

## Overstaying Undocumented Workers on the Decrease in Japan : The Case of Nepali Immigrant Workers

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## Overstaying Undocumented Workers on the Decrease in Japan: The Case of Nepali Immigrant Workers

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### Introduction

Today's Japan, with its aging society and declining birth rate, faces a shortage of young people in the labor force. Most Japanese youth, who are relatively well educated, content themselves with job-hopping as part-timers (*freeters*) in pursuit of their "ideal" job or what they really want to do. It is an acute reality in current Japan that we can no longer expect Japanese young people to accept so-called "3D" (difficult, dirty, and dangerous) jobs or work as unskilled labor. Since the 1980s, the number of foreign workers has rapidly increased to fill this gap.

In 2003 the number of foreign workers resident in Japan was about 788,000, comprising 1.2 percent of the total work force (see Table 1). The largest category of foreign workers was those who were either descendants of Japanese emigrants (*Nikkeijin*) or the spouses or children of Japanese nationals. Revisions to the Immigration Control and Refugee Recognition Law in 1990 permitted the descendants of Japanese emigrants to settle down and work in Japan as long-term residents. The second largest category of foreign workers was undocumented workers who had overstayed their visas (the so-called "overstayers"). The number of overstayers peaked at 299,000 in 1993, and had decreased to 171,000 by January 2006. Today, the number of skilled or technical workers must therefore be larger than the number of overstayers.

The number of overstayers in Japan is still large enough to warrant attention, however. At present, the top ten countries of origin of overstayers are South Korea

**Table 1** Number of Foreign Workers in Japan

Category of the foreign workers	Number	Percent
Descendants of Japanese emigrants, and spouse or children of Japanese nationals	231,000	29%
Visa overstaying undocumented workers	219,000	28%
Skilled or technological workers [Entertainers]	186,000 [65,000]	24% [8%]
Permitted activities out of the status of residence (Part-time job of 'college student' and 'pre-college or vocational school student')	98,000	12%
Designated activities (Skill trainee, Working holiday etc.)	54,000	7%
Total	788,000	100%
Population of work force in Japan Percent of foreign workers	67,220,000 1.2%	

Ministry of Health, Labour and Welfare 2003

(36,321), the Philippines (28,491), China (27,698), Thailand (8,460), Malaysia (6,397), Indonesia (6,354), Taiwan (6,347), Peru (5,283), Sri Lanka (4,042), and Vietnam (3,959). Countries of origin ranking lower than tenth (Vietnam) are classified as “others.” The Nepali immigrant workers whom I describe in this paper fall under this category.

The changing political economy and politics of Japan (and the countries of origin of migrants to Japan) can produce rapid shifts in the structure and status of the migrant population, and this can be clearly seen in the case of minority groups such as the Nepali. In this paper, I will describe the shared experience of overstayers in Japan and point out the distinctive characteristics of Nepali immigrants, who entered Japan relatively late.

## **Nepali Immigrant Workers**

Most of the Nepali immigrant workers entered Japan with the status of residence (*zairyu shikaku*) of “short-term visitor” (*tanki taizai*). Although that status does not permit them to work, they have found employment and continued to reside in Japan, exceeding the period of validity of their visas. The number of overstaying undocumented workers from Nepal can be estimated from the cumulative difference between those entering Japan and those leaving the country (voluntarily and involuntarily), mainly among short-term visitors.

Figure 1 shows the numbers of Nepali entrants and leavers, the cumulative number of excess entrants over leavers, and the cumulative number of excess entrants among short-term visitors from 1990 to 2005. The cumulative number of excess entrants over leavers among short-term visitors had reached 2,178 by 2005. The actual number of Nepali overstaying undocumented workers seems to be approximately 2,500, including about 300 additional overstayers who entered Japan with other statuses of residence. Overall, the number of Nepali residents in Japan is steadily increasing. The number of Nepali overstayers, however, in terms of the cumulative number of excess of short-term visitors, reached a peak of 2,712 in 1997 and has gradually decreased since then.

