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Citizenship and Migrations in Asia

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Introduction

The contemporary world is organized into nation-states with presumably well- defined territories and populations. As there is no territory which does not belong to a particular state, so there should be no person who is not a member of a particular state. The situation of stateless persons is considered an anomaly and is addressed by specific regimes.

Membership in a particular nation-state undergirds the notion of citizenship. On the one hand, citizenship determines inclusion, along with the consequent rights and duties of members. On the other hand, citizenship also excludes all those who are defined as non-members. Migrants, as persons who live in a state where they are not citizens, are present in the receiving state's territory but they do not fully belong. They participate in some aspects of life but they are not members of that political community.¹

The place of migrants in the receiving society has been addressed by various approaches or models of integration. Placed on a continuum, these approaches range from considering citizenship as key to membership in the community (and requiring cultural assimilation before citizenship is granted), to multiculturalism (which provides for inclusion with latitude for various cultural expressions), to "civic" citizenship or "residence" citizenship (which entails de facto recognition of membership, allowing members full participation at the local level, including the right to vote in local or administrative elections). In practice, there are overlaps in these approaches to integration.

Challenges to the concept of citizenship have sharpened in light of present migrations which are occurring under conditions of globalization. How can citizenship, which is wedded to the framework of the nation-state, be more reflective of the realities and conditions of a globalized world?² The

¹ This is particularly true for migrant workers. While they participate in the economy of the receiving state, they are not accorded the same rights as that state's nationals (differential exclusion, according to Castles, 2000). Furthermore, the

differential treatment accorded migrants (non-citizens) and nationals is justified as "protecting the national interest."

² Other than citizenship, issues such as the environment, poverty, AIDS and terrorism, are also finding "national" responses inadequate and calls for a more global approach are growing. In the global approach, unilateral actions by states are not only deemed inadequate, but it also acknowledges that non-state actors – transnational corporations, transnational activist networks, international organizations, transnational communities – have a stake in many global issues. These non-state actors consider themselves as part of a larger polity that transcend national boundaries.



discourse on human rights has had an impact on discussions about citizenship, highlighting the tensions between the rights of individuals and the rights of sovereign states to protect their national interests.

In countries of settlement, some reinterpretation of citizenship is underway, one that points to its diminishing relevance in migrant integration, particularly at the individual level. Since most countries of immigration grant eligible migrants some citizenship rights ("social" citizenship), migrants are finding it less and less crucial to apply for naturalization in the host country. Citizenship is not bringing them more benefits than what they are already enjoying as long term residents, except the exercise of political rights. Moreover, the increasing possibility to be politically active in their country of origin compensates for their reduced political rights in the receiving country.³ In the most extreme scenario, migrants may enjoy social citizenship in the country of residence and political citizenship in the country of origin. On a theoretical level, possibilities for multiple belongings are engendering the concept of "postnational membership" (Soysal, 1994).

The changing notion of citizenship as an organizing principle in the integration of migrants coincided with the rise of multicultural policies. Although multiculturalism was formally instituted as a national policy in a few countries (Canada, Australia, Sweden and the Netherlands), most liberal states which are committed to religious and cultural pluralism adopted the idea informally. Even an assimilation-oriented country such as France allowed cultural differences; it simply refused to give multiculturalism official status (Joppke and Morawska, 2003).

The trend towards multiculturalism, which spanned from the 1960s to the 1990s, is now experiencing a reversal, according to some studies (e.g., Joppke and Morawska, 2003). Two specific trends have been noted: 1) the resurgence of citizenship as a key factor in defining membership in a national polity, in part as a response to the crisis of the welfare state and concerns that migrants might abuse the welfare system; and 2) the tendency among migrants not only to rely on their transnational ties but also on integration practices as modes of insertion.

