

# Lowering the Drawbridge of Fortress Japan: Citizenship, Nationality and the Rights of Children

David McNeill, Matsutani Minoru, Alex Martin, Kamiya Setsuko, Hongo Jun

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### Introduction

Two decades ago, as Japan's economic engine hurtled along at full throttle, the Justice Ministry announced a policy that seemed to signal an end to its attempt to keep the world at bay. After years of restricting new immigrants to a trickle of white-collar professionals, the country would start accepting mostly unskilled workers to feed a labor shortage in its hungry factories.

The policy change came with an unusual and perhaps uniquely Japanese caveat: it favored visa applications from descendants of immigrants who had left Japan, mostly for Brazil, long before the nation began its climb up the world's economic league tables. As one commentator pointed out, it was a limited "blood-relative" approach bureaucratically designed, in so far as it was possible, to leave Japan's homogeneity unsullied.

In April this year, the Justice Ministry seemed to acknowledge the failure of this approach when it announced that it would pay sacked

Nikkei workers to return to South America. The ministry and some commentators claimed it was a humanitarian gesture aimed at relieving the distress of Brazilians and Peruvians mainly once employed in the car industry. But the cash offer of 300,000 yen was accompanied by a cold-hearted clause relegating these foreigners - some of whom had invested 20 years in Japan - to the back of the visa queue, should they wish to return. Critics called the money a repatriation bribe and said Japan's tortuous experiment with immigration was going into reverse. The padlocks were back on the gates of fortress Japan.



**The Sabor Latino restaurant caters to South American locals; (left) customers Raul Dearaujo and Nishi Fumiyo Sawarze. Photograph by David McNeill.**



## Japanese in S. America

Yet, the legacy of this experiment in two decades of Japanese-style globalization cannot simply be marched to Narita Airport with a check in its pocket. The repatriation policy only applies to at most 5,000 South Americans, a fraction of the roughly 366,000 Brazilians and Peruvians in the country. As Democratic Party (DPJ) lawmaker Haku Shinkun points out below, Japan now has roughly 2 million registered foreigners and tens of thousands more illegals. One in every 30 babies born in Japan has at least one foreign parent. About 6.5 percent of all marriages in Japan in 2006 were international. “We are in the midst of globalization whether we like it or not.”



**Nicholas Wada, right, and classmates at West Homi Elementary School, where about half the students are Japanese-Brazilians.**



**Rita Okokama, right, at her shop in Toyota City, Japan. She says she has been treated well in her 18 years in Japan.**

Moreover, recession notwithstanding, there has been a string of signals from the business and political worlds that a looming population crisis will soon force immigration policy past its tipping point. Japan's leading business federation, Keidanren, has for some years called for importing up to six million foreign workers. Last year a group of 80 Liberal Democratic (LDP) lawmakers led by former party Secretary General Nakagawa Hidenao proposed allowing foreigners in Japan to increase to 10 percent of the population by 2050, the clearest political statement on the issue so far.

"There is no effective cure to save Japan from a population crisis," said the group. "In order for Japan to survive, it must open its doors as an international state to the world and shift toward establishing an 'immigrant nation' by accepting immigrants and revitalizing Japan."



## Protesting Brazilians

As shown in the final piece in this series about the controversy stirred by the case of Noriko Calderon, however, such a major shift is likely to encounter enormous resistance. Although this piece focuses on ultra-right "extremists", note the similarity between their views and those of LDP lawmaker Makihara Hideki, quoted below. A large section of the LDP, perhaps the majority, oppose US- or German style mass immigration. Nor will a change of government automatically open the gates: despite the presence of Haku and naturalized European Tsurunen Marutei among its ranks, there is no evidence that the DPJ supports mass immigration, as policy. The party does not even favor allowing foreigners already here to vote in local elections. "Many of us want this changed, but the party doesn't think the country is ready," said Tsurunen.

As the battle lines are drawn between progressive lawmakers and conservatives, Japan's legal twilight zone has created a growing list of anomalies, of which the Calderon case is only the most publicized. "Japan is the only developed country that does not automatically grant citizenship to babies born within its territory, allow its nationals to have multiple citizenship or let foreigners vote in local-level elections," says Haku in the first



of several articles that appeared in The Japan Times.

Is Haku correct? Several developed countries, including the UK (1983), Australia (1986) and New Zealand (2005) have over the last quarter century modified the right to automatic citizenship to include tough conditions, while maintaining it in principle. The children of foreign parents in France, for example, must now prove they are entitled to citizenship; in Germany, one parent must have lived in the country for at least eight years. Being born in Italy does not confer citizen status. In 2004, Ireland overwhelmingly scrapped automatic citizenship to the children of foreign-born children in a bid to end what was derogatorily described as “birth tourism.”

The picture for dual (or multiple) citizenship is more mixed: Denmark and Iceland forbid it, but Italy (1992) and Australia (2002) changed their laws to allow it. Most other countries fall somewhere in between, often turning a legal blind eye. Voting rights for foreigners have been granted in many countries, though not without legal battles. As is so often the case on close examination, Japan seems to differ in degree not kind, though it certainly leans heavily toward a very conservative interpretation of immigration and citizen rights.

These articles say that Japan’s policy lag has created a growing pool of illegally held multiple-passports, and thousands of people who feel culturally and socially stranded.

