

Transnational Activities for Local Survival: A Community of Nepalese Visa-Overstayers in Japan

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Introduction

The recent flurry of literature on “transnationalism from below” emphasizes the importance of agency that has been generated among immigrant populations of humble origin as a result of transnational activities (Guarnizo and Smith 1998; Portes 1999). Until the 1970s, elite groups with national and corporate interests had monopolized international space and cross-border activities. With the advent of the age of global migration in the 1980s, non-elites or “ordinary people” have comprised the majority of immigration flows in the world, engaging in various kinds of trans-border activities, both economic and non-economic (Castles and Miller 1998; Portes et al. 1999). As groups of marginalized classes and ethnicities, these immigrants routinely encounter market exploitation and everyday racism in host societies (Essed 1990).

Transnational activities, be they cultural, entrepreneurial or political, provide immigrants with means of overcoming such adverse forces. By linking their interests and activities with those of counterparts in their countries of origin, the immigrants are able to draw upon resources and ideas grounded in everyday practices and social relationships in their native lands. Such cross-border, cross-cultural activities at the grassroots allow immigrants to affirm their cultural identities, while enabling them to expand collective interests by asserting equal rights and demanding social justice. Transnationalism from below thus produces bottom-up, counter-hegemonic power to resist the global and institutional inequality to which immigrants and their families are continuously subjected (Mahler 1998; Portes 1999).

In this article, I present examples of such transnational activities drawing from my study of a small community of Nepalese visa-overstayers in Tokai, central Japan. Adopting the concept of transnationalism from below, I refer to “transnational community activities” as “cultural, social, and political activities of non-elite immigrants for common goals that take place across borders on a regular basis.” By “non-elite immigrants,” I mean those immigrants at destination and their counterparts at origin whose interests are grounded in their families and communities, rather than in the state, corporations, or markets.

The research population, estimated at 500, comprises primarily working age males of Tibeto-Burman language speaking, Buddhist groups commonly referred to as "Mongols," from western and eastern Nepal. Most of these migrants entered Japan with valid tourist visas and overstayed them after their three-month expiry date, all the time working illegally in small-scale manufacturing and construction industries. They have been willing to endure the hardships inflicted upon them as undocumented workers in jobs shunned by Japanese in exchange for wages that far exceed those in their home country.

In their scarce free time they have established a variety of organizations and community activities, both those that appeal to all Nepalese nationals and those specific to particular ethnic communities. They sponsor Buddhist and Hindu ceremonies, organize cultural and sporting events, publish newsletters and magazines, collect donations for ailing and injured compatriots, contribute to homeland charities, receive visiting Nepalese celebrities, collaborate with Japanese NGOs to arrange medical treatment for the sick, and negotiate labor abuses by employers.

These vibrant and prolific community activities by Nepalese undocumented workers raise intriguing questions about their agency and governance on the one hand, and Japanese immigration policies and public reception affecting undocumented foreigners on the other. According to the Japanese 1990 Revised Immigration Law, foreign labor is limited to skilled occupations, while hiring unskilled foreigners is outlawed (Yamanaka 1993; Cornelius 1994). Consequently, undocumented immigrants are subject to high levels of prejudice, discrimination, and exploitation by the bureaucracy, employers, and the public. Despite such overwhelmingly hostile surroundings, Tokai Nepalese have carried out a variety of transnationally organized projects and activities in pursuit of their social, cultural, and political goals. How can this be explained?

Answers to this question are complex for they are deeply embedded in the social, cultural, historical, economic, and political contexts of labor migration in both Nepal and Japan. Here, I address three major related topics that illuminate the social, historical, and political causes of the transnational activities by the Nepalese visa-overstayers' community in Japan. They are: (1) Nepalese migration history, social capital and increasing political activism; (2) growing contradictions built into Japan's restrictive immigration policy; and (3) emerging global civil society movements that bridge civic activism across national and cultural boundaries. The analysis begins with brief discussion of research methods, site, and data, followed by detailed description of examples of Nepalese transnational community projects and activities in which I participated between 1998 and 2000.

Research Methods, Sites, and Data

I began research on Nepalese labor migration to Japan in 1994 during six months of residence in Kathmandu (Yamanaka 2000). Among my informants were two men who had recently returned after several years' sojourn in Japan and who provided me with contacts among workers remaining in Japan. Through these contacts I was able to gain *entrée* into a community of undocumented workers in Hamamatsu, a city of half a million in western Shizuoka Prefecture, 257 km southwest of Tokyo. Hamamatsu and its satellite cities, Kosai and Iwata among others, are headquarters for major automobile and motorcycle companies, including Suzuki, Yamaha, and Honda, together with thousands of sub-contractors which supply the parts to be assembled by the companies to become vehicles. Contiguous and to the west of these cities lie Toyohashi, a city of 350,000, and its neighbors, Toyokawa, Toyota and others, in the eastern part of adjacent Aichi Prefecture. They host another giant car company, Toyota, and its thousands of subcontractors.