The number of Nepali overstayers started to increase rapidly in 1989 (1,215), from 489 in 1988. As Yamanaka (2000: 76) has described, most of those entered Japan by way of third countries, especially Germany, for which Nepali tourists did not require a visa at that time. They could easily obtain a short-term visitor visa to visit Japan at the Japanese consulate in Hamburg. In later years, however, more complicated entry processes were ingeniously devised. For example, a Nepali man who lived in Japan from 1991 to 1999 told me as follows.

At first, my friend and I went to Hong Kong and stayed there a week, and then we left for South Korea, which granted a fifteen-day visa at the point of entry to Nepali tourists in those

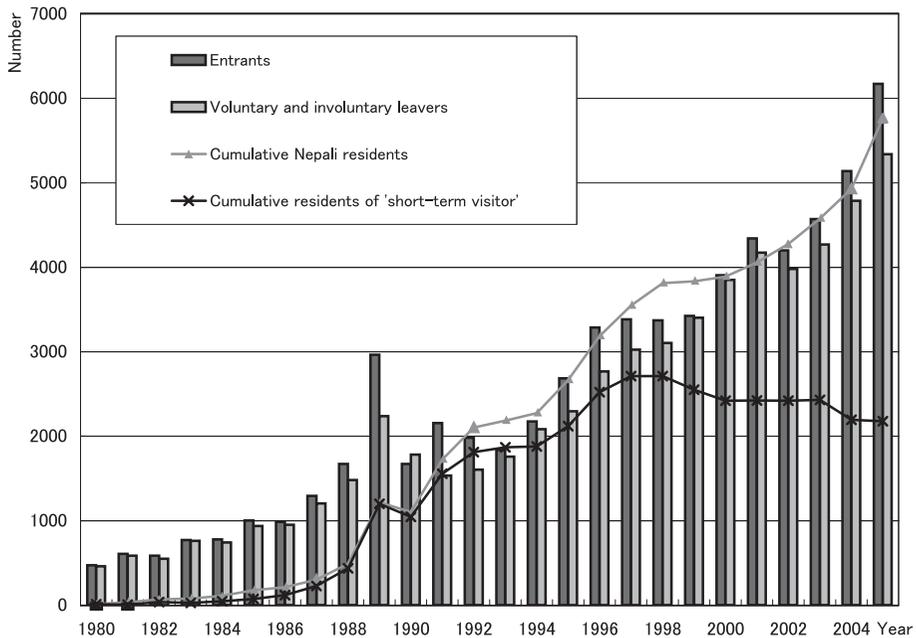


Figure 1 Nepali Entrants, Leavers, and Cumulative Residents in Japan 1980–2005

days. In Seoul, we rushed to a travel agency to ask for advice about entering Japan. The agency staff finally showed us a persuasive flight schedule to go to Saipan, which requires three days' transit in Narita, Japan. With these air tickets and a hotel booking slip, we could get a "transit" visa for Japan and infiltrated from the airport hotel into Tokyo."

## Employment of Nepali Overstayers

Nepali immigrant workers engage in unskilled work in factories, construction sites including the dismantling of buildings in the Kanto and Tokai regions, and agricultural live-in work in city suburbs. They usually find employment through a Japanese broker for an agency. A Nepali man who had operated a welding machine for assembling car mufflers told me as follows in 2001:

I took up this job through a Japanese broker. I call him *Otosan* (Daddy). *Otosan* dispatches 150 foreign workers to various factories. If I ask him for a new futon, TV set, and furnished apartment, he would prepare them for me. The expenses will be deducted from my next salary. My hourly wage is 1,100 yen and that of overtime work is 1,375 yen. I don't know exactly how much *Otosan* is given by the factory. It must be around 1,300 yen. [Showing me his pay slip] The tax written on the pay slip is not the payment of government tax, but a kind of medical insurance premium [four percent] that *Otosan* raised and managed. There

