Salamon and Anheier (1996) defines "NGOs", also known as Non-Profit Organizations (NPOs) in Japan and in the US, in the following terms: 1) these are organizations, not just temporary or informal, but have some long-term existence; 2) are separate from government, though they may receive substantial government funding; 3) are not mainly aimed at generating profit for the CEOs; 4) are self-governing, rather than being fully controlled by outside entities; 5) use some volunteers; and 6) serve some public good, for public benefit, not just selling a commodity for private consumption (p. 96).

In addition, Shipper (2011) categorizes non-state entities or civil society organizations (civic associations) into two major types including 1) immigrant ethnic associations, and 2) immigrant rights NGOs. The first type is basically formed by legal foreigners in providing compatriots with ethnic identification and a number of support systems for themselves, while the latter is "small and issue-oriented support groups for illegal foreigners, rather than large identity-producing ethnic association" (Shipper, 2011, p. 539). One of these NGOs is the Asian Peoples' Friendship Society (APFS) which offers assistance to irregular migrants. APFS caught the attention of the public eye when it was able to successfully convince the MOJ to grant special permission residence visa for twenty-one illegal foreigners who had stayed in Japan for more than 10 years. Hence, since it is impossible for irregular migrants and "illegal foreigners" to openly form their own support groups in Japan, assistance and advocacy work has come largely from Japanese NGOs, non-state actors and activists. Shipper (2008) further characterizes the indispensable role of Japanese NGOs for immigrant rights (serving both regular and irregular migrants) as "associative activism". According to this concept, Shipper contends:

> …Local actors seek to transform inflexible and relatively unresponsive political institutions through coordinated local activities aimed at resolving a particular problem that, while not directly conflicting with prevailing government policies, nonetheless challenges the broader political status quo…activism (is said) to be associative when (1) like-minded activists form a range of NGOs to address specific problems and (2) local governments increasingly cooperate with activists and their organizations, forming novel and flexible institutions (p. 11).

Framework of Analysis

This exploratory case study employs an inductive approach through generation of hypothesis for further studies. To help with the hypothesis-generation process, the study offers a theory proposition which is meant to be reviewed at the analysis-phase. The research hinges on the proposition that governments (liberal regimes) of both countries of origin (source) and destination (host), in this case the Philippines and Japan, are caught up in a dilemma between adhering to international human rights standards and constitutional rights including that of migrants regardless of their status, and protecting the rights of their citizenry (of the host states) and that non-citizens or some irregular migrants have gained rights and privileges previously granted exclusively to the citizens of host country through a network of sustained linkages that reinforces their transnational existence. Such situation underlines the liberal state's "self-limited sovereignty" wherein its coercive powers are largely curtailed by their constitutions and international conventions (Stasiulis & Bakan, 2003; Joppke, 2010).

The theoretical proposition is anchored on the argument that the role of non-state entities (NGOs, church-based organizations) and self-help groups in the Philippines and Japan, and even in other countries, becomes a catalyst to ensure protection of migrants' rights, and thus they serve as "watchmen" to make sure that these are constantly upheld. Nevertheless, this should not obscure the role of migrants as individual agents capable of making independent decisions in using existing channels, including migration agencies and networks in place, to achieve whatever goals they have had in mind in deciding to go abroad. Such networks become part of the self-developing process of labor migration as it helps reduce both economic and psychological costs (monetary and

adjustments costs). Hence, in the context of the respondents' life stories, the following hypothesis was proposed: "As migration control becomes much stricter, more irregular migrants are seeking assistance from non-state actors and the migration industry."

Thus, in reference to Falk (1999), to strengthen citizenship and labor rights for migrant workers, regardless of their nationality and legal status, "globalization from above (supra-nationality) needs strong input from globalization from below (transnationalism)" via the lobbying of NGOs/civic groups. The work of Ball and Piper (2002) and Piper (2004) further emphasized that Filipino citizens are actively campaigning on behalf of their compatriots in the Philippines and in Japan, among other recipient countries and their governments. Such advocacies and pressure groups effectively ensure protection of migrants' rights in a "transnational setting", including recognition of citizenship and human rights of migrant workers.

4. Data Presentation and Discussions

This section presents the data by highlighting the role of non-government organizations (NGOs) in Filipino irregular migrants' sense of recognition, identity, and belongingness in stabilizing the legality of their status. The significant contribution of local citizenship initiatives is also presented including multicultural programs of selected cities in Japan as a major factor that pave the way for migrants to consider settlement in this country.

A. Surviving Irregularity through Localized Initiatives

Narratives of the respondents suggest that irregular migrants did not feel any sense of animosity or being excluded from the mainstream society. In fact, most of them contend that they were able to integrate themselves without difficulty especially in dealing with the Japanese citizens in their localities. Other key-informants also mention about the "give and take" mutual relationship (*otagai* or reciprocity) between the Filipino and Japanese communities.