Immigrant workers, both documented and undocumented, find this industrial area (referred to hereafter as Tokai) attractive because of its chronic labor shortage among small-scale employers. In March 1998, for example, 10,110 Brazilians of Japanese descent were registered as long-term residents in Hamamatsu alone (Yamanaka 1997; 2000). The number of undocumented workers in Tokai is difficult to estimate, but there are many, mostly from Asia. Nepalese informants estimate about 500 Nepalese men and women work in the area. This is a fraction of an estimated 3,000 Nepalese visa-overstayers in Japan according to Japanese immigration records from 1986 to 1995 (Yamanaka 2000:65). Following my initial research there in November 1994, I made repeated visits to the community until July 2000, administering questionnaires, observing community affairs, and participating in organized activities. During this six-year period, I also revisited Nepal three times (1997, 1998, and 2000) in its capital city Kathmandu, and in Pokhara, its second largest city, interviewing returnees from Japan and selected citizens who were knowledgeable about migration history, ethnic politics, and current events in Nepal.

Nepalese Immigrant Workers in Central Japan

Diverse Backgrounds

The research population is made up primarily of people of Tibeto-Burman language speaking, Buddhist groups from Nepal's western and eastern middle-hills—groups such as Gurung and Magar from the west; Rai and Limbu from the east. Men of these groups, identified by the British as “martial races,” were recruited by the British and Indian Armies as “Gurkha” soldiers for some 180 years, serving throughout the world in times of peace and war. Their earnings produced a remittance economy on which rural Nepal became increasingly dependent, while the

longstanding tradition of foreign military service has created a “culture of emigration” among these Himalayan communities. Included in this culture are extensive transnational Nepalese networks, groups, and organizations throughout the world, particularly in East Asia where British Hong Kong had hosted the Headquarters of the British Gurkha Brigades since 1970.

The advent of the age of global migration in the late 1980s coincided with Britain’s preparation for the return of Hong Kong to Chinese sovereignty. This entailed yearly reductions of recruits into Gurkha Brigades during the mid-1990s. During the same period, after a short recession in the mid-1980s, the Japanese economy rapidly expanded, resulting in serious labor shortages among such labor-intensive industries as manufacturing, construction, and services. Hundreds of thousands of migrant workers, both male and female, arrived mostly from neighboring Asian countries, including Nepal, to supplement Japan’s rapidly dwindling and aging labor force (Morita and Sassen 1994; Yamanaka 1999). The country’s official policy prohibiting unskilled foreign labor did not deter their massive influx. By the early 1990s the country harbored about 300,000 illegal visa-overstayers, most of whom were engaged in manual labor, while remitting savings to their home countries (Cornelius 1994:384).

After a small number of working age Tibeto-Burman Nepalese males had arrived and established the channel for immigration, their families, including brothers, cousins, uncles, and a trickle of wives and sisters, followed in their footsteps. Having recognized the rewards of labor migration, members of ethnic groups without a history of overseas service soon followed the routes pioneered by their Tibeto-Burman compatriots. Included were three groups which have historically constituted Nepal’s power brokers, monopolizing major positions in the government, bureaucracy, military, economy, and religion: Newar (the indigenous population of the Kathmandu Valley), and the two Hindu elite caste categories, Brahman and Chhetri. As a result, the small and socially invisible Tokai Nepalese community was characterized by men and women of extraordinary diversity in ethnicity, class, region, language, and religion.

Despite their diversity, however, all Nepalese shared several important characteristics relevant to their emigration. They had been relatively well educated in Nepal, many with high school diplomas or beyond. Yet the majority, prior to departure to Japan, were students or in relatively low-prestige occupations, such as self-employed shopowners, or farmers. Some had previously migrated for work to the Middle East, Europe, and other countries. In the late 1980s and early 1990s, rising inflation and soaring unemployment in Nepal made it difficult for most households to maintain incomes sufficient to provide for their members, particularly in urban centers such as Kathmandu and Pokhara where the subsistence provided by rural agriculture was absent (Spotlight 1996). Among those who were educated but lacking in job experience and personal connection with employers, especially those of ethnic

minority status, such as Tibeto-Burman groups, emigration became an increasingly attractive avenue through which to cope with Nepal's economic crisis.