The Citizenship Question in Asia

Most of the discussion on the nexus between migration and citizenship has focused on trends and practices in western countries. This paper will examine some tendencies in selected Asian countries which have been affected by migration. This focus promises to contribute to the discussion on citizenship as Asia presents some specificities. Firstly, unlike the historical linkage to the post-Westphalian idea of nation-state, the long colonial legacy in Asia and the rise of the nation-state in the post-colonial period de-linked the development of citizenship from the long process of "forgetting" that the emergence of the nation-state entailed in the Western experience.⁴ Many Asian countries were still in the process of defining the nation-state project when large-scale, organized labor migration started in the 1970s. Migration, thus, conflated questions concerning citizenship, particularly in the case of receiving countries. Secondly, the specific migration system that developed in Asian countries,

³ Pragmatics also dictates the decision of some migrants to acquire the citizenship of their host country in order to bring in other family members or to travel with greater ease (e.g., it is easier to travel using a US passport than a Philippine passport). Aihwa Ong spoke of "flexible citizenship" to refer to the strategies of Asian elites in selecting different sites for investments, work and family relocation (http://cio.ceu.hu/Bilder/Pacific_shuttle.pdf, accessed 12 August 2004).

⁴ It is interesting to note that the drafting of citizenship and nationality laws in Asian countries coincided with their independence, most of which happened after the conclusion of World War II.



which is premised on keeping migration temporary, rules out settlement, family reunification and long-term integration for less skilled migrants.⁵

Despite the insistence on temporary labor migration, some settlement is taking place in the receiving countries in the region. Also, the state in some origin countries in the region is extending the right to vote and dual citizenship – partly upon the urging of transnational communities – to nationals working and/or living in other countries. In the former case, some de facto settlement is taking place, with the state playing a reluctant and passive role in the process. In the latter case, the state is relatively more active, although the role of transnational communities is felt.

The paper will address three questions: 1) how is migration in Asia modifying the concept of citizenship in Asian countries? 2) How accessible is the acquisition of citizenship to migrants in Asian countries? 3) What alternative ways are available in the Asian context for migrants' membership in countries of destination?

How is migration in Asia modifying citizenship in Asian countries?

Increasing and unrelenting migration in Asia in the past 30 years has raised questions about migrants' rights, which, when considered vis-à-vis the rights of nationals, inevitably touch on citizenship. Migration trends, however, have not had any significant impact in modifying the legal framework of citizenship in *receiving countries* in the region. These citizenship/nationality laws were drawn before the "age of migration." Interestingly, despite the different role of migration in the history of Asian countries, their citizenship/nationality laws share some commonalities. A review of citizenship laws reveals similarities in provisions concerning citizenship by birth (in general, birth within the national territory does not automatically confer citizenship) and by descent (this generally derives from the father in most cases, where a child born to a mother will have his/her mother's citizenship only if the father were unknown or stateless; in the Philippines, such a qualification is not necessary).⁶ Variations by country are more notable in provisions pertaining to marriage and naturalization.⁷

Although all major forms of migratory movement are present in Asia (emigration toward other regions, particularly North America, Europe and Australia; permanent settlement in Asian countries; temporary labor migration; refugee movements), it is temporary labor migration that dominates the movements of people. Such a migration system is organized as strict contract labor migration, mediated by recruiting

⁵ Temporary labor migration is carried out by imposing work contracts that usually run for two years and requiring migrant workers to return home or to renegotiate an extension of their contract. In general, migrant workers' work permit does not allow them to transfer to another sector or employer, other than those specified in the work permit. Note that these restrictions only apply to less skilled migrants.

⁶ This provision has undergone a change in recent years. For example, in June 1998, Korea changed its Nationality Law, recognizing descent deriving from the mother (Lee, 2003). Also, as of 15 May 2004, Singapore allows Singaporean women married to a foreigner to pass on to a child born abroad (http://ofw.balita.ph/html/public_html/article.php?story_20040514080142184&mode=print, accessed 11 June 2004).