In fact, the narratives reveal patterns of interactions that non-citizen migrants have indeed in the process inadvertently gained rights and privileges previously granted exclusively to Japanese citizens through a network of sustained linkages that demonstrate their transnational existence, even before a special permissions for residence have been granted or even when they were still on irregular status. Their sense of belongingness with the local community inevitably facilitates the extension of their rights across national borders (see also Nagy, 2008).

Table 1: Respondents' Duration of Stay in Japan

Case No.	Year of Entry	Year Arrested	Total Years of Irregular Status	Total Years in Japan (2012)
1	2003	2009	6	9
2	1997	2008	9	12
3	1987	2011	8	18
4	1989	2008	19	23
5	1989	2007	18	23
6	1987	2009	18	23

7	1995	2009	9	12
8	1990	2009	14	18
9	2006	2009	2	3

*Raw data generated from NVivo database.

As shown in the table above, many of the case respondents had been on an irregular status for more than a decade which somehow connotes that they are relatively established in the local community as early as 1990s to the latest date of their interviews in 2012. The respondents and key-informants disclose that their irregular status did not hinder their sense of community by establishing a network of their own. In fact, they are regularly seen and visible in the Filipino community – attending masses, basketball leagues or sports competitions, parties and the like. Hence, it was relatively easier for those who have their established network, which may not necessarily be formal. Without friends, informal networks or lawyers to advise them, many of these migrants may be jailed for quite some time because of a failure on their part to decide prudently (if not deportation, they may suffer psychological stress from prolonged detention).

> *I had totally no idea about Filipino organizations existing in Japan until now. All I knew was that we have a Catholic Church here that serves as avenue for gatherings and the like. But I had this one Filipina friend who really comes often to my previous house…She helped me refer my children to the said center when I was detained* [Ebony].

> *If I had known that there were NGOs and self-help groups that could have assisted my hardships, I could have availed of such services then* [Rose].

Furthermore, when respondents were asked about the significance of working with solidarity groups to help them in their cases; all of them recognize the indispensable role of tapping existing network of Filipino and Japanese NGOs. Most of these migrants are somehow drawn towards helping other distressed migrants in the same way as they were helped in their own personal difficulties. The case respondents also expressed the following interesting similar narrative on the importance of maintaining solidarity with compatriots, volunteers and advocacy groups and/or capitalizing on a combination of these networks/linkages:

> *I owe our current legal status to these groups, and that it is our duty now to also help others. Although not regularly but we are doing the best we can to balance working and volunteering schedule* [Irene].

Some Discussions:

The responses above basically reflect the duality of the Japanese society as a host country wherein at the national level; there exist a conservative-stringent countermeasure against irregular migrants and perhaps racial profiling, which is being juxtaposed at the local level where direct interactions on a regular basis preserve collective spirit and mutual understanding. In fact, in most cities and municipalities at prefectural level, any observer can easily understand the intensive efforts of Japan to internationalize its society through multicultural programs which invite foreigners to

interact with local Japanese residents in the neighborhood and city government-initiated activities. As cited earlier, Nagy (2008) has further clarified that in order to compensate for an absence of national/state-level immigration policies, local governments have initiated their own localized incorporation and social integration policies (see also Nagy, 2012a, 2012b, 2013b, 2013c). Indeed, these local Japanese folks could not care less about the migrant statuses as long as they are not doing anything wrong that could harm them or put the host citizens' personal security in jeopardy. However, these observations do not immediately warrant that the acceptance of foreigners is unconditional. Any migrant regardless of their status has to adjust with what Shipper (2008) termed as *racialized hierarchy* in Japan – labeling of positive and negative traits according to races and nationalities. As Faier (2008) discussed in her study about Filipino women married to Japanese men, they are only "accepted" if they are able to prove that they have desirable qualities and that they are indeed relatively much "different from ordinary Filipinos." This tantamount to saying that they have to qualify themselves and offer their best efforts that they are indeed worthy of the "uncorrupted" Japanese society.

Nevertheless, Tsuda (2006) pointed out the thriving solidarity between migrants and the host society at the local level. Tsuda claimed that there exist "local citizenship" which refers to "the granting, by local governments and organizations, of basic sociopolitical rights and services to immigrants as legitimate members of these local communities" (p. 7). This includes social integration programs and policies by local governments for immigrants, services offered by local NGOs as well local activism to demand and secure basic rights for immigrants, or through city government level-NGO partnerships (co-development). Hence, the question of who is in or out could not just be answered in one dimension and must be viewed from a wider angle of myriad factors affecting its consequences and unexpected outcomes (see also Yang, 2013; Fauser, 2014; Hellgren, 2014; Walker, 2014).