2001, 1月  
H 17年 / 月 日 No. ~~17~~

2001  
3/18

様

下記のとおり 申し上げます

税込合計金額 177760.- 税率 % 消費税額等

月日	品名	数量	単価	金額 (税抜・税込)	摘要
1					
2	20日	159.5	1100	175450-	
3	残	23	1275	45375-	
4				7220825-	
5	Insurance		3.89%		
6	TAX 3.4%			8590-	
7	ランチ	20	420	8400-	
8	アパート	50	170	16667-	
9	電気	82	20	2724-	
10	ガス	143	55	4785-	
11	水道	55	46	1849-	
12				43065-	
合 計					

コクヨ 9-320

¥ 177,760

1. 20 days @¥1,100
2. Overwork @¥1,375
5. Tax
6. Lunch @¥420
7. Apartment house
8. Electricity
9. Gas
10. Water

Figure 2 A Pay Slip of an Overstay's Salary (January 2001)

was no such system two years ago at his agency. I think it is a good insurance system for us.”

Figure 2 is a photocopy of his pay slip. His net income is 177,760 yen, which is about ten times greater than the salary of a mid-level public employee in Nepal. The pay slip looks reasonable at a glance, since the apartment rental and electricity, gas, and water charges are correctly divided into three, the number of people who share the apartment. If the broker deducted 200 yen an hour, however, as the man stated, the broker would collect 32,000 yen a month in addition to the so-called “tax.” Overall the broker could earn more than five million yen a month from his 150 foreign workers. The man continued:

If I will be absent from the factory, I call *Otosan*. If some trouble happens in the factory, *Otosan* will rush there immediately by taxi. Even if a foreign worker gets hurt by a machine, the staff of the factory just watch. *Otosan* comes and takes him or her to a hospital. All of the treatment cost and the hospital charges will be paid by *Otosan*. There was a case of serious injury, for which *Otosan* paid about one million yen. It is also possible to ask for an

advance on salary. If I borrow 10,000 yen in advance, 10,300 yen is deducted from my next salary. *Otosan* has the habit of saying, “You can break the machines, but don’t damage your health.” Because *Otosan* has a good knowledge of machines and he can recognize the quality of my work, he sometime accepts my demand for a wage increase. From the beginning, *Otosan* warns women workers against falling in love, saying that “If you become pregnant, you can’t work.” *Otosan* comes to watch our work in the factory nearly every day. When *Otosan* looks to be in a good mood, I say “I am poor, *Otosan*. I have no money to buy canned juice.” Then *Otosan* asks me, “How many people [*Otosan*’s foreign workers] are working today?” I answer, “Eighteen.” So *Otosan* gives me 3,000 yen.

## Formation of Nepali Associations

I have briefly described above a case of temporary employment of a Nepali overstayer. Their position in a factory is extremely weak, particularly when problems arise. For example, at another factory in 2007, a Nepali man suffered a slight injury during his work. The man consulted a lawyer directly, with the aim of demanding compensation from the company, without talking to his broker. His intention was to take advantage of this opportunity to return home with millions of yen. At the point this incident finally came to court, however, all 60–70 Nepali workers at the factory were fired. The informant blames the man for his selfish, reckless action, which caused major problems for the other Nepali workers at the factory.

Problems such as being fired, nonpayment or delayed payment of wages, injury, illness, and prosecution by the Immigration Bureau routinely arise. Nepali overstayers have established associations of ethnic groups to counter these problems since 1995, with support from Japanese NGOs, labor unions, churches, and Japanese well-wishers.

It should be mentioned here that Nepal is a caste society, where the high-caste groups usually dominate indigenous ethnic groups (*janajati*) and low-caste groups (*dalits*) politically, socially, and culturally. Among Nepali overstayers in Japan, however, members of minority ethnic groups outnumber the members of dominant castes (Table 2), meaning that they have come to regain their pride and confidence as ethnic groups and to obtain political and cultural power. Under these circumstances, ethnic associations are highly active in enabling mutual aid among members of their own ethnic group. They are, however, eager to promote the abolition of Hindu custom and Bahunism, the idea that Bahun (Brahman) is at the apex of a hierarchy based on the concept of pure and impure. They hold lectures and concert programs for the purpose of raising awareness of their own culture and cultivating ethnic activism, to which they invite the president of their ethnic association, ethnic activists including native Nepali anthropologists, and musicians from Nepal. They also make donations to the central committee of their ethnic associations in Nepal, invigorating the ethnic movement in Nepal as a whole from overseas.