⁷ See www.multiplecitizenship.com/worldsummary, accessed 19 June 2004. For naturalization traditional countries of origin such as India, Indonesia, the Philippines and Thailand all require a period of residence (at least 5 years in most cases); knowledge/familiarity with language and/or culture and being economically independent apply in most cases; renunciation of previous nationality is not required for all. For Bangladesh, naturalization is based on ability to bring in investments of \$5 million or its equivalent in an industrial or commercial project; application for permanent residence requires an investment of \$75,000. Countries of destination, such as Japan, South Korea and Singapore, also have residence requirements (from three years to 10 years); other requirements, such as knowledge of the language and culture, economic capacity, of good moral character. No details were available for Malaysia, except for the note that it does not encourage naturalization. On paper, the rules seem straightforward, but the reality is a different picture. The different provisions regarding marriage will be discussed in another section.



agencies, with mandatory return to the country of origin at the end of the contract. *For less skilled migrants*, family reunification is not allowed. This results in the virtual impossibility to establish long-term settlement and to have access to citizenship.

Like in western countries, exclusion from membership does not mean that migrants are deprived of all rights. In general, they benefit from labor rights and limited social guarantees, with significant differences from country to country. For instance, migrants can form trade unions in Japan, but they are discouraged from doing so in Malaysia. The lack of a strong human rights tradition in the Asian context does not favor the practical enjoyment of “social” citizenship. Many abuses are committed against migrants - particularly for those in an irregular situation and for women migrants in domestic work - indicating that migrants are primarily viewed as workers, not as members of the receiving country. Thus, advocacy on migration-related issues has centered on promoting migrants’ rights rather than on the larger issue of citizenship.

While the policy on temporary migration remains unchanged, there has been some progressive modification of migration policies in the last 10 years, resulting in more protection to migrants. Some examples are: stiffer sanctions against the abuse of domestic workers in Singapore, the extension of the work contract in Taiwan from 3 to 6 years, and the adoption of a work permit system in South Korea and Thailand.⁸ These changes imply a more inclusive view of migrants in the receiving society. An interesting moment in this process was the proposal to reduce the salary of incoming domestic workers in Hong Kong after the Asian financial crisis. The justification for this was based on the call to share the burden of the crisis – if the wages of Hong Kong nationals were reduced, the same policy should apply to foreign workers, putting migrants at par with citizens in this respect. A recent proposal to impose a levy on foreign domestic workers was also based on the logic that Hong Kong citizens pay taxes for the use of public facilities and services and that migrant workers must also contribute their share.

On the whole, the piecemeal approach in extending rights to migrant workers results in providing some workers’ rights rather than the full range of rights extended to nationals or citizens. Migrants’ integration, thus, is still confined to economic integration (which is limited to a sector or particular employer) in the receiving countries, as migrants are eventually expected to return to their countries of origin.

In contrast, migration trends have led to some changes in the notion of citizenship in some *countries of origin*. The Philippines, India and Pakistan have been active in maintaining ties with their diaspora population. The Philippines and India have gone farther by passing laws, both in 2003, which allow dual citizenship.⁹ In addition, the Philippines also enacted legislation in 2003 that grants suffrage to overseas Filipinos, enabling them to vote for the first time in the 2004 national elections.¹⁰ The decision to grant dual citizenship is not without pragmatic concerns – the expectation to generate investments is one of the reasons for enacting such a law. In the case of India, the Citizenship (Amendment) Bill,

⁸ As of 2004, Japan is the only receiving country that maintains a policy of not accepting less skilled migrant workers.

⁹ The change of opinion concerning citizenship is notable. Article IV, Section 5 of the 1987 Philippine Constitution states: “Dual allegiance of citizens is inimical to the national interest and shall be dealt with by law.” The realities of globalization and the large-scale migration of Filipinos led to a reconsideration favoring dual citizenship.

¹⁰ In defending the constitutionality of granting suffrage to overseas Filipinos (the complaint rested on the minimum residence required of local voters), the Supreme Court ruled: “While millions of Filipinos reside abroad principally for economic reasons, and hence they contribute in no small measure to the economic upliftment of our country, their voices are marginal insofar as the choice of the country’s leaders is concerned.”



2003, applies only to persons of Indian origin from 16 countries because of concerns about the possible use of unauthorized migrants to obtain Indian citizenship.¹¹ In both countries, dual citizenship bestows easier travel, residence in the home country and economic opportunities. Should they decide to run for public office, dual citizens must give up the foreign citizenship. Indian dual citizens cannot vote in the elections; Filipinos can by virtue of the Absentee Voting Bill.

