

## Filipino Caregivers in Japan : The State, Agents, and Emerging Issues

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# Filipino Caregivers in Japan: The State, Agents, and Emerging Issues

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## Abstract

This paper reviews the recent entry and the spread of Filipino caregivers throughout Japan. Propelled by a bilateral agreement, the Japan-Philippines Economic Partnership Agreement (JPEPA), proposed in 2002 and ratified in 2008, the paper emphasizes the crucial role of the State and other agents in bringing together various stakeholders in a global labor and care network. Although this new phase of Filipino migration to Japan is recent, already, emerging issues have been observed deserving continuing study and research as well as serious reflection and policy considerations.

Key words : Global care networks, gender, elderly, merchants of care labor

## 1. Introduction

With the formal Philippine Senate ratification of the Japan-Philippines Economic Partnership Agreement last October 2008, expectations are high about the subsequent official entry of Filipino caregivers and nurses to Japan from now on.

While the procedures for the first batch of such health and care providers under this bilateral agreement are now being processed, our earlier 2006 and recent 2008 research show that private initiatives led by business and non-profit organizations have succeeded in sending the new caregiver entrants to Japan even prior to any official JPEPA ratification.

The paper also recalls that a 1973 treaty between the Philippines and Japan, although fundamentally an economic one, indirectly resulted in facilitating the entry and spread of Filipino women migrants, particularly the entertainers first and then later, the spouses and dependents of Japanese nationals throughout Japan.

Through a comparison of the two treaties, the role of the State in indirectly facilitating gendered migration in the past, and more recently and directly, to address the issue of the Japanese elderly is analyzed.

Aside from the State, the paper also analyzes

the role of informal agents in the entry and spread of Filipino caregivers and nurses throughout Japan. A comparative review of the type and role of agents of Filipino migrants from 1973 to the present is also explored in this paper.

Finally, a discussion of emerging issues related to the entry and work of Filipino caregivers and nurses and their links with the themes of the weaving of the personal with the global, and of gender and age, of migration and care, with politics and business is offered at the concluding section.

## 2. The Theoretical Links: Globalization, Global Householding, State, Gender, Aging and Care

Migration theories have varied in terms of explaining why people move. Examples of these theories view migration as individual-driven, migration as a result of structural factors (either push or pull or unequal relations existing between and among nations) and as a movement of female labor. Migration has been viewed as a response to internal household or societal factors or as a response to globalization that in turn, affects households and societies throughout the world.

Douglass (2006) prefers to call migration as global householding to stress the globality of the

movement, not only of individuals, but of entire households responding to varying but related crises created by a global economic system that has made household survival and reproduction problematic across the world.

Oishi (2002: 8) presented an integrated approach where she stressed the need for a multi-level analysis to study female migration to include the role of the state at the macro-level, the role of individuals on the micro-level, and the role of society on the meso-level.

Solomon (2005), presenting Philippine data, observed that “temporary migration is a phenomenon created and maintained by state practices in order to generate remittance revenue and/or provide a vent for high unemployment.” He went on to demonstrate that “the state is an active participant in shaping policy responses to globalization, despite the oft-cited claim that globalization hollows out state capabilities.” He also noted that “the Philippines’ discursive strategy of encouraging migration has produced a workforce that is increasingly conscious of its position in a global division of labor mediated by state practices.”

In the particular case of Filipino migration to Japan, the close interrelationships of gender, age and global labor and care networks to globalization, global householding and the state need to be stressed as well.

The encounter of Filipino entertainers in the 70s with the Japanese male workforce, and more recently, of Filipino caregivers with the Japanese elderly should be more broadly analyzed within the intersections of globalization and state policies that result in crises situations for households and that benefit from the global labor and care network that involve women and the elderly.

From a gender perspective, the movement of female migrants is viewed as a transnational transfer of female labor (reproductive, productive and emotional) from their original households to other locations throughout the world. Early Filipino women migrants to Japan were hired in the entertainment industry to minister to the

needs of the male Japanese workforce. Subsequently, Filipino women migrants in Japan came from the ranks of the spouses and children of Japanese nationals. More recently, Filipino women caregivers are now welcome to take care of the huge numbers of elderly throughout Japan.

As elsewhere in the world, the entry and spread of female migrants in various locations have been facilitated by the policies of both state and business (the “merchants of labor” according to Kuptsch (2006) within the present global economic system (Mizra and Merz, 2004).