Illegal Employment

Within three months of their arrival in Japan, the diverse population of Nepalese immigrants is reduced by immigration law to a single category "illegal foreign residents." As such, they are absorbed informally into the workforce as inexpensive, temporary, and tractable laborers working for the weakest, most unstable employers. Although demanding tasks and abusive employers are common complaints, Nepalese workers in Tokai generally express high degrees of satisfaction with their employment since they earn wages far higher than those prevailing in Nepal. My survey of 159 men and 30 women reveals that in the mid-1990s these undocumented workers earned wages comparable to those of documented workers (such as Japanese Brazilians) and even of Japanese co-workers (Yamanaka 2000:84-88). On the average, Nepalese men earned 1,125 Yen per hour (roughly U.S. \$10.00), and women earned 835 Yen (U.S. \$7.00). In Kathmandu, the average monthly income for a governmental official or university professor is about 5,000 Nepal rupees (roughly U.S. \$100). In Tokai, an illegal, unskilled male makes that amount in a single day.

A breakdown of their hourly wage data further reveals that, while workers' age, education, and ethnicity have little relationship to their wage levels, the type of industry in which they are employed, the years spent in Japan, and the number of job changes all make small, but systematic and statistically significant differences in their earnings. Comparison of average monthly wages in the manufacturing industry among illegal Nepalese, legal Japanese-Brazilians, and Japanese workers results in another important finding: differences in national, ethnic, and legal status do not appear to contribute significantly to wage differences. In contrast, regardless of nationality, ethnicity, or legal status, gender divides and ranks workers in Japan according to well-established patterns of wage and social discrimination against women (e.g., Brinton 1993). These data suggest that small-scale Japanese employers place high value on undocumented (in this case Nepalese) male workers' willingness and physical capacity for the demanding labor in jobs shunned by Japanese.

Social Marginality

For sojourning foreign workers, particularly undocumented ones, the ultimate goal of migration is to save a large sum of money and return home as soon as possible. Japan is a "heaven" for achieving this goal, according to one Nepalese immigrant. But its underground labor markets are far from heavenly in their treatment of illegal workers. Small factories and construction sites are ridden with labor exploitation and occupational hazards. Small-scale employers, lacking capital and

credit, frequently ignore safety codes, postpone paying salaries for months, and sometimes go out of business without paying their employees. Illegal workers have no recourse but to seek a new employer.

In addition to difficult and unstable working conditions, Nepalese illegal workers suffer severe social invisibility and personal isolation. As day laborers, their lives are spent working in factories or construction sites for ten hours a day, six days a week. Fear of being apprehended is pervasive, inhibiting both their public and private social participation. The limited duration and clandestine nature of their presence in Japan prevent them from making friends beyond the Nepalese community. As illegitimate aliens, they are also denied access to inexpensive medical care. This poses a serious threat to those who perform hazardous jobs in workplaces often devoid of adequate safety measures.

Although few in numbers, active members of Japanese volunteer nonprofit organizations, labor union activists, social and religious workers, and medical personnel play active and critical roles in overcoming legal problems, offering professional services, and providing moral and material support in cases of labor abuse, medical emergencies, and personal crises among Nepalese and other undocumented workers (Yamanaka 2003).

Examples of Nepalese Community Activities

Sunday Get-Togethers

Shortly after beginning my research in Hamamatsu, I became familiar with the lively and well-organized community activities of these immigrants. For example, 30 to 50 Nepalese men (and a few women) gathered every Sunday afternoon—their only day off from their hard and often dangerous work—in a small park within the Central Bus Station. There they would chat with one another in their various languages, exchanging information about friends, jobs, and news from home. These occasions also afforded them the opportunity to entrust part of their earnings to a designated agent, who would deposit them in a bank, to be forwarded as remittances to their families in Nepal. This kind of meeting is not unusual among foreign workers of any nationality, for their social and cultural needs are great in their unfamiliar environments. Often, as in Hamamatsu, a regular time and place to meet is established in order to avoid having to make individual arrangements to do so (e.g., Constable 1997).

Organizational and Communal Activities

In addition to their Sunday afternoon gatherings, Nepalese in Tokai meet for many more highly structured events and activities. Several examples of these, and organizations which supported them during my 1998-2000 research, follow.

Annual Program of the Nepalese Welfare Society of Japan (Toyohashi, February 1998):

The Nepalese Welfare Society of Japan (NWSJ), established in 1995, sponsored a program in a public hall to celebrate its third anniversary. Immigrant men and women of the Himalayan Club performed Nepalese music and dance. An estimated 400 Nepalese attended together with several Japanese citizens who had volunteered their assistance to the community.

