

Low Benefit with a High Cost: An Assessment of Japan's Highly Skilled Foreign Professional Visa

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Abstract

In the global race for the best and the brightest, Japan's point-based Highly Skilled Foreign Professional visa, implemented in May 2012, represents a new step in trying to attract skilled foreign labor. Benefits offered under the visa are internationally competitive and previously unavailable in Japan, yet the policy has fallen considerably short of its aim. This paper briefly compares other highly skilled migration schemes to the new Japanese visa, and offers an assessment of the visa from the academic applicant perspective. Results indicate that while the residency benefits offered are often positively regarded, they strongly favor longer term residents. Other visa benefits appear to be of questionable merit. The Highly Skilled Foreign Professional visa further suffers from unclear application requirements and inconsistencies in administration, greatly increasing the amount of time and effort required to navigate the process. To improve its attractiveness, additional consideration can be given to information dissemination, and offering more differentiated categories of highly skilled worker entry with relevant and enticing benefits.

Introduction

Japan's aversion to immigration is well noted. For much of its history Japan has maintained low immigration rates while ensuring a high degree of ethnic and cultural homogeneity. Even when the foreign population peaked in 2010 official statistics showed only 1.7% of the population holding a foreign nationality (MIA 2013). However, long life expectancies coupled with a declining birthrate have forced the government to quietly reconsider its stance on immigration. In an

attempt to target skilled foreign workers, a new point-based visa for “highly skilled foreign professionals” was implemented in May 2012. Although the new visa offers a number of previously unavailable benefits, it has so far performed considerably below government expectations.

This paper considers the Highly Skilled Foreign Professional (HSFP) visa in detail, looking at why it has underperformed by drawing comparisons to other skilled labor recruitment schemes, reviewing existing survey data on Japan, and offering an analysis based on HSFP visa applicant interviews. While there are a number of points on which the HSFP visa can be improved, this paper provides some evidence that the costs involved in obtaining the visa outweigh the benefits available from it. In the highly competitive market for global talent, Japan would greatly benefit first from the clear provision of basic information such as the visa application procedure and the documents satisfying the various components of the application. Greater differentiation in the visa may also be helpful, where the government could create additional subcategories and tailor benefits more specifically to them. At the most basic level, the visa should look more appealing and any questions or confusion surrounding it should be minimized.

We begin by discussing the theoretical and policy background regarding skilled and highly skilled immigration. The Japanese HSFP visa will subsequently be considered in more detail, followed by a review of the methodology used in this study. Research results are then discussed, and put into the larger context of Japan’s HSFP visa and its immigration system. The paper concludes by offering some policy recommendations.

Skilled and Highly Skilled Migration

To begin, we define skilled and highly skilled migration. Most scholarly work accepts Salt’s definition (1997) of skilled migrants as having at least a university-level degree. The difference between skilled and highly skilled labor is less clear, although highly skilled migrants would implicitly have some higher level of education or skill compared to skilled migrants. Government policies also tend to define highly skilled migrants inconsistently. For example, the United States’ O visa for “individuals with extraordinary abilities or achievement” defines its highly

skilled recipients as having “a level of expertise indicating that the person is one of a small percentage who has risen to the very top of their the field of endeavor” (USCIS 2011). The United Kingdom also has a visa for “exceptional talent” at the top of its working visa system. To be eligible applicants must receive an endorsement from the government as an “internationally recognized leader or emerging leader” in their field of expertise (UK Home Office 2014).

The Japanese definition for highly skilled migrants is somewhat different. As defined in the HSFP visa, highly skilled migrants are individuals who “fall into the current acceptance criteria for foreign nationals and who are recognized to have advanced abilities and skills” (MOJ 2012a). Although the American, British and Japanese highly skilled visa schemes each require some verification or recognition of the applicants’ abilities, the Japanese conception appears to be somewhat more inclusive. The applicant does not need to be at the top of their field or internationally recognized. Instead, they can merely have some undefined level of “recognition”, or perhaps simply completed some degree of advanced training or education. Exactly what differentiates a highly skilled migrant appears at least somewhat arbitrary in each of the examples noted, although the recognition of simple “advanced abilities and skills” for Japan contrasts strongly with being an “internationally recognized leader”. This vague and seemingly open definition at the core of the HSFP visa has resulted in some confusion over eligibility for potential applicants, a subject that will be considered in more detail.

Both skilled and highly skilled labor has become increasingly important to the economies of developed and developing countries. According to endogenous growth theory (Romer 1986), economies advance based largely on their investments into human capital. That is, developing the skills and knowledge of individuals allows them to secure advanced employment and make greater contributions to the domestic economy. In the current environment heavily favoring knowledge-based industries, it is of paramount importance to have a highly skilled labor force capable of producing the newest ideas (Laroche et al 1999). Countries can improve their human capital by investing domestically in education, and they can also import skilled and highly skilled labor from abroad.

Recruiting skilled foreign workers is not without its consequences or critics.