Granting dual nationality, whether explicitly or tacitly, is an increasing tendency in western countries of destination. It is not the same in countries of destination in Asia. Considered the most appropriate approach to address the transnational dimension of belonging experienced by migrants (which, according to Faist, 1999, is not addressed by national citizenship or multicultural citizenship which still maintains the host country as the territory of reference), it does not enjoy sufficient currency in destination countries because of concerns about allegiance, a sensitive issue in the region. Likewise, Asia does not have any form of established transnational citizenship, in the sense of a supranational authority providing citizenship rights, such as that of the European Union. Except for the Association of Southeast Asian Nations (ASEAN) which has a visa-free arrangement among its member-countries, other regional organizations in Asia have yet to consider freedom of movement across national borders for their citizens.¹²

How accessible is citizenship to migrants in Asian countries?

There are two pathways by which migrants can obtain citizenship in Asia: (1) possession of skills/ talents or capital, and (2) marriage to nationals.

While citizenship is off limits to less skilled migrants, highly skilled and professional migrants are sought out and welcomed by receiving countries. These wanted migrants are offered permanent residence, are allowed family reunification, and they can apply for naturalization. Foremost examples are Japan and Singapore. Japan's migration policy provides for 27 categories of entry and settlement for professionals, but none for unskilled migrants. Presently, Japan has some 600,000 permanent residents, including long-term Korean residents. Singapore, on the other hand, allows employment pass holders (i.e., professionals who earn more than S\$2,000/month) permanent residence and the possibility for naturalization.¹³ Singapore has about a million foreigners and their families, accounting for about a quarter of the city-state's population.

Investors are welcome in several countries. In the case of Singapore, an investment of S\$1.5 million with the Singapore government in a range of business activities approved by the Economic Development Board could pave the way for permanent residence.¹⁴ The premium on skills or capital implies a preference for those who can make an economic contribution to the receiving country.

In all receiving countries, permanent residence ranging from five to 10 years is one of the preconditions for naturalization. This requirement, however, is changing. Recently, Singapore relaxed the requirements for those seeking citizenship. Where before permanent residents were allowed to be

¹¹ See www.murthy.com/news/UDdualin.html, accessed 11 June 2004.

¹² Travel within Asia is not easy. Hong Kong is about the only destination which has a visa-free arrangement with many countries. Nationals of member-countries of the Association of Southeast Asian Nations (ASEAN) can travel to other member-countries without a visa for *short-term visits*. Citizens of the more developed countries enjoy visa-free arrangements with many countries. The rest have to comply with visa requirements.

¹³ Singapore's all-out campaign to recruit foreign talents has generated some resentment among the locals, who feel that the government is overly favoring foreigners over home-grown talents.

¹⁴ See www.expatsingapore.com/getting/citizen.html, accessed 10 August 2004.



away from Singapore for up to six months, it has been extended to 12 months, providing applicants more time and freedom to travel.¹⁵

Marriage as a way of gaining permanent residence and citizenship has increased alongside the increase in labor migration in the region. Unlike past patterns, intermarriages in Asia in recent years have involved locals (mostly men) marrying Asian partners. Receiving countries which do not have policies against intermarriages between migrant workers and their nationals – Singapore and Malaysia do not allow, or at least, do not encourage intermarriages between migrant workers and their nationals – have experienced an increase in such marriages. This is true for Japan, Taiwan and South Korea. Intermarriages in Japan have grown since the 1980s, while the trend is of recent vintage in Taiwan and South Korea. Some five percent of marriages registered in Japan are intermarriages, mostly between Japanese men and other Asian women. The rise in intermarriages in Taiwan has been dramatic and their share has been substantial (300,000 to date). As a pathway to residence and later on citizenship, receiving countries in Asia require a minimum number of years for couples to stay married (2 years in Singapore, 3 years in Japan, 8 years for Mainland-born spouses – 4 years for other nationalities), a requirement that may put women in difficult marriages in a vulnerable situation. The break-up or the dissolution of a marriage before the required length of stay is met could also create problems for women and their children.