With health and caregivers now as the predominant migrant groups in high demand especially in developed economies, global labor and care networks have proliferated where domestic care has now become a globally commercial commodity affecting, in the case of this paper’s focus, the Filipino women migrants and the Japanese elderly.

### 3. Japanese State Policies and Filipino Caregivers’ Entry and Spread Within Japan

In this section, we want to stress that in the examination of Filipino migration to Japan, the role of state policies, directly or indirectly, in facilitating and encouraging gendered migration should be seriously included.

Particularly, it is our intention to show that while basically economic, two treaties, the 1973 Philippine Japan Treaty of Amity, Commerce, and Navigation (hereafter referred to as PJTACN)) and the 2008 Japan-Philippine Economic Partnership Agreement (JPEPA) paved the way for the entry and spread of Filipino women within Japan.

#### (1) The 1973 PJTACN

Unlike the 2008 JPEPA which included a clear provision for the Movement of Natural Persons, the 1973 PJTACN primarily provided for the entry of Japanese business and investments to the Philippines. However, the economic treaty also facilitated personal and business encounters between Filipinos and the Japanese. In time, Japanese-led demand and Japanese Immigration

allowed for the entry first of Filipino women as tourists and later on, as entertainers to work in Japan in the 70s. In the 80s, the so-called rural brides entered Japan and the number of spouses and children of Japanese nationals, together with the entertainers, continued to increase.

The gendered and heightened migration of Filipinos to Japan that proceeded from the 1970s to the present time would not have been possible without the 1973 PJTACN.

On the part of Japan, the state involvement related to migration extended beyond the treaty to issuance of visas and other immigration policies (that defined the status of residence of migrants) to labor policies that defined the rights of working migrants, to the implementation of justice for violators of law and victims of violations, among others.

Various state agencies were involved, the Ministry of Justice, the Ministry of Industry and Trade, the Foreign Ministry among others. Even local governments were involved, especially the ones that encouraged the marriage of their constituents with Filipino brides.

For the Philippines, the role of the Philippine state for the promotion of the so-called labor migration policy since the 1970s has been noted. In fact, the Philippines is often cited as a model for labor-sending countries in terms of its policies related to migrants.

As we wrote in our report (Ballescas 2008):

*“From the 70s onwards, the Philippine State went on a very conspicuous, “highly aggressive” mode to facilitate the mobilization and export of Filipino labor for the global market (Ball and Piper 2002: 1013-34). Filipino migrants increased to millions in number with women joining men travel beyond traditional destinations which were overtaken by new ones. From the West, Filipinos moved to the Middle East, and then to Asia and to more than 100 countries of the world.*

*Although touted as a transitional policy, overseas migration has yet to be stemmed by the*

*Philippine State that takes pride in being able to provide overseas employment where local opportunities remain unsteady and insufficient.*

*As the State moved to make the Philippines a key player for global migration industry, legislation related to migration came in the form of Presidential Decrees or Executive orders signed by the Philippine President or as Republic Acts approved by both houses of the Philippine Congress. The laws and orders also covered the regulatory and administrative functions of agencies created to facilitate migration requirements and procedures, including the involvement of the expanding migration-related business sector. The Philippines also entered into several migration-related agreements with host countries.*

*Even while the country proceeded to become a major migrant-sending country, it was only in 1995 that the historic R.A. 8042, Migrant Workers and Overseas Filipinos Act was signed, promising to protect and promote the welfare of Filipino migrants. However, the problems encountered by migrants, within and outside the country, persist to this day. R.A. 8042 did not also reverse the practice and policy of the Philippine State with regards to the continuation of overseas employment.”*

Like Japan, various state agencies continue to be involved with the state policy and practice of overseas employment of Filipinos with the Philippine Overseas Employment Authority (POEA) and the Overseas Workers' Welfare Agency (OWWA) under the Department of Labor and Employment (DOLE) as the lead agencies.

As conclusion, the 1973 Treaty indirectly accounted for the forging of formal and informal linkages between Filipinos and Japanese and set the stage for the movement/the global householding of Filipinos, predominantly women entertainers (who had multiple social statuses and roles and work before departure from the Philippines), to extend from various parts of the Philippines to various parts of Japan.