B. Accessing Social Services

At the onset, without prior knowledge of NGO assistance and for fear of arrest, detention and eventual deportation, most respondents have talked about circumventing or delaying hospital care if they had illnesses that were bearable or could still be cured by self-medication. These unhealthy practices is highly risky especially for pregnant women-migrants and those who are about to give birth. Circumventing hospital care is another serious matter for women and female migrants with children and their health-seeking behavior in Japan. To avoid costly health care charges because of exclusion from the Japan's national health insurance, many of the irregular migrants opted to life-threatening decision of giving birth at home assisted by untrained and unprofessional birth attendants. Similarly, the cases below also fit the said difficult circumstance:

> *When I gave birth to my son, I was assisted by a fellow irregular Filipina migrant in the delivery (she was a traditional birth attendant back home). I didn't go to the hospital for fear of being reported to the authorities and more than that, I don't have the capacity to pay for my medical expenses* [Rose].

> *Without insurance, we had to pay the full amount even for medical check-ups. In the end, we rarely have savings since we are also sending support to our respective families back home* [Kristel].

Likewise, the nine-year study of Yamamura and Sawada (2002) on the health-seeking behavior of overstaying foreigners with tuberculosis at a medical center in Kanagawa concluded that most patients sought care only when symptoms came out rather than as a result of a screening requirement or efforts by public health centers. The study further found out reasons for high default rate (or low turn out to seek medication) including "worry for high medical costs because of no coverage by a health insurance scheme, lack of information of the medical systems (could be due to language barrier), and worry for forced repatriation by the immigration office." The study also pointed out that, in terms of nationality, the proportion was highest among Filipino overstayers (30 percent of the total), followed by Koreans, Pakistanis and Indians (Yamamura & Sawada, 2002).

Koser (2010) clarifies that seemingly these co-ethnic self-help groups, transnational migrants' organizations and civic association serve as "buffer zones" especially when the sending states/governments (i.e. embassies/consulates) are incapable of protecting their migrant-citizens in their host countries as the latter's policy are bent on criminalizing irregular migrants. Koser (2010, p. 191) (*emphasis mine*) further stressed the following:

> Migrants with irregular status are often unwilling to seek redress from authorities because they fear arrest and deportation. **As a result, they do not always make use of the public services to which they are entitled such as emergency health care**. In most countries, they are also barred from using the full range of services available to citizens and migrants with regular status. In such situations, already hard-pressed **NGOs, religious bodies, and other civil society institutions are obliged to provide assistance to migrants with irregular status,** at times compromising their own legality.

KAFIN Center as a Filipino neighborhood association in Tokyo has limited program on access to health care services which is focus on provision of free counseling and assistance. It is very much difficult to provide hospital assistance as Japan follows a national health insurance system. Nevertheless, in terms of educational assistance, Japanese and Filipinos NGOs alike is evidently active especially for migrants who had growing children or needed to go to school. Many were surprisingly admitted at the local school board regardless of their status. Other respondents were able to access services offered by NGOs and church-based initiatives, as narrated by the following case informants:

> *Since my child was still very young, we were lucky that there were church-based kindergarten/nursery programs that welcome all foreigners (regardless of their status)* [Mark].

Figure 1: Inside Japanese Classroom
*Picture taken at a classroom where a Filipino kid was studying (A.Villa)

The life stories of a few respondents and informants, as in the case of Irene above, bear resemblance to what Jabar (2010) identifies as parental involvement which is a form of social capital in Japanese schools. Most schools in Japan have programs to enhance parental involvement. Parents are able to achieve trust, cooperation, and interdependence with co-parents and amongst teachers through involvement in numerous PTA activities such as the *undoukai* (sports fest) and the *renrakumou* (contact network for information sharing regarding school activities). As Jabar (2010) argues, "school activities such as PTA meetings allow parents to establish rapport and trust with the school personnel and their fellow parents increasing access to material and non-material resources" (p. 321).

The right to access social services is an inherent right generally accorded exclusively for nationals or citizens of a state or country. Kondo (2001) categorizes them under "social rights" as compared to residential, economic and political rights. Hence, not all aliens have full freedom of entry to any country, but residential rights are guaranteed to permanent residents (*Eijuuken*) as in the case of Japan. Normally, irregular resident aliens are not granted with such rights. However, since post-war era, Japan has been signatories to numerous UN conventions and international agreements which put emphasis on the need to respect the human rights of all persons inside their border regardless of their nationality or status. Even Japan's Constitution has provisions recognizing these inherent rights for all human beings, including non-Japanese aliens.

At the local (city, municipal) level, especially before 2012, service provision is also extended even to non-regular or unregistered foreigners, including public education (for their children), child rearing allowance/child allowance, inpatient childbirth care, maternal and child health care (including vaccinations), and application of labor related laws (such as unpaid wages and unfair labor practices) (Kondo, 2001; Kumustaka, 2011). The term "unregistered" here is taken into the context of the amended immigration control act implemented in 2012 that requires all registered

foreigners in Japan to be issued with a resident card replacing the former alien registration card system.

Moreover, to put forward the data and narratives of the life stories of the case informants and how the non-state actors have assisted them in their precarious status, the following selected cases are presented below:

Case 1 (Andrea): A female entertainer with a child by a jailed Japanese "salaryman."

