

The Paradox of the Super-Overstaying Migrants

—Critical Realist Causality in Human Mobility—

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The Paradox of the Super-Overstaying Migrants: Critical Realist Causality in Human Mobility

The term “overstaying migrant” clearly references a starting point but leaves open the end date. This quite instructive yet often overlooked aspect about migration thus presents a paradox: why do some overstayers persist for decades on end in debilitating circumstances? Granted that early overstaying years may be chalked up to investment recovery, this paradox hints that a migrant’s situation and choices are somehow continuously in reconfiguration such that some value (however defined) impels the overstayer to superstay, that is, overstaying for inordinately extended periods. Thus, the goal of this paper is to better understand the underlying causality of vulnerability in the context of human mobility. A vulnerable person is someone who is likely to be affected by an undesired outcome. (Research Question) Why and how does a vulnerable overstayer survive, and even thrive, amidst adversarial conditions in host countries? The paper presents results of an in-depth ethnography of Filipino overstayers in Japan, focusing on four specific cases amidst the backdrop of twenty-seven current, legalized, arrested and surrendered overstayers with an average of thirteen years in Japan (longest superstay having a 30-year tenure). Research and fieldwork spanned the cities of Osaka, Nagoya, Chiba and Tokyo in Japan and Manila, Bulacan and Baguio in the Philippines between the years 2009 to 2018. The tenure periods of migrant overstaying (entry, exit, legalization) span the years 1986 to 2014.

The underlying causality of migrant vulnerability is highly contested. The stakeholders in human mobility – nation-states, migrants, private interests, advocates – continuously jostle toward their respective goals. This happens not in a vacuum but amidst social conditions that have evolved over time into an astoundingly intricate mix of discordant interests, inert

bureaucracies and – most tellingly in this era of social media – vigilant and informed global audiences. Amidst all of this, the vulnerability of migrants to a host of harms is attributed to a dizzying complex of causes. Among those most often cited include their relative powerlessness under the laws and preferences of the host country, their dire and unmet economic needs preyed on by commercial interests and their exposure to ethnocentric mindsets.

To search for coherence in the paradox of the superstaying vulnerable overstayer, this paper tracks the savings outcomes of four Filipino superstaying overstayers (shortest tenure is 8 years; longest is 19 years). The term “savings” is used here to mean monies that are “brought home” by the overstayer upon repatriation. Defined this way, savings outcomes prove to be an insightful variable given that detailing its component items– such as income sources, varied types of expenses, remittances for dependents – allows us a peek into how lack of legal status conditions the distinctive choices superstaying overstayers make from which ultimately the situation of superstaying overstaying emerges.

The project deploys three concepts – emergence, morphogenetic approach, powers-based causality - within a critical realist explanatory framework in order to make sense of the paradox of superstaying overstayers. Emergence is the claim that an object’s existence is not exhaustively explained by its constituting components, thereby allowing identified causalities to be efficacious in themselves. The morphogenetic approach of Margaret Archer is an analytical approach that allows a systematic discernment of the effects of structure, culture and agency in society, allowing us to avoid incoherent arguments based on holism(structure dictates agency) or individualism(agency creates structure). Powers-based causality is the claim that the theorized causes are themselves responsible for the effects, that is, they are the efficacious and productive causes of harm in vulnerability and not simply entities that are cognitively related to the harm. A powers-based approach to causality enables the project to describe causal mechanisms through which causal powers bring about their effects.

The paper collected the following financial data from the four superstaying overstayers (for the period 1987-2010):

1. Average annual salary of 1.8million.
2. A wide variety of other income sources (part-time jobs, sideline business initiatives) were employed.
3. Widely varying expenses for housing, intimacy, vices and dependents.
4. Varying patterns (of amount and consistency) in remittances for dependents
5. Approximate savings outcomes: One respondent (a.k.a. Bingo – 19-year overstaying tenure) with savings of 1.5 million yen; another respondent (a.k.a. Boy – 9-year tenure) with 3 million pesos; two remaining respondents (a.k.a. Yumi – 8-year tenure; a.k.a. Subaru – 18-

year tenure) with zero savings.

The data listed above can be initially interpreted to mean that the longer the overstaying tenure, the lesser the “savings.” How much lesser? On a year-to-year basis, about 17 times lesser when savings is positive (Bingo vs Boy) and about twice worse when savings is zero (Yumi versus Subaru). This then heightens the paradox: why did Bingo and Subaru superstay for almost two decades when – comparative to Boy and Yumi – they were clearly unsuccessful in securing their financial situation? The paper proposes that coherence in the superstaying paradox is achieved when we understand overstaying tenure as necessarily a “moving target,” that is, that overstayers make choices based on the differing ways that the overstaying situation impinges on their day-to-day lives. Three structural factors – the ICRRRA law, the shift to the internationalization of crime, increased flow of entrants pulled by specific immigration recruitment initiatives – are argued to set the overarching immigration situation which conditions the varying responses of Bingo, Boy, Yumi and Subaru. Cultural conditioning was also at play, that is, “migrant illegality” in Japan was conceived as both exhaustive in breadth (which group can be excluded) and depth (level of exclusion). The meanings and choices made by the four respondents to “illegality” – at once potently omnipresent and immanently conditioned by past structural and ideational influences – are then wielded differentially. Migrant “illegality” thus crystallizes differently at multiple levels of society where at any given point in time any of its components may coalesce as either opportunities or liabilities. In conclusion, the answer to the paradox then is that superstaying overstaying is possible since migrant responses to varying manifest migrant “illegality” situations are continuously emerging entities that may or may not result to superstaying tenures.