## (2) 2008 JPEPA

Initiated in 2002, it was only in October 2008 that this treaty was finally ratified by the Philippine Senate after having been strongly opposed by various Filipino groups primarily for being unconstitutional, being ecologically harmful, and for its insensitive inclusion of human labor as a commodity for exchange, among others. It remains challenged before the Supreme Court as of the time of this report.

The earlier discussed 1973 PJTACN also met with opposition from various sectors and went into effect without the approval of the Philippine Congress as it had been ordered closed during the authoritarian regime of Marcos.

In contrast, however to the 1973 PJTACH, the 2008 JPEPA is clear about allowing the nurses and the caregivers, with specific qualifications and quota to enter Japan from the Philippines. Until the Filipino caregivers and nurses pass a qualifying exam in Japanese language, they are only allowed a temporary stay in Japan under a “designated activity” (*tokutei katsudo*) visa allowed by Japan’s Minister of Justice for foreigners. Some of those in Japan on this visa are the domestic helpers privately employed by those in the diplomatic community, those who are employed by companies, athletes in amateur sports and their dependent spouses and children; foreign lawyers engaged in international arbitration affairs, or university students engaged in internship activities. (MOFA 2008).

The 2008 JPEPA also designates the various agencies in both countries that will take charge of the recruitment and dispatch of the Filipino nurses and caregivers to Japan. These include the TESDA and the POEA, both under the DOLE in the Philippines to manage the recruitment and processing requirements and Japan International Corporation of Welfare Services (JICWELS) in Japan to take charge of the dispatch of these new Filipino entrants.

To date, however, no Filipino caregivers and nurses have been sent yet to Japan through this formal, state-initiated and state-managed system.

Of utmost significance, however, even the mere initiation and announcement of the Japanese Government provision about the Movement of Natural Persons within the JPEPA and even without the formal ratification yet of the JPEPA, private initiatives to bring Filipino caregivers and nurses to take care of the Japanese elderly within Japan as early as 2002 have been observed. More about these private sector agents will be presented in the next section.

What is relevant to mention here is how the private sectors have been encouraged by the State policy in bringing Filipino caregivers and nurses in Japan to start care and health work, as paid labor, for the Japanese elderly EVEN BEFORE the official ratification of the 2008 JPEPA.

During this pre-JPEPA ratification period, some of the observed roles of the Japanese State in facilitating the entry to Japan of the pre-JPEPA new Filipino entrants (the so-called *rainichi* Filipinos) and Filipino long-term or permanent residents in Japan (the so-called *zainichi* Filipinos) in care and health- providing jobs in Japan include:

- i. Issuing various visas, through the Embassy of Japan in the Philippines, wittingly or unwittingly, to pre-JPEPA Filipino caregivers (the so-called *rainichi* Filipinos) such as *shuggakusei* visa (special student visa), tourist visa (Ballescas 2007) and long-term resident visa (for *Nikkeijin*, their spouses and children).
- ii. With the issued visas, Japanese Immigration has allowed the pre-JPEPA *Rainichi* Filipinos to enter Japan, who were, later on, made to work by their Japanese agents, on a part-time (OJT) or full-time basis, as caregivers for Japanese elderly in various care-related institutions/agencies in various parts of Japan.
- iii. Approved the establishment and registration of Non-Profit Organizations (NPOs) and business organizations that subsequently engaged in the recruitment,

training, and dispatch of caregivers and reportedly of nurses as well<sup>1</sup> in various parts of Japan and in some instances, have provided financial subsidy for training of the *zainichi* Filipino caregivers,

- iv. Received taxes from the taxable portion of the income of the Filipino migrants made to work as caregivers and from the declared income of the agencies and organizations of their Japanese agents, and,
- v. through Official Development Assistance (ODA) has provided fund for the intensification of Japanese Language teaching in the Philippines to prospective caregiver and nurse applicants to Japan.

On the other hand, the pre-JPEPA roles played by the Philippine State, that wittingly or unwittingly, facilitated the exit of *rainichi* Filipino caregivers from the Philippines included:

- i. Processing of and receiving payments for travel documents of the *rainichi* Filipinos recruited by Japanese agents and brokers,
- ii. Allowing the *rainichi* Filipinos (who will later be made to work as caregivers) to leave for Japan at the Immigration,
- iii. Issuing visas allowing Japanese agents of the *rainichi* Filipino caregivers and nurses to enter the Philippines,
- iv. Approving the registration and other documents of the Japanese agents for car giving-related businesses, and,
- v. Receiving payments/taxes from the Japanese individuals or agencies with caregiving related businesses.

