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Cheap and Dispensable: Foreign Labor in Japan via the Technical Intern Training Program

Abstract

Japan's decline in population and increase in life expectancy has pushed the country to increasingly depend on foreign labor in the form of unskilled workers hired through the Technical Intern Training Program (TITP). In 2020, these trainees occupied about 20% of Japan's foreign workforce, the second highest demographic after permanent residents. This article examines the program's myriad issues, which include: law violations, workplace abuse, illegal recruitment abroad, and denial of reproductive rights. Referencing in-depth interviews and questionnaire surveys of trainees from Vietnam, the Philippines, and Thailand working in the manufacturing sector, this article reveals the problems and pressures trainees face in Japan, especially during the COVID-19 pandemic. This article finds that, although trainee rights are technically protected by law, trainees face many difficulties involving their work, finances, and daily communication.

Key words

Keywords: technical intern trainee, migrant worker, Vietnam, COVID, broker

1. Introduction

Vinh, a 23-year-old Vietnamese man, came to work in Japan through the Technical Intern Training Program (TITP) for three and a half years, from 2017 to 2020. As a technical intern trainee, he worked at a construction company in Kyoto making reinforced concrete. Vinh paid about ¥1,000,000 (approximately $9,300) to a recruiting agency in Vietnam so he could work in Japan through the TITP, but only made between ¥110,000 and ¥120,000 (approximately $1,028~1,121) a month after tax and insurance deductions. As he is the eldest of five siblings, he sent more than half of his salary home. His job was physically demanding and his salary was relatively low compared to that of Japanese workers, especially when he did not work overtime (more than 8 hours/day). Vinh told me that he wanted to renew his contract to continue working in Japan after his current contract was finished. With his good command of the Japanese language, he planned to earn a Japanese Language Proficiency Test certificate and become a skilled technician so that he could find a better-paying job when he returned.

In 2019, Vinh was one of 218,000 Vietnamese trainees working in manufacturing, construction and agriculture - three sectors often staffed with low-skilled foreign workers[1] due to a shortage of Japanese labor. The difficulties Vinh faced in Japan are quite common for trainees. In fact, he is more fortunate than many, as he did not have any issues with his boss or colleagues and he kept his job during the COVID-19 pandemic.

Due to population decline and an increase in life expectancy in Japan, the country has long struggled to tackle the problem of labor shortage especially in SME (small and medium-sized enterprises). To solve this issue, Japan began to look to developing countries as a source of young foreign workers. However, unlike other developed countries, Japan has no migrant policy, and does not offer a long-term visa to migrant workers. The government's solution was to form the TITP. This program was initially designed to train workers from developing counties in Japanese technical knowledge; however, it grew to become Japan's main recruitment channel, pairing foreign workers with low-skilled and low-paid jobs mainly at SMEs. The number of technical intern trainees has gradually increased since 2007: in 2019 there were over 400,000 intern trainees in Japan[2] (See Table 1). However, the TITP only offers workers a short-term stay visa with a maximum validity of five years. As a result, the program creates a high turnover of foreign laborers who are easily subject to ill treatment at work.

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[1] The definition of low-skilled worker varies. According to a report by OECD (Organization for Economic Co-operation and Development), the definition can be based either on the skills required for the jobs performed, or according to the education level of the worker. Low-skilled labour are considered to be those whose educational level is less than upper secondary. (Jonathan Chaloff, "Management of Low-skilled Labour Migration" International Migration Outlook, OECD, 2008, p.127. https://www.oecd.org/migration/mig/43999033.pdf)

[2] The number slightly drops to 378,200 in the latter half of 2020 due to restriction of entry into Japan following the COVID-19 pandemic (Ministry of Health, Labour and Welfare, revised April 2021, mhlw.go.jp/content/000752687.pdf)

Most studies of Japan's foreign workforce criticize the government's policy of using the TITP as a recruitment channel for cheap labor while identifying problems within the TITP such as labor exploitation and human rights violations (Sunai, 2019; Miyajima and Suzuki, 2019; Murakami, 2019; Tian, 2019). Some studies say it is a modern form of slave labor, and that despite its shrinking population and shortage of labor, the Japanese government accepts foreign workers through a side door via the TITP, which does not tackle the long-term problem (Sunai 2019; Suzuki, 2010). This is due to its concern about the impact of mass immigration on Japanese society, and because, as Strausz points out, interest groups representing labor-intensive industries have failed to convince the government to admit large numbers of low-skilled foreign laborers (Strausz, 2019, p.3, 27). Thus, the TITP has become the main channel of accepting foreign labor. The past few years have seen debates in the media and among academics over whether Japan should continue receiving foreign workers through this channel. This article examines Japan's foreign workforce policy under the TITP using governmental reports, newspaper articles, in-depth interviews and surveys of 50 trainees conducted from January 2019 to December 2020. This article explores the implications and problems within the TITP and the working and living conditions of intern trainees from Vietnam, the Philippines, and Thailand, especially during the COVID-19 pandemic.