Drawing on dependency (Dos Santos 1971) and world systems theories (Wallerstein 2004), some authors have noted the “brain gain” and ensuing “brain drain” resulting from selective migration flows (Das 1978; Rizvi 2005). Basically, highly skilled individuals move to countries offering competitive incentives (“brain gain”), while their home country loses their contribution. This phenomenon of “brain drain” could have considerable negative effects for the home country, particularly if a large portion of its talent moves abroad. Others have framed the issue of skilled migration more positively as a non-zero-sum “brain exchange,” with international movement resulting in positive externalities for the home country as individuals, their families and associates bring their expertise home (Straubhaar 2002). In either case there is no denying that ethical implications are associated with skilled migratory flows out of the developing world (Shachar 2011). However, this paper’s more immediate concern is how Japan’s highly skilled foreign labor recruitment system compares to other countries and the problems associated with it. Ethical issues certainly exist, but the emphasis here is on the practical analysis of policy and its implications.

As economies throughout the world continue to develop and ever-greater emphasis is placed on cultivating a skilled workforce, more countries are offering incentives to encourage skilled migration. Cornelius and Tsuda (1995, p. 15) describe this phenomenon as “convergence” in immigration policies, where a number of countries’ immigration policies bear increasingly strong similarities, even without coordination. Cerna (2009) and Kolb (2014) apply the same notion to skilled labor in particular, arguing that most countries strongly favor skilled migration while at the same time seek to minimize unskilled migration.

International Skilled Migration

Modern skilled migration policy has its roots in the main recipient countries of immigration, particularly the United States and Canada. The first major movement to establish a skilled labor regime started in the United States with the 1965 amendments to the Immigration and Nationality Act, implementing a number of skills-based visa categories (Shachar & Hirschl 2013). Eligibility for the American skills-based visas was, and continues to be, predicated on having an employer’s

job offer. Canada began its own skilled migration scheme in 1967, creating a point-based system ranking applicants in categories such as age, education level and prior work experience (Green & Green 1999). Unlike the American version, the Canadian system usually granted residency based on skills alone, without first having a job offer. Although both systems have undergone a number of revisions, they serve as the main examples for other countries designing skilled migration systems. Market-based, employer-driven schemes borrow from the American example, while skill-based regimes, many of them using a points-based ranking system, look more to the Canadian model (Koslowski, 2014). Increasingly, a number of countries have taken aspects from both models, creating hybrids attempting to assess both individual skills and employer demand (Chaloff & Lemaitre 2009).

Although the United States and Canada were among the first to introduce differentiated skilled labor visa systems, other countries soon followed. Australia, for example, established a point-based system for skilled labor in 1973, initially borrowing heavily from the Canadian model (Ongley & Pearson 1995). Other countries followed in the 1990s, reacting to skilled labor shortages in human capital-intensive industries like information technology (Zaletel 2006). During this time newer countries of migration including Germany, Norway and the Czech Republic adopted policies trying to encourage skilled migration. Since then the range of countries has continued to expand, with a number of Asian countries including Singapore, South Korea, China and finally Japan adopting schemes to promote skilled labor migration.

As noted above, there is considerable difference across countries as to who is considered a skilled or highly skilled migrant. Benefits offered may also be inconsistent. At the most basic level, a migrant is given work and residency permission. The length of residency, scope of work they may engage in, and flexibility in employer, however, can vary. With the point-based systems in Canada and Australia, for example, migrants were usually offered permanent residency if they had the requisite number of points, even if they did not have a job offer (Lowell 2005). By contrast, the United States has consistently required steady employment. Foreign workers in the US may eventually become eligible

for permanent residency after maintaining their status for a number of years (Martin 2012), but it is not offered from the outset.

In addition to residency, other benefits may be offered to skilled migrants. Many countries permit skilled foreign workers to bring their families, although some visa categories are occasionally restricted. Favorable tax status is in some cases offered to skilled immigrants, for example in the Nordic countries (McLaughlan & Salt 2002) and has been discussed in others such as Portugal (Carvalhas 2012). In some instances the immigrant's spouse and dependents are given or may apply for work permission, as in Hong Kong (ID 2014) and Ireland (CI 2014). Many countries also provide pension benefits to foreign workers paying into their systems for varying lengths of time.

The “soft” appeal of a country may provide some incentive for resettlement as well. A relatively inclusive culture, similar spoken language and quality public institutions can play a role in making a locale more attractive (Straubhaar 2002; Zatelet 2006). Countries such as the United States, United Kingdom, Canada and Australia benefit from having English as the main spoken language, in addition to having large immigrant communities already established. Non-English-speaking countries without a large overseas population face much more difficulty attracting skilled labor. Such countries must often offer additional incentives to try and improve their attractiveness (Carvalhas 2012).

Japan, a country with a unique language, relatively low levels of spoken English and a small foreign population has now stepped into the competition for skilled labor with the HSFP visa. The benefits offered appear to be competitive, the Japanese economy is large, and the need for additional labor exists. But the question remains if the visa benefits are sufficient to attract more skilled foreign workers. We subsequently consider the Japanese context and motivation for implementing the HSFP visa before looking at the policy itself in more detail.