**Table 2** Estimated Number of Caste/Ethnic Groups Residing in Japan

Caste/Ethnic groups	Number	Percent	Number in Nepal	Percent
Bahun (Brahman)	200	10	3,030,973	13.3
Chetri (Ksatriya)			3,593,496	15.8
total	200	10		29.1
Thakali	400	20	12,973	0.06
Magar	360	18	1,622,421	7.1
Tamu (Gurung)	320	16	543,571	2.4
Newar	200	10	1,245,232	5.5
Rai	200	10	635,151	2.8
Limbu			359,379	1.6
Sherpa	190	9	154,622	0.7
Chantyal	80	4	9,814	0.04
Tamang	60	3	1,282,304	5.6
total	1,810	90		25.8
others			10,246,998	45.1
	2,010	100	22,736,934	100

[2000]

[2001]

The numbers are estimated by leaders of Magar and Tamu associations

In 1999, the Nepalese Indigenous People Association (*Nepali Adibasi Samaj*) was established as a league of five ethnic associations in the Tokai region.<sup>1)</sup> Since then, the association has held an annual cultural program on World Indigenous People's Day, held on the Sunday closest to August 9, a date set by the United Nations. They advocate awareness of indigenous people's rights and the unity of all ethnic groups, and criticize Bahunism and the unequal society ruled by high-caste groups in Nepal.

## Nepali Overstayers Decreasing

When I went for a walk in downtown Hamamatsu City, Shizuoka Prefecture, with a Nepali friend in March 2007, I was surprised not to see many Nepalis on the street. In my previous visit, a few years before, we had enjoyed chatting with them while strolling through the town. According to my friend, the number of Nepali overstayers in this city has decreased sharply as a result of forced deportations by the Immigration Bureau. Even though some of them are still resident, they are reluctant to go out. They no longer need to visit the city center, since a delivery service has started for Nepali foods. He told me that Toyota City in Aichi Prefecture could be the "last bastion" of Nepali overstayers.

There were other changes that offered a glimpse of the decrease in Nepali overstayers. The Nepali grocery and general shop in Hamamatsu City, which is run by a Nepali man married to a Japanese woman, now sells mainly *halal* food for Pakistanis

and Indonesians. At a restaurant adjacent to this shop, the owner has recently employed an Indonesian cook in addition to the Nepali cooks, and the restaurant now also serves Indonesian dishes. Various Japan-published Nepali magazines, which had flourished from 1997 to 2002, had disappeared from the shop, with only the local Indonesian newspaper (*Medis Nuansa Indonesia*) on sale.

This declining trend in the number of Nepali immigrant workers has been confirmed by the change of “status of residence” among Nepali entrants (Figure 3). The largest category of status of residence among Nepali entrants in 2005 was “short-term visitor” (2,491 entrants), followed by “dependent” (*kazoku taizai*) (621), “skilled labor” (*ginou*) (586), “college student” (*ryugaku*) (531), “pre-college or vocational school student” (*shugaku*) (432), “permanent resident” (*eiijusha*) (400), and “spouse or children of Japanese national” (*Nihonjin no haigusha*) (314).

From Figure 3, we realize that the ratio of those with the status of residence of “skilled labor” was fairly high during the period from 1998 to 2005. Actually, the number of Nepalis who are registered under the category of “skilled labor” is considerably higher than that of other countries. The number of Nepalis who registered as “skilled labor” in 2005 was 1,000, the fourth largest number following China (8,214), India (1,680), and South/North Korea (1,429) (see Figure 4). Moreover, the Nepalis who entered Japan for the first time with this visa category in 2005 was 318, the second largest number following that of China (1,582) (see Figure 5).