“As someone who’s spent the great majority of her life in Japan and has every other privilege as a Japanese person, I think it makes sense that I should have a voice on the decisions being made in government that would affect my life,” says one anonymous woman, born in Japan to an American father and Japanese mother. Alex Martin points out in the second of these pieces that there are over half a million children in Japan born with multiple

nationalities.

How Japan deals with the legacy of the piecemeal approach of the past is likely to be one of the great political and legal dramas of the coming years. In November, LDP lawmaker Kono Taro made his play to end one anomaly: revising the Nationality Law to allow the children of international couples more than one nationality. These articles, all of which originated in The Japan Times in early 2009 and appear in slightly revised form here, take their cue from Kono’s initiative.

David McNeill

## 1] Debate on Multiple Nationalities to Heat Up

**Diet battle lines being drawn in wake of law change and amid Kono effort to rectify dual citizenship situation**

**Matsutani Minoru**

The issue of nationality had never been discussed more seriously than it was in 2008.

In a specific legal challenge in June, the Supreme Court ruled it was unconstitutional to deny Japanese citizenship to children of unwed Filipino mothers whose Japanese fathers had not acknowledged paternity before their birth. Lawmakers quickly went to work to pass a revised Nationality Law in December.

Now, Kono Taro, a Lower House member of the Liberal Democratic Party, the larger of the two-party ruling coalition, is trying to iron out another wrinkle in the law that became apparent in October when it was learned that Tokyo-born Nobel Prize winner Nambu Yoichiro had given up his Japanese nationality to obtain U.S. citizenship.

People like Nambu follow the letter of the law with respect to the Constitution's Article 14, which requires that Japanese renounce other nationalities by the age of 22 if they wish to keep Japanese citizenship. Yet, according to Kono, there are 600,000 to 700,000 Japanese 22 or older with two nationalities, if not more. In other words, fewer than 10 percent of Japanese with more than one nationality make that choice by the time they turn 22, Kono said.

"The current system puts honest people and those who appear in the media at a disadvantage," Kono said. In November, he submitted a proposal to an LDP panel he heads calling for the Nationality Law to be revised to allow Japanese to hold other nationalities.

The Justice Ministry acknowledges there are Japanese with other nationalities but does not press them to choose only one.

"Technically, the justice minister can order us to crack down on multiple-nationality holders. But none of the past ministers has," said Otani Katsuyoshi, who is in charge of nationality affairs at the ministry. By law, someone ordered by the minister to choose a single nationality has a month to do so before Japanese citizenship is automatically revoked.

Lawmakers are divided on Kono's proposal, which also requires that royalty, Diet members, Cabinet ministers, diplomats, certain members of the Self-Defense Forces and judges hold only Japanese nationality. Liberals stress the need for Japan to globalize, while conservatives express concern that opening up too much will diminish the country's sense of unity.

Haku Shinkun, a member of the Democratic Party of Japan, the largest opposition party, supports the proposal.



**Haku Shinkun**

Born to a Japanese mother and a South Korean father, Haku became a naturalized Japanese citizen in January 2003 and won a seat in the Upper House the following year.

He was not allowed to have Japanese nationality at birth because the children of a foreign father and Japanese mother were barred from having Japanese nationality until the Nationality Law was revised in 1985.

Multiple-nationality holders were also then required to choose one nationality before their 22nd birthday. Before then, Japanese could be citizens of other countries as well.

Those with multiple nationalities who were 20 or older as of Jan. 1, 1985, were supposed to declare a single choice to local authorities by the end of 1986. If they had not, it was assumed they had chosen Japanese citizenship and abandoned any others. Those with a Japanese mother and foreign father who were under age 20 as of Jan. 1, 1985, had until the end of 1987 to settle on a nationality.

Japan is the only developed country that does not automatically grant citizenship to babies born within its territory, allow its nationals to have multiple citizenship or let foreigners vote in local-level elections, Haku said.

"I am not criticizing Japan for that, but now we have 2 million registered foreigners, and one in every 30 babies born here has at least one foreign parent. We are in the midst of globalization whether we like it or not," Haku said. "We have to discuss very seriously how we should involve foreign residents in building our society."

He is urging Japanese to change their outlook. "For example, we shouldn't think we ought to give foreigners local government voting rights out of pity. We should think Japan can become a better country by doing so," Haku said.

Other lawmakers oppose Kono's proposal, especially those troubled by the revised Article 3 of the Nationality Law. It previously only granted citizenship to a child born out of wedlock to a foreign mother and a Japanese father if the man admitted paternity before birth, but not after.

LDP lawmaker Makihara Hideki fears that granting nationality easily will bring more problems than benefits.

"I think the immigration policy of many

European countries has failed and they have had some serious problems" regarding foreign residents, Makihara said. "We need to be very prudent."

Makihara also noted that citizens who gave up their non-Japanese nationality will feel cheated if Japan allows multiple nationalities, because "there is no guarantee they will regain their renounced citizenships."

The proposed revision has also stirred nationalists to action. During Diet deliberations on the bill in November and early December, anonymous bloggers posted messages expressing concern that foreigners may approach Japanese men to falsely claim paternity in illicit bids to gain citizenship.