Demographics and Immigration in Japan

Migration rates to Japan have been low for much of the country's history. In 2010 Japan's foreign population was 2.1 million people, or 1.7% of the total population (MIA 2013), a number quite small by international standards. However,

the foreign population is expected to grow as the government confronts a host of demographic issues. Like many other countries, Japan experienced a postwar baby boom followed by a protracted decline in the birthrate. The result is an aging society with an increasingly elderly population. Other developed countries, particularly in Europe, are facing similar demographic circumstances. Yet with one of the world's longest life expectancies, a low birthrate and little immigration so far, Japan is one of the fastest aging societies in the world (UNPD 2001).

A large elderly population brings a host of issues. For one, an older population means fewer active workers. Less workers means less tax revenue for the government, and consequently a reduction in the services it can offer. Economic development can slow, while at the same time an elderly population places greater strain on the social security and health care systems. The Japanese government has acknowledged this reality, promoting pro-natalist policies in an attempt to increase the birth rate (Ogawa 2003) and investing heavily in technological development as a potential means of overcoming labor shortages (Robertson 2007).

The government has also been quietly looking to increase the foreign population as a means of addressing some of the demographic shortfall. Although immigration remains largely unpopular in Japan (Green & Kadoya 2015), there have nonetheless been efforts to increase the foreign population, including granting residency permission to ethnic Japanese, promoting manual labor “trainee” programs, and encouraging foreign students to study in Japan with part-time work permission (Liu-Farrer 2011; Sato 2013). While these programs have varying degrees of effectiveness, the HSFP visa targets a new demographic: the highly skilled. This new visa intends for skilled individuals to make a positive contribution to the Japanese economy, helping to spur innovation, consume Japanese products, contribute tax revenue and perhaps even boost the fertility rate.

Highly Skilled Foreign Professionals

Prior to the creation of the HSFP visa, the 1990 revisions to the Immigration Control Act governed the working visa system in Japan. Skilled visa categories such as Professor, Investor and Engineer were established with the 1990 revisions (Mori 1997), although they are limited in their benefits compared to the HSFP

visa. The number of “highly skilled” foreign workers was also estimated to be quite small under the 1990 system, with only 198,000 highly skilled foreign workers estimated to be in Japan in 2010, or just 2.1% of Japan’s foreign population (Oishi 2012).

Supplementing the other skilled visas, the HSFP visa is a hybrid between the American and Canadian models. Applicants are required first to have a job offer from a Japanese employer, a prerequisite shared with other market-based systems. Eligibility is then determined by adding up a number of points across several categories, in line with skills-based systems. Unlike other skills-based systems permanent residency is not granted at the outset, but an expedited path is available.

The visa consists of three subcategories: academic research, advanced specialized and technical activities (noted hereafter as “technical activities”), and business management (MOJ 2012a). The academic category aims to recruit university-level professors and scientists, the technical activities category is intended for engineers, information technology workers and workers in other specialized fields, while business management looks primarily to corporate executives, investors and individuals in finance and banking. Each category of the HSFP visa has a set number of points allotted, with a threshold of at least 70 points needed for eligibility. A large number of points are awarded for annual income (up to 50), academic degrees (up to 30), prior work experience (up to 25) and age (up to 15). The academic and technical activities categories give points for research achievements (15-25 points), and all three categories award points for “special additions” (5-15 points) such as having a high level of Japanese language proficiency, graduating from a Japanese university, or working for a small business (MOJ 2013a).

Once awarded, the HSFP visa holder may bring their spouse and dependent children with them. The visa is issued for a period of five years, although a HSFP visa holder is typically eligible for permanent residency after three years (Japan Times 2014). Other working visas in Japan require residency for at least 10 years to be eligible for permanent residency, making this an expedited benefit under the HSFP visa. Other benefits include full-time work permission for the visa holder’s spouse, the possibility for the visa holder’s or their spouse’s parents to reside with

them in Japan, and permission to employ a foreign “domestic helper”. A full list of benefits under the HSFP visa is summarized in Table 1.

Table 1: Highly Skilled Foreign Professional Visa Benefits

Permission to Engage in Multiple Activities
Can engage in activities other than what is permitted under a single status of residence. Permitted to engage in activities covered by multiple statuses, such as research activities and management of a related business.
Visa Granted for Five Years
Five year visa granted uniformly to HSFP holders. Other working visas are usually three years or less depending on circumstances.
Relaxation of Permanent Residency Requirements
Eligible for permanent residency after maintaining HSFP visa status for at least three years consecutively.
Preferential Processing of Entry and Residence Procedures
Applications for entry and stay processed more quickly compared to other visas. Most immigration applications processed within five to ten days.
Work Permission for Spouse
Spouse of HSFP visa holder allowed to work full time, even if not meeting usual requirements of a working visa. Spouses of other visa holders must apply for work permission.
Permission to Bring Parents
The HSFP visa holder’s parents or their spouse’s parents may enter Japan under certain conditions: they must live with the HSFP and look after a child under seven years old, a pregnant or sick HSFP or their spouse. HSFP must have combined annual household income of at least eight million yen.
Permission to Bring a Domestic Helper
One domestic helper may be sponsored by HSFP under certain conditions: helper must receive at least 200,000 yen per month and HSFP must have combined annual household income of at least ten million yen. Must have been previously employed by HSFP for at least one year, HSFP or spouse is pregnant or ill, or HSFP has a child under 13 years old.

