

Intersectional Vulnerabilities of Stateless Marriage Migrant Women In Japan: Gender, Labour and
Reproduction of Statelessness
(*Kerentanan Interseksional Wanita Migran yang Berkahwin dan Tidak Mempunyai Kewarganegaraan
Di Jepun: Gender, Tenaga Kerja dan Reproduksi Ketidananegaraan*)

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ABSTRACT

This paper primary discussed how the *performance* of gender role by stateless marriage migrant woman in their host society influence their legal status. Drawing on the case study of Thai stateless women who, as identified by Ishii (2011), cross borders to Japan through marriage to secure legal standing and ideal life, this analysis challenges the prevailing view that marriage migrants lack agency. However. We can found that by entering Japan as a *woman*, marriage migrant woman is simultaneously compelled to conform to societal and legal expectations to women. Consequently, the rights afforded to stateless marriage migrants at the institutional level are not predicated on their status as independent individuals, but rather on their performance as *women* within the local social context. By analysing the intersection of state legal frameworks and local gender norms, this paper demonstrates the structural vulnerability of stateless women in Japan. It emphasises that while this gendered, conditional inclusion makes legal status attainable, it also implies that any deviation from these prescribed roles places these women at risk of reverting to a *legally illegal presence*.

Keywords: Gender, Statelessness, Marriage Migration, Legal discrimination, Nationality

ABSTRAK

Kertas kerja ini secara utamanya membincangkan bagaimana pelaksanaan peranan gender oleh wanita migran yang perkahwinan tanpa kewarganegaraan di masyarakat tuan rumah mempengaruhi status undang-undang mereka. Berdasarkan kajian kes wanita Thailand tanpa kewarganegaraan yang, seperti yang dikenal pasti oleh Ishii (2011), merentas sempadan ke Jepun melalui perkahwinan untuk memperoleh taraf undang-undang dan kehidupan yang ideal, analisis ini mencabar pandangan umum bahawa migran perkahwinan tidak mempunyai agensi (keupayaan bertindak sendiri). Walau bagaimanapun, didapati bahawa dengan memasuki Jepun sebagai seorang wanita, wanita migran perkahwinan secara serentak terpaksa mematuhi jangkaan masyarakat dan undang-undang terhadap wanita. Oleh itu, hak yang diberikan kepada migran perkahwinan tanpa kewarganegaraan pada peringkat institusi tidak berasaskan status mereka sebagai individu bebas, sebaliknya berasaskan peranan yang mereka mainkan sebagai wanita dalam konteks sosial tempatan. Dengan menganalisis persilangan antara kerangka undang-undang negara dan norma gender tempatan, kertas kerja ini menunjukkan kerentanan struktural wanita tanpa kewarganegaraan di Jepun. Ia menekankan bahawa walaupun penyertaan bersyarat berasaskan gender ini membolehkan status undang-undang dicapai, ia juga membayangkan bahawa sebarang penyimpangan daripada peranan yang ditetapkan ini meletakkan wanita berkenaan pada risiko kembali kepada keberadaan yang tidak sah dari sudut undang-undang.

Kata Kunci: Gender, Ketidananegaraan, Migrasi Perkahwinan, Diskriminasi Undang-Undang, Kewarganegaraan

INTRODUCTION

Legal identity, as a "passport" of who I am, fundamentally participates in many activities throughout a person's life. For instance, schooling and employment both require certificates related to one's place of birth, and the type of identity or even the specific category of ID card obtained can determine whether one can open a bank account, receive social subsidies, or even involve the official conduct of funerals and the issuance of death certificates. These factors often intersect; for example, a restricted type of identity document may prevent the opening of a bank account, thereby limiting the scope of professional choices. This is the daily reality that stateless people must confront. According to reports from the UNHCR, there are currently approximately 4.4 million stateless people worldwide. They are dispersed across the globe, and the majority have not voluntarily renounced their nationality. It can be argued that in the nation-stated world order, an individual's rights are guaranteed or endowed by the state. Within this context, the situation of those whose status is not recognised by any state means that their human rights cannot be treated as inherent entitlements but are instead something they must struggle to attain. Since the two World Wars, statelessness has gradually been recognised as a human right issue, gaining the attention of international organisations. Concurrently, the practice of "mobility" - a human activity since ancient times - has seen its scope further expand. Most forms of mobility are driven by the individual's pursuit of a "more ideal life," and the migration of stateless persons is no exception. However, when stateless individuals begin to move, confrontations at the institutional or legal levels often persist.