Opening Ceremony of a Nepali store (Toyota, September 1998):

The opening of a new store stocking Nepalese and other Asian foods, videos, tapes, magazines, etc., and owned by a Nepalese legal resident, was celebrated. A Japanese Buddhist priest conducted a *puja* (ritual) in front of the decorated store, while some 200 Nepalese watched from the parking lot and the street. A popular Nepalese actress, who happened to be visiting Japan, gave a short speech.

Dashain Festival Party (Toyohashi, October 1998):

The NWSJ rented a large hall in which to celebrate the Nepalese festival of *Dashain*. The event featured Nepalese music followed by a catered Japanese buffet. At least 200 Nepalese were in attendance, including a former cabinet member of the Nepalese government. A local Japanese labor union leader was an honored guest.

Wedding Reception (Hamamatsu, February 1999):

A Nepalese couple who had recently married in Japan, held a Sunday afternoon reception in an Indian restaurant. About 100 Nepalese and ten Japanese friends and employers celebrated with abundant Indian food and beer.

Summer Bowling Championship (Toyokawa, July 1999):

Tamu Dhii Nagoya, a branch of the Gurung Association-Japan, sponsored a bowling tournament. They had reserved half of a large

Japanese bowling hall for the event in which sixteen teams, some wearing team T-shirts or carrying team flags, competed with trophies for the winning team and “the most valuable player.” Japanese bowlers went about their competition, apparently oblivious to the lively and conspicuous crowd of illegal Nepalese. Participants and spectators numbered about 100, most of whom then moved to a nearby Indian restaurant to celebrate with South Asian snacks and beer.

Charity Show (Hamamatsu, June 2000):

In order to collect money for charitable activities in Nepal, the Mount Everest Club organized a cultural show held in a public hall. Six artists had been brought from Nepal to provide a program of Nepalese music and dance. An estimated 300 Nepalese attended.

Publications:

A number of sub-groups within the Nepalese community in Tokai published magazines, either on their own or in cooperation with Nepalese organizations elsewhere in Japan. The articles, most of them in Nepali, were written and edited in Japan by immigrants. They were then sent to Nepal to be printed before being returned to Japan for distribution. The magazines included: *Himali Sandeshi* by NWSJ; *Koseli* by the Himalayan Club; *Tamu Dhii* by the *Tamu Dhii* (Gurung Association); *Peace* by the Tamang Association.

Mutual Assistance:

Leaders of NWSJ and ethnic associations keep close contact with Japanese volunteers and labor union officials in order to obtain assistance in negotiating with employers and the Labor Standards Bureau in the frequent instances of labor abuse such as unpaid wages and work related injuries. Likewise, when a member falls seriously ill, requiring expensive treatment such as hospitalization, surgery, and medication, major organizations of the region initiate donation drives among their communication networks of more than 2,000 Nepalese living and working in the Tokai area and the Tokyo Greater Metropolitan Areas.

Islands of Tolerance

These Nepalese community activities suggest that despite Japan's reputed inhospitality to undocumented workers, there are islands of tolerance and acceptance which afford these visa-overstayers refuge and respite from the sea of suspicion and hostility which surrounds them. The following observations offer further confirmation:

- Members of the Nepalese community have welcomed me, a Japanese woman, to study their migration experiences and have invited me to participate in many of their organized activities.
- The Nepalese frequently hold community activities in highly visible public and commercial spaces where Japanese people are present and sometimes participate.
- Official visitors from Nepal—politicians, diplomats, performers and artists—often participate in these events or send congratulatory messages.
- A small but active number of Japanese citizens and NGOs sympathize with the plight of undocumented Nepalese and other foreign workers, and meet with them in efforts to counteract the mistreatment they suffer in the society at large.

Explanation of these observations must be sought in an understanding of the broad historical, social, economic, and political contexts of the two countries, a topic to which I now turn.

Nepalese Social and Political Capital

For Nepal, the sending country, the factors most relevant to such explanation are to be found in the immigrants' migration history and the human, social, and political capital that have enabled them to act in unison on the basis of their shared identity and experience. Specifically, Nepal's sudden 1990 "democracy movement" unleashed unprecedented political energy and unity among Nepalese citizens—especially the small but increasingly discontented urban middle class—against the extant autocratic one-party rule. Concurrent with this historic incident were the inducements discussed above for global migration that brought young, educated men (and women) to Japan to defend themselves as immigrants without rights in Asia's wealthiest country.