Although the bill cleared the Diet on Dec. 5, LDP lawmaker Hiranuma Takeo established a lawmaker group to scrutinize the Nationality Law to prevent bogus claims.

While the LDP is divided on the revision of Article 3, the party is also busy dealing with other important issues. This could mean Kono's proposal will not be deliberated seriously anytime soon, political scientist Asakawa Hirotada said.

With Prime Minister Aso Taro's approval rate declining and the global economy in serious recession, Aso wants to impress voters by swiftly passing bills on the supplementary budget for the current fiscal year that would finance a ¥2 trillion cash handout program during the Diet session starting later this month, Asakawa said. The LDP then has to pass the budget for the next fiscal year during the same Diet session. (Note: this budget subsequently passed in later March).

"These issues are enough of a handful. The LDP will also have to prepare for an anticipated Lower House election, which could happen who knows when," he said. "In such a crucial time, the LDP will not want to discuss Kono's

proposal, which is likely to divide the party."

Nevertheless, many lawmakers seem to agree that the current situation, in which many Japanese unlawfully hold multiple nationalities, needs to be fixed.

The case of former Peruvian President Alberto Fujimori, born to a Japanese couple who emigrated to Peru early last century, is an extreme but compelling example. Kokumin Shinto (People's New Party) asked Fujimori, who holds Peruvian and Japanese nationalities, in June 2007 to run for the Upper House election when he was detained in Chile. He ran in and lost. After Fujimori fled to Japan in exile, Tokyo declared he has Japanese citizenship, because of his parental roots.

### What if he had won a Diet seat?

"Japan escaped by a hair's breadth as Fujimori lost the election," Kono said. "I have no idea what lawmakers would have done (if Fujimori had won). Legislation was a step behind the reality."

To be sure, the proposal has a long way to go to be legalized. A typical process would be that the panel deliberates, finalizes and submits it to LDP executives, who would then decide whether to create a bill to be submitted to the Diet. However, it is unknown if Kono can sway his party.

"I have created a draft for everybody, not just lawmakers, to discuss the nationality issue," Kono said. "I want to tell Japanese nationals, 'Let's discuss it.'"

### Kono's multiple citizenship plan

- The government allows Japanese nationals to be citizens of other countries.

- Japanese holding other nationalities must declare this to the local authorities where their Japanese residency is registered. Those who fail to do so may be fined or lose their Japanese citizenship.

- Japanese can obtain citizenship elsewhere, except for locations Japan does not recognize, and continue to hold Japanese nationality as long as the other countries allow multiple nationalities.

- People from countries other than North Korea or other areas lacking Japanese diplomatic recognition can obtain Japanese nationality without losing their original citizenship as long as their home countries allow multiple nationalities.

- The Imperial family, Diet members, Cabinet ministers, diplomats, certain members of the Self-Defense Forces or court judges can only hold Japanese nationality.

- Japanese who become presidents, lawmakers, Cabinet ministers, diplomats, soldiers, court judges or members of royalty of other countries will lose their Japanese nationality.

- Japanese who have a Japanese parent and hold multiple nationalities will lose their Japanese citizenship if they have not lived in Japan for 365 days or more by the time they turn 22.

- If Japan goes to war against a country, Japanese public servants cannot hold citizenship in that country.

- Japanese holding other nationalities will lose their Japanese citizenship if they apply for and join the military of other countries.

(Jan. 1, 2009: [source](#))

## 2] Benefits in the Offing for Holders of Multiple Citizenship

### Alex Martin

Sunny Yasuda can only vaguely remember his father. By the time he was born in Tokyo in 1975, his parents' marriage was on the verge of collapse, and his Indian father soon returned to his homeland, leaving his Japanese mother on her own to raise their three children.

Yasuda cannot speak English, Hindi or any Indian languages, and as far as upbringing is concerned, is Japanese in every single aspect except for his appearance — his tanned complexion and South Asian features reflect his mixed background, something he recalls has always forced him to be an outsider when he was growing up.

And like so many other offspring of international relationships, Yasuda has experienced his share of dealing with Japan's Nationality Law, which forbids retention of multiple citizenships to those over 22 — a rule the government cannot enforce due to technical difficulties, and an ambiguity that affects the lives and identity of many with similar backgrounds to Yasuda.

"I was the unlucky one," Yasuda joked, when recalling how his older brother and sister both filed for Japanese nationality soon after Jan. 1, 1985, when the law was amended to allow Japanese nationality to children born in Japan to Japanese mothers.

Inheritance of citizenship was previously based on paternal lineage, and Yasuda and his siblings were all registered as Indian nationals upon birth.

"They had a choice, I didn't," Yasuda said,

referring to the difference between him and his older brother and sister.

Those aged over 15 during the three years after the new law came into effect were considered eligible to apply without parental consent, and Yasuda's siblings satisfied the requirement.

Yasuda, however, was 9 at the time, and needed both his father's and mother's written approval, which he could not obtain. His parents never officially filed for divorce — if they had, his mother's consent would have been enough. His father had long since left the country and had effectively ceased contact with the family.

"Even if I had dual nationality, I think I'd still have opted to be Japanese. I was told that you had to decide on one before you turned 20 or 21, and that's what my brother and sister did," he said.

Yasuda became a naturalized Japanese citizen when he was 17, soon after he attained permanent residency status. "We're all Japanese now."