This paper focuses on the statelessness resulting from intersection of legal discrimination in citizenship regimes, and the practice of local gender norms referring to capitalistic labour market. Here, "legal discrimination" is conceptualised based on Ishii (2020: 2) as a structural reality where specific stateless women are systematically excluded from rights. This exclusion arises when state legal systems encounter local gender norms, creating a mechanism that marginalises these women not just through legal text, but through the practice of the law. In short, statelessness among women arises in the intersection of transnational patriarchy and traditional gender norms, and capitalistic labour market is also relevant to statelessness.

The implications of statelessness can be analysed from various ways. First, statelessness arises because of the political reasons. In order to examine statelessness, a nationality system needs to be examined. The nationality system has functioned to demarcate the boundary between members of the nation-state and "others," concretising the abstract idea of "the national." People who do not meet the nationality requirements of any country are

officially treated as "others" and become stateless (Arakaki, 2015: 10). This indicates that statelessness has implications from a political perspective.

In addition to the political implications, it is important to note that capitalism and market are relevant to statelessness. Stateless people tend to provide low-wage labour (Ishii, 2020). As Ishii (2020) argues, similar to irregular migration, statelessness is a structural issue that increases competition in labour markets. Stateless workers are often more flexible to employ and cost less than regular workers (Ishii, 2020). Thus, statelessness is politically and economically necessary for many advanced capitalist countries.

While Ishii (2020) primarily discusses this in the context of industrial labour, Ishii (2023) further illuminates how this structural logic extends to the private sphere of the family. She notes that in East Asia, the distinction between "wife and worker" is often blurry, with marriage migrants functionally serving as "reproductive labour" i.e. care and domestic work, for men who cannot afford paid domestic help (Ishii, 2023: 187).

In the context of this study, "statelessness" is conceptualised through two distinct dimensions. First, it is understood as a legal category - the classification prescribed by the law that determine who is legally stateless. Second, this paper adopts the perspective of statelessness as a social condition. As Ishii (2011) argues, this condition describes a state of exclusion from rights and protections in a practical level, regardless of an individual's formal legal status. This study emphasises that even after obtaining a visa of "Spouse of Japanese etc.," stateless marriage migrants do not achieve true legal stability. Instead, they remain in a precarious condition where their security is contingent upon the continuous performance of gendered roles.

As can be seen from other countries, Japan also experiences this. When stateless women enter Japan with a resident status of "Spouse of Japanese Nationals etc.," they do not exempt them from this labour structure; rather, often they need to provide unpaid labour. When a foreign women including stateless women are staying Japan with resident status of "Spouse of Japanese Nationals etc.," their resident status depends on her husband. By keeping their legal status conditional on their performance as *good wives* and *good mothers*, it can be argued that the state effectively secures a compliant, low-cost workforce to sustain its aging society and traditional family structures.

In this paper, statelessness does not refer to legal statelessness. It is a status with profound social, political, and economic ramifications (Foster, Neo, & Sperfeldt, C., 2025). Traditional research on statelessness has mainly focused on legal analysis or state recognition, treating statelessness as a rare condition confined to the margins of the nation-state. However, such binary frameworks of citizens v.

non-citizens, nationals v. non-nationals, *de jure statelessness*. v. *de facto statelessness* fail to capture contemporary mobilities marked by fluid relations between territory and identity (Ishii, 2020). It is important to note that this binary comes from a legal understanding. In the examples mentioned above, nationals, citizens and *de jure statelessness* are regarded as legal concepts, and non-citizens, non-nationals and *de facto statelessness* are regarded as outside of legal concepts. This issue of binary concepts using legal concepts in studies on statelessness can be overcome by the anthropological perspective. Recent anthropological studies reframe statelessness not as an exceptional condition based on binary understanding, but as diverse, ambiguous, and fluid an inevitable outcome and characteristic of liberal democracies (Ishii, 2020). Building on this, the inherent *exclusivity* of statelessness should be emphasised, as it is inevitably produced through the nation-state in its pursuit of border management and sovereign control. Rather than focusing on the rare condition or absence of legal recognition, this perspective shifts the analysis towards statelessness as a lived *experience* that emerges from the fluid tensions within everyday practices and human mobility.

