

Defining Nations in Asia and Europe: A Comparative Analysis of Ethnic Return Migration Policy¹

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We argue that regional comparison of East Asian and European ethnic return migration policy offers important new perspectives on nationhood, nondiscrimination norms, and trans-nationality. We find that despite international nondiscrimination norms, preferential ethnic return policy is common in both regions. These policies at least implicitly define the nation as existing across borders. However, there are significant regional differences. East Asian states use co-ethnic preferences instrumentally for economic goals and also offer preferential treatment of co-ethnic foreign investors. European states offer preferences to coethnics to protect these populations or express symbolic ties, sometimes at great expense. Thus, in Europe the state has an obligation to assist coethnics abroad, but in Asia, foreign coethnics assist the state.

In recent years there has been a great proliferation of research on immigration and citizenship policy in Europe and Asia. Though there are exceptions (*e.g.*, Skeldon, 1997; Massey *et al.*, 1998), this research rarely analyzes both regions together. We argue that comparative analysis of East Asia and Europe is needed

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to shed new light on both regions of the world. Our focus here is on an important aspect of immigration and citizenship policy: whether or not states discriminate between foreigners on the basis of ancestry or ethnicity. More specifically, we examine whether and how state policies in the two regions give preference to coethnics who are citizens of other states, including preferences in ethnic return migration and naturalization. Comparing these two regions also shows that we must consider other ethnic preferences that are linked to ethnic return migration, such as preferences for co-ethnic investors, to fully understand state relationships with coethnics abroad.

Studying ethnic preference policy in Asia and Europe can yield significant contributions. First, the comparison can yield insights on the global status of the right to nondiscrimination, a human right enshrined in the Universal Declaration of Human Rights (1948) and the International Convention on the Elimination of All Forms of Racial Discrimination (1965). Though preferences for coethnics may be less reprehensible than exclusions of specific groups (Joppke, 2005), they nevertheless treat group ethnic belonging or blood ties as real and important, and violate the universalism and equal opportunity that are hallmarks of classical liberalism and human rights. The trend away from discrimination is especially apparent in the US. The US state, facing international criticism, moved from a thoroughly discriminatory policy regime in immigration and other policies in the latter half of the twentieth century (Ngai, 1999; Skrentny, 2002; Tichenor, 2002). Have Asia and Europe followed suit?

Second, the topic is important for studies of comparative nationalism. In deciding how to treat co-ethnic non-nationals, states are in effect defining the boundaries of the nation. The making of immigration and other policy regarding foreigners forces policymakers to consider billions of people and to decide whether all foreigners are essentially the same or whether their blood or ancestry matters. They are defining the boundaries of “us” and “them.” Following Brubaker (1994), we treat foreign ethnic preference policy as a category of practice of nationhood.

Third, the explicit East-West regional comparison can yield insights for studies of globalization, regionalism, and conflict. If ethnic preference policies are globally prevalent, are there global standards for their structure or method? Does East Asia represent an alternative to the West, an alternative vision of modernity (Tu, 2000), and if there are regional variations, do they suggest possible conflict in the future (Huntington, 1996)?

In this paper, we argue that comparative analysis shows both significant similarities between the two regions and revealing differences. Specifically, though less common and waning in Western Europe, both Western and Eastern

European and East and Southeast Asian states practice policies of preference for co-ethnic foreigners, and there are various policy practices found in both regions. At the same time, there are significant differences between the two regions. Most importantly, the rationale for the policies varies across regions, and because of this, the policies look very different, retaining a more instrumental cast in Asia but more expressive in Europe (Aguilar, 1999; C.-W. Lee, 2004).

Joppke's (2005) important study, describing policies in Europe, argues there are three main justifications for ethnic preference: the easier assimilability of coethnics, protection for them against foreign persecution, and the expression of historical-cultural community. Though the first of these is prominent in Asia, the others are not, and in Asia we find a different justification. In Asia ethnic return policy is geared toward economic development. Korea and Japan rely on coethnics for the so-called "3-D jobs" (dirty, dangerous, and difficult), and Taiwan, Korea, and China have enacted policies to encourage investment from overseas coethnics, a policy pursued nowhere in Europe. Taiwan and Korea have special policies to encourage return migration of highly skilled coethnics, and Taiwan has a naturalization preference for highly skilled coethnics. Several Southeast Asian states also target skilled coethnics for return. No European states target policy preferences in this way. In short, the direction of obligation is almost reversed in Asia: rather than the state existing to help coethnics abroad, the coethnics abroad have a role to play to strengthen the state.

CASE SELECTION AND THE COMPARABILITY OF EAST ASIAN AND EUROPEAN IMMIGRATION POLICIES

Though we offer a brief discussion of Southeast Asia, our Asian cases center on Japan, South Korea, Taiwan, and China. These are the four largest economies in East Asia and the first three are recent immigrant-receiving states. We include China because of its growing economic and political significance in the region and the world, its massive impact on global migration, and the large population of ethnic Chinese who have lived overseas for generations. Though Taiwan's status as an independent state remains in dispute, we include a brief discussion of Taiwan because it has experienced growth similar to Korea, is now an immigrant-receiving state, and retains a complex relationship with China. We also briefly discuss some Southeast Asian states to show that despite their lesser development they fit the overall Asia pattern.

For Europe, we focus our attention on several states, beginning with Germany, which is perhaps the most well-known case of state preference for ethnic return migrants. We also examine states that, like our Asian cases, have

become immigrant-receivers in the past few decades, and are known to have large populations of coethnics abroad: Spain, Italy, Ireland, and Greece. Finally, we devote attention to states in Eastern Europe where co-ethnic considerations in immigration or citizenship law are especially prominent.²

Though there are of course some considerations that justify exclusive focus on one region, such as attention to EU rules of movement between states (Favell and Hansen, 2002), East Asian and European immigration policies are otherwise socially and politically comparable. First, both regions are home to large numbers of immigrants. It is true that foreigners make up considerably smaller percentages of the populations of Japan, Taiwan, Korea, and China than most states in Europe. However, these are nevertheless significant migrant-receiving states. Japan, for example, was home to almost 2 million foreigners in 2005.³ It is also the case that large numbers of migrants are not necessary for a state to have or for researchers to study immigration *policy*. Indeed, states may use ethnic preference in order to increase migration. As we will show, the China case is revealing even if it does not receive large numbers of migrants.

Second, East Asia and Europe are comparable politically. The “liberal states” that have preoccupied scholars of immigration in Europe (*e.g.*, Hollifield, 1992; Joppke, 1998) have their counterparts in Asia. By the definitions used in these works (Hollifield emphasizes legally protected rights and Joppke emphasizes independent courts in their respective definitions of a “liberal state”), three of our Asian states qualify as liberal states. Asian democracies now provide

²Though Britain and France are large economies and are immigrant-receiving states, we leave aside these former colonial states for several reasons. First, the most prominent ties between these states and their colonies have been between the states and colonial subjects, and as these ties are not based explicitly on ethnicity, they are outside of our purview here. Second, though these states have indeed established preferences for the return of emigrants to colonies, most notorious being Britain’s consideration of “patrial” status in immigration policy (Hansen, 2000), this emigration is of a different type from the other emigration examined here. It went to territories politically controlled by the sending state, and one might expect special state consideration or obligation to return migrants from these territories. Our main purpose is to compare Asia with Europe, and the French and British cases are different enough from the Asian cases that they will not likely yield insights from comparison (Japan’s colonies in Asia were very short-lived compared to most European colonies). Third, the numbers of colonial settlers are typically very small. Finally, these cases do not contradict our arguments. They fit the pattern of preference typically found in Europe but not Asia; that is, preferences for return migrants from colonies are not linked to economic goals and are based on a protective or expressive nationalism (for an extensive analysis, *see* Joppke, 2005).

³Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision, <<http://esa.un.org/migration>>.

regular free elections, universal suffrage, free expression, and protection against arbitrary state actions, though some still show problematic characteristics such as the tendency toward one-party rule (Pempel, 1999). Japan, South Korea, and Taiwan have constitutional courts that have acted to overturn legislation, and they have done so at times on the basis of individual rights (Gurowitz, 1999; Ginsburg, 2003). Another distinction might be the workings of democratic politics, especially the “client politics” that may drive immigration policy (Freeman, 1995). Yet, South Korea has a dynamic democracy, notable for electing a former dissident to the presidency, and Japan’s democracy is comparable to that in Western states (Richardson, 1997). These states as well as Taiwan (Hsiao, 1992; Weller, 1999) also have plentiful interest group activity. We argue below that it is also the case that understanding policy in non-democratic states such as China can yield insights into possible regional patterns in Asian democracies.

THE ASIAN CASES

Japan

Japan has a large number of emigrants living across the globe, but the most significant to contemporary Japan are those in South America. Japanese emigration to Brazil began in 1908 and continued, interrupted by the world wars, until the 1950s (Herbert, 1996). Japan began to receive large numbers of ethnically Japanese return migrants from this region in 1989. In Japan they are called *Nikkeijin*. Their numbers increased rapidly from 8,450 in 1988 to 76,150 in 1990 (Shimada, 1994). By 1993, there were about 200,000 in Japan. Data from the Japanese government show that, of the 2 million legal foreigners living in Japan, 360,000 are from Brazil and Peru.⁴ The vast majority of these are *Nikkeijin* (for a discussion, see Cornelius, 1994a; Tsuda and Cornelius, 2004). Most are second and third generation, and are consequently culturally Latin American, with limited Japanese-speaking ability (Tsuda, 2003). Though usually educated white-collar workers in Latin America, in Japan they almost all do blue-collar work, especially in manufacturing, which remains attractive due to wage differentials with their home countries (Cornelius, 1994a).

Preferential policy regarding *Nikkeijin* began in 1990. Before that time, Japan excluded all unskilled immigrant labor, including that of *Nikkeijin*, who were allowed in the country on a “visiting visa.” It was assumed that they would

⁴Data from the Japanese Ministry of Justice Web site, <<http://www.moj.go.jp/PRESS/060530-1/060530-1.html>>.

be visiting relatives, though many in fact worked illegally (Herbert, 1996; Mori, 1997). The 1990 “Revised Immigration Law” stated that anyone with Japanese ancestry, with no geographical distinctions but up to the third generation, had unrestricted access to the Japanese labor market. Japanese ancestry would be determined through links to a family registry system common in Asia and not language or cultural competence tests. The Justice Ministry began to issue 3-year visas that are renewable (Yamanaka, 1993; Cornelius, 1994a), but there are no preferential avenues to citizenship. As suggested above, the law led to an immediate influx of *Nikkeijin*, and employers began replacing other migrant workers with these ethnic Japanese (Yamanaka, 2004a, 2004b).

The rationale for the policy is somewhat obscure, though it is clear it is serving economic interests. Official statements maintain a thin illusion that other goals are at stake. Officially, the policy is designed to provide *Nikkeijin* opportunities to travel, meet relatives, and learn Japanese language and culture (Tsuda and Cornelius, 2004). However, Yamanaka (1993) reports that the policy’s purpose was to supply cheap labor to small- and medium-sized companies in Japan, and that official documents from 1989 emphasize concerns with the maintenance of ethnic homogeneity. Policymakers desired *Nikkeijin* to alleviate the labor shortage without disrupting Japan’s cherished ethnic homogeneity. They assumed, according to documents, that *Nikkeijin* “would be able to assimilate into Japanese society regardless of nationality” (quoted in Yamanaka, 1993:9). Another scholar has called the policy “a stopgap attempt to preserve ethnic homogeneity by substituting legal ethnic Japanese for illegal non-Japanese Asians” (Oka, 1994:42).

Through co-ethnic guest workers, then, Japan could continue economic development with minimal social disruption. Policymakers ignored the fact that *Nikkeijin* were in fact very different culturally (Tsuzuki, 2000). In this, the policy continued a Japanese tendency to conflate Japanese ethnicity or race with Japanese culture, and to prefer those with Japanese blood, regardless of origins, over other foreigners (Yoshino, 1997; Lie, 2001). Though the Ministry of Labour has attempted to prevent exploitation of *Nikkeijin* (such as wage deductions and trafficking; Herbert, 1996), there are no national social integration policies to aid or settle this population. Any government accommodation is organized at the local level (Tsuda and Cornelius, 2004).

Korea

Korea’s ethnic preference policy is more complex than Japan’s, though it similarly recognizes blood bonds and gives preferences to ethnic Koreans

unavailable to other foreigners. The primary overseas Korean communities include the approximately 2 million *Joseonjok*, or ethnic Koreans living in China, and a smaller group, the *Goryeoin*, who number about 800,000 and are more scattered throughout Russia, Kazakhstan, and Uzbekistan. Koreans have lived in China in large numbers since the late nineteenth century, with most arriving during the Japanese occupation of Korea during the 1905–45 period. As with the *Goryeoin* and a much smaller number of Koreans who went to Hawaii and later California (Schmid, 2002), many of the *Joseonjok* were fleeing the Japanese oppression or plotting Korean independence. The Japanese also forcibly sent many Koreans to China to cultivate the land (C.-J. Lee, 1986; Piao, 1990).

Ethnic Koreans, especially *Joseonjok*, began to return in the late 1980s; by 1991, there were more than 18,000 *Joseonjok* out of a total foreign population of 45,000. In 2006, Korea's foreign population was about 537,000, of which 170,000 were *Joseonjok*. The number of *Goryeoin* is far smaller. In addition, in 2005 there were 18,000 Korean Americans living and working in South Korea, mostly as professionals.⁵

The Korean government has always treated *Joseonjok* differently from other foreigners. After an initial period of indecision, Korea avoided giving *Joseonjok* free access to the labor market comparable to what the *Nikkeijin* enjoy in Japan. In addition, Korea separated them from ethnic Koreans in the West. As described by Seol and Skrentny (2004), the Korean Federation of Small Business (KFSB) began to lobby for legal access to foreign labor in the late 1980s. In 1991, Korea's Justice Ministry created the Industrial Technical Training Program (ITTP) to meet this need. The main difference between Korea and Japan for purposes of this study is that Japan imported *Nikkeijin* through a special visa program only for that group, whereas Korea targeted and imported *Joseonjok* within the confines of this larger labor importation program.