Migration History and Social Capital

The historical role played by Gurkha Brigades in preserving Britain's colonial power in South and Southeast Asia has been amply documented elsewhere (Cross 1985; English 1985; Des Chene 1991; Pahari 1991; Banskota 1994). That 180-year tradition of foreign military service has also shaped the history and cultures of the peoples from whom the soldiers were drawn: Nepal's Tibeto-Burman, Buddhist groups. It has provided thousands of Gurkha households with a steady source of cash to supplement the subsistence economies of terrace farming and cattle herding in precipitous Himalayan pastures. Over the years, soldiers' remittances and retirees' pensions enabled their households to enjoy living standards higher than those of households without soldiers (Hitchcock 1966; Pignede 1966; Caplan 1967; Macfarlane 1976; Blaikie, Cameron, and Seddon 1980).

At the individual level, during their fifteen or more years of military service in the British or Indian Army, the young soldiers were exposed to foreign military organizations, regulations, and technologies, as well as to diverse cultures and ideas throughout the world. Wives and children frequently accompanied them to continue family life in the cantonments of military stations in such cities as Hong Kong, Singapore, and Dehra Dun. As a result, many Gurkha children have grown up in a Nepalese diaspora with distinct identities and experience that separate them from most Nepalese children. Upon retirement, ex-soldiers returned to their home villages, where they often exercise leadership in the community politics and contribute to economic development (Hitchcock 1963; Höfer 1978; Des Chene 1991). Foreign military service has also resulted in the formation of many Gurkha mutual benefit organizations and associations in the areas of health, education, political activism, and other common interests.

Dense networks of organized reciprocity and civic solidarity constitute a basis for grassroots democracy and effective governance to develop among a citizenry, according to Putnam (1995). By drawing an analogy with notions of human capital as enhancing individual productivity, he defines "social capital" as "features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit" (Putnam 1995:67). This notion of collective action among ordinary citizens helps to explain why and how Nepalese workers in Japan, many of whom are children or other relatives of ex-Gurkha soldiers, have so frequently organized community activities for their mutual interests.

A few active members of such Nepalese organizations and activities in Japan were immigrants of Newar, Brahman, or Chhetri origins who had lacked any military or other tradition of migration. These were able to unite as a result of strong feelings of national identity rooted in common political awareness drawn from the dramatic changes of the early 1990s that transformed Nepal from autocracy to democracy.

Democracy Movement and Political Capital

In April 1990, a massive popular movement replaced Nepal's 30-year-old one-party system with a new multi-party system (Khadka 1993; Brown 1996; Hoftun, et al. 1999). In November of the same year, the nation established a constitutional monarchy with sovereignty vested in its citizens. The 1990 Constitution guaranteed democratic principles, most notably freedom of speech, assembly, and religion. Until then, following a short-lived attempt at democracy (1951-60), an authoritarian regime (called "Panchayat") had suppressed the needs of the country's extraordinarily heterogeneous population. Estimated at 18.5 million in 1990, the Nepalese population comprised more than sixty ethnic and caste groups, each with its distinctive history and social status, and drawing from a variety of languages and religions (Berreman 1963; Bista 1996; Nepalese Central Bureau of Statistics 1996). The majority were engaged in subsistence agriculture in the Himalayan middle hills, having survived for decades poverty and inequality that characterized the Nepalese village social order (Hitchcock 1966; Pignede 1966; Caplan 1967).

The sudden 1990 establishment (restoration) of multi-party democracy inspired Nepalese citizens in all walks of life—diverse ethnicities, religions, regions, languages, classes, and ideologies—to assert their rights, participating in national and local politics for the first time in thirty years. Long oppressed as ethnic minorities under the Hindu elite-led autocracy, each of many Tibeto-Burman Buddhist groups also established political parties and organizations in order to promote its collective interests and cultural identity (Hangen 2000; Hoftun, et al. 1999:320-330). It was in the context of these vibrant and volatile moments of Nepalese historical and social change in the late 1980s and early 1990s that young, relatively educated Nepalese men departed for Japan. Upon arrival, they found themselves surrounded by an unfamiliar culture and a hostile immigration policy that defined them as illegal workers and visa-overstayers.