2. The Technical Intern Training Program (TITP)

Founded in 1993, the Technical Intern Training Program (TITP) is a state-initiative program that developed from the Training Program in 1989. As noted above, the original aim of the program was to transmit Japanese technical knowledge to developing countries by training young foreign workers. However, since Japan's workforce sharply decreased in the 1990s, it has become a guest worker scheme to recruit cheap temporary labor.

Following a 2010 amendment of immigration law, the Training Visa was replaced by the Technical Intern Training Visa to accommodate Japan's increasing need for workers.[3] Under the terms and conditions of this visa, the maximum period of stay is five years, and workers are not allowed to change jobs during their stay in Japan, nor to bring their families with them.[4] Most technical intern trainees are given hourly-rate contracts and only eligible for jobs in sectors that demand low-skilled work, such as agriculture, construction, food manufacturing, and machine and metal manufacturing. Food service

[3] Training Program as a visa category still exists, but the number of visa grantees has sharply dropped since 2010. The main difference between the two programs is that those under the Training Program are not regarded as workers. They get an allowance instead of a monthly salary and are not covered by employment insurance or protected by labor law like those working under the TITP.

[4] TITP has three levels; level 1 is for first-year studying and training. When trainees finish level 1, they have to take an examination to obtain level 2, which allows them to stay for another two years. Upon finishing Level 2, trainees are required to return to their home country for at least one month before applying for level 3. If they obtain Level 3, they can come back to Japan and work for another two years in the same sector. (Ministry of Justice and Ministry of Health, Labor and Welfare, "About Technical Intern Training Program", 2020, https://www.mhlw.go.jp/content/000633348.pdf)

in hospitals and elderly homes was added in 2017, and restaurant and hotel work in 2019.[5] The top three sectors that hire intern trainees are food manufacturing, machine and metal manufacturing, and construction.[6] The number of intern trainees in the construction sector has risen particularly quickly, increasing from 6,791 in 2011 to 45,990 in 2018, accounting for 80% of foreign workers working in construction.[7]

In 2019, there were 410,972 intern trainees.[8] In 2020, they became the second largest foreign workforce after permanent residents, a position once occupied by foreign students (see Table 1).

Table 1 Number of foreign residents in Japan from 2006 to 2020 by visa category

	2006 1)	**2017** 2)	**2020** 3)
Total number	2,084,919	2,561,848	2,951,365
Visa category			
Permanent resident	394,477	749,191	800,872
Special permanent resident (of Korean, Chinese and Taiwanese descent)	443,044	329,822	309,282
Foreign student	131,789	311,505	280,274
Trainee and technical intern	**133,837**	**274,233**	**408,372**
Engineer, specialist in humanities, international services	92,468	189,273	288,998
Long-term resident (South Americans of Japanese descent)	268,836	179,834	203,847
Other *	620,468	527,990	659,720

(Source: 1) Immigration Service Agency of Japan, "Statistics of foreign residents by nationality and type of permit of stay," June 2016. https://www.e-stat.go.jp, accessed January 2021. 2) Ministry of Justice. Http/www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri04_00076.html 3) Immigration Service Agency of Japan, "Statistic of foreign residents by nationality and type of permit of stay," June 2020. https://www.e-stat.go.jp, accessed January 2021)

* Such as family visa, Japanese spouse, entrepreneur, highly-skilled professionals, care givers

[5] However, trainees working in hotel and linen supply cannot work for more than three years. (Ministry of Health, Labour and Welfare, "Technical Intern Training Program" otit.go.jp/files/user/19725.pdf (English 2018).

[6] Ministry of Justice and Ministry of Health, Labor and Welfare, "About Technical Intern Training Program", 2020, (https://www.mhlw.go.jp/content/000633348.pdf),p.6.

[7] Ministry of Health, Labor and Welfare, "Current situation of Technical Intern Training Program, 18 February 2019" (https://www.mlit.go.jp/common/001273509.pdf)

[8] Ministry of Justice and Ministry of Health, Labor and Welfare, "About Technical Intern Training Program", 8 January 2021 (http://www.moj.go.jp/content/001318235.pdf)

Technical intern trainees make up about 20% of total foreign workers. The number of trainees increased twofold from 2012, but dropped slightly in 2020 due to the COVID-19 pandemic. The majority of trainees come from Asian countries. China was the main source of workers until 2016, when it was surpassed by Vietnam. (See Table 2).