Intermarriages not only provide a window for permanent residence in Asia, but they are also a precursor to multicultural policies (promoting language education for foreign wives, or the education of multi-ethnic children are some of the pressing issues). Recent trends in intermarriages are also chipping at long-standing gender biases in citizenship laws.¹⁶

What alternatives to citizenship are available to migrants for incorporation in Asian countries?

Contrary to the intent of states, some settlement is taking place in Asia. Non-nationals are staying longer and are establishing residence, although official acknowledgment of such presence is not always forthcoming. Four modes can be noted: long-term unauthorized settlement (example: Malaysia); extended residence due to extension of work contracts (examples are Hong Kong, Singapore and Taiwan); long-term legal residence (example: Japan); and local government initiatives (example: Japan).¹⁷

- Malaysia's long history of migration is reflected in its identity as a multi-ethnic society. Indonesians and Filipinos started coming to Malaysia in the 1970s in response to opportunities in sectors – plantation, construction, services – which have been eschewed by the local population. By the time Malaysia put in place a labor migration policy, the workers were already in the country. Regularization programs, border controls, deportations, and more recently (2002) the institution of more stringent immigration laws have not stopped unauthorized migration. Indonesians have formed ethnic enclaves,

¹⁵ See http://ofw.balita/ph/html/public_html/article.php?story=20040514080142184&mode=print, accessed 11 June 2004.

¹⁶ Women's groups in Malaysia have been working at amending the assumption of the citizenship law that married women should go to their husband's country. Malaysia's citizenship by registration applies only to married women who are married to Malaysian, but not vice versa (Yap, 2004:6). In Korea, NGOs and women's groups have successfully lobbied to allow all spouses of Korean nationals, regardless of gender, to secure 'Resident (F-2)' visas, i.e., visas that would allow the foreign spouses to work. NGOs in Korea are also asking the government to provide a special category for foreign spouses whose husbands had died or whose marriages break up within the required two-year period of marriage (Lee, 2003).

¹⁷ Another mode of incorporate might be that of ethnic repatriates, such as the (temporary) return of Japanese Brazilians (*nikkeijin*) to Japan (e.g., see Tsuda, 2003).



which enable *migrant gelap* (shadow migrants) to survive the uncertainties faced by unauthorized migrants (see Wong and Teuku Anwar, 2003). Filipinos in Sabah face a similar situation. The unresolved claim that the Philippines has on Sabah complicates the situation of Filipinos in the state (see Battistella, Asis and Abubakar, 1997; UNDP, 2000). However, although they cannot openly engage with Malaysia and they have no access to services and legal protection, the demand for workers and the presence of networks in Malaysia (not to mention the proximity) are factors that contribute to relatively permanent residence (or recurrent migrations) without authorized status.¹⁸

- The extension of work contracts has resulted in the extended residence of legal migrant workers, which has led to the creation of minority communities in countries such as Hong Kong, Singapore and Taiwan.¹⁹ Their sheer presence, especially their visibility, has not always worked to the advantage of migrant communities. The weekly gatherings of migrant workers in these three countries have invited negative reactions from the local population. The migrant communities that have been formed are mostly along ethnic/national lines. Aside from providing social support, these communities are conduits of information, assistance and empowerment to migrants. The receiving state, although not providing specific support to the development of such communities, cannot ignore them and through some initiatives, such as the day for migrants in Singapore, recognizes the presence and contributions of foreign workers. Although migrants only have authorization for temporary stay, the communities they have formed have become a structural part of the society. It is an example of incorporation which can be described as “permanent temporariness”.