Existing literature suggests that stateless individuals may possess a heightened motivation for cross-border migration as a strategy to overcome their marginality (Ishii, 2011; Ball, Butt, & Beazley, 2017). For instance, Ishii (2011) observes that many stateless Thai women seek to gain legal residence and improve their socio-economic status by marrying Japanese nationals and obtaining spousal visas (Ishii, 2011: 219-220). Ball, Butt, & Beazley (2017) stated that transnational labour migration in Indonesia has become a multigenerational strategy for families in impoverished rural communities due to domestic economic hardship. And they also noted that the Indonesian state encourages this trend—especially among women, who are praised as “exchange rate heroes” for their remittances even though undocumented migrants are estimated to outnumber regular ones by two to four times (Ball, Butt, & Beazley, 2017: 307). However, they did not cover issues related to intersectionality. Since vulnerability of stateless women derives from intersectionality, so intersectionality needs to be covered.

Significance of analysing intersectionality is explored by Kneebone (2025). Kneebone (2025) demonstrates that the human rights of marriage migrants in host countries are often denied based on intersectional hierarchies of gender, class, and nationality. This indicates that legal status is contingent upon fulfilling gendered roles, meaning some marriage migrants are at risk of statelessness (Kneebone, 2025). Therefore, it is necessary to examine how locally embedded “traditional” gender norms such as Japanese norms of “mother-child unity” (Niikura, 2024:

41-43) operate within national-level legal frameworks to reproduce statelessness in the Japanese context.

Based on this background, the research question of this paper follows: how does the Japanese legal system utilise traditional gender norms to categorise and discipline stateless marriage migrants, thereby creating the intersectional vulnerability of stateless marriage migrant women? The uniqueness of this paper is to analyse the vulnerabilities of stateless marriage migrant women from the perspective of intersectionality referring to the Japanese cases. Japan has a unique household system, and this is relevant to intersectionality of stateless marriage migrant women. Thus, this question is worth researching.

METHODOLOGY

This paper employs a qualitative research methodology based on secondary data analysis and socio-legal critique. Rather than conducting new fieldwork, this paper synthesises and re-interprets existing ethnographic data primarily the case studies of stateless Thai women in Japan conducted by Ishii (2011) through a novel theoretical lens. By applying the framework of “intersectional vulnerability” (combining Kneebone’s legal analysis on statelessness with Niikura’s sociological insights on “mother-child unity”), the study bridges the gap between micro-level lived experiences and macro-level structural constraints.

The analysis draws from three primary sources of data: (1) academic literature: A critical review of anthropological and sociological scholarship on marriage migration, statelessness, and gender in Japan; (2) legal and policy frameworks: A critical review of Japan’s nationality and immigration regimes, focusing on the Nationality Act and the structural implications of the Immigration Control and Refugee Recognition Act. Specific attention is paid to administrative measures such as the “1996 Notice No. 730” regarding the Long-Term Resident visa, as documented and analysed in key socio-legal scholarship (e.g., Niikura, 2024; Ishii, 2011); (3) Statistical Data: Secondary analysis of demographic trends regarding cross-border marriage and residency status. This study utilises statistical data originally compiled by the Ministry of Health, Labour and Welfare and the Immigration Services Agency of Japan, as presented and contextualized in recent sociological studies (e.g., Ono, 2022; Ishii, 2011; Ishii, 2023). This approach allows for a structural analysis of how legal discrimination (state policies) and local gender norms (cultural expectations) intersect to reproduce statelessness, which takes place as a result of exclusion of the others.

DIFFERENT APPROACHES TO STATELESSNESS

There are several approaches to statelessness, and this paper primarily uses anthropological understanding of “statelessness” although it sometimes uses the legal approach when a legal status is concerned.