Table 2 Percentage of technical intern trainees by nationality

	2007	2012	2016	2017	2018	2019	2020
China	N/A	73.5%	35.4%	28.3%	26%	20%	16.9%
Vietnam	N/A	11%	38.6%	45.1%	47%	53.2%	55.2%
The Philippines	N/A	5.8%	9.9%	10.1%	10%	8.7%	8.4%
Indonesia	N/A	6%	8.2%	8%	8%	8.6%	9.1%
Thailand	N/A	2.3%	3.2%	3.1%	3%	2.8%	N/A
Other countries	N/A	1.3%	4.7%	5.5%	5.5%	6.6%	10.4%
Total number	89,033	151,477	228,588	274,233	328,360	410,972	378,200

(Source: Ministry of Justice and Ministry of Health, Labour and Welfare. Current Situation of Technical Intern Training Program, partly revised 21 April 2021 (www.mhlw.go.jp/content/000752687.pdf); Ministry of Health, Labour and Welfare. https://otit.go.jp/files/user/190725-10.pdf)

(http://www.moj.go.jp/content/001318235.pdf)

3. System of recruiting and monitoring the TITP

Technical intern trainees are recruited through two channels: direct recruitment from Japanese companies (formally called implementing organizations) or recruitment via local agencies in the trainees' home countries. More than 90% of technical intern trainees are recruited from the latter. Local agencies sign contracts with supervising organizations in Japan that conduct training upon the trainees' arrival and work as coordinators between the workers and their Japanese employers. Recruiting agencies and supervising organizations must be registered and authorized by their governments.

Trainees apply for jobs through recruiting agencies and pay a service fee which includes in-house Japanese language training, visa processing, a medical checkup, job recruitment to Japanese companies, and round-trip airfare

to and from Japan. Fees vary among agencies and countries. From my survey of 50 technical intern trainees from Vietnam, the Philippines and Thailand, those from Vietnam paid the highest fee-almost ¥1,000,000 (approximately $9,300). The average fee is ¥570,000 (approximately $5,300). Many interviewees had to borrow money from relatives in order to come to Japan.

Upon arriving in Japan, trainees are overseen by the supervising organizations that look after them throughout their stay in Japan. Formed by local companies or cooperative groups (such as agriculture or fishery cooperatives), there are over 2,000 supervising organizations in Japan nationwide. In order to operate as an organization, they have to get a license from the Organization for Technical Intern Training (OTIT), an authorized legal entity with 13 branches throughout Japan. The OTIT monitors the performance of supervising organizations by requesting reports and conducting on-site inspections. It also has the authority to impose penalties against organizations that violate human rights and provides support for trainees when problems occur.

It is important to note that, in order to control the number of foreign workers, the number of trainees in a small- or medium-sized company cannot exceed 10% of the total number of company employees. For example, a company with fewer than 51 employees can hire up to 6 trainees, while a company with 101 to 200 employees can hire up to 10 trainees. In large companies (those with more than 301 employees), only 5% of the employees can be trainees. Supervising organizations and companies that satisfy certain requirements of the OTIT are permitted to increase the number of trainees.[9]

3.1 Specified Skilled Worker

Even though the TITP has become a main recruitment channel for unskilled foreign labor and the number of technical intern trainees has been increasing each year, the number of trainees is still far from enough to fill job vacancies in Japan, especially in small manufacturing companies and agricultural jobs in remote areas. This led to another measure by former Prime Minister Abe's cabinet in 2019 to launch the new Specified Skilled Worker (SSW) visa. Although this measure aimed to increase the number of foreign worker sover five years,[10] Abe insisted that it was just a short-term program, not long-term immigration policy.[11]

The SSW visa applies to jobs in fourteen sectors: care work; building cleaning manage-

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[9] Ministry of Justice and Ministry of Health, Labour and Welfare. Current Situation of Technical Intern Training Program, partly revised 21 April 2021 (www.mhlw.go.jp/content/000752687.pdf)

[10] "Kaisei nyūkanhō ga seiritu-gaikokujinzai kakudai rainen shigatu shikō"[Amendment of Immigration law passed: increase of foreign workforce to begin in April next year], Nihon Keizai Shimbun, 8 December 2018.