"You know, you just ask yourself, 'What's the point?' " Yasuda said, recalling why he gave up his father's nationality.

"I'd never been to India, and I only met my father once or twice when I was a kid. I heard he's already passed away," he said.

Still, Yasuda believes that people like himself, who were ignorant of the law or their cultural backgrounds due to the environment they grew up in, should be offered another chance.

"India's in my blood. Yeah, I grew up in Japan, but it's still a part of my roots. If I had the chance now, I would definitely want Indian nationality. It'll give me new chances, new potentials, whether it be work-related or not," he said, recalling how he had always been forced to be conscious of his racial heritage.



"Whatever job I took, wherever I went, I'd always start off as the 'gaijin' (foreigner)," said Yasuda, who has been working in bars and restaurants since finishing junior high school. He said that began to change when he was around 20.

"I think it was around then that I noticed a lot more foreigners in town. People began complimenting me for being a 'half' (of mixed descent), and I guess that sort of turned things around for me, changed my attitude, helped me feel positive," he said, adding that if he ever has children, he would be sure to educate them about the culture of their grandfather's country.

The number of international marriages in Japan has steadily increased over the years, peaking in 2006 at 44,701, accounting for 6.5 percent of all marriages that year according to health ministry statistics. The number of children born with multiple nationalities is believed to have been increasing accordingly, with unofficial government estimates predicting that there were 530,000 as of 2006.

Take the case of a 25-year-old Tokyo-based freelance Web and graphic designer born to a Japanese mother and British father. The man, who declined to be identified, decided to retain his dual nationality status even after he turned 22, when those with multiple nationalities are advised to officially give up one or the other.

The man initially only had British citizenship until his parents filed for his Japanese nationality following the 1985 amendment. He grew up receiving a Japanese education until high school, when he decided to transfer to a school in the U.K., eventually attending university there before returning to Japan.

"I've got two passports under two separate names. One has my Japanese name, the other my English name. How could authorities determine if it's the same person?" the designer asked, adding that even if they did find out that

he still kept both, there would be nothing they could do to force him to make a decision — it would be tantamount to intervening in the internal affairs of the other nation.

He noted, however, that if he were forced to renounce either of his nationalities, he would keep his British citizenship.

"Practically speaking, I could probably file for permanent residency in Japan relatively easily, having lived here for so long," he said, adding that he felt being European would be more useful in his life.

"You know, I think this law is sort of like an urban legend," he added, referring to the ambiguity of the age limit that some comply with but many are said to ignore, and the public's lack of knowledge regarding the facts of the law.

"I've been paying my Japanese taxes, pension fees, I've got voting rights — I'd protest if authorities came to me now and took my Japanese nationality away," he said, adding that he didn't understand why Japan, with no mandatory military draft, disapproves of multiple nationalities.

This sentiment was echoed by a 30-year-old woman born in Japan to an American father and Japanese mother.

"I don't understand the downside for Japan to allow dual nationalities. With a shrinking population and workforce, I would think they would want to encourage as many people as possible to live and work in Japan," said the woman, a production specialist working for a Japanese game maker in San Francisco.

She, like her U.S.-born twin brother and sister, is a U.S. citizen, with permanent resident status in Japan. Her youngest brother, however, was born after 1985 and retains both nationalities.

"The real discrepancy is between my youngest brother and me. We were both born in Japan to the same parents, but I was born 10 years earlier," she said, explaining how her parents considered getting Japanese nationalities for their three older children after 1985, but in the end felt it was more hassle than it was worth.

The woman said that because she doesn't have Japanese citizenship, she had to return to Nagoya, her home city, every few years to renew her re-entry permit, something her youngest brother doesn't have to do.

"Another thing that bothers me recently is the right to vote," she added. "As someone who's spent the great majority of her life in Japan and has every other privilege as a Japanese person, I think it makes sense that I should have a voice on the decisions being made in government that affect my life."

In Mika Yuki's case, however, it wasn't the 1985 amendment that prompted her family to file for her Japanese nationality.

Her father originally came from Hong Kong. After marrying his Japanese wife and having fathered Yuki, he became a naturalized Japanese citizen in 1986, and on the same day, applied for her Japanese citizenship, passing on his newfound nationality to his daughter, who was born as a British national.

"I've never visited England in my life, and was never too conscious of my British nationality," said Yuki, 26, who spent her high school and college years in the United States before returning to Japan to work at her father's jewelry company in Tokyo.

She said that although she does consider Japan home, she never strongly felt Japanese. Spending part of her youth in the U.S., she recalls how she always felt slightly out of place in both Japan and the U.S.

"I've thought about nationality and about its

significance many times," she said. "But in the end, it doesn't really matter where I was born. I belong where my family is."

Yuki said she was not even sure if she still retained her British citizenship. "I was told that eventually I would have to decide on one nationality over the other, but with the 1997 (handover) of Hong Kong to China, I'm not sure what's happened to it," she said.

The British Embassy in Tokyo said that those who haven't applied for a British National (Overseas) nationality — a tailor-made nationality for Hong Kong residents with British Dependent Territories citizen status — by 1997 would have automatically lost their former British nationality.

Then there's the case of a 27-year-old Japanese woman. In 2006, she filed marriage papers with her British husband, and the couple had a daughter the following year. The mother currently juggles her career with raising her 1-year-old.