Japan's "Back Door" Immigration Policy

The influx of foreign workers in the late 1980s, estimated at no less than 100,000, posed a complex dilemma for the Japanese government (Yamanaka 1993, 1996; Cornelius 1994; Weiner and Hanami 1998). If it were to relax immigration policies, Japan might be able to satisfy its demand for labor by drawing from the large pool of unemployed and underemployed in neighboring Asian countries. Yet policy makers saw mounting evidence from Europe and North America that temporary foreign workers could create permanent immigrant communities that would be a source of political, economic, and social tensions in the host country. The government therefore chose an *ad hoc* policy that combined the two options—bringing in cheap foreign labor but limiting it to "Japanese" people. The 1989 amendment of the Immigration Control and Refugee Recognition Law (hereafter, Revised Immigration Law), which took effect in June 1990, permitted descendants of

Japanese emigrants (*Nikkeijin*, literally “people of Japanese descent”) up to the third generation, to enter the country legally, without restriction on their socioeconomic activities. The law at the same time instituted criminal penalties for the recruitment and hiring of illegal unskilled foreign workers: three years imprisonment or a maximum fine of two million yen (U.S. \$20,000).

The Revised Immigration Law had an immediate effect on inflows of foreign workers and their employment opportunities. Encouraged by their legalized status, *Nikkeijin* began to arrive *en masse*, mostly from Brazil and Peru. The yearly admission of Brazilians increased four-fold from 19,000 in 1988 to 79,000 in 1990. By 1996 more than 200,000 *Nikkeijin* workers and their families had registered as residents in major manufacturing cities such as Hamamatsu and Toyohashi (Yamanaka 1996, 1997, 2000). Clearly the Revised Immigration Law opened a golden door of opportunity to ethnic Japanese from Latin America. The same law, however, closed the door to other unskilled workers, most of whom were Asians without Japanese ancestry. But ironically, even after passage of the revised law, Asian workers continued to enter the country with non-employment visas issued for tourists, business personnel, company trainees, students, and entertainers, often overstaying when they expired. By 1993, immigration records suggested a population of 300,000 illegal visa-overstayers of diverse nationalities (Cornelius 1994:384). This type of *de facto* immigration policy is elsewhere termed a “back door” policy (Yamanaka 1999).

Responses of employers to the 1990 immigration reform varied depending on capital and labor pools available to them. Threatened by criminal penalties, middle- to large-scale employers (with more than 30 employees) with a secure financial basis, discharged undocumented workers and replaced them with *Nikkeijin*. Mini- to small-scale employers (with less than 30 employees), however, could not afford the luxury of hiring *Nikkeijin* who, as documented immigrants, commanded higher wages than illegal workers. When these less resourceful employers could not satisfy their labor needs with local workers, they turned to illegal visa-overstayers despite possible criminal charges against them. My Nepalese research sample comprised one of many such illegal labor pools readily available in the Tokai Area for employers without other means. Once the employers had accepted illegal workers, they often discovered the high quality of the labor they supplied. In an interview one employer discussed with me at length why he had ignored the 1990 Revised Immigration Law when he hired Nepalese employees:

My Nepalese workers are smart and dedicated to their jobs. They have learned everything very quickly. They arrive here early in the morning before anyone else and go home late in the evening after everyone has gone. They are much younger than my Japanese workers, who are in their fifties and sixties. Their good eyesight is very helpful in inspecting the machine parts. Even though the law

says I should not hire illegals, I see no reason to replace them. Because our products do not carry my company name, I do not have to worry about the company image. If I were caught by the police, the local newspaper would report it in only one line. Nothing more than that.

The employer's conjecture on the response of authorities proved to be right. Shortly after the interview, three apartments in the neighborhood of his factory were raided by immigration officials. Six undocumented Nepalese were arrested and deported, two of whom were his employees. But he was not cited, and following the arrests, the three remaining undocumented Nepalese continued in his employ. This example clearly suggests that labor-short, small-scale employers lose little and gain much by hiring undocumented workers. The criminal penalty for hiring unskilled foreigners has existed since June 1990, but it is rarely enforced. Cornelius (1994: 391) reports that in each of the two years, 1991 and 1992, only 350 Japanese employers were penalized for violations of the revised law. This suggests that although the law was implemented to stem an influx of undesirable foreigners, the government is reluctant to enforce it rigorously because employers need their labor. At the same time occasional, often publicized, incidents of enforcement are necessary to demonstrate to workers and employers alike, that immigration officers are alert to the situation and have it under control.

In the meantime, the mass media have paid a great deal of attention to police reports of increasing violence and crimes committed by foreigners at both national and local levels. In Hamamatsu in 1994, 88 foreigners were apprehended as suspects in 120 criminal cases according to the annual report by Hamamatsu Police Headquarters (1995, 1996). In the following year, the figure rose to 94 foreigners apprehended in 505 cases. Most of these were for minor offenses such as petty theft or shoplifting. According to Herbert (1992), Japanese police reports on the crime rate among foreign workers are inflated as a result of bias against them and serious flaws in data collection methods. For example, the reported "crimes" included those which could only be committed by foreigners, such as visa-overstay and illegal employment, and which in any case are victimless crimes. In Hamamatsu, during 1994, such crimes accounted for 44 percent of all crimes by foreigners. Yet these contributed to the reported increase in crime rates by foreigners and as a result, to the growing image of them as dangerous criminals who threaten the safety of Japanese citizens.