One approach to statelessness is a legal one. The 1954 Convention Relating to the Status of Stateless Persons (1954 Convention) as “a person who is not considered as a national by any state under the operation of its law” (Article 1, Paragraph 1). It is important to note that the focus of this definition of statelessness is the stance of the state, and the actual human rights situation is not necessarily concerned by definition.

However, anthropological perspectives offer a different understanding, defining statelessness as a status in which “people are deprived of political liberty or civil rights, even if they do not lack adequate economic security (Ishii, 2020: 2).” Because these freedoms are important parts of human freedom, their denial is a serious problem (Sen, 1999), regardless of whether the exclusion is formally regulated by the state or informally practiced by private actors (Ishii, 2020). This approach to statelessness focuses on human rights, and political liberty in particular. The legal approach does not primarily concern human rights situation and political liberty. One reason can be because legally, nationality does not always guarantee human rights. Especially, whether a nationality guarantee political liberty depends on state.

Drawing on these perspectives, this paper primarily uses an anthropological perspective to statelessness because this paper concerns vulnerability and human rights situation. This paper also

refers to a legal status, so a legal approach to statelessness is used when necessary. By this approach, this paper clarifies the intersection of legal practices and local norms creates vulnerability that leads people to be statelessness.

MARRIAGE MIGRATION IN JAPAN

First, marriage migration is defined as “a ‘strategy’ that became prominent in the post-World War II era, characterised by broadly gendered patterns of hypergamy where women move from the less developed regions to more developed regions” (Constable, 2005). This understanding is significant for this paper because it provides a critical framework for analysing the incorporation of stateless marriage migrant into Japanese society. Marriage migration research emphasises that this mobility is gendered where women are integrated into the host country as providers of “reproductive labour” (Kneebone, 2025). This relationship

is built on unequal power. For stateless marriage migrant, their migrations are founded on this very basis.

There are marriage migrants in Japan. Japan, along with other East Asian regions such as Taiwan and South Korea, experienced a sharp increase in female marriage migration from Asia from the 1970s onwards (Ono, 2022; Ishii, 2023; Yang & Lu, 2010, Kneebone, 2025). In Japan, the number of registered marriages between Japanese husbands and foreign Asian wives first exceeded those between Japanese wives and Western husbands in 1975. This trend continued to rise, peaking in 2006 with 32,038 couples, representing 4.4% of all registered marriages in Japan (Ono, 2022; Ishii, 2023). Although the numbers have shrunk since then, marriage migration remains significant.

According to Ono (2022), a primary feature of marriage migration in Japan is that most international couples consist of a Japanese husband and a migrant wife, with approximately 80% of these wives originating from Southeast and Northeast Asia. Focusing on the breakdown of foreign female spouses, statistics released since 1992 show that women from four countries China, the Philippines, Korea, and Thailand have consistently accounted for over 85% of the total, despite fluctuations in their respective proportions (Ono, 2022).

The vulnerabilities that the marriage migrants in Japan face become clear when the experience of other Northeast Asian states is compared. Unlike in South Korea and Taiwan, where commercial “broker-mediated marriages”—in which women migrate from their home countries specifically after a marriage or engagement is arranged via an intermediary—constitute the majority, in Japan, such broker marriages are merely one typology (Takatani, 2015: 216, as cited in Ono, 2022: 8). Studies indicate that there are significant cases where foreign women who had already arrived in Japan for study or employment met Japanese men domestically and subsequently married (Saihan Juna, 2011).