[11] "Abe Shinzō shushō "Imin seisaku wo toru koto wa kangaeteinai" [PM Abe Shinzo: I am not considering the adoption of migration policy], Sankei Shimbun, 29 October 2018. (https://www.sankei.com/politics/news/181029/plt1810290015-n1.html)

ment; machine parts and tooling; industrial machinery; electric, electronics and information; construction; shipbuilding and ship machinery; automobile repair and maintenance; aviation; accommodation; agriculture; fishery and aquaculture; manufacture of food and beverages; and food service. The visa has two levels: SSW(i) and SSW(ii), which higher-skilled workers can apply for. In order to obtain the SSW(i) visa, workers have to pass a technical exam for their sector as well as a Japanese language exam (those who completed three years of the TITP are exempted from these exams). This visa allows one to work for up to five years; if the worker passes a skill test, they are eligible for the SSW(ii) visa, which allows them to stay for another three years. Under the SSW(i) and (ii) visas, workers have the benefit of getting paid the same salary as their Japanese coworkers, and SSW(ii) visa holders can bring their families to Japan. However, the SSW(ii) visa is limited to two sectors: construction and shipbuilding, meaning that it is basically limited to male applicants. And the SSW visa is not limited to those who complete the TITP; foreign students completing their studies in Japan and foreigners outside of Japan can also apply for it.

The Specified Skilled Worker Program (SSWP) is considered an extension of the TITP, but with more flexible working conditions and better pay. With SSW visa, workers can change jobs and do not have to complete in-house training like technical intern trainees. The most significant difference between the SSWP and the TITP is that workers in the SSWP can find jobs by themselves or via Japan's private or public recruitment agencies. Thus, unlike technical intern trainees, workers with SSW visas do not have to pay brokers to find employment in Japan. But it should be noted that although workers with SSW visas are expected to earn the same salaries as their Japanese colleagues, their jobs are contract-based, and thus far less secure.

The Japanese government planned to give 345,000 foreigners the SSW visa by 2023 to fill jobs in fourteen industries with extreme labor shortages. However, the country still needs 1.45 million more workers by 2025, especially in the janitorial sector,[12] and the acceptance of trainees has been delayed by the COVID-19 pandemic. In December 2020 there were only 15,663 specified skilled workers in Japan, less than 10% of the total number the government planned to accept. The flowchart of SSW visas and other working visas is shown in Chart 1.[13]

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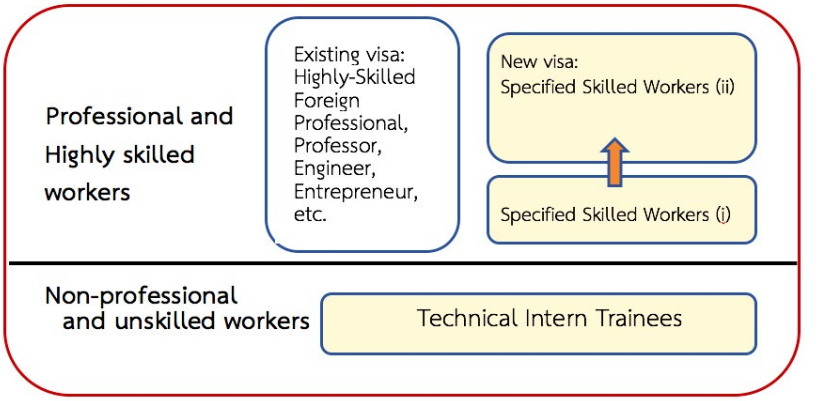
12 "Keiei no shiten" [perspective from business administration], Nihon Keizai Shimbun, 7 January 2019.

13 "Number of Foreign Residents under Specified Skilled Worker1 (as of December 2020)" Immigration Service Agency of Japan, http://www.moj.go.jp/isa/content/001341039.pdf. Accessed 23 February 2021.

Chart 1 Different types of working visas



(Source: adapted from The Ministry of Justice, About the new acceptance of foreign workforce. 2019.http://www.moj.go.jp/isa/content/930003884.pdf)

3.2 Trainees' backgrounds and working and living conditions

A 2018 survey of Vietnamese intern trainees working in Hokkaido by Yuyama and Shitara found that 90% were in their 20s, and had been finishing high school or working in factories before they came to Japan. Some had been professionals-such as pharmacists or teachers-in Vietnam. Their monthly salaries in Vietnam ranged between ¥20,000 to ¥40,000 (approximately $187~374); their main reason for coming to Japan was to earn more money, rather than to learn new techniques or skills. In order to work in Japan, however, they had to pay a large amount of money to brokers: the average amount paid was ¥970,000 (approximately $9,065), while 67% paid more than ¥1,000,000 (approximately $9,345). Coming from low-income and rural backgrounds, 90% of the interviewees had to borrow money from relatives or mortgaged their parents' house to pay the broker fee. Depending on overtime work hours, their monthly salaries in Japan ranged from ¥70,000 to ¥130,000 (after deducting taxes and health insurance). They sent money home and usually lived on ¥20,000 to ¥50,000 (approximately $187~467) per month. Despite the hard work and low pay, 80% said they wanted to continue working in Japan after their contract was over (Yuyama and Shitara, 2018).