Andrea's Japanese boyfriend was found guilty of embezzlement of company funds and was sentenced to five years in prison. The police interrogated her as well and discovered her irregular immigration status. She was detained at a police station for six weeks, and another six weeks in an immigration detention facility (three months in total). She said it was the most traumatic time of her life since she had to be separated from her child. Her son had to be taken care of by a government-run shelter. While incarcerated, her friends and some NGO volunteers helped her obtain special permission to stay in Japan, and then later a long-term visa. Ever since then, she has been active in helping Filipino irregulars and at one time elected as officer of a Filipino NGO in the city where she resides.

Case 2 (Cheryl): An entertainer, with a Japanese child, was deported once and later jailed for overstaying twice and then obtained a temporary visa after being granted pardon.

Cheryl was sentenced to eighteen months in jail as a repeat offender (recidivist) and for forging a Japanese passport – a criminal offense. Though her friends and some volunteers appeal for her case, she was granted parole mainly because of her good behavior. She was on provisional release due to her special circumstance of having born a Japanese child. Through the assistance of a Filipino NGO in her city, Cheryl in the end received a temporary visa a year after she was released from jail. She is now an on-call NGO volunteer.

Case 3 (Ebony): Divorced by a Japanese husband, a Filipina left to fend on her own for her Japanese children with an irregular status.

The authorities found out about Ebony's visa status and had to be detained at the police station for ten days and then at the immigration center for two months. Since Ebony had very limited contact with Filipino compatriots and non-state entities, she was not able to utilize assistance from them. However, there were some nuns and a few volunteers from a religious group who visited her often and somehow gave her some input on how to appeal her case. She said that she was able to get out perhaps out of pure luck and fortune when the volunteers prayed for her. She contends that it was also the immigration officer who enlightened her about the procedure. Ebony was eventually released on *karihoumen* (provisional release) and in time obtained a long-term visa for the mere reason of having Japanese children.

5. General Analysis and Implications

This section puts forward the general analysis on the indispensable contribution of civic association to transnational migration agency. It also presents the implications on the role of NGOs

(through the non-state actors within them) in organizing for migrants' rights and thus forming a transnational migration agency.

A. Civic Association and Transnational Migration Agency

There are myriad types of NGOs, encountered in this study, to name a few: 1) cultural activities-focus (traditional); 2) political (focus on migrants in distress influencing and lobbying policy making and advocacy campaigns and movements); 3) Grassroots community based or peoples' organizations; and 4) those commonly associated with church/religious groups. Amongst these organizations, throughout the course of my study, I have worked closely with Church/Faith-based and non-church based/non-religious organizations and self-help groups. Most of these organizations cited the principle of volunteerism and a sense of community with compatriots that drove them to help the disadvantaged and distressed migrants (see also Zarate, 2008; Vermeulen and Brünger, 2014). But to what extent do volunteers remain volunteers and refrain from becoming activists? Eliasoph (2013) outlines in her work that even though both volunteerism and political activism are not the same thing, they still comprise "civic engagement."

"Volunteerism"	"Activism"
helpful, caring, fun, selfless, kind-hearted, charity, devote, free, unity	anger, protest, bias, argue, corruption, unhappy, mobs, shouting, hippies, riot

Figure 2: Eliasoph's Content Analysis on "Volunteer Politics"

This study has found out that in dealing with non-state actors, there are organizations that would rather retain the more appealing label of "volunteerism" for their groups. In fact, when I assisted a group of women in Kyushu in establishing their own regional self-help groups, there was confusion and bickering on what trajectory the proposed organizations should take. At the visioning stage, we were lagging behind about to what degree we are going to engage with the city/state level policies regarding migrants, irregular migrants and distressed migrants alike. The founding members were somehow sensitive about the goals of forming the association. As Eliasoph (2013) argued (as shown in the figure above):

> …when we think of volunteering and political activism, we imagine two very different creatures…words associated with "volunteer" are overwhelmingly warm and friendly, while words associated with "activist" are less uniformly positive…In our shared imagination, the volunteer feels comfortably warm, while the activist either feels too coolly intellectual or too hot-headed. In our collective imagination, the nice, agreeable volunteer reads to pre-schoolers, while activist pickets and shouts (p. 43).

In Tokyo and Nagoya, non-state actors reveal that their historical beginnings and the establishment of their organizations moved from non-politics to politics when there was a need to make a stand for certain issues that affect the concerns and welfare of affected individuals (e.g. irregular migrants, foreigners alike). Nonetheless, there were other organizations that also moved from politics to non-politics and vice-versa depending on the circumstances that influence their leaders and members' decisions (opportunity structures) (see also Hellgren, 2014). An NGO

organizer in Tokyo describes their advocacy work as "collective empowerment" which is different from "individualistic mechanism." It cited earlier historical beginnings of the initiatives of Rev. Fr. Wanatabe as director of *Kalakasan* and former head of *Kalabao-no-kai* which started as traditionally-oriented organizations and later transformed into a welfare-based NGO and later became lobbyist for foreign migrants concerns. A Japanese social worker in Nagoya who also volunteers at FMC made mention about how she started her volunteer work with the said group through handling victims of domestic violence (DV) cases and referrals for distressed migrants. She later establish her own "foreigners' helpline" to cater not only distressed *Filipinas* but all other foreigners in Aichi-ken (see also FMC, 2008; Luna, 2013).