With the 2008 JPEPA approval, the continuation and broadening of the roles of the State for the intensification of global householding and global labor and care networks involving Japan and the Philippines can be expected.

Even as the formal government-to-government treaty implementation of the JPEPA has barely started, already, the continuities and even the expansion and diversity in the types and

roles of private agents of global labor and care networks have been captured by early and recent researches conducted, as discussed in the next section.

#### 4 . Filipino Caregivers in Japan and Agents

##### (1) The Size, Type, and Location of Filipino Caregivers in Japan

The 2008 JPEPA allows the entry of more Filipino caregivers and nurses to Japan from hereon. Will the entry of these new types of Filipino migrants affect the previous trends of Filipinos in Japan? See Table 1 below.

Unlike the observed surge in the number of entertainers and other types of Filipino migrants from the 1970s facilitated by the 1973 PJTACN, the number of the 2008 JPEPA-facilitated care and health providers, however, is not expected to equal the number of other types of Filipino migrants to Japan due to the difficult qualification requirements provided by the JPEPA. Particularly, the language proficiency as well as the qualifying examinations for the Filipino caregivers and nurses required by the Treaty seriously discourage more of this new type of Filipino migrants to consider care and health-providing jobs in Japan.

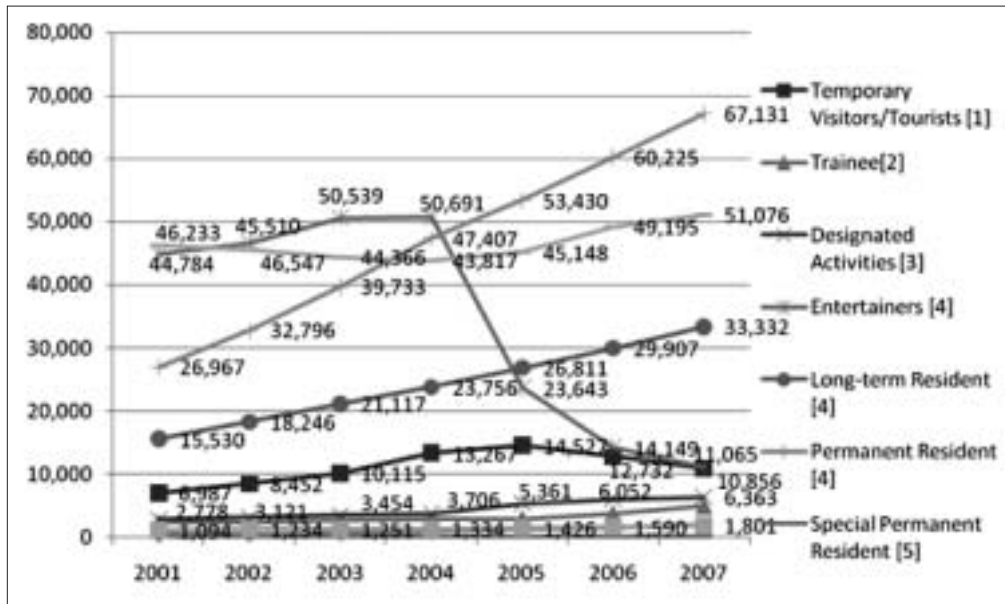
The 2008 Treaty also specifies the first batch, for the first two years, from the Philippines to be limited to 400 caregivers and 600 nurses. Whether the number will increase in subsequent batches will be subject to Japanese official evaluation and decision.

What about those sent through the informal channels, outside of the official government-to-government network? Will the number of the *rainichi* (*new entrants*) Filipinos to be brokered by informal, non-government agents escalate in subsequent years as observed in the experience especially of the Filipino women entertainers to Japan?

This will be worth monitoring from now on as research data to be discussed below reveal the active recruitment by agents of *rainichi* Filipinos

1 Despite confirmed reports of Filipino nurses brought and made to work, we were unable to trace their whereabouts. One nurse we were able to trace was not allowed to be interviewed by our research team by the hospital administration.

Table 1. REGISTERED FILIPINOS IN JAPAN BY VISA CATEGORIES, 2001-2007



Source: Japanese Ministry of Justice, various years

for caregiving work in Japan, despite the non-ratification yet of the JPEPA. The *rainichi* Filipinos were also issued non-caregiving visas but were allowed to work as caregivers prior to the 2008 JPEPA official ratification.