In 2018 and 2019, I surveyed 50 trainees from Vietnam, the Philippines and Thailand working in Kyoto and Shiga prefectures. The results showed that 38% finished vocational school, 30% finished high school, and 30% graduated from college. The workers' average income in Japan was ¥154,375 (approximately $1,442). The average fee paid to go to Japan was ¥578,526 (approximately $5,406). Trainees from Vietnam paid the highest amount of money. Their reasons for coming to Japan, in order of importance, were to earn money, to live abroad, and to learn about Japanese technology.

The trainees found the most difficult thing

about living in Japan was the high cost of living, followed by the low wages. Most trainees are paid an hourly wage, not a fixed salary. Thus, when they had long holidays or did not work overtime, their income decreased. Interviews with Thai trainees working in a chip making factory in Shiga Prefecture revealed that during Golden Week, a long holiday in May, they made only ¥90,000. Some complained that they did not get a bonus despite having to stand and work all day. Some thought that they would be paid a monthly salary rather than an hourly wage. However, trainees who worked at the same company the following year said they received a fixed salary.[14]

The third most common problem for trainees was communicating with Japanese people. Most intern trainees can speak basic Japanese, but this is not sufficient to make friends with their neighbors or participate in community activities. Also, because their time in Japan is temporary, they are less motivated to study Japanese. Another issue is with the month-long in-house training that trainees must undergo upon their arrival in Japan. Although the training differs by region, many trainees found that it was too strict and military-like to the extent that it violated their private lives. In terms of living conditions, most trainees must share an apartment, and sometimes even a bedroom. Those who share a bedroom said they lack privacy.[15] Despite these complaints, however, 51% of the workers surveyed said they made the right decision to work in Japan, while 49% said they were not sure.

4. Problems regarding the TITP and its stakeholders

Although government agencies like the OTIT exist to monitor the TITP and its stakeholders, a number of problems involving employees, brokers and the trainees themselves still remain with the program.

4.1 Violation of employment

Scholars, the media, and non-profit organizations have all pointed out major issues within the TITP over the past decades. Such issues include: verbal and physical workplace abuse; long work hours; underpayment of wages; unpaid overtime; overcharging of housing rent; and racial discrimination (Suzuki 2010; Murakami, 2019; Miyajima and Suzuki, 2019; Sunai 2019). Verbal and physical abuse of male trainees is common in the construction sector, partly because of the language barrier. A cursory search for online footage reveals trainees being verbally and physically abused by their co-workers, and many videos show Vietnamese trainees fighting with their Japanese colleagues.

Some companies employing trainees have been found in violation of labor laws. From a survey conducted by the Labor Standards Inspection Office in 2012 and 2016, 70% of such

[14] Interview with Thai trainees, Shiga, 9 August 2020. (All interviews were conducted in confidentiality, and the names of interviewees are withheld by mutual agreement)

[15] Interview with Thai trainees, Shiga, 28 September, 2019 and 9 August 2020.

companies were found violating the Labor Standard Act[16] with a total of 4,004 violations. Of the complaints filed by trainees, 80% concerned not being paid hourly or overtime wages; 10% concerned being underpaid; and another 10% concerned flaws in company dismissal procedures.[17]Another survey conducted by the Ministry of Health, Labor and Welfare in 2018 had similar results. This survey found 70% of companies and factories violating labor laws. The violations included: forcing workers to work more than 8 hours a day; a lack of safety implementations; and not paying or underpaying overtime pay (see Table 3). The number of law violations increased by 22% from the previous year.[18]

Table 3 Type of violations by TITP companies or factories (2018)

	Number of companies or factories
Violation of working hours	1,711
Violation of safety standards	1,670
Not paying or underpaying overtime	1,083
Other violations	696
Total number	**5,160**

(Source: "Ginõjisshü Ihan 5160 Jigyousho" [5160 companies violating Techinical Intern Training], Nihon Keizai Shimbun, 31 August 2019)

The Japanese government responded to wage violations with stricter monitoring and a 2019 law amendment that forced companies and factories to transfer wages directly to trainees' bank accounts for transparency. However, some companies still tried to take advantage of their employees in other ways, such as overcharging their rent.[19] In 2019 large companies such as Panasonic and Mitsubishi Motors also violated labor laws by assigning trainees different jobs than those stated in their contracts. The two companies were fined ¥300,000 each (approximately $2,800) and their licenses to hire technical intern trainees were withdrawn, forcing them to let go of 136 trainees in total. One serious case involved a trainee at the Panasonic factory in Toyama Prefecture who committed suicide due to overwork.

[16] Law and regulations about labor and employment aiming to protect laborers' rights. It is applied to both Japanese and foreigners working in Japan.