Indeed, the collaborative efforts of local governments and non-state actors in vitally facilitating localized citizenship in Japan and elsewhere was intensively studied by numerous scholars (see also Douglass & Roberts, 2000; Tegtmeyer Pak, 2001; Tsuda, 2006; Nagy, 2010; Shipper, 2011; Fauser, 2014). Tsuda (2006, p. 7) claims that there exists "local citizenship" or "the granting, by local governments and organizations, of basic sociopolitical rights and services to immigrants as legitimate members of their local communities" when the national government is rather apprehensive on accepting foreigners and migrants. Similar processes can be observed in South Korea, Italy and Spain to which Fauser (2014) ascribed as "co-development" or transnational involvement of migrants in development and governance. In fact, case respondents and many of the key-informants also mentions about service provision including education for children and medical assistance even extended to irregular migrants.

However, Tegtmeyer Pak, Tsuda and Shipper have commonly asserted possible caveats that put limits to local citizenship initiatives and local activism for migrants and foreign residents such as the lack of uniformity due to local variations of policies towards acceptance of foreigners – vary considerably from city to city (not only among state entities but even among non-state initiatives due to limited resources); and the low civic participation among foreign residents due to "assistential" immigration social integration policies which mainly focus on addressing "episodic" personal and social emergencies (Tsuda, 2006). This has been cited by key non-state actors and NGO leadership/executive committees I have worked with. Narratives of the respondents also reveal that irregular migrants capitalize on these existing networks for their personal and familial ends. There were cases and anecdotes that particularly illustrate how these migrants utilize the services offered by NGOs and once they were able to successfully obtain their negotiated rights, they would just disappear and go on with their "normal lives." However, key-informants from NGOs express that they have addressed these concerns above through follow-up service provision and after-care programs through further trainings and seminars.

Additionally, reflective of Nagy's (2010) argument, Japanese's *flexible bureaucracy* could readily be observed through the policy of multicultural coexistence (*Tabunkakyosei*) and internationalization at the local level, making life in Japan much manageable or bearable for foreigners, regular or irregular migrants alike (Nagy, 2013). However, as contended by NGO workers and volunteers in Tokyo and Nagoya, multiculturalism in Japanese context should not be understood the way Westerners view them. As the studies of Nagy (2012b, 2013b, 2013c) have discussed, multiculturalism is a rights-based approach to the inclusion of the foreigners or the "others" while multicultural coexistence is a service-based approach to the inclusion of "temporary others."

Similarly, the president of the Philippine Society in Japan (PSJ) in Nagoya (one of the key-informants) apparently describes the policy as only limited along information dissemination campaigns such as proper waste/garbage disposal, recycling, disaster management plans, among others that form part of the so-called programs for multiculturalism. Yamanaka (2006) also cited similar case for Brazilian community-city coordinated activities. Also, an earlier study of Nagy (2010) found out in his interview with Shinjuku's international exchange managing director that multicultural coexistence programs are meant to provide foreigners with fundamental knowledge and information about Japanese customs and traditions to avoid disrupting the regular activities of Japanese citizens – ensuring that migrants and foreigners have to work within their framework instead of vice-versa or mutually agreed framework. The following are the transcript of the said interview:

> Multicultural coexistence and internationalization policy are not about creating a municipality that foreigners want to come to, rather they are about maintaining the integrity of the Japanese community, ensuring that the foreigners that do settle temporarily or for the long term do not disrupt the traditional patterns of Japanese life (Nagy, 2010, p. 153).

I was able to validate the observations above through a key-informant Filipino interviewee working in the Nagoya International Center (NIC). NIC offers free consultation (labor, education, housing, legal – visa, etc.). Basically, Nagoya's program is residence-based (day to day living) as compared to Tokyo's business-based transaction/implementation of its multicultural program (internationalization). NIC also coordinates with the Ministry of Labor, Health and Welfare (MLHW) for a "Hello Work" program. It offers *Nihongo* language for work-program free of charge, especially as a training course for employment preparation of workers of Japanese descendants (at the onset), which was later extended to other foreign workers (including Filipinos). The program helps build awareness among migrants in establishing their career through free education and basic knowledge on their labor rights which is part of their obligation to know their benefits, contracts, among others. The said Foreign Residents Employment Center (e.g. Nagoya employment service center for foreigners, *Kariya* employment center for foreigners, etc.) also offers a mechanism for assisting resident-migrants looking for a job (literally looking through the "folders of jobs offered"). It acts as *hakenkaisha* (temporary staff recruitment agency/employment agency) but does not charge the workers or deductions on their salary. After the relevant foreigners' background is evaluated by the staff in the center, they are recommended to specific *kaisha* they have chosen, and thereafter transact with the owner/manager.