Source: MOJ 2013a, updated by author

Compared to countries with similar schemes, Japan's HSFP visa appears to be competitive. The HSFP visa is not limited to particular industries, little concern is expressed about any negative impact on Japanese jobs, there are no restrictions on the number of HSFP visas issued, a HSFP's family is allowed to accompany them, their spouse can work full time, parents and domestic helpers may be able to reside with the HSFP, and they have a much easier time acquiring permanent residency (Oishi 2012). With Japan's history of being largely closed to foreign labor such a seemingly progressive stance recruiting highly skilled foreign workers may appear surprising. Given these benefits, Japan should look more appealing to highly skilled workers.

Yet in spite of this seemingly progressive policy, the HSFP visa has performed well below expectations. In its first year of implementation the Ministry of Justice, the main agency concerned with immigration in Japan, expected to issue at least 2,000 HSFP visas. In fact, the Ministry confirmed that they had only issued 434 visas, a number far short of the initial target. Of these, 79% of the visas issued fell under the technical activities category, while 15% and 6% comprised the academic and business management categories respectively. Chinese nationals represent the majority of HSFP visa holders, with 57% of HSFP visas issued to them, followed by United States nationals holding 7% and Indian nationals with 4% of the visas (MOJ 2013b, p. 5). Figures 1 and 2 below illustrate these statistics.

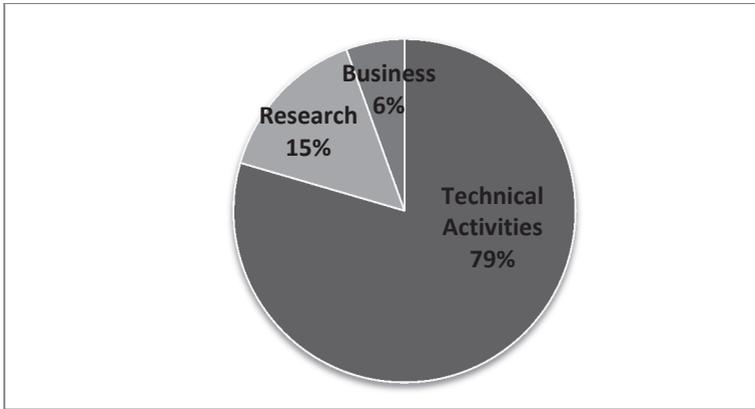


Figure 1: Highly Skilled Foreign Professional Visa applicants by Category

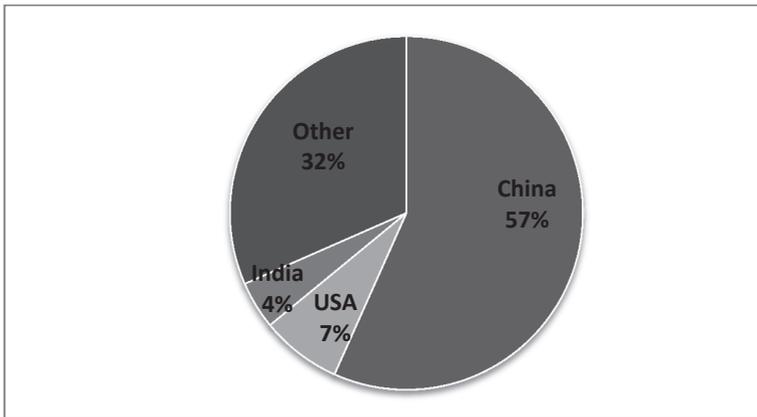


Figure 2: Highly Skilled Foreign Professional Visa applicants by Nationality

Source: MOJ 2013b, p. 5

In one of the few comprehensive investigations available regarding the HSPF visa, the Japan Research Institute (JRI), under contract from the Ministry of Trade, Economy and Industry, gives an early assessment of both its positive factors and shortcomings. With surveys and in-person interviews conducted between

December 2012 and January 2013, the JRI found considerable positive sentiment regarding some of the visa benefits, particularly fast track permanent residency and spousal work permission (JRI 2013). The domestic helper and parental residency options were favorably regarded, although many felt that the income and child age restrictions were too strict for these benefits to be effective.

The JRI survey also uncovered major areas of concern with the HSFP visa, particularly over eligibility and the documents necessary for submission. Many respondents were unclear on the details of the HSFP visa, believing it to be only available to business executives. Respondents were also unsure exactly what needed to be submitted to satisfy the various portions of the application. For example, respondents could not determine what was sufficient to demonstrate prior work history.

Other negative impressions from the JRI survey focused largely around income, where respondents noted inconsistencies in prioritizing both a young age and a high income. Many felt that the income requirements were too strict, and that younger workers in Japan, even with advanced degrees, typically do not earn large initial salaries. By emphasizing both age and income, respondents felt that the HSFP visa excludes viable candidates from both categories.