[17] Ministry of Health, Labor and Welfare. 2018. Current situation of Foreign Technical Intern Trainee and problems. (www.meti.go.jp/policy/mono_info_service/mono/fiber/ginoujisshukyogikai/18032313_mhlw_genjyoukadai.pdf.0)

[18] "Ginõjisshü Ihan 5160 Jigyousho" [5160 companies violating Techinical Intern Training], Nihon Keizai Shimbun, 31 August 2019.

[19] "Ginõjisshü seido unyõ wo genkakuka, hoshü shiharaichekku, tachiiri kensa" [(Government aims to) tighten the operation of Techinical Intern Training system, check payment and onsite inspection], Nihon Keizai Shimbun, 31 August 2019.

The company was reportedly again fined ¥300,000.[20]

4.2 Increase in trainee disappearance and crime rates

Violations of labor law and abuse of trainees by employers resulted in more problems, such as trainee disappearance. There are two main reasons for trainee disappearance: employer abuse and financial difficulties. In 2014, about 4,800 trainees were reported missing; the number continues to increase each year. The end of 2020 saw over 12,000 cases of missing trainees, amounting to 53,000 cases since 2012.[21]

Once they leave their jobs to escape workplace abuse, trainees become vulnerable and, more often than not, end up overstaying their visas because they still need to earn money to send home or to pay the debt incurred from coming to Japan (Sunai 2019:125-139).

The recession caused by the COVID-19 pandemic has affected both Japanese and foreign workers. According to a report from the National Police Agency in 2021, over 11,756 crimes were committed by short-term foreign residents in Japan, an increase of 101 crimes from 2019. Such crimes range from overstaying of visas to theft and even murder. The highest percentage of crimes by short-term foreign residents are committed by trainees: 24.6%.[22] It is thought that the COVID-19 pandemic is a major cause for the increased crime rate: many trainees have been suspended or even dismissed from their jobs, but are unable to return home.

4.3 Illegal recruitment

While most technical intern trainees are from developing countries and hope to earn a higher income and experience life in Japan, most of them have little knowledge about the country and can barely speak the language. Without the help of labor brokers both in Japan and their home countries, their dreams cannot materialize. Recent years have seen a boom in the labor broker business in many Asian countries, especially Vietnam. However, many such broker firms take advantage of workers desperate to work in Japan.

One such case involves Pham, a Vietnamese woman. After graduating from a Vietnamese college with a degree in accounting, Pham worked in a factory and earned a monthly salary of 8,00,000 dong (approximately $345). She came to Japan in 2019 through a small Vietnamese brokerage firm and landed a job ironing clothes at a dry-cleaning company. She worked there for ten months before she was arrested and charged with violating immigration

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[20] "Ginōjisshū Nintei Torikeshi" [Cancellation of Technical Intern Training License] Nihon Keizai Shimbun, 26 January 2019

[21] Ministry of Justice, "Hokokusho – kongo no shutsunyūkoku zairyū kanri gyōsei no arikata"[Report on the future policy of administration of immigration control](moj.go.jp/isa/content/001334958.pdf); "Jōgen,Koyōkeitai-Yurerutōben"[Shaking answer for maximum of wages and type of employment], Nihon Keizai Shimbun, 22 November 2018; "Ginōjisshū seido unyō wo genkakuka, hōshū shiharaichekku,tachiiri kensa" [(Government aims to) tighten the operation of Techinical Intern Training system, check payment and onsite inspection], Nihon Keizai Shimbun, 31 August 2019.

[22] "Gaikokujin Tekihatsu 1.1 mannin cho"[Detection of Crime by Foreigners, over 11,000] Nihon Keizai Shimbun, 9 April 2021.

and refugee law. She was detained in prison for three and a half months.

In an interview after her release, Pham explained that she was arrested because she was working on an Engineer, Specialist in Humanities, International Services visa, which did not permit her to work in dry cleaning, a fact she claimed she was not aware of.[23] When applying to come to Japan with the brokerage firm, Pham paid $5,500 (approximately ¥588,500) for visa-processing and Japanese-language training. The contract with the broker was written in Vietnamese and stated the terms, conditions, and payment details of her job. Upon arriving in Japan, she signed another two documents. One was a contract with a local brokerage firm. Written in Japanese and Vietnamese, it included: the contract details (three-month probation and a renewal every six months); the name of the company she would be working at; terms and conditions of the work; working hours, including breaks; working days; salary; and the amount deducted for Pham's housing. The other document was an employment contract made directly with the dry-cleaning company. The only difference between it and the other contract was that it was in Japanese only, with no Vietnamese version, and it falsely stated that the type of work was "accounting, translation and other," an important detail that was not included in the bilingual contract. Pham said she was not aware that this falsehood was included in the Japanese-only contract since she could not read Japanese. Regardless of her testimony, this document seemed to be a key piece of evidence of Pham's violation of immigration law. After Pham was arrested, the police tracked down the Vietnamese broker who worked with Pham.