- Japan's claim as a homogeneous society is belied by the long presence of non-Japanese, largely Koreans, who were conscripted for labor by the Japanese government in the early part of the 20th century, as well as Chinese. In recent years, these oldcomers were joined by newcomers, including those from other national groups, thus increasing and diversifying the migrant communities in Japan. The Koreans and Chinese comprise the majority of some 330,000 foreigners who had been naturalized between 1945 and 2000 (Kondo, 2002: 422). Compared with OECD countries, Japan's naturalization rate is lower (Kondo, 2002: 422). For Koreans, not opting for naturalization is a political statement. At least for the older generation of Koreans in Japan, opting out of naturalization is an assertion of their identity as Koreans and also as a reminder of Japan's colonization of Korea – these also give them some leverage in their engagement with the state. Other perspectives on the question of citizenship are emerging among Koreans in Japan. Korean lawyer Kim Kyeung-duk noted that Japanese citizenship has a different meaning to different generations of Koreans: independence for the first-generation; anti-discrimination for the second-generation; and self-realization for the third-generation (as cited in Kondo, 2002:423). The importance of the role of migrants (non-citizens) in the articulation of the concept of citizenship is further elaborated by Chung (2003) who sees in the non-naturalization option (refusing citizenship) a strategic choice to gain visibility in the struggle to further the democratic process in Japan (a typical exercise of citizenship). Although they are non-citizens, Koreans in Japan have been at the forefront of citizenship reforms and the advancement of multicultural issues. The repeal of fingerprinting and the “Japanese only” names in applying for citizenship are examples of hard-earned advocacies. Koreans in Japan represent a good example of active denizenship.

- The initiatives of some local governments in Japan suggest another mode of incorporating migrants in the Asian setting, something which could approximate “residence” citizenship. In contrast with a

¹⁸ This scenario also applies to Burmese migrants in Thailand (see Amarpibal et al., 2003). It would be interesting to observe the developments with Thailand's implementation of the work permit system beginning this year.

¹⁹ Taiwan has a single entry and a ceiling of six years maximum stay. Despite the ceiling, migrant communities have carved niches in Taipei and other places which have a large migrant presence.



restrictive national policy, some local governments in Japan have taken the lead of developing policies and programs that promote the inclusion of migrants. Skillfully utilizing and redefining the internationalization program that Japan initiated in the 1980s, they have provided services to immigrants; in part, the move was motivated to prevent conflicts with the local population. For example, Kawasaki City has instituted the Foreigners' Advisory Council in 1996, which coordinates with the Mayor and the City Council (Tegtmeyer Pak, 2001; Kondo, 2002). Although such a structure falls short of full participation in local governance, it has nevertheless deepened the relation of mutual rights and obligations which is included in the concept of citizenship and somehow introduced the idea of "residence" citizenship.²⁰

In this regard, the experience of Japan seems rather similar to that of other countries, where local initiatives to integrate migrants and to promote their participation have provided occasions to test national legislation or constitutional provisions.²¹ The active involvement of organized migrant communities can be an effective catalyst of change. In the city of Kawasaki the long standing battle of the Korean community against finger printing was instrumental in developing closer ties with the municipality and acceptance of a higher level of participation of migrants in city affairs (Tegtmeyer Pak, 2001). The mobilization of Japanese-Brazilians has also resulted in programs to address the education of children (Yamanaka, 2004; 2003).

Conclusion

This overview of the relationship between migration and citizenship in Asia has clarified that, like in other regions, the issue is rather multifaceted, as neither migration nor citizenship are univocal issues. Most of the migratory movements in Asia are organized as the movement of migrant workers, who are not expected by definition to be incorporated in the receiving country and to whom access of citizenship is not available. Even "social" citizenship is only partially granted to migrants, as the system is not known for providing strong protection of social and economic rights. Nevertheless, the situation is also not static in Asia, and changes in policies provide for longer working contracts, improvement in labor standards and better working and living conditions. The situation is rather different for highly skilled migrants and professionals, who are normally assured access to permanent residence and ultimately to citizenship. However, their number is rather limited.

Where migration is having the clearest impact is on the citizenship norms in countries of origin. Concerned with maximizing the benefits of their diaspora populations, some countries of origin are strengthening the ties with their foreign population by ensuring that migrants who have settled permanently in foreign countries and acquired foreign citizenship need not lose their citizenship in the origin countries. Temporary migrants abroad, who normally do not enjoy political rights in the country of employment, are increasingly given the possibility to participate in national politics through absentee voting.

No example can be indicated for the experiences of transnational citizenship, at least in its more stringent definition. Unlike other regional organizations elsewhere, such as the European Union, regional organizations in Asia do not provide for a common citizenship.