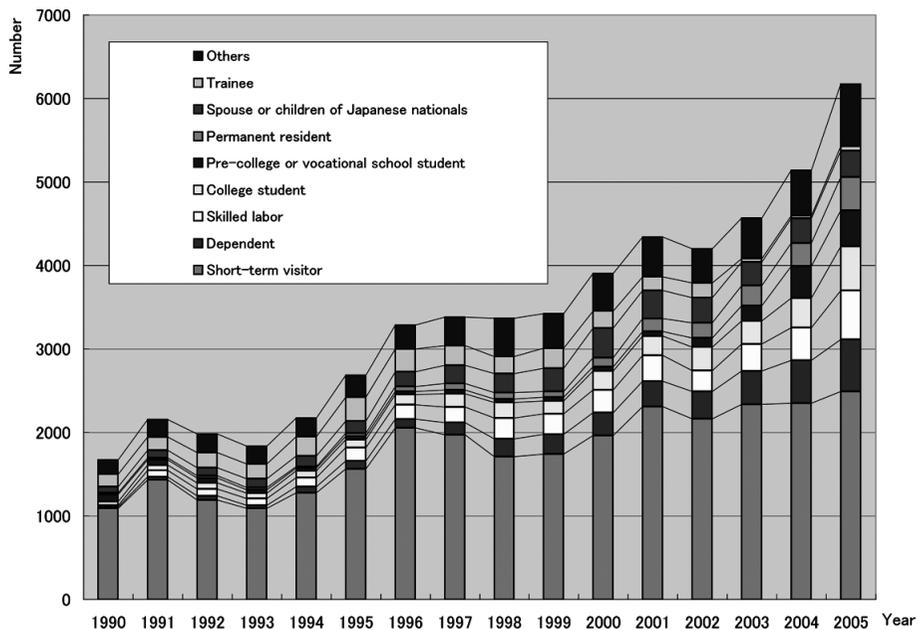


Figure 3 Status of Residence among Nepali Entering in Japan 1990–2005)

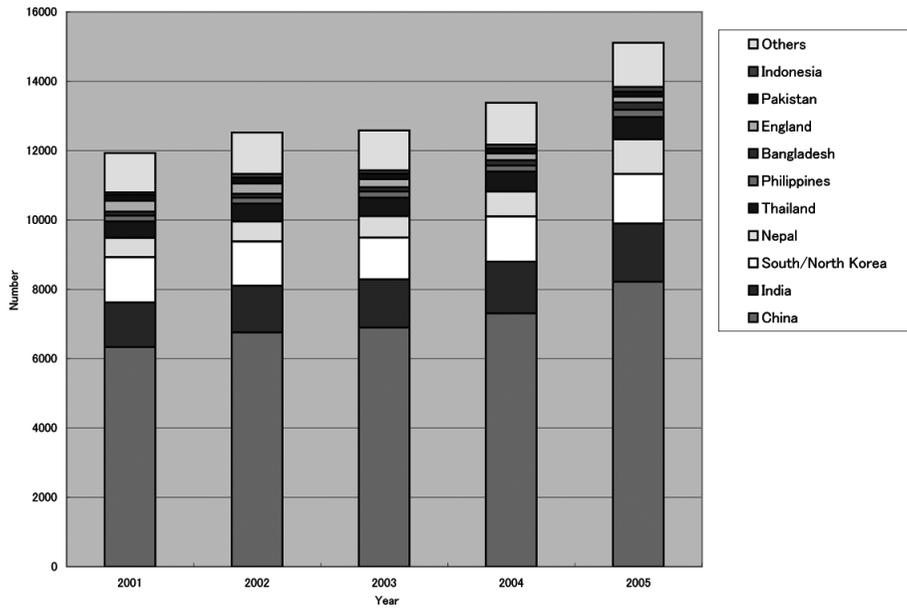


Figure 4 Top Ten Nationalities who Registered as "skilled labor"