While the JRI survey represents a rare comprehensive examination of the HSFP visa, it also has a number of limitations. For one, survey results were only published in Japanese, limiting the potential audience. Additionally, at the time of the survey the HSFP visa had been in place less than one year. Some of the application rules and requirements were subsequently revised (MOJ 2013c). More fundamentally, it is unclear if any HSFP visa holders actually responded to the JRI survey. The survey included a sample of 50 high-earning foreign professionals, and an interview-based portion with 12 “highly skilled” workers (JRI 2013, p. 10). It is unclear how many respondents to the survey, if any at all, actually applied for the HSFP visa. Finally, the survey focused mainly on perceptions of the visa, and what the government could do to alter those perceptions. Actual experiences were not discussed.

Taking the JRI survey as a starting point, this paper seeks to contribute individual experiences from HSFP visa applicants to the discourse and understanding of the new visa. Instead of focusing exclusively on perceptions, this

research goes through the application process, relaying both the positive and negative aspects that applicants faced. The data will give some indication of exactly what has worked well and what needs improvement, with an eye toward the sorts of actions or policies the Japanese government can take to enhance the attractiveness of the HSFP visa.

Methodology

In order to more clearly understand individual experiences with the HSFP visa, in-depth interviews were conducted with visa applicants. The sample size in this instance is five individuals, four successful applicants for the HSFP visa and one individual denied the visa. All participants applied for the visa under the academic subcategory. Given the small number of HSFP visas that have been issued, finding viable participants is one of the most challenging aspects of this research. However, the small sample size did allow for considerable discussion. Several meetings were held with each participant, as well as correspondence through email. Interviews were conducted between April and July 2014, with follow-up conversations in person and via email through September 2014.

Interview participants were obtained through the author's extended personal network and thus do not speak for the experiences of HSFP applicants in a representative manner. Only academic applicants are considered, although there are a number of similarities in qualifications and application requirements with the technical activities category. Nonetheless, this research represents an early exploratory study of actual applicant experiences. While not necessarily illustrative of all academic or HSFP applicant experiences, it does demonstrate some of positive and negative aspects surrounding the visa, including motivating factors in applying, some of the problems encountered, and the resulting impressions participants were left with.

Results

Some discussion of participant demographics first is warranted. Two of the participants interviewed are European, one from Oceania, and two are from North America. All have been in Japan for a number of years, with three of the applicants

residing in Japan for three to five years, one over five years, and one residing in Japan over ten years. Each participant previously stayed in Japan under a Professor visa. Participants were educated outside of Japan, each with at least a PhD. They all conduct research in the social sciences. Japanese comprehension was generally high for the group, with one individual self-assessing at a “moderate” level of spoken Japanese and the others at an “advanced” level. Age skewed fairly young, with two participants between 30 and 34 years old, two between 35 and 39 years old and one over 40 years old. Two participants were located in the central Japan area, two in Western Japan, and one in the Tokyo metropolitan area. All worked for prominent Japanese universities at the time of their interviews.

Visa Benefits

All participants cited the longer period of validity as their primary incentive in applying for the HSFP visa. While a Professor visa is usually valid for a period of three years, the HSFP visa provides an additional two years. The four participants with shorter residency in Japan also considered the expedited permanent residency option a positive incentive, although none were sure that they would ultimately pursue permanent residency. Even with some time already spent in Japan, they were unsure whether they had the ability or even the desire to remain in Japan on a permanent basis. The fifth participant with longer Japanese residency was already technically eligible for permanent residency, and thus felt no particular advantage in this regard. All participants noted little use for many of the other benefits offered with the visa: none had young children, domestic helpers, or were looking to bring their parents to Japan. Spousal work permission was potentially appealing to three of the participants, although two were unmarried and the other respondent’s spouse was not intending to look for work in Japan.

One of the participants noted that they were mistaken in their understanding of the visa benefits. Coming from a country with a points-based scheme, they believed that the visa would afford them more flexibility in Japan. Rather than being tied to a particular employer, they assumed the visa was tied to the individual, who could then engage in multiple activities as they saw fit. This is in fact how the Canadian and Australian point systems work, where once an

individual gains entrance under the visa they are given considerable flexibility. The ability to engage in “multiple activities” touted as one of the visa benefits would seemingly uphold this notion. However, the participant denied the visa ultimately learned that this was not the case. This participant’s teaching contract was expiring approximately six months from their application date. They had a Japanese employer at the time of application, and believed it to be sufficient to meet the application criteria. Additionally, this participant felt that having the HSFP visa would allow them some flexibility while they arranged their next position. Their application was reportedly rejected because they were unable to prove future income from their employer. This development implies that, aside from having a Japanese employer at the time of application, the employment contract must be stable and long-term in order to qualify for the visa. In other words, this participant’s experiences imply that the HSFP does not afford the flexibility or independence of similar schemes in western countries.

Problems

Participants encountered a number of problems when applying for the HSFP visa. The most common problem, shared by all, was inconsistency in the information received. All participants had to make multiple trips to their local immigration office, submitting different versions of the same paperwork. Because application requirements were unclear, the participants were initially unsure what would satisfy the various categories and were given inconsistent information from officials.