Marriage migrants from Thailand indicate the vulnerabilities of marriage migrant women in Japan. Focusing on migrant women from Thailand, those holding “Spouse,” “Permanent Resident,” or “Long-Term Resident” visas combined account for approximately 70% of the total Thai population in Japan (Ishii, 2011). Since the 1990s, Thai migrant women can be categorised into two distinct types: those who arrived in Japan on short-term visas for work and subsequently met and married Japanese men, and those who entered Japan specifically as the spouses of Japanese nationals (Niikura, 2024). According to statistics on foreign registration categorised by residence status compiled by Niikura (2024), Thai marriage migration witnessed a significant increase from 1986 to 2001, followed by a decline. However, concurrently, the number of registered “Permanent Residents” began

to rise, surpassing the number of those with the visa of “Spouse of Japanese etc.” in 2007. It can be inferred that this quantitative shift occurred because individuals holding visa of “Spouse of Japanese etc.” gradually transitioned to “Permanent Resident” visas (Niikura, 2024; Ishii, 2011). This means that a decrease in the number of visa of “Spouse of Japanese etc.” does not necessarily imply in the overall population of marriage migrant women. Instead, many women who initially stayed in Japan as “spouses of Japanese nationals” eventually became eligible for “Permanent Resident” status. This shift may occur as their years of residence in Japan increase, or as they change their status after divorce if they obtain custody of their children (Ishii, 2011).

Regarding stateless Thai residents in Japan, however, a defining characteristic is the overwhelming prevalence of residents whose status is presumed to be based on spousal or family relationships. According to a survey by Ishii (2011), the stateless Thai migrants she interviewed mostly arrived in Japan around the 1990s while in their teens or twenties. Most of them were also marriage migrants, a fact that aligns with the overall trend of international marriages in Japan. Furthermore, unlike migrants from other countries, stateless Thai migration to Japan is often characterised by less developed chain migration systems based on relatives or community networks. Consequently, stateless Thai migrants exhibit fewer extreme tendencies toward residential clustering (Ishii, 2011). Lacking these social resources, many stateless individuals tend to rely on commercial brokers and irregular means, such as the use of forged passports, to enter the country (Ishii, 2011). This indicates the vulnerabilities of stateless marriage migrant women. While they remained in Thailand, even as stateless people lacking Thai nationality but holding identifications documents they could lead relatively stable lives, a condition known as “*in situ* statelessness”. However, entering Japan through irregular means means they face the immediate risk of being discovered and detained at the border. Furthermore, obtaining a legal status in Japan depends on their husbands and their husband’s families.

LEGAL STATELESS PERSON IN JAPAN

In the Japanese context, legally stateless persons are vulnerable. Unlike many other developed countries, Japan has not acceded to either the 1954 Convention or the 1961 Convention on the Reduction of Statelessness (Study Group on Statelessness in Japan [Study Group], 2017). Japanese domestic law also lacks a specific provision defining a “stateless person,” nor does it establish a formal procedure for statelessness determination (Arakaki, 2015:

22; Study Group, 2017: 22). This absence of a unified legal framework delegates the power of identification to disparate administrative bodies, creating inconsistencies that exacerbate the vulnerability of this population.

As noted by the Study Group (2017), Japan possesses no independent procedure to determine statelessness or to protect stateless persons specifically. Instead, determinations of nationality are made on an *ad hoc* basis within specific administrative procedures, such as immigration control, family registration, or naturalisation (Study Group, 2017). Further, the criteria for determining nationality vary across agencies. For instance, the Immigration Services Agency may classify an individual as “stateless” based on the lack of a valid passport, while the Civil Affairs Bureau, responsible for family registers, may consider the same individual to possess a nationality based on *jus sanguinis* principles, even if that nationality is ineffective in practice (Arakaki, 2015). This indicates the difficulties of determining a nationality legally, and as a result, people become vulnerable if they are stateless.

The lack of a standardised legal definition in Japan leads to significant *statistical invisibility*. Official statistics, such as the Statistics on Foreign National Residents, only count those with valid residence status (Study Group, 2017). In other words, people without resident status are not included in these statistics, and they are not visible in statistics. The stateless population in Japan comprises not only those holding valid residence visas but also those without legal status sometimes recognised as illegal. Moreover, the majority of stateless persons treated as *illegal* fear detection and detention by immigration authorities, leading them to avoid registering for official alien registration certificates (Chen, 2010). Furthermore, Japanese administrative practice often assigns a nationality to individuals based on their place of origin or parents’ nationality, even if the individual cannot exercise the rights of a national in that country (Study Group, 2017). Consequently, “*in situ* stateless persons” (Foster, Neo, and Sperfeldt, 2025: 5) who arose while in Japan tend to be registered as with a nationality of a particular foreign state, and they tend to be overlooked by the public actors such as state and international organisations.