The daughter is Japanese, something improbable before 1985. Her parents haven't applied for her to obtain British citizenship just yet, although they plan on doing so soon — it could be done any time since the U.K. recognizes dual nationality.

It will be another 20 years before the girl might have to decide — if the current Nationality Law remains unchanged — on one nationality over the other. However, it is impossible to tell how she would perceive her identity when she reaches that age.

"In order for (my daughter) to embrace her international background as something to be proud of, I think it's necessary that she be able to permanently keep her dual nationalities," the mother said.

(Jan. 3, 2009: [source](#))

### 3] Multinational Citizenship a Distant Dream in Japan

#### Kamiya Setsuko

In a country notorious for its exclusive immigration policy, the question of whether to allow Japanese to hold dual citizenship became a surprisingly hot policy topic last year after members of the ruling party broached the issue.

In many other parts of the world, it's a matter that has already been discussed in great depth, and an increasing number of countries are moving toward allowing citizens to become multinational.

As of 2000, around 90 countries and territories permitted dual citizenship either fully or with exceptional permission, according to the "Backgrounder," published by the Center for Immigration Studies in the United States, and "Citizenship Laws of the World" by the U.S. Office of Personnel Management.

Since the reports came out, several countries have lifted bans on dual nationality. As a consequence, there are more than 90 countries permitting dual nationality by default today.

"The trend is dramatic and nearly unidirectional. A clear majority of countries now accepts dual citizenship," said Peter Spiro, an expert on multi nationality issues at Temple University Law School.

"Plural citizenship has quietly become a defining feature of globalization."

Countries such as the United States, Canada and the United Kingdom who go by the principle of *jus soli*, which gives nationality to everyone born on their soil and territories, have long been lenient in permitting dual citizenship.

The shift is also being seen in countries that adhere to *jus sanguinis*, which says that a child's nationality is determined by the parents' citizenship.

The change in *jus sanguinis* countries first grew prominent in European countries, followed by some South American and Asian states, largely as a result of economic globalization and the expansion in people's mobility over the past few decades.

Europe's general acceptance of dual nationality is stated in the 1997 European Convention on Nationality, which stipulates that while member states can define their own citizens, they must at least allow children of international marriages and immigrants to hold dual nationality.

This was a major shift from traditional attitudes in the region, stated in a 1963 convention that supported the single nationality principle.

Kondo Atsushi, a law professor at Meijo University, explained that the economic growth after World War II and the formation of the European Union are two major reasons driving the change.

After WWII, the western European countries, who had been a source of emigrants, began accepting foreigners in their labor forces in response to the economic development they were enjoying.

Contrary to the initial presumption of European states that immigrant workers will eventually pack up and leave at some point, many foreigners stayed and settled. They not only brought in family members to their new homes, but married citizens of those countries as well, Kondo said.

As more immigrants became permanent residents, many governments eventually reached the conclusion that securing the rights of foreigners and integrating them with society

was unavoidable if they were to bring about a fair and democratic society.

"These countries have become aware that leaving the status of foreigners unstable was violating their human rights and making society unfair" and wanted to avoid that, Kondo said.

Meanwhile, countries whose citizens are migrating to other countries have also granted dual citizenship to the Diaspora.

Among them are many Latin American countries, which took this step in the 1990s because many of their citizens were immigrating to the U.S.

For example, Colombia acknowledged dual nationality in 1991, the Dominican Republic in 1994, Brazil in 1996 and Mexico in 1998.

Joining the club in recent years have been Asian countries, such as the Philippines, India and Vietnam.

Since September 2003, native Filipinos who have become citizens of other countries through naturalization have been able to reacquire Filipino citizenship by taking the oath of allegiance to their motherland.

In 2005, India began granting people of Indian origin living in other countries, except Pakistan and Bangladesh, "Overseas Citizenship of India" if their resident countries recognize dual citizenship.

While voting rights are not given, OCI holders are allowed multiple-entry visas and hold equal economic, financial and educational benefits.

And from this year, some 3.5 million Vietnamese living abroad will also be able to obtain citizenship thanks to legislation passed by the Vietnamese parliament in November allowing dual nationality.

Last year, South Korea began reviewing ways to permit Koreans to hold dual nationalities

under certain conditions. This is in line with the policies that President Lee Myung Bak has supported.

Spiro of Temple University, who recently wrote the book "Beyond Citizenship," said states that are major producers of immigrants have been looking into cementing ties with emigrant populations, largely for economic reasons.

"Embracing dual nationality is a tool for harnessing the economic power of external citizens," Spiro said.

"Instead of forcing emigrants to make a choice, or treating them like traitors to the homeland, emigrants can both integrate with their new place of residence at the same time that they maintain the citizenship tie with their homeland," he noted.

While simultaneously holding citizenship in more than one country can bring more opportunities to individuals, it also brings risks, such as mandatory military service or taxation obligations.

But both Spiro and Kondo said many countries have reconciled this on the basis of residence. For example, in European countries, if one holds citizenship in two countries where military service is mandatory, the person only need serve one of them, usually the country in which they reside.

People with dual nationality are warned about the risk of running into trouble when one of the two countries does not acknowledge dual citizenship. In those circumstances, the other government is limited in what it can do for the person.