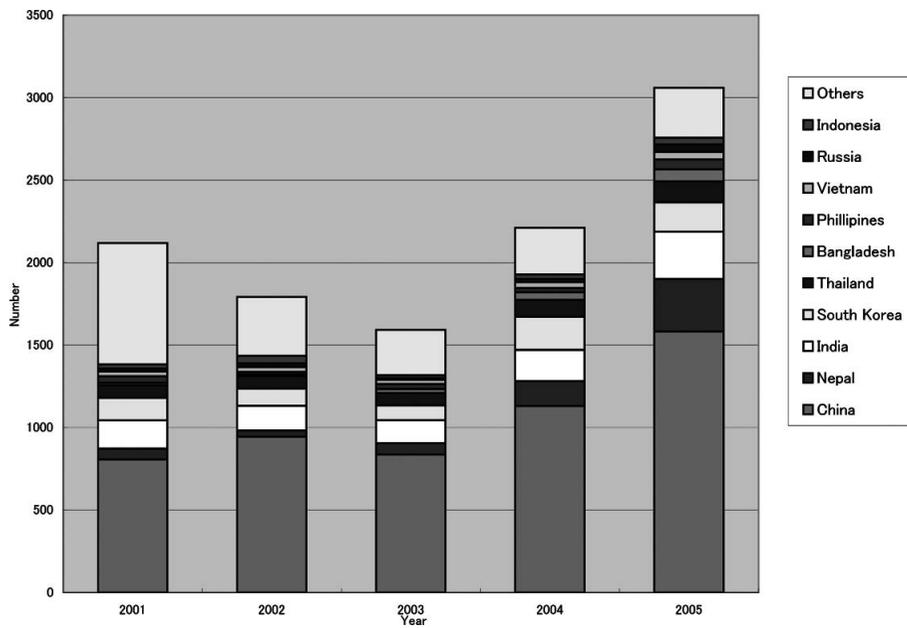


Figure 5 Top Ten Nationalities Newly Entering Japan with "skilled labor" visas

**Table 3** Asian food restaurants around Tokyo on the website of “Tokyo Restaurant Search”

Asian countries		No. of the restaurants
1	India	333
2	Thailand	299
3	South/North Korea	198
4	China	169
5	Vietnam	111
6	Okinawa	95
7	Nepal	71
8	Japan (local cooking)	55
9	Indonesia	30
10	Pakistan	29
11	Philippines	25
12	Taiwan	24
13	Sri Lanka	20
14	Bangladesh	18
15	Singapore	14
16	Myanmar	12
17	Mongolia	7
18	Laos	6
19	Malaysia	6
20	Tibet	5
21	Cambodia	4
22	Afghanistan	2
23	Macao	1
24	Uygur	1
Total		1535

(March 23, 2007)

Tokyo Restaurant Search <http://e-food.jp/rest/>

Concerning the statue of residence of “skilled labor,” I was informed of an interesting trend by a Nepali friend, Mr. T, who ran a wholesale dealership in ethnic clothing as well as a Nepali restaurant in Koenji, Tokyo. He observes that there are about 100 Nepali restaurants or bars of various sizes around Tokyo today. Very few are long-established restaurants that have been open since the early 1990s, with most having opened during the past few years (2004–2006).

Tokyo Restaurant Search, a Web site for Tokyo restaurants, lists 71 Nepali restaurants (Table 3).<sup>2)</sup> As Japanese people have become more familiar with restaurants serving Indian, Thai, Korean, Chinese, Vietnamese, and Okinawan food, the number of Nepali restaurants has also rapidly increased. Depending on the size of restaurant, at

least two or three Nepali cooks can be employed with the status of residence of “skilled labor” (cook). It seems that the Nepali owners of some of the new Nepali restaurants obtain more visas for “skilled labor” than the number of staff actually required in the restaurant, because those visas can be sold for about 1.5 million yen per person. Mr. T told me that some owners who opened new Nepali restaurants had raised the money to open their restaurants by selling visas. Such sales of work visas are not limited to new Nepali restaurants.