ANTHROPOLOGICAL APPROACHES TO THAI STATELESS MIGRANTS THROUGH INTERNATIONAL MARRIAGE

A prominent case study is that of stateless Thai women in Japan, as analysed by Ishii (2011). For these women, marrying Japanese men serves as a critical pathway to legal residence. Under Japan’s immigration policy, holding a “Spouse of Japanese etc.” visa allows them

to eventually apply for “Permanent Resident” or “Long-Term Resident” status, provided they meet residency requirements or act as caregivers for Japanese children (Niikura, 2024: 38; Ishii, 2011: 223). The primary driver for this international marriage is the intersection of poverty and the specific marginalisation of statelessness in Thai society.

According to Ishii (2011), Thai nationality status is broadly categorised into four types from the anthropological perspectives: (1) individuals holding a Thai National ID Card (Thai citizens); (2) individuals holding passports from countries other than Thailand (foreign nationals); (3) individuals holding a government-issued “Alien ID Card” but possessing no passport from any nation (classified as “aliens” within Thailand); and (4) individuals lacking any form of identification. Stateless people predominately fall into categories (3) and (4). Most stateless individuals in Thailand were rendered stateless due to historical fluctuations in border regions, or are second- or third-generation refugees or ethnic minorities whom the government refuses to recognise or accept (Ishii, 2011). Although those holding the “Alien Identification Card” (Type 3) are granted rights of residence and education, they still face restricted employment rights and conditional freedom of movement within Thailand (Ishii, 2011). As Cheva-Isarakul argued (2025), this becomes particularly acute during the transition from adolescence to adulthood. While stateless individuals may access education during childhood, as they age and seek higher education, they encounter restrictions on inter-regional movement and employment. These legal barriers at the local level lead them to feel their “stateless” identity more tangibly (Cheva-Isarakul, 2025: 160-161). Moreover, although under Thai nationality law, stateless women could potentially acquire citizenship through marriage to a male Thai national, social reality renders this possibility nearly inaccessible. As a marginalized and discriminated group, these women struggle to integrate into mainstream Thai society, making local marriage a difficult goal to achieve. Consequently, for these individuals, transnational marriage is not a choice of lifestyle but a strategic means of seeking the state recognition and stability denied to them at home (Ishii, 2011).

Crucially, traditional gender norms play a paradoxical role in this migration process. While typically viewed as a source of oppression, patriarchal norms here function as an *advantage* for stateless women compared to stateless men. In practice, women including stateless women may be able to acquire a resident status of a particular state if they marry a male with a nationality of the state. However, such possibility may be limited for stateless men. Rooting in local gender norms, stateless women possess a unique form of capital. Ishii (2011)

observes that in marginalised border communities, where children lack property or education, “being a woman is often the only asset (Ishii, 2011: 225).” For these women, cross-border marriage is recognised as a means of social mobility that does not require economic or cultural capital but rather relies on femininity itself as a resource (Ishii, 2011: 225).

This finding in Ishii (2011) challenges the prevailing discourse in migration studies that casts migrant women solely as *structurally vulnerable* subjects or *victims* (Kofman & Raghuram, 2015). In the specific context of statelessness, marginalised women hold a form of *gendered social capital* that is inaccessible to stateless men. Their engagement in marriage migration demonstrates a form of tactical agency a way to strategise for survival in a highly unequal world (Kofman et al., 2015: 237). However, this so-called *advantage* is paradoxically rooted in patriarchal gender norms. Within this framework, they are permitted to enter the receiving society not as independent *individuals* with inherent rights, but as *women* expected to fulfil specific domestic roles. Consequently, this strategy trades the invisibility of statelessness for a new form of spousal dependency, where their legal residency in Japan becomes strictly conditional upon their performance as *good wives* and *good mothers*.