Though the ITTP was ostensibly for teaching and transferring skills to less developed countries, it has always been a program for importing labor for unskilled jobs. It was originally and officially limited to Korean companies with investments or partnerships with firms in eleven specified countries, but has grown and limitations relaxed. *Joseonjok* always had a privileged place in the ITTP. *Joseonjok* were given the largest quota in the program, separate from other Chinese workers, and were originally paid higher wages. They remain the

⁵Data available from the Korean Ministry of Justice and Ministry of Government Administration and Home Affairs, <http://www.moj.go.kr/HP/COM/bbs_03/BoardList.do>; <<http://www.mogaha.go.kr>>.

largest group of foreigners in the program and the largest group among undocumented workers (Seol and Skrentny, 2004).

In 2002, policymakers created another program for importing *Joseonjok* labor. In the Employment Management Program for Overseas Ethnic Koreans (*Chuieop Gwanri Jedo*), overseas Koreans over the age of forty and with family (cousins or closer relatives) in Korea would receive special two-year visas to work in the labor-starved service industry, especially restaurants, cleaning companies, and nursing facilities (not as nurses, but “caregivers”); construction was added later. Employers can now hire up to ten overseas Koreans provided they show they cannot find workers domestically (*Joongang Ilbo*, July 18, 2002; *Chosun Ilbo*, July 18, 2002). Though nominally open to any overseas ethnic Korean, the program was clearly targeted to the relatively disadvantaged *Joseonjok* and *Goryeoin*.

Another policy giving preference to foreign coethnics is 1999’s “Law of Entry and Status of *Chaeoe dongpo*” (or co-ethnic or overseas brethren), or the “Overseas Koreans Act” (Park and Chang, 2004, 2005). The law entitles *Chaeoe dongpo* to register as “domestic residents” when they want to stay longer than 30 days. This status gives rights almost equal to Korean citizens in areas such as banking, owning real estate, medical insurance, and pensions.⁶

The law defines *Chaeoe dongpo* as “Korean citizens who live abroad in order to get the citizenship of the resident country and overseas Koreans who had South Korean citizenship in the past and their descendents.” This definition means that among overseas Koreans only those who left Korea since the establishment of the South Korean government in 1948 were eligible to become *Chaeoe dongpo*. It therefore includes primarily Korean Americans and Korean Canadians, while excluding *Joseonjok* and *Goryeoin* as well as Koreans in Japan. The law requires only citizenship documents to prove links to the Korean state; there are no cultural or language tests. However, the law prohibits *Chaeoe dongpo* from unskilled manual work, creating another barrier to an influx of *Joseonjok*.

In fact, the Ministry of Justice originally intended the category of *Chaeoe dongpo* to apply to all overseas Koreans, but this plan faced opposition from outside and inside the Korean state. First, both Chinese and Russian governments expressed their concerns that *Joseonjok* and *Goryeoin* are their citizens and subject to their sovereignty. Second, some policymakers feared economic and social problems that a mass influx of unskilled *Joseonjok* would cause.

⁶Originally, in the enactment process, allowing dual citizenship was considered, but it was excluded because of concerns regarding military conscription, taxation, and social sentiments.

Third, there was a national security concern that North Korea might use the allowance “as a route for infiltration, thereby causing immediate security threats.”⁷ The *Chaeoe dongpo* law thus excluded the *Joseonjok*.

Following a legal challenge to the law organized by advocates for the *Joseonjok*, on November 29, 2001, the Constitutional Court concluded that the law’s definition of *Chaeoe dongpo* was not consistent with the Constitution and directed the National Assembly to revise the article. The new version, made official on February 9, 2004, extended the definition of *Chaeoe dongpo* to *Joseonjok*, *Goryeoin*, and Koreans in Japan. However, because the law retains its prohibitions on unskilled labor, it offers few opportunities for ethnic Koreans in East Asia.

A final Korean policy regarding coethnics abroad deals with North Koreans. In fact, the South Korean constitution defines North Koreans as part of its own polity; technically, they are not foreigners at all (C.-W. Lee, 2003). Indeed, the refugees that Korea accepts are almost all from North Korea, and because of their lack of familiarity with a capitalist economy, they are a burden on the state, requiring extensive settlement packages and adjustment. However, though their numbers are growing, they are still only about 10,000, and South Korea does not encourage their movement (Seol and Skrentny, 2004; Lankov, 2006).

The rationale for co-ethnic preference in Korean policy is similar to that of Japan: providing needed labor or skills for economic development with minimal disruption of Korean society and the Korea labor market. To be sure, as in Japan, there is a thin veil of a helping or protection rationale to these policies, but it is important to note that as in Japan, these policies all bring economic benefits and very little cost. Thus, the trainee program is ostensibly for transferring skills to foreign workers, but that rarely happens. A key difference with Japan is that the *Joseonjok* supply not only a co-ethnic workforce, but thanks to China’s policy of granting Koreans their own semiautonomous region, *Joseonjok* all speak Korean and to a great extent share Korean culture (Min, 1992). According to Timothy Lim, South Korea officials preferred *Joseonjok* trainees because they would “pose less of a threat to South Korea’s tight-knit, homogenous society” (Lim, 2002:19). Though the service-job visa for *Joseonjok* may be justified as a form of economic aid to this group (allowing them opportunities to work in a relatively high-wage economy), Korea obviously benefits economically at no cost. Additionally, the Overseas Koreans Act states a nominal “helping” goal by explaining that one of the purposes of

⁷ *Act on the Immigration and Legal Status of Overseas Koreans Case* (13-2 KCCR 714, 99Hung-Ma494, November 29, 2001).

the act is to aid ethnic Koreans' adjustment to their countries of residence, and in fact Korean Americans lobbied for it (Park and Chang, 2004).⁸ However, this law, conceived during the economic crisis in 1997–98, is obviously geared to boost Korea's economic development, and this is stated explicitly in several places in the law itself. In the opinion striking down the act's exclusion of *Joseonjok*, the Korean Constitutional Court stated the law's purpose was "to promote globalization of the Korean society by encouraging more active participation of ethnic Koreans living abroad in all spheres of the Korean society" and "the Act aims to encourage investment in Korea by simplifying regulations" on business dealings.⁹ The limitation of the law to skilled workers indicates its economic rationale.

China

Including the case of China at first may appear odd because it is not a liberal state, and not normally understood as a country of immigration. China *does* have a substantial number of foreigners. The foreign population in China was 595,658 in 2005, although this figure is minute compared to the overall population size of 1.316 billion.¹⁰ China's official figure of 30 million "Returned Overseas Chinese" is much larger, though this number includes a range of ethnic Chinese, including those of interest here (ethnic Chinese of foreign nationality) as well as any Chinese nationals who lived for a time abroad, including students. In 2000, the China State Statistics Bureau counted an additional 34 million ethnic Chinese who remain abroad (*China Daily*, October 26, 2000). About five percent of overseas Chinese are Chinese citizens (Choe, 2003). This figure includes millions of persons of the Chinese diaspora who left to labor or set up shop in the West, other parts of Asia, and elsewhere decades or centuries ago, and who later became successful entrepreneurs in a variety of businesses (Wang, 1994). It is these skilled and/or wealthy Chinese abroad who entice China's policymakers.