On the other hand, the reemerging role played by lawyers and scriveners/notary public (*gyouseishoshi*) alike cannot be discounted in ensuring that rights of migrants are asserted albeit latently or tacitly. Administrative scrivener and even paralegal workers qualified to prepare legal documents on administrative matters such as immigration-related concerns have significantly tilted the balance for migrants' rights recognition in a hesitant-destination country like Japan. The legal/paralegal network and volunteers provide support in the actualization of human agency through everyday resistance – which is done by winning their case without necessarily making a "bang" or a big noise. In fact, many of these actors have also utilized offline/online channels and social networking sites in advertising their services. Nonetheless, the NIC representative contends that migrants should be careful with so-called "visa lawyers," due to the fact that they are just plain

"notarists" as they charge their clients from 100,000 to 200,000 yen on paper work-based requirements with no assurance of winning their cases at all. On a positive note, I also encountered lawyers and scriveners who are inclined of helping foreigners not for monetary reasons but for the genuine sense of volunteerism and social activism. Many of them recognize the need to address structural inequity brought forth by unequal economic status between sending and recipient countries.

Figure 3: Poster Ads on Administrative Lawyers' Assistance*
*Picture of a poster near the Nagoya Regional Immigration Bureau (A.Villa)

Moreover, the chairperson of *Migrante*-Nagoya talks about how some migrants were puzzled about how they were able to win their cases without necessarily putting the government or the immigration bureau in a bad light – by working through the above channel without the need for a televised press conference and protest action. Though they recognized the importance of demonstrations to agitate the public to support their causes as frequently seen in the Philippines (in the case of their mother organization in Manila), but at the same time they know that there are other strategies that can also be tapped aside from rallies and protest actions. Such reflection is seemingly an implicit dissenting reaction to how the NGOs and activists handled the case of Calderon family in Tokyo, which only dissuaded the government in giving a favorable resolution for the said Filipino family-migrants with irregular status. Hence, fighting the battle, albeit latent or unnecessarily making a big noise, may be quite effective in other circumstances as what the scriveners have been noiselessly doing in assisting most of their clients – mostly are irregular migrants.

In fact, I was able to validate the above observation from an interview of the director (a priest) of another church-based Japanese NGO in *Mikokoro* Center, the Center for International Marriage and Family Life, in 2012. It took its roots from the founder of *Tomo-no-Kai*, who also co-founded the Asia Labor Solidarity (1990) as a response to the surge of distressed women migrants in the 1980s (most of whom became irregular migrants). It was in the 1990s that the Japanese immigration

law was amended when men also started to come to Japan (as construction workers, unskilled laborers). In 1993, the *Tomo-no-Kai* (or literally Association of Friends) was established to focus on migrants, refugees, and seafarers with residential status. Migrants tend to settle down, bringing with them their family, while their children start studying. They started the campaign to let irregular children access education (but primarily with children of Korean descent). The organization tried to assist the migrants' family adjustments in Japan, especially those who got married with Japanese (cultural background and differences between cultures, religion, etc – a vast number of NGOs/NPOs helped in serving these migrants). The interviewee-informant argued that they accept everybody regardless of their migration status and religious affiliations. For detained migrants, the said office conducts visitation activities through their missionaries and some of their nuns. In working with several other organizations, the priest-director commented that there is a need for everybody to have a change of heart or a shift from the traditional framework of "economic view of the world" (nation-oriented society) to a more humane, if not one "international humanity" so that everybody can work together regardless of their nationality, background, status or affiliation (see also Shipper, 2008, 2011).

B. Organizing for Migrants' Transnational Rights

Quite a number of NGOs and community-based organizations in the Philippines were established to specifically focus on the concerns of migrants-in-distress, especially in Japan. Many of the cases they have hurdled through involved children of Japanese father. Progressive party list-groups and advocacy-based politicians have already started mounting their influence in the Philippine congress to push for long-term reforms in the service of OFWs abroad and those who were repatriated back home. A few local initiatives, for example in Davao City, can be observed by passing local ordinances (statutes at the local government legislatures) establishing an OFW center in the city. However, such a promising initiative is beleaguered by budgetary constraints and lesser financial support for migrants in general despite their obvious huge contribution to the economy. On the other hand, the *Maligaya* House (in Quezon City, Metro Manila) focused on provision of assistance for abandoned Filipino mothers and their children of Japanese fathers. Assistance on their cases depends on their financial status/capacity and how the Japanese legal system cooperates with their cases. As argued by a legal network in Japan, it is much easier for women when they are in Japan because they can always tap the "Japanese legal aid" system where they can avail of free legal services. Though there is another system managed by the Japanese Bar Association.