After working and living in Japan for many years, the Vietnamese broker opened a small Japanese language school in Vietnam in 2017 as a worker recruitment channel. He reportedly introduced fifteen Vietnamese workers to Japanese companies, receiving ¥450,000-600,000 (approx. $4,205-5,607) for each introduction, plus an additional fee every six months when the contract was renewed. He was arrested along with two Japanese owners of a recruitment company who had worked with him. They were found guilty in 2020.[24]

Pham's story is not unique. Brokerage firms working with the TITP are constantly monitored and require complicated paperwork, so some brokers recruit workers under the Engineer/Specialist in Humanities visa to work in non-specialist jobs in order to dodge these requirements. A transnational network of brokers that uses legal loopholes and takes advantage of workers developed during a boom just before the COVID-19 pandemic; Pham's case is just one of many involving an increasing number of illegal recruitments.

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[23] Interviewed with Pham, 31 August-30 September 2020.

[24] "Fuhō shūrō assen burōkā taiho" [Brokers arrested for introducing illegal jobs], Kyoto Shimbun, 9 September 2020.

4.4 Abortion and infant abandonment

As of 2020, 40% of all trainees, or about 170,000 workers, are female.[25] With the rising number of female workers, unwanted pregnancy, abortion, and infant abandonment have all increased within the trainee community.

For example, a Vietnamese trainee who had arrived in Japan in October 2018 discovered she was pregnant. She was suspended from work temporarily and told by her supervising organization to get an abortion or return to her country. However, after a negotiation arranged by an NPO, she was allowed to resume her internship in January 2019 and take a maternity leave in Vietnam. In 2019, a Chinese trainee got pregnant and was told she must return to China. But before she could, she miscarried and was dismissed from work anyway. In yet another case, a Chinese trainee gave birth secretly and abandoned her newborn, fearing she would be fired if her company found out. She was arrested and sentenced to one and a half years in jail and four years' probation. A similar case happened to a Vietnamese trainee who abandoned her stillborn baby. She was also convicted, but was only sentenced to probation (Ando, 2019).

Reproductive rights of female trainees are generally protected by a Technical Intern Trainee law that prohibits companies from "imposing unfair restrictions on the trainees' freedom in their personal lives."[26] As a measure to protect the reproductive rights of women, the OTIT warned supervising organizations not to treat them unfairly (Ando, 2019). However, each year there are over twenty reports of female workers getting secret abortions or abandoning their newborns after giving birth, leading to issues with physical or mental health or even legal cases and imprisonment.

According to foreigner-support groups, trainees often feel pressured to finish their working term in Japan to pay back their brokerage firm debt or to send money to their families. Having a child would threaten their chance to continue working in Japan, so many of them resort to secret abortions and infant abandonment. Pressure from sending and receiving organizations also plays a part. Some sending organizations even order their female trainees to avoid pregnancy while working in Japan; pregnancy can become synonymous with crime for female trainees. Most women do not realize that they have the right to give birth and raise a child while working as trainees, and are even eligible for government child support. Especially during the COVID-19 pandemic, trainees have been at greater risk of getting fired or suspended from work, so female trainees often assume they will be fired and deported back to their countries once it is discovered they are pregnant. Many trainees thus secretly give birth at home to avoid going to the hospital and having the birth of their child recorded.[27]

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[25] "Ninshin sokukikoku toiugokai: gaikokujin jisshūsei no nyūji iki kakuchi de" [The misunderstanding of getting pregnant means immediate repatriation: newborns deserted by foreign interns found in many places], *Nihon Keizai Shimbun,* 11 February 2021.

[26] Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (http://www.moj.go.jp/content/001223425.pdf)

4.5 Life during COVID-19

Since the outbreak of COVID-19 in 2020,[28] it was reported that over 4,000 trainees had lost their jobs (as of October 2020).[28] However, this number is probably under-reported since trainees cannot report directly to governmental organizations. Due to company profit losses during the COVID-19 pandemic, trainees have been forced to reduce their working hours, and in some cases have been dismissed from work without notice. Trainees live in dormitories or apartments provided by their companies, so they lose their housing as soon as they lose their job. Their only options are to seek shelter with friends, supporting NPOs, or supervising organizations. COVID-19 impacted the lives of Vietnamese trainees in particular. According to reports by an NPO, more than half of the Vietnamese living in Japan affected by COVID-19 are Technical Intern Trainees (the rest are students, long-term residents and those who have over-stayed their visas).[29] Of those who lost their jobs, some wanted to find a new job but lacked support from their supervising organizations, other wanted to return home but were put on a long waiting list due to limited international fights between Japan and Vietnam. Like Japanese citizens, trainees receive a stipend of ¥100,000 (appro x$1,700) from the government at the beginning of the pandemic, but it was far from enough to allow them to survive in Japan without a regular income. The negative effects of COVID-19 on the lives and financial stability of trainees further shows how vulnerable trainees really are.

