

## **Noriko Calderon's Case - Is Japanese Immigration Law Too Cruel?**

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### **Body**

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Arlan Cruz Calderon and his wife Sarah Calderon illegally migrated to Japan in the early 1990s from their home in the Philippines. Their daughter Noriko was born in Japan. Arlan got himself a job with a construction company and Noriko went to school like any other Japanese girl, until the Calderons were detected in 2006 had deportation proceedings initiated against them.

The Calderons fought the **immigration** department's deportation ruling till the last minute. Finally, the inevitable could no longer be avoided. The Calderon's were asked to leave Japan and under Japanese **law** they cannot return for five years.

Daughter Noriko, however, was given a choice. She could leave Japan for the Philippines with her parents or she could stay back though she is not a Japanese national. Being born in Japan does not confer automatic citizenship, unless at least one parent is a Japanese national. Thirteen year old Noriko [opted to stay back in Japan](#). The Calderon's lawyers collected around 2,000 signatures in support of the Calderons right to stay back. It was argued that Arlan has a stable job and that Noriko can speak only Japanese. The **immigration** department refused to budge.

The Japanese **immigration** department's decision has been attacked by many as cruel and **harsh** on the Calderons. But is it? Consider this:

- \* Noriko is not being forced to stay back. She has the option of going back to Philippines with her parents.
- \* Should an illegal immigrant(s) get favourable treatment solely because s/he has a child?
- \* Is going back to Philippines the end of the world? Philippines may not be a developed country, but surely people do get by over there.

There is no doubt that Japanese **immigration law** is very **harsh** compared to that of other developed countries. In the US, any child born in the US is entitled to US citizenship, irrespective of the status of the child's parents. This

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used to be the case in the UK till 1983. Currently, any child born in the UK (even to illegal immigrants) can become a British citizen if the child lives in the UK until the age of 10.

By contrast, Japan does not have any form of amnesty for illegal immigrants.

Being born in Japan does not confer citizenship, unless at least one parent is a Japanese national. Therefore, one finds many Japanese residents of foreign descent and nationality, especially Koreans, who have lived in Japan for many generations. Of course, Japan is not the only developed country with such **harsh laws**.

Swiss **immigration laws** are almost as **harsh**. Being born in Switzerland does not entitle one to Swiss nationality at any point. There are many foreign nationals who have lived in Switzerland for their entire lifetimes, who are unable to get Swiss citizenship. Theoretically, anyone who has lived in Switzerland for a dozen years and can speak one of the four Swiss languages can apply for Swiss nationality. A decision is made by the local Canton on the basis of how well the applicant has integrated into Swiss life. Many applicants are rejected. As a result, there are third generation Swiss residents who do not have Swiss nationality. In 2004, a bill was introduced which sought to give automatic Swiss nationality to individuals who have lived in Switzerland for three generations and an easier naturalization process for the second generation. The bill was rejected, mainly as a result of opposition from the German speaking parts of Switzerland.

Of course, there are very rich countries whose **immigration laws** are much **harsher** than Switzerland or Japan. I am referring to the Sheikdoms in the middle-east, like Saudi Arabia and Kuwait, but I wouldn't call them developed countries. There is no doubt in my mind that Japan's **immigration laws** are **harsh**. However, I don't think the Japanese **immigration** department is being unduly **harsh** on the Calderons or on Noriko.

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