Prior to the recent influx of *Nikkeijin*, Japanese citizens of Hamamatsu rarely saw "foreigners" with distinctive language, behavior, dress, and physical appearance. By the mid-1990s, as a result of the large *Nikkeijin* influx, *Nikkeijin* Brazilians and their children were visible in many everyday settings, including supermarkets, shopping malls, public transportation, public housing developments, festival and entertainment sites, public parks, and schools. The sudden increase in "foreigners" (*Nikkeijin*), many of them with Japanese facial features but with distinctly foreign

dress, demeanor, and language, has spawned confusion, fear, and resentment among local citizens (Weisman 1991). Increasing media reports on crimes by foreigners, including *Nikkeijin* Brazilians, has led Japanese citizens to direct their suspicion at Brazilians (Yamanaka 2003). In contrast to documented Brazilians, undocumented Asians, many of whose phenotypes resemble that of Japanese, tend to remain invisible in public. For example, the Nepalese who regularly congregate in certain meeting places on Sunday afternoons, are mostly of Tibeto-Burman (“Mongol”) ancestry and appearance. As a result, most ordinary citizens are unaware of their presence and activities, looking on with complete indifference when they encounter them.

In short, understanding of the passive acceptance of illegal workers by Japanese must be sought in the context of national ideology and stereotypes, laws, and institutions—all of which emphasize social homogeneity on the one hand—and in the context of its rapidly aging population and economic conditions—both of which contribute to the prevailing labor shortage on the other. The closed national ideology led the government to implement a contradictory policy in 1990, which permitted only skilled foreigners to work in the country, while the labor shortage led it to leave a “back door” open for unskilled Asian foreigners to enter and fill jobs shunned by Japanese. This contradiction has resulted in widely inconsistent foreign labor policies, practices, and responses among a broad range of parties, including employers, the government, media, and ordinary citizens. One important party that has played a major role in Nepalese and other immigrant community activities remains to be discussed: Japanese civil activists.

Transnational Grassroots Coalitions

This examination of Nepalese community activities highlights the emergence of transnational civil activism at the grassroots. Immigrants and Japanese volunteers have come together to seek humanitarian policies and practices for the rights of immigrant workers and non-citizen residents

In the age of global migration beginning in the 1980s, increasing immigrants’ transnational activities have intersected with the rapidly growing civil society movement throughout the world. “Civil society” refers to voluntary organizations independent of national governments and global markets, formed to enhance citizens’ participation in democratic governance (Janoski 1998; Stienstra 1999; Tinker 1999). These include non-governmental, non-profit organizations (NGOs, NPOs), citizens’ groups and networks, educational, religious and charitable institutions, community organizations, and labor unions. Such activism has occurred in response to increased public awareness and concern regarding issues of the environment, human rights, health (particularly HIV/AIDS), labor migration, violence, refugee populations, poverty, and inequality.

In a world of expanding global markets without regulation by nation states, civil society plays a major role at the global level in counteracting, or at least keeping the balance between, forces of the state and commercial institutions. These kinds of citizens' organization and mobilization have recently drawn academic interest as forms of "political transnationalism from below," wherein coalitions of citizens of various nationalities, ethnicities, and classes exercise power transcending national boundaries (Guarnizo and Smith 1998). By the 1990s NGOs in all parts of the world, frequently in collaboration with immigrant organizations, addressed migrants' rights issues by challenging market dominance and governmental oppression (CIVICUS, 1994).

Transnational community activities of Nepalese immigrants in Japan with the committed support of a few Japanese NGOs, are examples of this growing global civil society movement (Gurowitz 1999; Roberts 2000). A unique feature of this international coalition is that the Nepalese are undocumented workers whose ability to defend their rights on their own is extremely limited. Business establishments frequently exclude, or discriminate against, foreign customers by demanding official documents or proof of a Japanese citizens' guarantee in exchange for providing service (New York Times 1999; Yamanaka 2003). Without Japanese NGOs' and individual citizens' cooperation and assistance, it is unlikely that Nepalese would be able to arrange to hold an event in a public space or negotiate with abusive employers for unpaid wages.