Our earlier research (Piquero-Ballescás, 2007) interviewed pre-JPEPA Filipino caregivers (7 of a second batch brought in to Japan through a Japanese NPO). The Japan Times (2006) reported 15 *rainichi* care worker trainees that arrived in Japan in December 2006 (Enverga 2008). In 2008, there were caregivers among the group of Shin-Nikkeijin, given a long-term visa from 1-3 years dispatched to Japan.

Of interest, a newspaper report (The Yomiuri Shimbun, April 28, 2007) showed how a nursing home “skirted Japanese employment rules, and hired, for the last 5 years, about 100 Filipino women on tourist visas who were dispatched to the home by a non-profit organization (NPO) in Chofu, Tokyo.”

Like the experience of the Filipino entertainers who continue to be brought in large numbers to Japan despite a restriction on their entry in

2004, will there be more Filipino caregivers and nurses, the so-called *rainichi* Filipinos, to be brought into Japan by various Japanese and other agents using the so-called unofficial side or back doors?

Aside from the *rainichi* Filipinos, there are also an increasing number of the so-called *zainichi* (resident) Filipinos hired in various caregiving institutions throughout Japan. During our 2006 research, we got confirmed reports of their presence in Tokyo, Nagoya, Maizuru (Kyoto), Fukuoka, and Ehime, among others.

There are more *Zainichi* Filipinos who had undergone training who are awaiting employment, with a number of them having passed the qualifying exams for Home-Helper Level and Care Managers.

Enverga (2008) wrote that about 150 Filipino *zainichi* caregivers founded the Licensed Filipino Caregivers Association in Japan (LFCJA) in February 2006 with 50 active members throughout Japan as of 2008, all have home helper level 2 licenses. Enverga also estimated about 1,868 Filipino graduates of 12 caregiving training

centers in several locations in Japan, namely, in Aichi, Tokyo, Kanagawa, Kawasaki, Chiba, Osaka, Nagoya, and Fukuoka.

It is expected that the number of *zainichi* Filipino caregivers will increase in number from hereon.

## (2) Agents of Filipino Migrants to Japan

While the active role of the state show that migration should be analyzed beyond the personal, beyond the individual migrants and their households, the presence of layers upon layers of agents and brokers who have accompanied the Filipino migrants to Japan throughout time highlight the business, the industry dimension of migration that profit from the migration of women, their labor and their care for clients of varying age groups.

Using a longitudinal approach, a reexamination of the experiences of the Filipino migrants to Japan reveals versatile shifts and continuities among the merchants of their labor and care.

The flexibility of these merchants of labor can be seen in their involvement with different types of Filipino migrant clients throughout the whole migration and settlement phase. From pre-entry to the host country to return to the country of origin or settlement and residence in the host country, the merchants of migrant labor and care remain ever active, ever present.

### i ) Scope of Migration Business

Like any other business that capitalize on the needs of their clients, merchants of migrant labor and care are present at every stage of migration, offering enticements and solutions for the needs and problems of migrants at various phases of their migration process.

In the 70s, brokers for Filipino labor were busily engaged in matters related to the entry and work terms/conditions of the early Filipino entrants to Japan. Then, merchants of labor extended to the transport, telecommunication, commodity, savings, insurance, real estate markets, among others, tapping the salaries and

remittances obtained from foreign employment and residence.

Later, as more foreigners, including Filipinos wanted to earn more, stay longer or permanently in Japan, or as large numbers got involved in divorce, detention or deportation, the merchants of labor got busy extricating, often, exorbitant fees from the foreign migrants from complicated documentation and procedures. Even the dead were not beyond the reach of the merchants of labor, the costs and procedures of cremation or transport back to the Philippines or to other home countries varying depending on the brokers involved.

### ii ) Old and New Filipino Migrant Clients

The Filipino clients of the merchants of labor in Japan have varied throughout time. Earlier, in the 70s-80s, Filipino tourists, entertainers, trainees, domestic helpers constituted the bulk of the clients of migration brokers from the Philippines to Japan. To these diverse migrants were added the Philippine Nikkeijin, their spouses and children. More recently, as a result of the JPEPA process, prospective or actual caregivers and nurses are the newest clients of the migration agents.