²⁰ The concept of full participation at the local level has been introduced in European countries – an example is the body of adjunct councilors elected in Rome in 2004.

²¹ The inclusion in the Statutes of the City of Genoa of a provision that allows the participation of long-term residents in local elections is precisely doing that. It is contested by the national government, which argues that such a right cannot be granted by a municipality unless allowed by a national law. Scholars and politicians in Italy are debating whether granting foreigners the right to participate in local elections requires modifying the Constitution.



If the impact of migration on citizenship is limited, access to national citizenship also remains limited. Like in the rest of the world, it is normally granted through naturalization and marriage. Naturalization requires permanent residence, which is accessible in general to highly skilled migrants and professionals. Therefore, the rate of naturalizations in Asian countries is not very high. Access of citizenship through marriage has expanded in some cases by opening the possibility for local wives to pass on citizenship to their spouses and/or children. Some countries, however, even discourage marriage between their nationals and unskilled migrants.

Under these conditions, what are the possibilities for the incorporation of migrants in the receiving countries? This is where practical situations indicate how the concept of citizenship, as a clear demarcation between those who belong and those who are excluded, reveals nuances and variations. For example, many unauthorized Indonesian and Filipino migrants have already formed communities in West Malaysia and Sabah (East Malaysia), respectively, which allow them tacit permanent residence status. While such status does not provide them state protection, as shown in 2002 when large repatriations were implemented by Malaysia, paradoxically it also provides them a deeper level of incorporation than regular migrant workers. Also the communities they have established have acquired a structural place in the receiving society, transforming temporariness into permanence. In the case of Koreans in Japan, they have given denizenship a new twist, as they actively engage the Japanese state in improving the democratic process. The “residence” citizenship granted to migrants by some local governments in Japan marks a departure from the exclusionary policies of the national government.

The overview of the situation in Asia indicates that the level of migrant incorporation determines the type of protection and opportunities migrants will enjoy. In turn, the level of migrant incorporation is dependent on a country's concept of citizenship. As suggested by Koopmans and Statham (2003), if a country has a very ethnic concept of citizenship, migrants are defined as foreigners – excluded from the receiving society, migrants will tend to cling to their roots and cultivate transnational practices. If a country is more inclusive, migrants will be considered minorities, and they will attempt to further the rights connected to their minority status. In most cases, receiving countries in Asia are resisting incorporation and migrants remain as foreign residents. Residence is not an irrelevant status. It is a prerequisite to obtaining social, cultural, economic rights, and access to citizenship. By virtue of residence, migrants, including unauthorized migrants, can have some rights (emergency health care and education of children, for instance) (Oriol 2003). How to expand residence rights, particular in states that do not facilitate naturalization, is an initiative currently pursued by civil society, particularly in Europe.

Will citizenship remain the ultimate criterion for inclusion and membership? In the conflict between national citizenship and transnational citizenship it appears that some combination of the two is occurring and that assimilation and transnationalism often coexist in the lives of immigrants and their offspring.²² The case of Koreans in Japan seems to point in this direction. Perhaps a realistic prospect is offered by Aleinikoff (2003, 122). He speaks of a trend toward neither nationalism, requiring naturalization for membership and limiting other rights to migrants, nor toward postnationalism. Rather,

²² Smith (2003) offers a view of migrant-membership as an instituted process, which is shaped by four institutions and processes: home state domestic politics, the home state's relationship to the world system, transnational civil society, and the context of migrants' reception in the receiving country. He used this approach in analyzing Mexico's overtures to Mexicans in the US and emerging transnational practices between migrants and the home state.



he sees “a thickening of relations between domestic and foreign populations (through immigration, dual nationality, freer trade and travel, the communications revolution) that will occur within the regime of nation-states.” He calls it “inter-nationalism”, where more linkages are established among government agencies across borders, and agreements among such agencies determine a new transgovernmental order, but still within the framework of nation-states. The experience of migrants’ incorporation in Asia lags behind that of other regions, but some signs indicate it will follow the same trends.

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