The story here is one of ambiguity, specifically regarding the targets of policy. Many of China's policies on overseas Chinese technically seek to gain

⁸The Korean Supreme Court also referred to the demands of Korean Americans as an impetus to the law. *Act on the Immigration and Legal Status of Overseas Koreans Case* (13-2 KCCR 714, 99Hung-Ma494, November 29, 2001).

⁹*Act on the Immigration and Legal Status of Overseas Koreans Case* (13-2 KCCR 714, 99Hung-Ma494, November 29, 2001).

¹⁰Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision, <<http://esa.un.org/migration>>.

the return and investments of ethnic Chinese who are still nationals. At the same time, official pronouncements (and newspaper articles, which amount to official pronouncements since the news media are state-controlled) typically include non-nationals in the calls to build China. The situation in China is also complex because, unlike the norm in most of the world, foreigners often have *more* privileges than do Chinese citizens. For that reason, a policy that treats a foreigner, ethnic Chinese or not, as a citizen in some circumstances might be more limiting than a policy that treats the foreigner as foreign.

China has a long history and a more complex patchwork of ethnic preference laws than other states in this study. Chinese leaders have long considered Chinese abroad to be sojourners and to retain ties and loyalty to China, part of a belief that “once a Chinese always a Chinese” (Li, 1994; Cheng and Katz, 1998; Cheng, 2003). The Chinese state’s efforts to facilitate remittances from overseas Chinese led to establishment of an Overseas Chinese Affairs Commission (OCAC) under the State Council in October 1949 (Thuno, 2001). The Cultural Revolution in 1966 brought a drastic change, as the state turned antagonistic and suspicious toward this population and their family members who remained in China, subjecting them to persecution for their capitalist ties (Cheng and Katz, 1998). The period was repressive but short-lived, and policy-makers have been building new institutions and policies to take advantage of overseas Chinese ever since.

By 1974, the state reestablished the OCAC. In 1977, Deng Xiaoping proclaimed that “overseas Chinese affairs” needed to be incorporated into the government agenda, and the persecution policies were officially abolished. That year also saw the creation of a nongovernmental parallel bureaucracy to the OCAC, technically a reestablishment of a preexisting body called the All China Federation of Returned Overseas Chinese (ACFROC) (Thuno, 2001). In 1983, China put an Overseas Chinese Affairs Committee in the National People’s Congress to keep this issue in play (Cheng and Katz, 1998). All of these offices, as well as others and smaller conferences, were designed to encourage overseas Chinese to aid China’s development (Bolt, 2000).

In 1990, China passed the “Law of the People’s Republic of China on the Protection of the Rights and Interests of the Returned Overseas Chinese and the Relatives of Overseas Chinese Who Remain in the Homeland” (referred to hereafter as the “Protection Law”), its first major law aimed at enticing those abroad to return. This law was primarily geared toward reconciliation with those who were formerly persecuted in China during the Cultural Revolution and at assuring overseas Chinese nationals who returned that they would be treated equally. Its provisions include recognition of their full Chinese citizenship,

protection from the types of injustices they experienced during the Cultural Revolution, and some preferential investment and educational opportunities. The Protection Law represented both the culmination of more piecemeal efforts to reconcile relationships with *all* Chinese migrants and a growing effort to appeal specifically to the highly skilled and wealthy migrants. In 1989, as evidenced by internal documents from State Council meetings, the Chinese government decided to focus on highly skilled, professional, and wealthy overseas Chinese, including the new wave of migrants that left after 1978 when the strict controls on emigration under Mao were lifted. In its original and revised form, the Protection Law appeared on paper to only apply to Chinese nationals, part of an increasingly common struggle of developing nations to entice the return of their most skilled (DeVoretz and Zhang, 2004). But internal documents reveal increasing attention to noncitizen-ethnic Chinese, and noncitizens have been able to take advantage (Bolt, 2000; Thuno, 2001).

Policymakers, especially in provinces and other subnational units, have increasingly appealed to both Chinese nationals and ethnic Chinese noncitizens since the 1980s. Preferences for co-ethnic foreign Chinese are most apparent in policies regarding regional economic development. As early as 1981, an official of the Fujian Provincial Chinese Communist Party explained to *Wenweipo*, a Hong Kong newspaper, that

we will offer favorable terms to all foreign investors in Fujian and the terms for overseas Chinese investors will be even more favorable. . . . Foreign investors might not be willing to invest in some projects and we will not invite them to either. But no such restriction will be placed upon overseas Chinese investors, because we treat them as the people of the mainland and regard them as our compatriots. They may put forth any investment plan they wish. (Bolt, 2000:60)

In 1984, the “Provisional Measures of Guangzhou Municipality on Preferential Treatment for Overseas Chinese and Hong Kong and Macao Investors” stated that, among other benefits, “land use fees for enterprises invested in by an Overseas Chinese, Hong Kong and Macao compatriot in Guangzhou Municipality shall be levied at the discounted rate of 80%” and a maximum of two investor’s friends or relatives could change their household registration status (a system limiting geographical movement in China) from rural to urban or township status.¹¹ In 1990, the same year as the Protection Law, the national state pursued regional development with the “Provisions of

¹¹Guangzhou Municipal People’s Government. 1984. Provisional Measures of Guangzhou Municipality on Preferential Treatment for Overseas Chinese and Hong Kong and Macao Investors, <http://www.novexcn.com/guangzhou_hk_macao_invest.html>.

the State Council Concerning the Encouragement of Investments by Overseas Chinese and Compatriots from Hong Kong and Macao” (or “Overseas Chinese Investment Provisions”). It promoted the economic development of inland areas to catch up with coastal areas, previously opened up to foreign investment. The law created a national framework for inland governments to devise plans to give preferential treatment to overseas Chinese investors. Competition for foreign investment has even spurred the creation of city-level preferential policies (*China Daily*, May 30, 2002). The encouragement of overseas Chinese to return – or to invest – is so entrenched at the local level that nearly every level of government, down to the township level, now has an Overseas Chinese Affairs Office.

Like Japan and Korea, China avoids using citizenship as a prize to encourage return or investment, and similarly uses an in-between status of privileged foreigners. In 2004, China initiated a “green card” program to give the benefits of citizenship to attract highly skilled foreigners. In the press, overseas Chinese are specifically mentioned as potential beneficiaries of this program, which would ease entry and exit and provide residence options, medical insurance, and tax breaks (*China Daily*, August 20, 2004).

In official propaganda, from the mid-1980s there was encouragement for mainland Chinese citizens to view foreign Chinese as part of the same nation or community and for all to loyally support China (Tu, 1994). Overseas Chinese would be a bridge to the mainland’s prosperity (Ong, 1999). Since this time, government statements and events have promoted the dragon as a primal ancestor and symbol of all Chinese and used a song about the dragon at government events. The government has also promoted Huang Di, or the “Yellow Emperor,” as a first ancestor for all Chinese, continuing a long history of the use of this image for nationalist purposes. Deng Xiaoping would appeal to the Yellow Emperor when pressing for unity with Taiwan, and Chinese publications in 1986 described a Chinese-American astronaut as “the first descendant of the Yellow Emperor to travel in space.” This view posits a global population of Chinese, linked by blood to the Yellow Emperor and the Chinese state (Sautman, 1997:84).