The predominance and continuation of the dispatch of female migrants has to be mentioned as well. It is interesting to point out too that the earlier waves of Filipino migrants worked mostly in bars as entertainers while the domestic helpers generally in homes of the diplomatic community officers. The trainees and the Nikkeijin, on the other hand, were dispatched to factories and companies. The spouses and daughters of Japanese nationals may have been confined to domestic homes and communities of the Japanese spouse although a significant number may have also been at work in various sites.

The variety of statuses, work and work locations of the Filipino women in Japan demonstrate the types of labor they rendered in Japan: emotional, productive and reproductive.

From the bars, to the factories and



companies, to homes and communities, Filipino women migrants rendered service to varying types of Japanese as well throughout Japan.

In the early 70s up to the 1990s, the Japanese clients of the Filipino migrants, especially the hundreds of thousands of entertainers were principally the working class and middle-aged sector of the Japanese society. As Japan grew to be dominated in numbers by the elderly, more than the young, a new type of Filipino clientele is now made to meet an older clientele to service, away from the glittery bars, noisy factories, and busy companies to the more quiet, slow-paced homes and health and caregiving agencies and institutions.

For every type of migrant, however, there are migration agents not far behind, beside, or, in front that cater to their needs but often, at exorbitant costs (Piquero-Balleascas 1992, Piquero-Balleascas 2007).

### iii) Versatile Migration Agents: From National to Transnational Ventures

The business of care and labor has also gone global, involving householding. In the case of the migration industry involving Filipino migrants to Japan, brokers and agents have shifted from pure Filipino or Japanese venture, to combined Japanese-Filipino or transnational partnerships, operating from various locations in Japan, in the Philippines, or from some other global locations.

At the early stage, the migration industry players maintained, impersonal, purely business transactions. In time, however, cross-cultural interactions emerged, either through marriage or business joint ventures.

To illustrate, many *omise* (bars) in Japan employing Filipino entertainers, for example, are now owned and managed by couples where the husband is Japanese, and the wife, Filipino. The Japanese spouse provides the capital and serves as the principal guarantor for legal documents and procedures. The Filipino spouse (often a former employee of the Japanese husband), in turn, takes charge of the management of the so-called

“talents,” providing regular, hands-on supervision of the female entertainers under her care.

The transnational “household” partnership is not restricted to specific work locations alone. The transnational partnership extends to all phases of migration and settlement. Additional businesses, aside from migrant recruitment and dispatch, are handled by transnational agents be these in retail trade catering to migrants (for example, sale of Filipino food and garments), telecommunication services for migrants, (sale of telephone cards, publication of newspapers and magazines about the Philippines or about the Filipino community in Japan) or after-Japan migrant services back in the Philippines (like loan credit, real estate etc).

Worth mentioning are the newly emerged commercial care-related companies, those that are managed and owned by Japanese nationals still currently married to or have been divorced from Filipino partners. These newly emerged commercial care-related companies have had the experience of servicing earlier types of Filipino migrants in the past through telecommunication or recruitment and dispatch (Piquero-Balleascas 2007).

Their versatility is shown in the ease by which they can cross cultures that allow them to process documents more easily, even involve government officials in the Philippines in their migration-related business ventures, and enter into formal transactions with various groups and organizations both in Japan and in the Philippines.

The versatility of agents of migration labor and care is also shown in the manner they reinvent themselves. Where transnational transactions prove more beneficial, these are forged either as pure business ventures or through inter-marriages. Where entertainment and other traditional forms of migration types lose their predominance, the agents are up-front, even preceding and outpacing the state, in facilitating the entry of new types of migrants, caregivers and nurses, to Japan.

iv) Expanded Migration Networks: From Business to Care/ Welfare

Reports of former brokers and agents of entertainers moving on or expanding to the world of caregivers and nurses have been confirmed. They reinvent their companies or agencies and register as care-related organizations or businesses. Their move and reinvention are logical calculated moves of those who see gold in the lucrative Silver Market (predominated by the elderly) and where profits have declined because bars and clubs have lost their glitter, including their young clientele and young entertainers (due to a strict revised immigration policy that imposed bans and limitations on entertainers).

This is not to say that those who have moved on to the care and health-related industries have completely abandoned their businesses involving entertainers and other types of migrants. Should business resume among the entertainers and other types of migrants, for sure, those in the care and health-related industries can be expected to move on again, like a pendulum, where profits await.