A Nepali man who had been living in the Tokai region as an overstayer from 1999 to 2004 bought a “skilled labor” visa from a Pakistani owner of a restaurant before he voluntarily returned to Nepal. After staying in Nepal for a few months, he re-entered Japan with that visa and started work in a factory through a temporary employment agency (*haken gaisha*) in 2005. In this way, not a few ex-overstayers are re-entering Japan today as documented workers.

### **Discussion: Recent Changes among Nepali Workers**

As described above, the total number of visa overstayers reached a peak of 299,000 in 1993 and had decreased to 171,000 by 2006, while for Nepali overstayers the cumulative number of excess entrants over leavers among short-term visitors reached a peak of 2,712 in 1997 and had gradually decreased to 2,178 by 2005. These changes are the shared experience of foreign workers in Japan and result from Japan’s strengthening of its immigration policy, which amounts to strict control over overstayers and positive receiving of documented (legal) workers instead. In particular, a government campaign with the aim of “reducing the number of illegal overstayers by half in five years,” which began in 2003, promoted strict passport controls at the port of entry and active prosecution of overstayers. With regard to the relaxation of entry for documented workers, on the other hand, Mr. T (who has lived in Japan for twenty years) says that it has become easier to obtain visas for his Nepali employees these days.

In response to this government campaign, some Nepali immigrant workers have changed their status from visa overstayers to documented workers, either entering or re-entering Japan with the status of residence of “skilled labor,” “pre-college or vocational school student,” or “trainee.” Long-term residence as overstayers meant they could both accumulate capital and knowledge and obtain access to a variety of statuses of residence, such as the restaurant route mentioned above, marriage with a Japanese national, or finding a Japanese business partner. It goes without saying that Japanese immigration policy directly affects the status of foreign workers. I think the number of Nepali overstayers will decrease still further as a result of other recently accelerating factors.

First, in December 2003, the Japan International Training Cooperation Organization (JITCO) and the Nepali government signed an agreement on the Industrial Training

and Technical Internship Program (ITTIP) in Japan. Nepal became the 14th country to enter into this agreement on the ITTIP, a program notorious for its exploitation. Nepali trainees entering Japan through this program have gradually begun to appear.<sup>3)</sup>

Second, a change in British government policy in 2005 directly affected their departure. The British government decided to offer British citizenship to ex-Gurkha soldiers and their families who had retired from Gurkha regiments after July 1997, when Hong Kong was returned to China. Retired soldiers who were resident in Japan at that time voluntarily returned to Nepal in order to begin UK immigration procedures. In fact, approximately 5–10 percent of the Nepali overstayers in Japan were ex-Gurkha soldiers.

The third factor is dependent on Nepalese internal affairs. The Communist Party of Nepal (Maoist) had launched an insurgency against the government from 1996 to 2006, which had claimed about 13,000 victims in ten years. Many young boys from mountain villages escaped to urban regions and foreign countries in fear of semi-compulsory recruitment to the Maoist forces. For Nepali immigrant workers in Japan, their remittances to their families became a target for the Maoists to demand large financial contributions. Not a few Nepali overstayers had therefore postponed their return to Nepal. The ceasefire and peace agreement reached in 2006 will result in many Nepali overstayers in Japan returning home.

## Notes

- 1) The five ethnic associations are Thakali, Magar, Tam (Gurung), Chantyal, and Sherpa.
- 2) The Tokyo Restaurant Search Web site does not list all Nepali restaurants around Tokyo, because there is no description of Mr. T's restaurant. It seems me to that the figure of 100 Nepali restaurants and bars around Tokyo is not an overstatement.
- 3) The other countries with which JITCO has entered agreements are (in chronological order) China, Indonesia, Vietnam, the Philippines, Thailand, Peru, Laos, Sri Lanka, India, Myanmar, Mongolia, Uzbekistan, and Cambodia.

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