Thus, though this and other policies are officially open to any skilled foreigner, the state encourages ethnic Chinese (and likely gives them special preferences not written in the policy; Tanner, 1999; Choe, 2003). And these efforts appear to have had an impact. China’s official news agency reported that for 1989, overseas Chinese (especially in Malaysia, the Philippines, Singapore, and Thailand) and Chinese in Hong Kong, Macao, and Taiwan invested \$30 billion, about 70 percent of total foreign investment. The percentage was about the same ten years later (Bolt, 2000).

The rationale for these ethnic preference policies, as should be clear, is the economic development of China. Though China's 1990 "Protection Law" was officially aimed at any Chinese, and thus promised equal (or better) treatment to any returning Chinese, most of its provisions and its later amendments were meant for skilled and wealthy Chinese. The Chinese state even sought to manage this economic development, directing it to the poorest regions in the country. There is some evidence that overseas Chinese have pushed for these policies, and there can be no doubt that some of them, especially in Indonesia, see opportunities in the mainland as a kind of protection from persecution abroad. China also instituted some programs to resettle Chinese refugees from persecution in Southeast Asia (Cheng and Katz, 1998). But it is also the case that China's permanent and most extensive policies are in its direct economic interest, and offer mainly economic pluses with little in the way of costs, unlike some ethnic preference policies in Europe (see below).

There are two political or potential economic minuses in China's policies. First, some non-Chinese foreigners have complained that the ethnic preferences are discriminatory and violate international nondiscrimination conventions. These complaints have increasing power since China has joined the World Trade Organization; international law and norms have relevance in China that they lacked previously. State officials and the news media regularly comment to this effect (Bolt, 2000; Choe, 2003).

Second, like some of the European cases, China has incurred some expense in establishing educational programs for foreign or overseas coethnics. These efforts included 20 sets of teaching materials for use in 78 countries, 150 teachers sent to teach in 20 countries, the training of several thousand others, and Chinese-language summer camps for hundreds of thousands of second- and third-generation ethnic Chinese (Thuno, 2001). The Chinese state has also organized Summer Youth Festivals designed to encourage attachment of overseas Chinese descendants, understood in racial and not political terms, and further Chinese nationalism within the diaspora and economic development of China (Louie, 2000, 2001). Arguably, however, these efforts are not seen as a good in their own right, but are instrumental and geared toward encouraging an attitude of loyalty and devotion to China's development, but with a longer time frame (Choe, 2003).

Taiwan

The case of the Republic of China, or Taiwan, reinforces points and patterns made for the other Asian cases. Like the others, Taiwan's ethnic preferences are designed for economic development and come at little or no cost to the state.

Like Korea and Germany (see below), Taiwan has a citizenship law that defines as nationals those living under the competing state (in this case, China). According to Taiwan's constitution, the Chinese are not foreign. But unlike Korea and Germany, Taiwan does not allow their co-ethnic and constitutionally co-national mainland Chinese to come to Taiwan as unskilled workers, with the Executive Yuan citing as reasons "population pressure, national security and social stability" (Cheng, 2003:92). This is the case despite the fact that Taiwan *does* accept low-skilled workers for 3-D jobs as part of a work permit program. In 2004, it had about 280,000 in a population of 23 million (Seol, 2005). The largest sending states are Thailand, the Philippines, and Indonesia, but Taiwan also has official agreements with other states, including Vietnam, Malaysia, and Mongolia. Policymakers selected these states with an interest in minimizing social problems, using as criteria the quality of the workers, crime rate, health and hygiene, and the sending state's interest (Seol *et al.*, 2004).

However, Taiwan has ethnic policy preferences for high-skilled immigrant Chinese. Taiwan competes with China to attract skilled overseas Chinese. Unlike the other Asian states (and similar to a number of European countries), its policy to do this is a nationality law that allows dual citizenship. In order to avoid costly social problems and to target these efforts to the economic sectors most in need, however, the law allows dual nationality only for certain *skilled* occupations (Cheng, 2003).

Nonetheless, Taiwan mostly fits the pattern of the other Asian states. It practices preferences for coethnics abroad, even if noncitizens, and does so for economic gain. Its exclusion of ethnic Chinese low-skilled workers, even while it imports unskilled workers from other countries, would seem to break the pattern. However, it is noteworthy that Taiwan excludes co-ethnic 3-D workers for the same reason that Japan and Korea prefer co-ethnic 3-D workers: concerns for social order. What is different about Taiwan appears to be less its political culture and policy repertoire and more its special circumstances. That is, only Taiwan has a population base of coethnics abroad that dwarfs its own population. Indeed, there are more unskilled workers – unemployed and seeking work – in China than there are Taiwanese in Taiwan. Simply put, a policy of visas for mainland Chinese similar to what Japan offers *Nikkeijin* would overwhelm the island.

Southeast Asia

The overall pattern of economically instrumentalist policies is also found in Southeast Asia. These developing states appear most similar to China in their

strategies. The Marcos regime in the Philippines established what became the *Balikbayan* policy (meaning, roughly, person who comes back home). It targets persons of Filipino ancestry regardless of citizenship to share in the building of the Philippines. The policy provides travel documents as well as breaks on taxes and imports. As Aguilar has written, “the state’s objective is apparent: former citizens are a valuable source of remittances and investments” (Aguilar, 1999:327; *also see* Castles, 2004). Malaysia has also encouraged skilled former citizens to return for development, in that case for development of the state’s project of a Multimedia Supercorridor. Vietnam, Cambodia, and Laos have similar policies aimed at former citizens to encourage national development (Aguilar, 1999). For example, the *Viet Nam News* reported Prime Minister Khai as stating that overseas Vietnamese, or *Viet kieu*, “are an integral part of the Vietnamese community and those investing in the country will be given priorities” (*Viet Nam News*, June 25, 2005).

PREFERENCE FOR CO-ETHNIC FOREIGNERS IN EUROPE

The practice of co-ethnic preference in Europe is both similar to and different from that in Asia. For many of the policies and practices that we see in Asia, there is a state in Europe that does the same thing, or nearly so. A regional difference is that European ethnic preference is decoupled from skills considerations and investment preferences are not practiced. In addition, our European cases sometimes show concerns for cultural authenticity, unlike Asian states, and preferential paths to citizenship are more common in Europe than Asia.

Germany

The story of Germany’s policies for co-ethnic immigrants is well-known, and so we will only trace its outlines here. The salient points are that ethnic preference policies were firmly entrenched in Germany for decades, and thus they are anything but specific to Asia, and that the rationale for the policies was not economic.