While migration has been confirmed to be a very profitable industry, active participants engaged in the recruitment, training and dispatch of migrants lately, have not confined themselves as business organizations and companies.

Of interest, as JPEPA was being proposed, a number of Non-Profit Organizations (NPOs) have sprouted with the training, dispatch and recruitment of caregivers and nurses as their main activities. With recession affecting businesses in Japan, reports that trainees may be in higher demand for their being cost-effective more than regular employees, reports of foundations and even religious organizations sending trainees to Japan have been confirmed.

Whether these NPOs, foundations, or religious organizations are actually businesses or are merchants of labor in disguise will have to be closely monitored by authorities.

As the Nikkeijin 1) can obtain visas more easily by virtue of their blood relation to Japanese

descendants, 2) are granted longer stay privilege in Japan (one or 3 year resident visa), and therefore, 3) have employment flexibility, it will be easy to foresee the active recruitment and dispatch in the number of more Nikkeijin caregivers and nurses to Japan by business companies, NPOs, Foundations, or religious organizations.

It is worth noting, finally, that unlike the case of entertainers and trainees which clearly falls within the rubric of business, care and health provision takes on the welfare dimension, especially for the vulnerable elderly. Hence, the current type of migrants are expected to render welfare services to the elderly.

This expectation extends to their brokers and agents, who although engaged in business, have to take on a more “welfare-like” image. Hence, a number of those interviewed have explained their involvement in this new arena as “welfare-oriented” wanting to take care of the elderly and/or of providing new directions and opportunities for life to the *zainichi* Filipinos, who were formerly entertainers but are now spouses of Japanese nationals.

The partners of the agents/brokers of the care and health providers include those in the medical professions or in the academe who facilitate the training, the supply and the dispatch of future caregivers and nurses to Japan. This professional character of the present partners of the migration agents of care and health-related migrants reflect the serious, welfare/care dimension and requirement of this new type of migration.

Still and all, in the final analysis however, when the benefits are traced among the stakeholders in this new type of migration, it is a dilemma involving the conflict between business and welfare, with the former cashing in on the need of care by the elderly and the need for social prestige and for employment and income on the part of both the *rainichi* and the *zainichi* Filipino caregivers and nurses.

Care has become a global business and there is a clear divide between those who are there for the business of care and those who are there for

the care as care (Piquero-Ballescás 2007).

## 5. CONCLUSION: EMERGING ISSUES

Migration is a multifaceted phenomenon that has to be analyzed in an integrated, comprehensive manner showing how the personal, gender and age are closely linked with the global, with the State and with agents of labor and care. The longitudinal study of the experience of Filipino migrants to Japan has shown the important roles played by the State and by the versatile agents of labor and care. There were certain issues derived from the analysis, however, that deserve more attention and study in this section.

Filipino migration to Japan showed the initial move of the state through the 1973 treaty and the 2008 JPEPA in opening the entry door for different types of Filipino migrants to enter Japan. While the initial step was state-led, business outpaced the state in the training, recruitment, and dispatch of Filipino migrants to Japan. And their active initiative has not been without costs and problems for the migrants and for their clients as well. And this is a primary emerging issue that has to be addressed in the context of the 2008 JPEPA -facilitated entry of Filipino caregivers and nurses to Japan. Even as the governments of both countries are still preparing to send the first batch of JPEPA care and health providers from the Philippines, already, the migration agents have used various channels and mechanisms to speed up the business aspect of migration, resulting in reported abuses and violations. Governments of both countries have to install tight and effective mechanisms that the rights of migrants and the Japanese elderly are not violated or abused by over-eager business interests.

There are, at least, four related issues that have emerged that need vigilant watch by government authorities as well as by concerned civil society groups. These 4 issues relate to: 1) Entry Problems, 2) Fraud and Deception in Recruitment, 3) Work-related Violations, and, 4) the possibility of female migrants trafficked and prostituted.

### (1) Entry Problems

To recall, a newspaper report showed how a nursing home “skirted Japanese employment rules, and hired, for the last 5 years, about 100 Filipino women on tourist visas who were dispatched to the home by a non-profit organization (NPO) in Chofu, Tokyo” (Yomiuri Shinbun 2007).

Like the experience of the Filipino migrants that preceded the present caregivers and nurses, migration agents have used creative mechanisms to allow the entry of the pre-JPEPA caregivers to Japan that often end up violated of government laws as well as the human rights of the recruited migrants.