As Marshall (2006) have contended, there existed *transnationalism* or the sustained linkages between immigrants and their children and families back home because of the "steep rise in numbers, easier communications and global media which have resulted in the emergence of new social structures and thus producing a new consciousness" (p. 275). Such new structures have also facilitated transnational identities (dual or multiple identifications) and transnational rights (protection of migrants' rights across borders). The earlier work of Asis and Baggio (2008) has intensively documented *diasporas* and development in their home countries through the remittances sent from abroad (see also Castles and DeWise, 2008). However, there has been a dearth of studies regarding transnational politics – how state and non-state actors facilitate transformation of migrants' lives from their home country to their destination countries and vice-versa. I have earlier concluded that one of the challenges that beset the global community is to carefully understand at a more holistic view the myriad factors on the international migration processes (migration stream)

and that this involves tying the knot of seemingly "disconnected or disjointed paradigm" of addressing irregular migration – the context of the global labor migration – and not as separate systems.

To address this predicament, I was able to connect with a Faith-based NGO in Davao City – the Center for Overseas Workers (COW) run by nuns and sisters of the Religious of the Good Shepherd (RGS). The Religious of the Good Shepherd-Center for Overseas Workers (RGS-COW) is a non-stock, non-profit foundation based in the Archdiocese of Davao, Philippines. It was launched in September 1990 by a group of development workers in response to the church's call for pastoral care for migrant workers and their families. At the time, the Gulf war had caused the repatriation of overseas workers from Kuwait and other Middle Eastern countries (deportees). RGS-COW facilitated the giving of assistance from the church to forty-five OFW returnees and helped them set up the Overseas Workers and Families Multi-Purpose Cooperative. Since then, the center has assisted overseas workers and returnees in need, through savings and credit mobilization, income-generating activities and psychological counseling. The operation of RGS-Center for Overseas Workers (RGS-COW) in Davao City is now under St. Mary Euphrasia Integrated Development Foundation, Inc. (RGS-COW, 2012).

Furthermore, the RGS-COW envisions a future society wherein women and men, particularly workers forced to seek jobs in other countries, can exercise their full and equal rights as human beings, enjoy the fruits of their potential and actualize their oneness with creation (divine connection). RGS-COW is committed to the empowerment of Overseas Filipino Workers from the poor communities of Davao and surrounding areas. Through their community-based organizing, training and socio-economic programs, OFWs and their immediate families are enabled to develop their capacities in decision-making and taking individuals and collective action for their families and communities' well being, especially in the safeguarding of Christian family values, sound financial and enterprise management and protection of workers' rights.

The following are its objectives: 1) To fight for the rights and welfare of the Japanese-Filipino children; 2) Strengthen unity among OFW-returnees and former overseas contract workers (OCWs) and their families in Davao City; 3) Develop and enhance the capabilities of OFW leaders in respective community formations and provide opportunities for empowering actions for the OFWs and families; 4) Provide direct assistance for OFW and families in distress, and/or facilitate support actions on special cases needing psychological counseling and legal advice; 5) Building support network among OFWs, their families and advocates in upholding the rights and welfare of OFWs and families; and 6) Initiate and/or support advocacy actions to support the legitimate struggle of OFWs and their families; and 7) Tap and mobilize help resources for the OFWs and families as a result of an organized and successful legislative advocacy. The programs of RGS-COW include rights and welfare of the Japanese-Filipino Children (RWJFC), organizing groups of OFWs and OFW families in urban poor communities of Davao, direct services programs, and building support network among OFWs, their families and advocates in upholding the rights and welfare of OFWs and families (RGS-COW, 2012).

Table 2: Migrant-Serving NGOs Encountered in this Study

Type of Organizations	Japan	Philippines
Non-State Entities (Legitimate)	**Church-based network:** 1) Tokyo: United Church of Christ in Japan, Urawa Center (Catholic) ; 2) Nagoya: Hibino Church, Mikokoro Center, Anglican Church; 3) Oita and Beppu Catholic Church (Kaagapay and network) **Non-Church based**: 1) Tokyo-area: KAFIN Center, CJFF; 2) Nagoya: Filipino Migrants Center (FMC), Philippine Society in Japan (PSJ), *Migrante*-Nagoya; 3) Kyushu-area: Kumustaka, Soba-UniFil; 4) Lawyers and Volunteers	**Church-based network:** 1) Metro Manila-area: Batis – UCCP and Maligaya House; 2) Davao: Center for Overseas Workers (COWD – Catholic Nuns [RGS]) **Non-Church based**: 1) National level: *Migrante* International, *Gabriela* Women's Advocacy Group, DAWN; 2) Davao: MMCIEA; Ateneo Migration Center (AMC)