4.6 The story of Vinh continued

I met Vinh again for a follow-up interview in late 2020. His contract had ended and he was supposed to go back to Vietnam in April 2020, but due to the COVID-19 pandemic, he was among the 20,000 Vietnamese who had to wait to return home. As mentioned above, he is considered lucky as he was able to keep his job under the pandemic. Vinh's company extended his work contract for another six months; his visa was also extended. But when I asked him if he wanted to return to Japan after this contract was finished, he appeared reluctant. He has a serious illness and needs to undergo an operation, but he chose not to do so in Japan because he would have to take more than a month's leave, which could cause his employer to fire him. He did not want to lose his job while having to stay in Japan; as his pain was still bearable, he decided to wait to have the operation once he could return to Vietnam.

Vinh's is just one of many stories exemplifying

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[27] According to the NPO Kumusutaka-Association for Living Together with Migrants (from "Ninshin sokukikoku toiugokai: gaikokujin jisshūsei no nyūji iki kakuchi de" [The misunderstanding of getting pregnant means immediate repatriation: newborns deserted by foreign interns found in many places], Nihon Keizai Shimbun, 11 February 2021.

[28] "Ginōjisshūsei Ukeire 10 Gatsu Saikai mo – Aitsugu Kaiko, Shien Kadai ni" [Acceptance of Technical Intern Trainee resumed in October- Dismissal in succession needs to be supported], Nihon Keizai Shimbun, 26 December 2020.

[29] "Betonamu jin Ginōjisshūsei Hottto-rain Kaisai Hōkoku" [Report on Hotline contact with Vietnamese Technical Intern Trainees], no. 1, 2, 3, June to August 2020, Catholic Mission of Japan for Migrant Refugees and People on the Move (JCaRM) (https://www.jcarm.com/wordpress/wp-content/uploads/2020/12/d89dc0e16915f0752856cdee07e9f052.pdf) ; https://www3.nhk.or.jp/news/html/20200820/k10012575881000.html.

the risks trainees face when they become sick or injured; taking time off from work means risking losing job. Yuyama and Shitara also point out trainees' reluctance to get medical treatment for fear of getting fired (Yuyama and Shitara 2018, p. 208).

5. Conclusion

One of the ironies of Japanese foreign policy is that despite the increasing need for labor in the manufacturing and service industries, the government still holds on to its conservative stance of not accepting long-term migrant workers. In result, side-door policies such as the TITP have expanded, although the number of trainees accepted through this program are far from enough to ease Japan's labor shortage.

Given the high turnover of labor, trainees are easily subject to abuse at work, underpayment and dismissal from work. Thus far, the government has attempted to tackle these problems by means of law enforcement and monitoring. The Technical Intern Training Law (passed in 2016 and amended in 2019) allows trainees to file complaints directly to the OTIT, which monitors this program. They can also seek help from a hotline helpdesk and seek temporary shelter if necessary. Supervising organizations and enterprises that violate the law could lose their license or face suspension.[30] However, during economic downturn brought by COVID-19, trainees become even more dispensable labor and had to face difficulties on their own.

Even though the rights of trainees are protected by law, interviews and surveys in this article reveal that many trainees struggle with work, a lower income than expected, and difficulties communicating in Japanese in their everyday life. Despite their eligibility to get medical treatment, trainees like Vinh often refuse it to avoid long absences from work. Similarly, female trainees get secret abortions or abandon their newborns to avoid having to take time off. These stories reveal how vulnerable trainees' status as guest workers really is.

Despite the OTIT's effort to tighten control over the TITP, harassment and employment violations still occur on a daily basis. This is mainly because, for enterprises, workers under the TITP are cheap and dispensable, so there is little incentive to regard them as a part of their companies. The biggest challenge for the OTIT seems to be how to monitor over 383,000 implementing organizations and over 2,500 supervising organizations nationwide. Despite the many setbacks mentioned above, the fact remains that Japan continues to need cheap labor and the TITP has created a big migration business both in and outside Japan. For these reasons, this program is expected to continue for many years to come.

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[30] In more severe cases that involve physical abuse or violation of human rights, both implementing and supervising organizations are subject to imprisonment up to 10 years or fined up to ¥3,000,000. (Ministry of Health, Labor and Welfare, "About Technical Intern Training Program" March 2021 (www.mhlw.go.jp/content/000752687.pdf, p.32)

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