Kondo, however, said that in many cases, especially emergencies, governments take humanitarian actions and make claims to the other country in a peaceful manner to secure the safety of the citizen.



Jus sanguinis countries like Japan have traditionally been less tolerant of dual nationality because people tend to regard themselves as racially homogeneous, Kondo explained.

While Japan does not allow dual citizenship, people can acquire more than one nationality upon birth if the parents are a Japanese and a foreigner, or if a Japanese couple have a baby in countries where citizenship is given to those born on their soil.

For babies, nationality depends on birthplace and parents

In such cases, Japanese nationality law stipulates that the child must select one of the nationalities permanently before turning 22 years old.

While the law is rigid about this rule, the reality is that the Justice minister has never strictly imposed it on anyone who has two nationalities.

"It's not favorable to force a citizen to choose one among his parents," Kondo said.

"It will take a very, very long time before Japan becomes a jus soli country, but at least it is possible to gradually set the bar lower" and accept dual citizens as other countries have done, he said.

Even in countries like the U.S., for example, there are voices calling for scaling back birthright citizenship to children of illegal immigrants.

However, Spiro said that there is very little real political support in U.S. for opposing dual citizenship.

This is partly due to the rise of dual citizens among powerful political constituencies, such as Irish-, Italian- and Jewish-Americans, but also because dual citizens pose very little threat of any description to local society, he

said.

"The U.S. and many European nations now understand that dual citizenship doesn't pose much of a threat . . . In many states, the acceptance is now nearly absolute," Spiro said.

(Jan. 4, 2009: [source](#))

#### 4] A Convenience in Peace Becomes a Matter of Conflict in War

##### Hongo Jun

Although allowing dual nationality during times of peace may provoke little debate, in times of war it can create complex problems, divide families and force the choice of one identity over another.

"Having dual nationality was in some ways a double-edged sword for my father," Kyoko Norma Nozaki, a third-generation Japanese-American professor at Kyoto Sangyo University, said.

Together with her nisei father, Tanigawa Tsutomu, and her entire family, she was held in internment camps in the United States during the war.

The debate to revise the Nationality Law and allow offspring of international couples more than one nationality was launched by a panel led by Liberal Democratic Party lawmaker Kono Taro in November. But dual citizenship has raised issues in the past, notably in times of war.

Nozaki was born in California as a third-generation Japanese-American. Her grandparents moved from Japan to Hawaii in 1904 to work on a sugar plantation, then headed to Watsonville, Calif., in 1906. Nozaki's father was born in 1909 and the family ran a strawberry farm in the area.

Both Nozaki and her father had dual nationalities, because their births were filed with the Japanese Consulate in the U.S.

"Being born in the U.S. but having resided in Japan during my teens, I have some reservation about saying 'born and raised in America.' There is some complexity to my identity, and I feel both Japanese and American," Nozaki said, adding she experiences no inconvenience today because of the duality.

But during the war, under President Franklin D. Roosevelt's Executive Order 9066, the Tanigawa family was sent to internment camps along with 110,000 Japanese-Americans in 1942.

Army Gen. John DeWitt, to justify sending Japanese-Americans to the camps, told the government that people with Japanese ancestry might engage in subversive activities regardless of their citizenship.

"I remember fragments of my days in the camps," said Nozaki, who lived in Utah and California until age 5, recalling that the internment was not as much of an ordeal as many would imagine. "I looked forward to snack time."

Nozaki's father, however, experienced hardships, at times being asked to demonstrate to which country he pledged allegiance.



**Nowhere to go: Kyoko Norma Nozaki at an internment camp for Japanese- Americans in Tule Lake, Calif., around 1945. Courtesy of Kyoko Norma Nozaki.**



**Back to her roots: Third-generation Japanese-American Kyoko Norma Nozaki and her father, Tsutomu Tanigawa, at his home in Kyoto. Courtesy of Kyoko Norma Nozaki.**

Nozaki, who has researched the internment issue, said all internees over 17 years of age were required by the U.S. government to answer a list of questions gauging their loyalty.

Question 27 asked about their willingness to serve in the U.S. Army, and question 28 asked whether the respondent rejected allegiance to the Emperor and pledged unconditional loyalty to the U.S.

Those who answered "no" to the two inquiries were considered a threat to the U.S.

"My father answered both questions 'no', but added 'this does not mean I am against the U.S.A.,' " Nozaki said

Because of his answers, he was transferred to an internment camp at Fort Lincoln in North Dakota set up by the Justice Department under

the Enemy Aliens Act. He gave up his American citizenship while at that camp. The Tanigawa family reunited after the war and resettled in Japan in 1946.

In 1990, the U.S. government sent out apology letters and redress to Japanese-Americans for the hardships they endured.

"But my father never applied to regain his U.S. citizenship," Nozaki said.

In addition to issues of allegiance during wartime, dual nationality might require military obligations, including conscription, and force a person to renounce a nationality or steer clear of one's home nation.

The Protocol relating to Military Obligations in Certain Cases of Double Nationality, adopted in 1930 at The Hague, Netherlands, states that a person possessing two or more nationalities who habitually resides in one of those countries and who is in fact most closely connected with that country shall be exempt from all military obligations in the other country or countries.