Despite denials that it is a country of immigration, since World War II Germany has accepted large numbers of foreigners, and many have been ethnic Germans. Levy (2002) breaks the movement of ethnic Germans into Germany into three stages. The first occurred without the input of the German state. The Allies’ Potsdam Agreement approved movement of about 12 million ethnic Germans, often called expellees (*Vertriebene*), from Eastern Europe to Germany, with about 8 million settling in what would become West Germany. The

situation was a humanitarian disaster, with another 2 million dying during transit. The second stage was the movement between 1950 and 1987, which began with West German state policy. It involved about 2 million *Aussiedler*, or resettlers, mostly from Poland and Romania. A larger wave of *Aussiedler* then came in a third stage, beginning as the Iron Curtain began to fall in 1988. About 2.3 million settled in West Germany between 1988 and 1996, with about two thirds coming from the former Soviet Union (Levy, 2002:19–21; *also see* Martin, 1994; Joppke, 2005).

The policy that brought these millions of coethnics to Germany was Article 116 (1) of Germany's Basic Law, or Constitution, enacted in 1949, at a time when the possibility of great numbers of ethnic Germans return migrating was fading behind the hardening Iron Curtain. Article 116's provision was for citizenship for ethnic Germans, and seemed to follow from Germany's *jus sanguinis* model of citizenship (Brubaker, 1992). However, as Joppke (2005) has pointed out, there was no precedent for the policy's major provision: automatic citizenship for ethnic Germans who were citizens of other states and who may have never set foot in German territory. Moreover, the law only applied to ethnic Germans in Eastern Europe and the USSR; like Korea and Taiwan, Germany distinguishes between coethnics based on where they reside. Finally, it applied to these areas because there was a presumption that ethnic Germans there faced persecution and needed help. Indeed, a 1953 follow-up law (which specified that Germans facing persecution in the West could take part if they could prove persecution, and bizarrely added whatever ethnic Germans might be in China to the list) labeled the target population "expellees" even if they left their host country voluntarily, and referred to those accepted as "resettlers" (and thus called *Aussiedler*) even if they had never lived in the German territory (Joppke, 2005).

Besides the similar emphasis on coethnicity, there are several differences between the German policy and those in Asia. First, the prize was more grand – no Asian states offered automatic citizenship, and only Taiwan offered citizenship preference to coethnics (though requiring skills). Second, the German state, after a trickle (average of 38,000 resettlers a year; Levy, 2002:20) during the most repressive years of state socialism in the Soviet bloc, had literally millions of takers for its offer, unlike the much smaller numbers that go to Japan and Korea, the most relevant comparisons for the German case. Third, unlike in Asia, Germany instituted measures of cultural authenticity in the program (Senders, 2002). After 1992, when the numbers of resettlers from Russia were skyrocketing, policymakers demanded that applicants demonstrate knowledge and familiarity with German culture, education, and especially language. They

instituted a lengthy questionnaire along with a German-language test. These criteria reduced the numbers of applicants, many of whom did not appear to be German at all, and between 30 and 40 percent were failing the tests (Martin, 2004). Other restrictions included the removal of the assumption of persecution to applicants from Eastern Europe (but not Russia) and exclusion of applicants born after 1993, thereby bringing about an eventual end to the program.

The most significant difference for our purposes is the rationale for the preference: protection from persecution abroad. Though states everywhere routinely express concern for the well-being of citizens and compatriots abroad, in Germany we find a protection and remedial rationale for ethnic preference that we do not find in Asia, save for a short-lived refugee policy in China. To be sure, the ethnic Germans, especially the early immigrants, have played an important role in Germany's economic recovery (Kindleberger, 1967). But this was not the rationale for opening the borders, and officials initially expected them to be a burden (Kindleberger, 1967:32). Though driven in part by historical responsibility for the postwar situation – as well as Cold War ideological goals (von Koppenfels, 2002) – in Joppke's (2005) analysis of the policy, we find again and again the stated rationales revolving around the perception of the ethnic Germans as the victims of some kind of ill treatment that requires the German state's remedial efforts with little regard to the economic cost of such a policy. These costs, part of the overall integration package including housing and other adjustments, were considerable. As Helmut Kohl stated, the reception of the coethnics was "a national task for all" and that if Germans turned their backs on their "compatriots" they would be a "morally deprived people" (Joppke, 2005:206). Early state provisions centered on culture, including establishment of archives, libraries, and research institutes to maintain a memory of the expellees' experiences (Levy, 2002). Aid quickly grew and required new taxes. The German state committed itself to payments, education programs, business assistance, housing allowances, and pensions that inflamed a right-wing opposition (von Koppenfels, 2002). It was in fact the cost of accepting the ethnic Germans that led to the efforts at restricting their numbers, as well as reductions in their benefits in Germany, and increased efforts to aid them in their host countries (Joppke, 2005).

New Immigrant-Receiving States in Europe

Other European states that stand out as most comparable to Asian states are those that are recently developed, recently began receiving immigrants, and have large diaspora populations, such as Spain, Italy, Ireland, and Greece.

Spain is an especially comparable state to the Asian cases, particularly Korea and Taiwan, because of its recent economic development, its wealth being comparable to that of Korea (Guillen, 2001), its similarly recent transition from an authoritarian regime to democracy, its recent move to being an immigrant-receiving state, and its large pool of coethnics in low-wage countries (in Spain's case, Latin America). But Spain is also different. Most notably, though it has offered preferences for some foreigners based on national origin, these have not targeted coethnics.

Spain's migrant population is growing rapidly. In 2005, the UN estimated there to be about 4.8 million international migrants in this country of 43 million.¹² OECD data from 2004 showed Spain then had about 2 million legal foreign residents. About 560,000 were from Latin America (OECD, 2006; for a discussion *see* Marmora, 2003; Cornelius, 2004).

For many years, Spain has given special attention and preference to persons from Latin America and the Philippines. However, with the exception of a provision in the 1978 Spanish Constitution stating that the protection of emigrants abroad is the responsibility of the state (Fuentes, 2001), Spanish immigration preferences are not "ethnic" preferences. They are based on the idea of a common culture uniting Spain with Latin America and the former colony of the Philippines, without an effort to identify persons of any particular blood or ancestry. In 1951, Spain passed a law to allow dual nationality agreements with Latin American states. In 1969, it passed a law that exempted immigrants from Latin America and the Philippines from the requirement for a work permit and granted them access to social rights enjoyed by Spanish citizens. It also entered into bilateral, reciprocal agreements with these states to waive the normal requirement for visas. Moreover, diplomas and professional titles from these states were recognized, allowing free movement back and forth. However, Spain put new restrictions in place in a 1985 law, and since 1992, Spain has required visas of several Latin American states, including Peru, Dominican Republic, Cuba, Colombia, and Ecuador. There remain, however, informal or administrative preferences; Latin American illegals are regularized during periodic amnesties at higher rates (Cornelius, 2004; Joppke, 2005). There are also preferences in naturalization. Most foreigners need ten years of residence in Spain, but citizens of Ibero-American states, the Philippines, Andorra, and Equatorial Guinea, as well as Sephardic Jews, have only needed two years since a 1982 reform of the nationality code (Fuentes, 2001).

¹²Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision, <<http://esa.un.org/migration>>.