CONDITIONAL LEGALITY: GENDERED CITIZENSHIP REGIME IN JAPAN

In Japan, the absence of a domestic legal definition for statelessness, combined with undefined determination criteria (Study Group, 2017: 16-21), creates an insecurity for stateless women, because they cannot have their legal identity recognised independently. Although stateless women gain legal status through cross-border marriage, this strategy operates within a regime of “dependent nationality (Kneebone, 2025: 184),” where a woman’s access to rights is relies on her relationship to her Japanese husband and his family. Such a lack of legal autonomy is critical as it transforms their basic human rights into conditional privileges that can be revoked at any time by the spouse, thereby reinforcing a structure of vulnerability.

For stateless Thai women who enter Japan through cross-border marriage, most adopt a survival strategy characterized by what Ishii (2011: 214-215) identifies as “Network Pattern 1”: prioritizing total assimilation into the Japanese husband’s family. Often asserting, “I am completely Japanese now”, they sever ties with ethnic networks, and access to support programs for multicultural coexistence (*tabunka-kyosei*) is also limited. In Japan, communication skills such as friendliness, proactivity, and attentiveness are key requirements for status attainment for stateless marriage

woman (Ishii, 2011: 214-215).

This should not be interpreted merely as a personal preference, but as a strategic response to what Kneebone (2025) term “intimate citizenship,” “a construction of gender as based on power relations involving the state, social structures and individuals” (Kneebone, 2025: 201). This structure is reinforced by “transnational patriarchy” (Zhang, 2022: 311), a systematic form of discipline and reward. As Zhang (2022) notes, migrant wives who abide by these norms becoming completely dependent and fully assimilated are “rewarded” with legal status and moral recognition (e.g., as a filial daughter-in-law). Conversely, failure to participate in this “citizenship project” leads to marginalisation (Zhang, J., 2022: 311-319).

Furthermore, for those who wish to secure permanent safety through naturalisation, divorce creates a barrier. Although Article 7 of Japan’s Nationality Act (Simplified Naturalisation) ostensibly facilitates the inclusion of foreign spouses, it retains exclusionary elements for victims of domestic violence. A stateless women divorce before completing the naturalisation process is vulnerable to deportation. As reported by the NPO Solidarity Network with Migrants Japan (SMJ) (2024), many migrant women face unstable legal statuses. Migrant women who experience domestic violence or divorce, as they risk losing their residency status. Some marriage migrant women chose to endure the domestic violence due to afraid of losing their residency status (SMJ, 2024). This systemic vulnerability is documented not only in field reports from civil society (SMJ, 2024) but also in recent academic studies which highlight the structural intersection of domestic violence and immigration precariousness (Niikura, 2024; Kneebone, 2025). Consequently, the path to citizenship is conditional upon enduring marriage, regardless of its safety.

When the marital relationship dissolves, the “dependent nationality” does not evolve into independent citizenship; rather, it shifts its locus from the husband to the child. As Niikura (2024) details, under the “1996 Notice No. 730,” a divorced foreign spouse may convert their status to a “Long-Term Resident” visa only if they are the custodial parent actually raising a Japanese child within Japan (Niikura, 2024: 44). This legal requirement means that women without children, or those unable to secure custody due to poverty, are stripped of legal status and face the risk of deportation—a direct reproduction of statelessness. Moreover, as Niikura (2024) notes, single migrant mothers often face severe economic precarity, yet their access to Japanese welfare is conditional. This is because the Japanese welfare system is predicated on traditional gender norms specifically the male-breadwinner model and the ideal of “mother-child unity” (*boshi ittai*), which treats the

family, rather than the individual, as the primary unit of social security. These norms demand that mothers prioritize direct caregiving over full-time employment or transnational care arrangements. Furthermore, public assistance recipients face strict restrictions on international travel, effectively locking them within Japan’s borders.