Experts say most governments are not eager to conscript holders of dual citizenship who lack a background in the country because they could have difficulties communicating with others and affect morale.

But while conditions vary, some countries, including Israel where even females are conscripted and must serve in the army, require dual nationality holders to serve if they live in the country.

Dual citizenship holders have also faced dilemmas when one of the countries has a conscription system but the other does not.

For example, South Korea does not request its nationals in Japan to report for duty if they were born in Japan or left South Korea before turning 6 and resided overseas until age 18. Those whose families have permanent resident

status in Japan are also exempt.

LDP lawmaker Kono's proposal has raised concerns that granting unlimited dual nationality could pose "state sovereignty" problems, for example in local-level civil service positions that require the exercise of public authority.

A Supreme Court ruling illustrated the issue in 2005, when it rejected a lawsuit by a second-generation South Korean. The plaintiff had demanded the retraction of the Tokyo Metropolitan Government's decision to forbid non-Japanese civil servants from taking managerial promotion exams.

Although the plaintiff argued that the policy violated her constitutional right to equality and freedom to choose her occupation, the Supreme Court ruled that tasks for some civil servants involve the exercise of public authority and thus must be limited to Japanese nationals.

Kono has also proposed limiting the rights of those with dual nationalities, saying royalty, Diet members, Cabinet ministers, diplomats, certain members of the Self-Defense Forces and court judges must hold only Japanese nationality.

But experts say suspicions about the allegiance of the holders of two nationalities should not discourage the process of acknowledging dual nationalities. For example, Canada experienced no problems with having a dual nationality holder head its Parliament, as former Prime Minister John Turner, who served his country in 1984, was born in the U.K. His dual nationality never became a political liability.

"There are issues with allowing dual nationalities, but countries tend to adjust and avoid difficulties," said journalist Yanagihara Shigeo, who has covered dual nationality and voting rights issues affecting non-Japanese residents.

Yanagihara said acknowledging at least the right to hold dual nationality is "inevitable and on a par with the trend of society," noting Japan's ban on dual citizenship has been ineffective for years. He said he has interviewed Japanese-Brazilians who applied for and obtained Japanese nationality and have ignored Japan's ban on dual nationality beyond the age of 22, keeping their Brazilian citizenship

"The government must understand that in modern society, nationality does not necessarily equal allegiance to the country," Yanagihara said.

"Allowing dual nationality does more good than harm for Japan. Issues are likely to pop up, but those can be resolved as occasion demands," he added.

Kyoto Sangyo University's Nozaki agrees that Japan should acknowledge dual nationalities and be more flexible.

"This may sound radical, but I wish there were no nationalities to begin with," she said. "Nationalities are labels," just like borders inscribed on man-made maps, Nozaki said.

(Jan. 5, 2009: [source](#))

## 5] A Battle for Japan's Future

*Fallout from the Calderon case will linger long after her parents leave Narita Airport.*

### David McNeill

Despite being Japan's most densely populated area, Warabi rarely causes a blip on the national media radar.

Set in a rusting corner of Saitama Prefecture, the city has two minor recent claims to fame: a communist mayor and the 13-year-old daughter of illegal Filipino immigrants.





**Fiery rhetoric: Sakurai Makoto tells nationalists in Warabi, Saitama Prefecture, on Sunday to send Noriko Calderon "back to the Philippines." Photo by David McNeill.**



**Counterdemonstrator Hagitani Ryo supports 13-year-old Noriko's right to stay in Japan.**

An odd place perhaps for two groups with radically different visions of Japan to take to the streets, but this is where neo-nationalists and liberal opponents could be found slugging it out recently.

On one side, a party of nationalists crammed into a small park and listened to ringleader Sakurai Makoto, a rising new-right star who turns out for protests in a three-piece suit and watch chain.

"People in other countries are looking at this case very carefully," Sakurai told the crowd to cheers of 'Send illegal foreigners home.' "They see that we are a soft touch. If we allow this girl to stay, many more will come. It's totally unacceptable."

Some of the nationalists handed out copies of

an article from a Manila newspaper “proving” that the case had received a lot of publicity in the Philippines. “Filipinos now know that if they have a child illegally in Japan the child will win special rights,” said Tanaka Takehiro.

Hemmed behind a row of police with riot-shields, a group of counter-demonstrators were kept half a kilometer away near Warabi Station. “They’re racists,” spat Hagitani Ryo. “Please don’t mistake their views for those of ordinary people. Japanese people don’t support them. We want foreigners to come here.”

Noriko Calderon, the unwitting target of all this attention, would have heard Sakurai from the cramped Warabi apartment she shares with her Filipino parents. But she was miles away with her mother, thanking supporters who had backed their fight to stay in Japan.



**Noriko Calderon and her parents at home.**

In March, the family’s six-month legal battle ended when Justice Minister Mori Eisuke gave Noriko a one-year special residence permit, allowing her to live with her aunt and continue school in this city. Her parents Arlan and Sarah, who came to Japan in the early 1990s on

false passports, were sent back to The Philippines in April.

“I understand public sentiment in this case but the law is the law,” said Mori. “Illegal entry is illegal.”

How “illegal” were the Calderons? Although the false passport charge became common media currency, it has been challenged by researcher Hansun Hsiung - a law and political science student at the University of Tokyo who studied the records from the Tokyo District Court’s decision to deport the family.