Yet, these preferences are different from Asian preferences. As Joppke (2005) has shown, not only are these preferences not based on ancestry, ethnicity, or race (and thus less offensive to liberal sensibilities), they are not linked to work programs or other economic development goals, as are preferences in Asia. Instead, they are linked to a romantic recognition of *hispanidad*, or the cultural community that presumably links Spain to its former colonies in the Americas and Asia. Franco pushed the importance of these linkages, partly to compensate for Spain's isolation in Europe due to his repressive practices; *hispanidad* would allow Franco (and presumably other Spaniards) to feel important. Whether or not there were real cultural compatibilities was never seriously interrogated. Instead, state officials assumed that Spain had (as a 1951 law stated) a "spiritual mission" to make these linkages and preferences (Rodríguez, 1989; Cornelius, 1994b; Díez Medrano, 2003; Joppke, 2005). After the EU pressured Spain to reduce these preferences, Spain found other ways to make linkages. For example, responding to the threat of the North American Free Trade Agreement, Spain has led EU trade overtures to Latin America (Domínguez, 2000).

To be sure, the informal preferences exhibited in policy implementation or in the attitudes of the Spanish public have similarities with the patterns we see in Asia. Specifically, Spaniards see the Latin Americans as more culturally similar and skilled, and thus less disruptive to social order, than other immigrants, especially those from Islamic countries (Izuierdo Escribano, 2003). In addition, there are some local efforts made by mayors in the Aragón region of Spain to recruit ethnic Spaniards in Argentina to work in Spain (Cook, 2005). But the fact remains that the Spanish state does not choose immigrants on the basis of ancestry, does not put coethnics in special work programs, nor have any formal or obvious economic rationale or skills stipulations in its preferences.

The same may be said for Italy, which similarly has made a transition to an immigrant-receiving state. The UN reported that in 2005, Italy had 2.5 million international migrants in a population of 58 million.¹³ OECD data from 2003 showing legal migrants to Italy by nationality do not reveal Italian ethnicity, but there is little indication that ethnic Italians are returning in large numbers to Italy. The top five sending states are Romania, Albania, Morocco, Ukraine, China, and the Philippines (OECD, 2006; for a discussion *see* Calavita, 2004).

¹³Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision, <<http://esa.un.org/migration>>.

Despite a large population of coethnics in Latin America dating from the 1880–1914 period (Klein, 1983; the same period as Japanese immigration to Latin America), and a need for immigrants for 3-D jobs, Italy has not made prominent policy efforts comparable to Japan and Korea to encourage ethnic return migration or prefer coethnics over others for work. Indeed, in Calavita's two in-depth case studies of the Italian immigration scene (Calavita, 1994, 2004), there is no mention at all of preferences for Italian immigration.

There are some minor preferences for ethnic Italians, mostly from Latin America, especially Argentina, Brazil, Uruguay, and Venezuela, in the form of visa waiver agreements, though they are not for work. Italians from Argentina, for example, can come to Italy as tourists and stay for three months. Ethnic Italians also receive preference in naturalization; they only have to live in Italy for three years as opposed to the normal ten-year residency (Pastore, 2001). As in Spain, there are also some efforts by subnational governments to preferentially encourage return (Cook, 2005). However, despite the demographic possibilities for Italy to create a program for importing co-ethnic workers, along the lines of Japan and Korea, the Italian state has not done so. Moreover, though the Italian state has historically benefited from remittances, its language in promoting preferences suggests romantic linkages rather than economic development, and it attaches no requirements for skills in its preferences. In 1992, Italy enacted a dual nationality law not for its own benefit but (in the words of scholar Ferruccio Pastore) in response to requests to show “concern for loud demands expressed by the Italian community abroad” (Pastore, 2001:101).

Two smaller European states new to immigration are Ireland and Greece, and both utilize ethnic preference in immigration. In Ireland, ethnic preference is manifested in its *jus sanguinis* citizenship laws, which allow for Irish citizenship to be passed down indefinitely if ethnic Irish abroad register with the Irish state. There are likely some economic interests at work here, but they are muted and there are no skills stipulations as we find in Korea and Taiwan. Irish Americans helped shape this liberal policy in 1956 to further their own interests. The policy is justified with romantic language, specifically the need to maintain “ties of affection and racial pride with the homeland” (Symmons, 2001). Moreover, like Germany but unlike Asian states, Ireland puts a cultural condition on its ethnic preference, stating in its Belfast Agreement of April 10, 1998, that “the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage” (Symmons, 2001:275) and insisting that its preferences be reserved for those with, as one legislator put it, “real interest in their Irish ancestry” (Symmons, 2001:285).

The Greek state also gives special recognition to co-ethnic foreigners. The pattern here is similar to that in other European countries: ethnic preferences for coethnics without any skills stipulations but with cultural authenticity tests. The Greek constitution dictates favorable treatment of immigrants who can prove Greek ancestry. Greece demands that applicants for preference in naturalization also live as Greeks, using the Greek language, practicing its religion and “national traditions.” Officials of the consulate assess authenticity. The preference allows for citizenship by application, with no residency requirement, whereas non-Greek foreigners must live in Greece for ten or twelve years (Rozakis, 2001). Immigration law also targets ethnic Greeks from the former Soviet Union and Albania, also with a protection rationale. The former get better treatment, including food and accommodation aid and education, language, and job training (Triandafyllidou and Veikou, 2002).

Eastern Europe

In Eastern Europe, including Hungary, Slovakia, Slovenia, Romania, and Poland, policies are creating “fuzzy citizenship” – a status in between alien and citizen, designed specifically for coethnics abroad (Fowler, 2004). Of course, this is similar to the statuses created for *Nikkeijin* in Japan, and skilled Korean Americans who go to Korea to work. But there are important differences.

All of the Eastern European states mentioned above have large co-ethnic populations in neighboring states, which are usually less developed (*e.g.*, Hungarians in Romania, and Romanians in Moldova). Though wealthier than their neighbors, Hungary and the others are not wealthy states relative to the rest of Europe, and in fact are seen as low-cost labor destinations for outsourcing manufacturing from the West (*e.g.*, Audi makes cars in Hungary). These states are not in need of low-skilled workers. More similar to China and Southeast Asian states, they would seem to need, if anything, skilled coethnics and investments.

But unlike many Asian states, they seem to have no immigration or investment policy preferences to encourage co-ethnic investment or skilled migration.¹⁴ These Eastern European states mostly follow the European model in their preferences for coethnics: ethnic links are important and should be recognized for their own sake; in some instances they have a moral, obligatory,

¹⁴Huseby-Darvas (2004) describes some programs in Hungary designed to encourage coethnics abroad to invest in Hungary, and there is some state involvement. However, these programs appear to be designed to persuade and encourage only; they do not include preferential policies as they do in Asia.

protective, or remedial rationale; and they are worth pursuing even if they have costs. As Fowler describes them, they are part of a process of the state's redefinition in the postcommunist period (Fowler, 2004). With borders drawn and redrawn by foreign powers, and the co-ethnic bonds suppressed by the communists for decades, the new states are asserting themselves as representatives of cultural nations that span borders. Though these states may have benefited from economic activities of diasporic populations in the West, the policies usually are directed more toward the poorer coethnics to the south or east; they have a "reparative or compensatory" tone, or suggest notions of at least symbolic care. In constitutions, these obligations are mentioned as goods in their own right. For example, Poland "shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage"; Romania "shall support the strengthening of links with the Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic and religious identity"; and Hungary "bears a sense of responsibility for the fate of Hungarians living outside its borders and promotes the fostering of their relations with Hungary" (Fowler, 2004:196).