Moreover, RGS-COW has networked with varied church/non faith-based organizations in Tokyo and Nagoya including KAFIN-Tokyo, *Migrante*-Nagoya and the Anglican Church through its Ecumenical Learning Center for Children (ELCC) in Nagoya. My exposure with these networks of NGOs and self-help groups was largely focused in Nagoya City where I spent most of my fieldwork for interviews and participant/direct observation. Since I was also involved as volunteer of the said network-groups in Nagoya and with another network-organization in Beppu and Oita (and in Kyushu), my views reflect the organizing process for migrants' rights in the conduct of advocacy/transformative research paradigm. My exposure with the advocacy work of *Migrante*-International and its network from Manila to Davao helped validate my interviews for deported migrants. I was also given the chance to witness the livelihood project of Development Action for Women Network (DAWN) which sells their handicrafts and embroideries abroad including Japan. DAWN offers services for repatriated and deported women-migrants to start their lives anew by giving them livelihood and skills training. In fact, deported migrant-respondents put forward positive descriptions when it comes to the crucial role played by non-state actors in addressing their problems and other concerns. These self-help groups are working across borders by referring deportees to an NGO back home in terms of service provision and assistance (i.e. transnational migrant NGO-network).

6. Concluding Remarks

Tocqueville (1961), as reiterated by Eliasoph (2013), concluded that participating in associations offers people some sort of cognitive (knowledge), emotional (solidarity), and political benefits (power). As argued by various migration scholarships (Tsuda, 2006; Shipper, 2008, Landolt, 2008; Vermeulen and Brünger, 2014), such positive benefits subliminally agitates individuals to recognize the importance of forming solidarity groups with fellow migrants. The case studies show that an unwanted irregular migrant will certainly seek recognition, not necessarily from mainstream society but from peers, networks, and most of the time from compatriots – establishing links, and building contacts. Arguably, Shipper (2008) clarified this "recognition seeking-process" in the following terms:

> Living in a country with no active policies to fully incorporate foreigners into its society, such foreigners in Japan with no political rights inevitably feel vulnerable as outsiders and turn to building closer ties with their co-ethnics and their home countries. As a result, they have created numerous immigrant ethnic associations, groups that provide ethnic identification and various kinds of support for legal foreigners, although generally not for their illegal compatriots (p. 59).

In addition, as Koser (2010) argues, these co-ethnic self-help groups, transnational migrants' organizations and civic associations serve as "buffer zones" especially when the sending states/governments (i.e. embassies/consulates) are incapable of protecting their migrant-citizens in their host countries as the latter's policy are bent on criminalizing irregular migrants. As Koser (2010, p. 191) further stresses:

> Migrants with irregular status are often unwilling to seek redress from authorities because they fear arrest and deportation. As a result, they do not always make use of the public services to which they are entitled such as emergency health care. In most countries, they are also barred from using the full range of services available to citizens and migrants with regular status. In such situations, already hard-pressed NGOs, religious bodies, and other civil society institutions are obliged to provide assistance to migrants with irregular status, at times compromising their own legality.

What is more is that in other instances, personal idiosyncrasies (such as financial difficulties, and the extent of the precariousness of their status), as well as individual differences may result to unintended gossiping which only further discourages migrants to form solidarity groups for the interests of regular and irregular migrants alike. However, many of these groups are able to overcome and paved the way for civic association and transnationalism. This is evident in the case of FMC in Nagoya as their efforts to assist Filipinos inspired other non-Filipino migrants to organize and empower themselves. Moreover, international networking help legitimize local initiatives especially if the organization has limited resources such as linkages of some Philippine NGOs with APMM in Hong Kong (Takahata, 2007; FMC, 2008; Abe, 2011).

Hence, this study generated the following hypothesis: "As migration control becomes much stricter, more irregular migrants are seeking assistance from non-state actors and the migration

industry." Evidently, as observed in the work of Apichai Shipper (2011) and Stephen Nagy (2013), the collaborative effort of migrant and non-migrant organizations between Filipino-run and Japanese-run NGOs at the local level (including church and non-church based groups) plays an immensely huge role in sending a message cutting across territorial boundaries and thus perpetuating a transnational migration agency (i.e. actors forming as collectivities) inadvertently reshaping a new world order for the global migration process. As such, the views pointed out in this study are relatively more focused on the role played by non-state actors, though some state personnel and government officials working with migration related agencies are also partially highlighted, their actions and discretions are relatively delimited by state policies, rules and regulations. The human agency is also illustrated through understanding of personal networks and linkages (social capital) with certain other actors working in the migration industry which helped transform the lives of the irregular migrants. The salient point on the importance of solidarity groups whether church-based or non-religious self-help groups are also highlighted. As Landolt (2008) concludes:

> The number and variety of non-state actors that now sustain meaningful symbolic and material ties across the borders of nation-states is growing. International migrants, social movement activists, entrepreneurs, and religious figures are building social relations, institutions, and social formations that bridge distances and tie together people and institutions embedded within different nation-states. In this context, we find a socio-spatial shift in the ways in which group identities are constituted, shared political agendas are defined, and strategies of collective action are consolidated and carried out (p. 71).

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