

2020

Immigration Control and Residency Management

Immigration Services Agency, Japan

Introduction

Publication of the 2020 Immigration Control and Residency Management

In this age of globalization, the Immigration Services Agency, Ministry of Justice plays a vital role in both promoting sound international exchange by enabling foreign nationals visiting Japan for diverse reasons from various countries and regions to smoothly enter and stay in Japan and differentiating between which foreign nationals should and which foreign nationals should not be permitted to enter and stay in Japan so as to maintain the law and order of Japanese society. To this end, it is necessary to make sure that we implement sophisticated immigration examinations through the use of state-of-the-art technology, etc. and ensure compatibility between smooth entry examinations and strict immigration control at a more advanced level. In addition, we are also responsible for protecting the safety and interests of Japanese nationals through the deportation of unwelcome foreign nationals, who threaten Japan's safety and security, in accordance with the laws and regulations. Furthermore, another key role of the Immigration Services Agency is to develop the refugee recognition procedures, and to promptly and appropriately protect those seeking asylum. In addition, since the Ministry of Justice is now in charge of planning, drafting and general coordination relating to improving the environment for the acceptance of foreign nationals (Cabinet decision of July 24, 2018), along with efforts aimed at promoting the smooth and proper acceptance of foreign human resources, the Ministry is also responsible for promoting the development of an environment aimed at realizing a harmonious society of coexistence with foreign nationals.

The "Immigration Control", first published in 1959, has now reached its 26th edition. On December 8, 2018, the "Act for Partial Amendment of the Immigration Control and Refugee Recognition Act and the Act for Establishment of the Ministry of Justice" (hereinafter referred to as "Act to Amend the Immigration Control Act and Other Related Laws") was approved at the 197th session (extraordinary session) of the National Diet, which clearly stated that along with immigration, another duty of the Ministry of Justice would be fair management of the "residence of foreign nationals" and accordingly, the name of the report was changed to "Immigration Control and Residency Management" from 2019. It was a publication which only summarized the trends in immigration control administration over a five-year period until 2003. However, given the accelerated pace of changes in the conditions affecting Japan's immigration control policies, immigration control administration has had to incorporate various new measures to respond it properly. In line with the rapid changes, the "Immigration Control" has annually been published primarily summarizing the trends of immigration control administration over a twelve-month period since 2004.

The 2020 Immigration Control and Residency Management gives a brief introduction of the operations of the Immigration Services Agency and, while looking at policy and operation changes which took place over the past five years from 2015 to 2019, gives a summary of the recent circumstances and policies of immigration control administration, focusing primarily on the actions taken in FY 2019, such as implementation of specified skilled worker program since April 2019, implementation of technical intern training program, acceptance of foreign human resources, measures on residence support, efforts toward a tourism-oriented country, measures taken for stringent prevention against the entry of unwelcome foreign nationals such as terrorists, Comprehensive measures for acceptance and coexistence of foreign nationals, efforts for appropriate treatment of detainees and status of the operation of the refugee recognition system.

Finally, we hope that through this 2020 Immigration Control and Residency Management immigration control and residency management administration will prove to be beneficial and easy to understand.

December 2020

Sasaki Shoko

Commissioner of the Immigration Services Agency, Japan

Points of the 2020 Immigration Control and Residency Management

Organization of the 2020 Immigration Control and Residency Management

- The 2020 Immigration Control and Residency Management consists of three parts: Immigration Control in Recent Years (Part I), Major Policies Related to Immigration Control Administration (Part II), and Data Section.
- Part I describes the immigration operations conducted during 2019 based on the statistics over the five-year period from 2015 to 2019.
- Part II describes the major immigration control and residency management policies (implemented during FY 2019 as well as some of the measures for FY 2020).
- Data Section describes a summary of the operations, etc. of the Immigration Services Agency.