To illustrate, one participant visited their local immigration office five times. An officer reviewed their documents upon submission. The participant was told initially that only citation information was necessary to satisfy the academic publication portion of the application. The participant was later told by a different officer that they wanted the first and last pages of their publications. Finally, the participant was told to bring in actual copies of their publications by a third official.

Academic publications were problematic for all applicants. The Ministry of Justice notes that publications are assessed in “databases of academic papers”, including Thomson Reuters and Elsevier’s SciVerse Scopus database (MOJ 2014, p. 9). However, no participants could verify whether their publications were

included in these databases. While each individual had published at least several academic papers at their time of application, they were unsure whether their publications were accepted for the HSFP visa application. The rejected applicant was explicitly told that their publications were not accepted, even though they were published in English in established journals. The two European applicants, while having some publications in English and Japanese, published primarily in other languages. They felt their publications were likely not accepted due to an English-language bias in the databases used by the Ministry of Justice.

This sentiment of inconsistent, unclear information held true with other portions of the application as well. Three participants had trouble demonstrating income: they each initially submitted verification of their current salaries, which they were later told was insufficient. The participants were informed that they had to demonstrate future earnings with a letter of verification from their employer. The employer had to say that the applicant would be paid at or above their current salary level at least one year into the future. Interestingly, the Tokyo branch applicant did not have difficulty in this regard. The rejected applicant was told their application was largely denied on this point, where they could not verify future income from their primary employer at the time of application.

Similarly opaque was the criteria to demonstrate work history. Each participant had worked in academia at least five to ten years, with a substantial amount of their careers spent outside of Japan. One participant submitted their curriculum vitae and believes it alone was sufficient. Another initially submitted their curriculum vitae and was told to produce letters of verification from their employers. The other participants independently obtained verification letters from former employers at the start of the application process. One of the participants noted that as they had already applied for visa renewals several times in Japan and had to submit work verifications as a part of those applications, they should already be on file with the Ministry of Justice. They felt it was an unnecessary use of time to procure new verifications when the information should be readily available.

Only one of the participants interviewed applied to have their spouse's visa changed. Their spouse was previously listed as a dependent on their professor visa. This participant was surprised to find that their spouse would no longer be

considered a dependent, but that their status would also change to the HSFP visa. The couple was advised by the immigration office to pursue a change of status for the primary visa holder first, and the spouse could follow in a separate application. Once the first HSFP was obtained, they submitted the spouse's application. At that point the immigration officer reviewed the application and told them everything was acceptable. They later received a mailed notification saying additional documents were in fact required: verification of the primary HSFP's employment, although they had already submitted verification with the original HSFP application, and proof that they had paid their residency tax. No requests for tax information are listed in the HSFP visa application requirements, although this could perhaps be related to the domestic change of status. However, the primary HSFP visa holder was not required to submit tax information, nor were any of the other participants, all of whom applied for the HSFP visa within Japan.

Two of the participants, visiting the same immigration office, had their application documents reviewed in person on submission, while the other participants were informed of missing or insufficient materials by mail. These participants noted they would receive requests for additional documentation, including copies of graduation certificates and official employment verification letters, but were typically given only one week for resubmission. This was also the case for the spouse who applied for a change of status to the HSFP visa. With little guidance in person when submitting the documents, participants were left to supply what they believed the immigration office wanted, but were often unsure if their documents were sufficient. Submitting insufficient paperwork would then result in additional mailed requests for documentation. The three participants expressed frustration at the short deadline, especially when many of the documents requested were located outside of Japan.

One of the participants asked an immigration officer about the multiple activities benefit. The participant asked specifically about engaging in private sector business activities under the academic subcategory of the visa, and was told that it was not permissible. According to the immigration officer, the participant would have to obtain separate permission to engage in activities outside of their field, and could only engage in business activities if they are directly related to their research.

This contradicts official Ministry of Justice information regarding the multiple activities benefit, which states that “Highly Skilled Foreign Professional[s] are allowed to engage in activities that pertain to multiple statuses of residence without needing to obtain permission to engage in an activity other than that permitted” (MOJ 2012b, p. 6). Clearly, there is some inconsistency on this issue.

Overall, participants were surprised by the difficulty of the application process. Participants noted that although the application materials and publicity are available in English, the application process and communication from the immigration office was entirely in Japanese. Even though most participants were comfortable speaking Japanese, they felt the language used during the application process was at an unnecessarily high level. The participant with “moderate” Japanese skill went to an English language consultation desk in their local immigration office, seeking clarification on some points of the visa. However, the consultants were unfamiliar with the visa and unable to offer assistance. The same participant also called the immigration office, but could not be given any English language assistance over the phone. All participants additionally noted that the administrative staff at their universities were unfamiliar with the HSFP visa.

Additionally, the participant denied the HSFP visa has noted problems with Japanese immigration following their application. Since applying, this participant left and re-entered Japan on several occasions, and was sent to the secondary inspection office at airport immigration each time. They had not previously experienced any problems with immigration authorities, typically leaving and re-entering Japan several times a year. Although they have been able to pass through immigration and re-enter Japan, the participant believes their rejected immigration application is directly related to the increased scrutiny at the airport.