According to Hsiung, “The mother’s ‘false’ passport did in fact bear her real name, as well as the correct day and month of her birth. What made her passport ‘false’ was her birth-date -- off by, I believe, one year. This was apparently a clerical error, and the court is willing to admit as much. It was not an especially crucial piece of their judicial reasoning -- the important point really remained the willful act of overstaying.”

After arriving in Japan Noriko’s mother renewed her visa prior to the expiration of her first 90-day period, says Hsiung, in contrast to the father who arrived intending to overstay. The pair met and married in Japan. “To this end, it makes legal sense to treat each of the three as separate individuals rather than as a family, insofar as their conduct differs in salient ways.”

None of this was considered relevant in the decision to deport the parents. Reached despite interventions by Amnesty International and the U.N. Human Rights Council, the decision caused dismay among the family’s supporters and the Calderon’s lawyer, Watanabe Shogo: “The Ministry said it didn’t intend to split the family apart but that is what they have done.”

The bitter deportation pill has been sweetened with a little humanitarian sugar: Noriko's parents will be allowed to return for short stays to visit their daughter in the future, explained Arlan as he prepared for his flight from Narita Airport. "We hope to get back next year sometime. We're so grateful for that because this is a very important time for Noriko. She is still just a child."

But the Warabi nationalists reacted to the decision with fury, demanding that Noriko be deported too. "It's the fault of the left-wing media and the communist local government," said Kambara Takao, one of about 50 rightist demonstrators. "They made people feel sympathy for the Calderons, but the simple fact is they came here illegally. They should all be sent home."

Walking behind a van blasting out high-decibel venom at the local government, the hinomaru-waving protestors filed noisily past Noriko's junior high school. "Shame on Filipinos," shouted one middle-aged man who held a sign saying: "Kick out the Calderons." Tanaka Takehiro said they would be back every month until Noriko was put on a plane to Manila. "We can't allow her to stay or foreigners will exploit our softness. It sends the wrong message to other countries."

Counter-demonstrators brandishing placards saying: "We are all human," and 'Let the Calderons Stay' were kept far back until the cops swooped in and arrested a man, forcing them to detour to the police station. "They never touch the rightists, only us," said one angry protestor, who declined to give his name. He condemned Japan's immigration

policies which he said treated foreigners as "disposable and deportable commodities."

"Immigrants like the Calderons work hard and contribute to our society by paying taxes, so they should be forgiven, no matter how they came in. In other parts of the world, people live together in diversity and in mutual respect. Why can't we be the same?" The demonstrations are a battle for "the future of Japan," said Hagitani. "Our neighbors China and Korea have grown powerful and we're saying that we don't want foreigners. What will they think of this country?"

The twin protests resonated far beyond these narrow streets and again threw Japan's conflicting attitudes toward immigration into sharp relief. Nationalists say they represent the nation's silent majority, which fears that the foreign hordes are set to trample through Japan's carefully built legal barricades. Most view the Calderon case as a wedge issue, the latest in a series of signs that Japan is preparing to invite millions of foreigners to replace its declining population.

Politicians and business leaders have recently floated the idea of increasing immigrants from about 2 to 10 percent of the total population, but so far failed to match that with hard policy. Japan's dismally performing economy has knocked these plans back: many immigrants are returning home. News that the welfare ministry is effectively bribing 5,000 foreign factory workers of Japanese ancestry to return to South America has incensed pro-immigration activists.

The Warabi neo-nationalists appear divided

about whether the current level of immigration – still tiny by international standards -- is acceptable, though all were quick to deny xenophobia. “I have nothing against foreigners and can accept them to some degree, as long as they come here legally and obey this country’s laws,” explained Hayashi Daigo. “But countries that have allowed mass immigration have failed.”

America can’t be classed as a success because its society is so “chaotic,” he added. “It’s the same in the UK, France and Australia. Outsiders cause disruption in societies. I can’t be enthusiastic about the idea of bringing in 10 million foreigners.”

Demonstrator Uchida Iori said he would allow “limited” numbers of immigrants in depending on which country they come from. “Europeans and Americans are acceptable, but not Koreans or Chinese. Wherever Koreans go they cause 100-times more crimes than other races,” he said, making a claim with no basis in fact.

Although viewed around the Warabi streets as extremists, the nationalists claim they are swimming with the popular tide. Some point to the popularity of nationalist-themed comics like the best-selling “Hate Korea” series, and praise the ministry of education for last week authorizing a revisionist high school textbook that the Seoul government said whitewashes Japanese war crimes.

Leader Sakurai is a proponent of the revisionist view in books and articles, arguing that Japan led the liberation of Asia from white

colonialists. While his views might relegate him to the margins of commentary in many countries, he is a semi-regular pundit on TV shows here.

But Arlan Calderon says he has been heartened by the messages of support Noriko received from across Japan. “I don’t think the nationalists represent the true views of Japanese people.” He said letters and petitions helped sustain the family through the fight. “I hold no grudges against the government, or Japan. We’re just sad because we wanted to stay and a lot of people fought for us.”

“Hopefully we’ll be back here soon to see them again.”

*This an expanded and updated version of an article that ran in The Japan Times on April 14, 2009. ([link](#))*

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