In this particular case, an NPO facilitated the entry. The migrants, 100, of them were granted tourist visas, accepted by an elderly home, and despite their being tourists and Filipinos, were allowed to work and care for the elderly. There was no mention if the Filipino tourists were trained as caregivers in the Philippines and qualified to care for the elderly.

What comes out from the newspaper article is the possible deliberate or unconscious collusion of various channels in the problematic entry and unauthorized stay and caregiving work for 5 years of the Filipino tourists to care for the Japanese elderly. State agencies, immigration, the office in charge of granting passports and visas as well as accreditation to the NPO, the office that monitors elderly homes, the ministry of labor, among others. If this early, even before the 2008 ratification of the JPEPA, such malpractice has already emerged, what guarantee is there that such a situation will not be repeated again and again? Given this experience as well as the long experience of the Japanese and Philippine Government with previous migrants since the 70s, this early, mechanisms to monitor and arrest such malpractices should be genuinely and effectively installed.

### (2) Fraud and Deception in Recruitment

Related to the previous issue of entry

problems, confirmed reports about Filipino caregivers sent to Japan through Japanese NPOs, on various non-working visas, shugakusei (students of Japanese language) visa, for example, were allowed to do OJT or to work part-time in Japanese caregiving institutes. Will the Japanese Government allow more Filipino care and health providers to be recruited and to enter Japan on the shugakusei visa? Whether they do or not, both governments should monitor those who go and those who send them to Japan on this visa very closely.

In the case of one set of shugakusei visa holders, the young Filipino migrants were charged and expected to pay 1.5 million yen per year of stay in Japan for their travel, training and other incurred costs in Japan. If unable to pay, they reported that their families were made to sign contracts in the Philippines that stated the transfer of their property to the agent as payment. This signed contract was different from the one that they were asked to bring to Japan, however.

As this practice and this type of contract are not allowed by law, this early, again, vigilant and effective mechanisms must be in place to discourage or eliminate fraud and deception in future recruitment.

### (3) Work-related Violations: Flying booking, Wage Violation,

Among the Rainichi Filipino caregivers, reports of confiscated passports, no freedom of movement were expressed. In fact, many researchers report that the *rainichi* Filipino caregivers and nurses are not even allowed to be interviewed by their agents or employers. (personal experience as well as experiences of our researcher friends)

Have the problems experienced by migrants in the past again returned in the case of the recent caregivers and nurses? Have they been dispatched to the place stipulated in their contract? Have they not been subjected to the so-called “flying booking” practice of being assigned to a worksite different or more than the one stated in

their contract? Are they paid just wages? Or is a significant portion of their wage taken by their agents or employers? Who is monitoring their plight?

### (4) Possibility of Being Prostituted: Caregivers by day, Entertainers by night

*Zainichi* Filipinos have reported to work as caregivers by day and as entertainers by night due to financial constraints. As they do so, they recognize that they are not allowing carework to elevate their social status as it should. They experience inner conflict. The continuing discrimination leveled by society to them as entertainers and as foreigners and of the lower class, as well as to their family members does not escape their attention and cause them much grief and hurt.

Even as they wish to move out of entertainment and work in the welfare sector, there are confronted by the reality that there are only a handful of Japanese elderly homes and agencies that are ready to accept them as caregivers. The pay is also extremely low for so much difficult work. Many of them are forced to continue to work as entertainers.

The case of the *rainichi* Filipinos may be different from the *zainichi* but the former can be recruited as caregivers but what is there to stop the agents from making them do carework during the day and entertainment at night? What is there to stop *rainichi* caregivers as well not to transfer to more lucrative but unauthorized work like entertainment once inside Japan? What can also stop them from overstaying like their predecessors in Japan?

While governments may have welfare and the care of their workers and their elderly in mind, other migration players may have their own separate agenda that may defeat the purpose for which the movement of Filipino caregivers and nurses was intended.

The immediate recent experience of early *rainichi* and *zainichi* Filipino caregivers in Japan shows so many similarities with the past

experience of the previous Filipino migrants to Japan in terms of possible violations mentioned above.

By now, Japan and the Philippine States should already have been alerted by the lessons of the past and should already be very vigilant in protecting the migrants and the elderly.

Otherwise, the State may receive the flak for colluding, wittingly or not, with those who abuse gendered migrant labor and care as well as the elderly in the name of business and profit.

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