The Nepalese are well aware of these legal and social constraints on their residence, employment, and freedom. To reduce them, some of them have taken inter-ethnic collective actions aimed at promoting interests of all Nepalese nationals in the Tokai area. In 1995 in Toyohashi, those who wished to address common problems arising from their immigration status and cultural unfamiliarity launched a mutual-help organization named the Nepalese Welfare Society of Japan (NWSJ). Two years later, those who were concerned about preservation of Nepalese culture established the Himalayan Club. In the same year, those who were interested in sports organized the Mount Everest Club. In contrast, ethnicity-based organizations, such as the Gurung Association and the Magar Associations, are organized on the basis of ethnic membership, thus promoting the identity and culture specific to Nepalese of particular ethnic communities throughout Japan. Leaders of these organizations make special efforts to cultivate rapport with Japanese NGOs and citizens sympathetic to their plight. They frequently call upon these Japanese for advice and help in times of crisis. Occasionally, they invite them to Nepalese community events as honored guests, requesting public speeches and thanking them with gifts and awards.

An active member of NWSJ explained in an interview why he and others are committed to organized activities:

We lack freedom here because we don't have proper visas. We have many problems. For example, those who have just arrived are so afraid of being arrested that they stay in their apartments for weeks. Because Japan has been in recession for years by now, unemployment is rapidly increasing among us. Job-hunting is difficult. Unpaid wages frequently occur. But we have nowhere to report abuse cases. Nepalese are afraid of the Japanese authority and therefore do not want to have anything to do with it. So they often put group pressure on someone who has been injured at work so that he will not bring the case to the Labor Bureau for the compensation he is entitled to. It is sad. We need to educate ourselves. We also need to be in touch with Japanese because we are unable to help ourselves.

Immigrants and minorities are a focus of concern for people in many sectors within Japanese society. NGOs and concerned citizens believe that undocumented immigrants are victims of the ultimate in labor exploitation and human rights violation based on nationality, ethnicity, and legal status (Gurowitz 1999; Roberts 2000). They blame these injustices on the globalized labor market system operating within now defunct nation-state frameworks. Labor unionists fear that employment of foreign workers will undermine Japanese labor standards for which they and their predecessors have long fought. Medical professionals are concerned that general health conditions may deteriorate if immigrants do not receive medical check-ups and treatment equal to Japanese. Religious workers are interested in reaching those foreigners who share their beliefs and rituals. Human rights activists are motivated to eliminate open hostility and discrimination against immigrants based on their collective identities, particularly in the case of the undocumented.

Specific interests may differ, but at the dawn of becoming a multiethnic society, Japanese civil society is becoming energized to seize the opportunity to act on their agenda and interests (e.g., Yamanaka 2003). In the view of concerned citizens, undocumented foreigners are victims of the contradictory systems that produce and reproduce suffering among immigrants from the Third World (Harris 1995). They believe it to be the negligence of the state that allows such injustice to go unattended despite the fact that corporations continue to demand inexpensive labor for their profit making. The combination of undocumented migration and growing civil society in Japan has spawned a significant, albeit small, alternative to global governance, in which immigrants and citizens can both play a major role in defending migrants' rights, minority rights, and human rights, thus enhancing their agency in Japan and in today's increasingly interactive world.

Conclusion

By using the example of Nepalese illegal visa-overstayers in Japan, this study examines the importance of "transnationalism from below" in the analysis of

immigrants' agency and governance under expanding global capitalism. The study findings highlight: (1) Nepalese transnationalism drawn from shared identity and social capital; (2) contradictions in Japanese immigration policies and practices that attract illegal Asian workers; and (3) Nepalese-Japanese grassroots coalitions that bridge immigrants and citizens in efforts to redress global and local inequality.

By initiating community actions that transcend borders and cultures, the undocumented Nepalese seek to increase their ability to control their life environment—an environment that is predominantly defined by their illegal status and consequently weak market position (Yamanaka 2000). Rather than forfeiting their right to self-determination, the Nepalese have chosen to exercise their agency and creativity for local survival by mobilizing their transnational resources to generate empowering community actions.

In so doing, they attempt to reconstruct the everyday life of ordinary Nepalese citizens in which they would have participated if they remained in Nepal. Such activities include holiday celebrations, cultural performances, community association meetings, wedding receptions, and various types of sports. By creating and participating in these events in Japan, Nepalese immigrants confirm with one another their Nepalese identity and migrant solidarity, while demonstrating their good citizenship to Japanese NGOs and the public. In so doing, they are simultaneously sending a message to their homeland that, despite their long absence, they still belong to its people and soil. Transnational community activities by undocumented Nepalese in Japan thus exemplify agency, resistance, and the will of self-governance among one of the most vulnerable populations in the world today.

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