Based on the preceding review of the HSFP visa application process, we can draw out a few broad themes in order to make recommendations on how to improve administration of the visa. The following section discusses the implications of the HSFP visa based on feedback from the participants interviewed, and offers some recommendations for improving the visa.

Discussion

The HSFP visa is an attempt to make Japan more attractive to highly skilled individuals, yet the small number of applications illustrates some its fundamental problems. Granted, there are likely a host of factors that make Japan less attractive to foreign talent, including falling wages resulting from economic stagnation (McKinnon 2007), lack of workplace gender equality (Kumlin 2007), and language issues (Le Bail 2013, p. 14). However, the government can take steps to make the HSFP visa more appealing. Where others have focused on stakeholder perceptions of the visa (JRI 2013), this research has looked to actual applicant experiences.

The participants interviewed found the HSFP visa application process to be unexpectedly thorough. All participants had to visit their local immigration office on multiple occasions, often within a short span of time, in order to resubmit documents. None expected the application to process to be as intensive as it turned out to be, or quite as time consuming. Where Japan has seemingly opened the door to skilled foreign labor, it may be somewhat surprising to see such a negative overall assessment of the visa application process.

To consider these developments in terms of potential benefits versus costs, it is possible that the benefits are not enticing enough for applicants given the costs involved in submitting a successful HSFP visa application. The participants interviewed were primarily concerned with the most basic of benefits, that of extended visa validity. While a few other benefits such as expedited permanent residency and spousal work permission may hold some future value, in this instance they were not a strong motivating factor in applying for the visa. For younger applicants, permanent residency is likely not yet on the horizon. One would need to have at least a relatively secure place in Japan before it becomes a consideration. Spousal work permission also assumes that the HSFP is married and that their spouse has the language ability and skills allowing them to find gainful employment in Japan. While useful for some, this benefit in all likelihood only applies to a fraction of HSFP applicants. In this sample, the spousal work permission proved to be of little benefit.

Other HSFP visa benefits, including allowing a domestic helper and one's parents to reside with the HSFP visa holder, are highly restricted and offer little

practical use in many instances. The domestic helper benefit in particular is likely only attainable to business applicants, of which there have been very few thus far. The parental residency benefit is only applicable to families with young children. Income thresholds and child age restrictions further make these benefits unattainable for most potential HSFP visa holders and therefore of little actual use. In sum, the majority of benefits the HSFP visa offers are of questionable use.

The participants interviewed in this project were already residing in Japan, planning to stay for the foreseeable future, but did not necessarily have the intention to settle permanently. It is perhaps a strong assumption that HSFP visa applicants intend to reside in the country permanently from the outset, particularly those applying from outside of Japan. Indeed, only a small fraction of the visas issued were given to individuals outside of Japan. As of March 31, 2014, only 59 individuals used the HSFP visa to enter Japan (Osaki 2014). If the HSFP visa is intended to be a tool to court highly skilled labor outside of Japan, it is clearly not effective. Instead, it appears to be simply moving workers already in Japan into a new visa category.

Another, perhaps equally important factor associated with the muted interest in the HSFP visa is the difficulty in applying for it. At the most basic level, applicants and their sponsoring organizations need to be aware of the visa's existence. Participants' employers, large Japanese universities employing foreign faculty, were unfamiliar with the HSFP visa and thus had added difficulty in securing the necessary documents. For potential HSFP visa applicants outside of Japan, it is even more incumbent on their employers to be aware of the visa and perceive enough benefit to the applicant and their organization to pursue it over a more standard working visa.

Once in the application phase, confusion abounds as to what documents are necessary to submit. If five highly educated individuals with the support of major universities have difficulty navigating the application process, chances are others would experience similar troubles. When the significant hurdles of HSFP visa awareness and proper documentation are met, applicants then need to work their way through the administrative system. Based on participant experiences, this was another problematic area. Difficulties understanding unclear application criteria

were compounded by inconsistencies in information from immigration officials, provided at a high level of spoken and written Japanese. All of these factors serve to make the HSFP visa more costly to apply to in terms of time and energy, especially if there is a more established and comparatively simple alternative available with a professor visa. With greater costs involved and little in the way of tangible benefits, HSFP visa application numbers indeed remain low.

Additionally, the question of who the HSFP visa is actually targeting is fundamental and remains unclear. According to the application materials, an ideal candidate should be young, highly educated with a high income, well-established in their field and ideally have some familiarity with Japan. To say that such individuals are rare is perhaps an understatement. More practically, the HSFP visa can go in two possible directions: prioritize promising young applicants, or emphasize older, established individuals with notable achievements and higher salaries. To prioritize both categories simultaneously works to send unclear messages to potential applicants, ultimately excluding candidates from both categories.