The origins of such “mother-child unity” (*boshi ittai*) social welfare systems in Japan can be traced back to the Child Welfare Act established by the Supreme Commander for the Allied Powers (SCAP) and the Japanese government following World War II. The legislative backdrop was a focus on the “mother-child problem” faced by women widowed by the war, necessitating direct relief for their poverty (Komazaki, 2017:79, as cited in Niikura, 2024: 42). Although eligibility was expanded after 1960 to include children who had lost their fathers, the underlying gender ideology remained evident: the system was designed to provide relief to mothers and children bereft of a male *breadwinner*, thereby reinforcing the gendered division of labour. Until 2010, these social welfare benefits were restricted exclusively to women, after which men were technically included. However, even with this inclusion, male applicants are often viewed not as legitimate recipients of aid but as pitiable individuals lacking female care at home, with officials frequently advising them to remarry as a solution (Niikura, 2024). In essence, although Japan’s social welfare system is gender-neutral at the institutional level, it continues to operate on the traditional logic of “men as breadwinners, women as homemakers” at the practice level. Consequently, a woman’s role in “caring for the nation’s citizens” her function in social reproduction is prioritised over her role as a participant in the labour force.

This dynamic exemplifies “family citizenship regime (Yang & Lu, 2010: 40),” where spousal migrants’ status in residency rights is often tied to the family ideology. As observed in Taiwan, Korea, and Japan, marriage migrants obtain legal residence primarily through their status as a spouse to a national or as the parent of a future citizen (Yang & Lu, 2010: 40; Kneebone, 2025: 200; Zhang, 2022: 311-319; Niikura, 2024: 85-87). For stateless women, who lack independent legal personhood, the spouse visa and “Permanent Resident” (or “Long-Term Resident”) which promised by serving as a caregiver.

As discussed above, while international marriage appears to be a viable strategy for stateless women to gain legal residence, the rationale for a married women’s conditional or dependent legal status was family unity, which had the effect of entrenching gender inequality (Kneebone, 2025). In Thailand, they were *in situ* stateless people marginalised but possessing a degree of residential stability within border communities. In Japan, being stripped of their spousal status transforms them into irregular migrants and face

the constant threat of deportation, yet they have no state to return to. Statelessness among stateless marriage women, therefore, merely postpones the risk of re-statelessness, which reemerges the moment the legal or social contract is broken.

CONCLUSION

This study has examined the research question: how does the Japanese legal system utilise traditional gender norms to categorise and discipline stateless marriage migrants, thereby creating the intersectional vulnerability of stateless marriage migrant women? By analysing the intersection of legal discrimination within Japan's citizenship regime and the practice of local gender norms, this paper demonstrates that the vulnerability of these women is not merely an unusual condition, but a systemic outcome of *conditional legality*. In sum, marriage migration in the Japanese context does not resolve the “rights vacuum” of statelessness; it merely postpones it. Women are recognised only as “wives” or “mothers,” not as independent rights-bearing subjects. As long as legal personhood remains contingent upon the fulfilment of gendered domestic utility referring to their prescribed roles in social reproduction, such as childbirth and domestic caregiving for the Japanese family—, the risk of re-statelessness remains a structural feature of their cross-border migration.

Drawing on Bell and Binnie's (2000: 5, 11) critique of the “sexual citizen,” this phenomenon exposes how the state regulates membership by policing the boundaries of intimacy (Bell & Binnie, 2000: 5, 11). They argue that modern citizenship is often “private[s]ed,” where access to public rights is contingent upon adherence to heteronormative domestic ideals (Bell & Binnie, 2000: 5, 26). In this framework, the stateless wife is granted inclusion not as an autonomous individual, but solely through her proximity to the “model citizen”—the Japanese husband. Her legal existence is thus tethered to her performance in the private sphere; she is accepted only insofar as she fulfills the reproductive and caregiving imperatives of the state (Bell & Binnie, 2000: 11, 26). This dynamic reveals the dark side of what Bell and Binnie term the “sexual citizen”: for these women, the marriage bed becomes a border checkpoint. Their precarious status underscores that despite the rhetoric of human rights, citizenship remains deeply gendered, awarded as a privilege for compliant domesticity rather than an inherent right of the person (Bell & Binnie, 2000: 3, 27).

In future research, I intend to conduct qualitative interviews with stateless migrant women. By listening to their own narratives, I hope to better understand how gender operates in shaping their sense of

belonging, legal identity, and everyday life. This approach would move beyond institutional or policy-level analysis and centre the life experiences of those most affected. Exploring how women themselves understand, resist, or navigate statelessness can offer insights into the intersection of law, gender, and migration from below.

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