Hungary has perhaps gone further than its East European neighbors in elaborating and institutionalizing a relationship with its transborder coethnics. In 2001, it passed its controversial "Status Law," a package of entitlements for transborder Hungarians that included educational allowances for parents sending their children to Hungarian schools (in the neighboring countries), a limited selection of healthcare and travel benefits, and, most significantly, a guest worker program that allowed ethnic Hungarians to work in Hungary three months out of every calendar year (Kántor *et al.*, 2004). Certain provisions of the Status Law were later watered down to bring Hungary's laws in alignment with EU strictures against ethnic discrimination or favoritism. But in December 2004 Hungarians considered a national referendum on dual citizenship for the transborder Hungarians. Although the referendum failed, it would have gone further than any other initiative in extending quasi-citizenship rights to all ethnic Hungarians in the neighboring countries.

One finds in the Asian cases some of this same language, but the economic rationales are clear from the policies linking migration to specific occupations (most obviously in Korea and Taiwan), or allowing only short-term if unrestrictive visas (Japan), or providing investment and property incentives (Korea, China, and several Southeast Asian states), and generally not providing much if anything in the way of settlement aid and social rights. All of the Asian countries actively encourage ethnic return migration because of its economic benefits. In contrast, only Slovakia in Eastern Europe reduces barriers for coethnics

to enter the labor force. Hungary's guest worker program (as part of the Status Law) curtailed co-ethnic labor migration more than it facilitated it. The large numbers of ethnic Hungarians (mostly from Romania) who had worked illegally in Hungary over the past fifteen years were now restricted to three months of work per calendar year. This is because Hungary does not wish to encourage the return migration of ethnic Hungarians to Hungary. While Hungary would like its coethnics to consider themselves part of a larger cultural nation of Hungarians, it would prefer them to do it from the safety of their own homes (Fox, 2003; Stewart, 2003). As such, most of its policies are aimed at improving the economic, political, and cultural well-being of Hungarians *in* the neighboring countries. Indeed, it is not the aim of kin-state politics more generally in Eastern Europe to bring coethnics home (Kiss and McGovern, 2000; Fowler, 2004). These are not receiving countries; to the contrary, most of them are sending their own citizens to points farther west in search of work and the good life (Wallace and Stola, 2001). Instead, kin-state politics in Eastern Europe are intended to give politically palatable expression to nationalist aspirations for national reunification. Coethnics need not return to their homelands; their homelands are coming to them.

DISCUSSION AND CONCLUSION

The comparison of Asian states to those in Europe shows some commonalities and differences. One key point is that co-ethnic preferences are found in both regions. Despite the ostensibly strong world norm of nondiscrimination, an inclusive, preferential kind of discrimination in immigration policy is common, especially so in Asia and Eastern Europe. This means that in very different parts of the world, states are drawing boundaries of the nation in ways that do not fully respect territorial boundaries. States define nations through policy that gives special visas to co-ethnic foreign workers, special visas to highly skilled co-ethnic foreigners, special investment privileges to co-ethnic foreigners, or preferential access to citizenship. For policymakers in both Europe and East Asia, "us" can include nationals of other states who have never stepped foot in their ancestral homeland.

But there are also some distinct regional patterns. Most importantly, Asian ethnic preferences are more instrumentally integrated into larger policy objectives than those practices in Western Europe, and specifically they are geared toward economic development, utilizing skills and investment preferences. In contrast, the European policies, especially the strong moves toward ethnic preference in Eastern Europe, have been mostly expressions of ties or

efforts at protection (*see* Table 1). Rather than tools for economic development, European preferences are a kind of protective or expressive nationalism.

This interregional comparison thus suggests that the justifications noted by Joppke (2005) – assimilability, protection, and expression – may be unique to or more pronounced in Europe. In addition, the comparison makes the European policies appear especially romantic or even nonrational, as economic justifications are absent or muted, and policy does not clearly link the coethnics into the economy. Though European states enjoy economic benefits from ethnic return migration, they also sometimes absorb at least short-term losses or costs, and leave it up to chance whether benefits will occur. At the same time, Asian states combine their focus on economic development with a relative lack of interest in the kind of cultural authenticity tests found in European preferences. States in both regions appeal to blood-based kinship and the emotions that go with it, but have very different approaches and purposes. In Asia it is a means to an end, and in Europe it appears more as an end in itself.

It is beyond the scope of this article to explain the reasons why the European choice has been mostly to express ethnic ties as a good in its own right, but it may be due to factors unique to Europe. In other words, the lack of explicit focus on short-term economic development or gain may be the special feature that needs explaining, rather than Asia's economic focus. Mexico, for example, has policies on return migration geared strongly toward economic development (Goldring, 1998; Guarnizo and Smith, 1998; Smith, 1998). Future research on regional comparisons may find European policy patterns elsewhere or identify causes that make the expressive or protective nationalism approach unique to Europe. One area of focus should be the role of emigrants themselves, never passive players in the process, and their ability to pressure kin states to enact policies enabling their return, either for the kin states' ethnic development or simply to maintain an affective tie.

The regional variations identified here suggest there are no global standards for how states can make links to co-ethnic citizens of other states. There are in fact a wide variety of ways that those links can be maintained and national boundaries drawn, and a variety of justifications for those links. The prevalence of policies suggests that conflict is not likely, and there is no evidence of interregional conflict. Finally, though there is a tradition of scholars treating East Asia as somehow different and even representing an alternative modernity (Tu, 2000), it is just as likely that Europe may be the unique region. Future research may fruitfully discern patterns of practice in Latin America and Africa regarding politics toward co-ethnic foreigners and the drawing of national boundaries across territorial borders.

TABLE 1
ETHNIC RETURN MIGRATION POLICY: COMMONALITIES AND VARIATIONS

	Immigration/ Visa Ethnic Preference		Citizenship Ethnic Preference		Investor Ethnic Preference		Cultural Authenticity Test		Skill Requirement for Preference		State or Local Government Co-Ethnic Preference		Primary Rationale
China	In official statements (not law)	No	No	Yes	No	No	No	No	No	Yes	Economic development		
Japan	Yes	No	No	No	No	No	No	No	No	No	Economic development		
Korea	Yes	Yes	Yes	Yes	No	No	No	Yes	No	No	Economic development		
Taiwan	Yes	Yes	Yes: Germany, Italy, Hungary, Slovakia, Poland	Yes: Germany, Ireland, Italy, Greece	No	Yes: Germany, Ireland, Greece, Slovakia	No	Yes: Italy, Spain	Yes: Italy, Spain	Yes: Italy, Spain	Economic development Protection, expressive nationalism		
Europe	Yes: Germany, Italy, Hungary, Slovakia, Poland	Yes: Germany, Ireland, Italy, Greece	Yes: Germany, Ireland, Italy, Greece	No	Yes: Germany, Ireland, Greece, Slovakia	No	Yes: Italy, Spain	Yes: Italy, Spain	Yes: Italy, Spain	Yes: Italy, Spain	Economic development Protection, expressive nationalism		

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