To make the HSFP visa more appealing, the government will need to clarify its ideal candidates and take steps to both improve the benefits and reduce costs associated with applying. Although there was a minor reconfiguration of the point calculation with a 2013 revision (MOJ 2013c), more fundamental changes need to be made in order to clearly prioritize promising young individuals or more established candidates. The government could potentially appeal to both groups, doing so under separate tracks akin to the United Kingdom's multitier work visa program (UK Home Office 2014). Benefits could then be more closely tailored to the relevant categories of admission: established individuals, for example, could be granted permanent residency outright. They could also be offered tax exemptions or expedited access to pension benefits in order to encourage their relocation to Japan. Less established, younger applicants could be allowed greater flexibility in employment, where they would not have to be tied to a single primary employer, and perhaps have a lower point threshold necessary for eligibility.

Costs associated with the HSFP visa can also be reduced. Perhaps most important in this regard is to clearly disseminate information. The government can go much further in publicizing the HSFP visa, and including more useful and

thorough information on its website. Establishing more tracks, as noted above, would allow for more specific information to be given on the types of requirements for each track. If Japanese language ability is not a prerequisite and the government is serious in attracting non-Japanese speaking talent, application materials should be available in English if not other languages. If an applicant is able to obtain employment in Japan without a high level of Japanese proficiency, they should be able to arrange their elite-status visa in the same way. More obviously, immigration officers must be well versed in the HSFP visa and able to advise HSFP applicants in a consistent, uniform manner.

From the perspective of convergence toward western immigration schemes, the HSFP visa and its accompanying problems ultimately represent an argument in favor of additional convergence. The Japanese scheme is not as restrictive as other countries, where there are no labor market tests or caps on the numbers of HSFP visas issued, but the application process is deceptively simple. Long-term Japanese employment seems to be an unspecified prerequisite, and the three subcategories of the visa belie the diversity of potential applicants and their backgrounds. Western skilled migration schemes often have multiple tracks available, depending on the level of expertise of the applicant. Japan would benefit from following a similar path, helping applicants find the type of skilled labor visa that is most suitable for them. At the most basic level, the HSFP visa would be well served by emulating the information dissemination models of other western countries. The United States, Australia and the United Kingdom, for example, have websites with extensive information regarding the various visa schemes, including clearly organized categories with many forms and documentation readily available, regular updates and clear contact information. Japan's Immigration Bureau website is by contrast poorly laid out, difficult to navigate, and appears haphazardly updated.

Finally, while these recommendations may help to make the HSFP visa and skilled migration to Japan in general more attractive, there are other factors that Japan must contend with. Japan is competing not only as a non-English speaking country with a unique national language, but also with a host underlying economic, social and demographic issues. These must be addressed to enhance its attractiveness.

Conclusion

The preceding research has endeavored to offer a new perspective on Japan's Highly Skilled Foreign Professional visa: that of individual applicants. This study examined the experiences of a select number of applicants in the academic research subcategory, finding that the single largest motivating factor in applying was the longer period of visa validity. Participants also noted a number of problems with the application process, most significantly unclear application requirements and inconsistent information.

If Japan is interested acquiring more skilled foreign labor and seriously competing in the race for global talent, its visa scheme will need to be made more appealing. Greater differentiation in the categories of highly skilled labor would be a start, where stronger and more relevant benefits could be tailored specifically to the various categories. Information needs to be readily available, clear and uniform. Some additional consideration should go into how applicants access immigration services, helping to reduce the number of physical visits necessary to immigration offices and consultations with officials. Applicants should have a clear picture of the visa, what is needed in order to apply, and what tangible benefits are available to them if they receive the visa.

Limitations to the preceding analysis should also be addressed. This paper utilized in-depth interviews with several HSFP visa applicants. However, the sample size was small and not representative of HSFP applicants as a whole. Additionally, only academic subcategory applicants were included. Participant answers may reflect some bias, and perhaps unsurprisingly discussions skewed strongly toward the academic side of the visa. The small sample size allowed participants to provide thorough answers to questions, although it may have also limited the breadth of responses. There could be other issues associated with the visa that the participants did not address.

This paper has not discussed the long-term structural and cultural issues affecting Japan. These problems are also very likely to have an influence its attractiveness to foreign talent. Japan's seniority-based pay system, work-life balance, age-biased hiring and gender equality issues all need to be considered not only in the context of foreign labor recruitment, but more broadly as Japan looks to address its

economic and demographic problems. This paper has concentrated on the more immediate issues surrounding the HSFP visa. These longer term and more deep-seated problems require significant work going beyond the scope of this study.

Overall, the Highly Skilled Foreign Professional visa appears to be a step toward convergence with other developed countries' skilled labor recruitment regimes. This paper has considered the HSFP visa in detail, comparing it to similar schemes abroad and looking at how it can be further refined based on applicant experiences. The initial recommendation is actually that of additional convergence, at least in information dissemination and offering additional categories of skilled migration. However, offering visa and residential benefits alone may not be a sufficient strategy to recruit highly skilled foreign labor in the long term. Many of the potential improvements discussed here aim to make the visa objectives clearer, the application process easier, and the benefits better defined. These are short-term recommendations intended to reduce the costs of applying for the visa. Japan will have to continue with more substantial changes on a larger scale if it wishes to attract skilled foreign labor and address some of the underlying problems the country faces.

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