Part I Immigration Control and Residency Management in Recent Years

- **Number of Foreign Nationals Entering Japan**
 - The number of foreign nationals who entered Japan in 2019 (including those who re-entered Japan) was 31,187,179, and the number of foreign nationals who newly entered Japan, excluding those who re-entered, was 28,402,509 (an increase of 3.0% over the previous year).
- **Number of Foreign Residents**
 - The number of foreign residents combining the number of mid to long-term residents with the number of special permanent residents was 2,933,137 as of the end of 2019.
 - In addition, the percentage of foreign residents to the total population of Japan was 2.32%, an increase of 0.16 points compared to the number at the end of 2018.
- **Number of Foreign Nationals Overstaying Their Authorized Period of Stay**
 - The number of foreign nationals illegally overstaying their authorized period of stay as of January 1, 2020 was 82,892, and as of January 1 each year, it has increased for six consecutive years.

Part II Major Policies Related to Immigration Control and Residency Management Administration

- **Specified Skilled Worker Program**
 - According to the preliminary figures as of August 31, 2020, the number of foreign nationals with the status of residence of Specified Skilled Worker was 7,538.
According to the preliminary figures as of August 31, 2020, there were 6,349 cases of issuance of Certificates of Eligibility pertaining to Specified Skilled Worker, 5,922 cases of permission granted for change of status of residence, and 5,034 cases of registration to registration support organizations.

- The Immigration Services Agency, in cooperation with the relevant ministries and agencies, has promoted the implementation of exams in Japan and abroad. Due to these efforts, as of August 31, 2020, exams in 13 fields have been implemented in six foreign countries and exams in nine fields have been implemented in Japan.

The number of foreign nationals who have passed the proficiency test has increased favorably, totaling 16,307 as of August 31, 2020.

- As of August 31, 2020, Memorandums of Cooperation have been entered into with twelve countries and in accordance with these Memorandums of Cooperation, we share information and exchange opinions with the respective governments as necessary, and strive to address any issues that are considered to require action in order to achieve the appropriate operation of the Specified Skilled Worker system.
- The Field-Specific Operation Policy was partially revised (Cabinet decision of February 28, 2020), including addition of the seven work categories to the construction field, and implementation started on April 1, 2020.
- Because the Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals was revised on December 20, 2019 and the scope of persons eligible to take the exams was revised in response to the decision in the Comprehensive Measures to extend the scope, the eligibility to take the domestic exams was revised and the “Policy regarding Exams for Specified Skilled Workers” (February 2019, Immigration Services Agency of Japan, Ministry of Justice) was revised on January 30, 2020, taking effect on April 1.

● Comprehensive Measures for Acceptance and Coexistence of Foreign nationals

- The Japanese government has been making efforts to create communities where foreign nationals will be able to live comfortably based on the “Comprehensive Measures for ‘Foreign Nationals as Residents’” compiled in 2006, and now based on the establishment of the new statuses of residence of “Specified Skilled Worker (i)” and “Specified Skilled (ii)” (implemented in April 2019) from the perspective of more strongly and comprehensively promoting the measures for acceptance and coexistence of foreign nationals, the government has come together to compile these “Comprehensive Measures for Acceptance and Coexistence of Foreign nationals (hereinafter referred to as “Comprehensive Measures”)” by the “Ministerial Conference on Acceptance and Coexistence of Foreign nationals” in December 2018.
- In June 2019, “the Enhancement of Comprehensive Measures” (hereinafter referred to as the “Enhancement Measures”) was compiled in order to enhance the Comprehensive Measures, focusing especially on the urgent issues involving development of the environment for acceptance of foreign nationals. The Comprehensive Measures were revised in December 2019, in line with the direction of the Enhancement Measures, under which the government has worked together to steadily promote the relevant measures.
- Following Comprehensive Measures, Putting the Tokyo Regional Immigration Services Bureau, Japan Legal Support Center (Houterasu), Human Rights Department of Tokyo Legal Affairs Bureau, and other tenant organizations relating to foreign residents into the building in front of the JR Yotsuya Station in Shinjuku-ku, the Foreign Residents Support Center (FRESC) was opened on July 6, 2020.
- Furthermore, on July 14, 2020, in consideration of the situation of implementation of related measures, the Comprehensive Measures were revised from the perspective of further

enhancing and encouraging the environment for acceptance of foreign nationals.

● Smooth and Strict Implementation of Immigration Examinations at the Port of Entry

- In Japan, government-wide efforts are being made to realize a tourism-oriented country, and measures are being taken to further promote smooth examinations through the installation and expansion of automated gates for aircraft passengers and the streamlining of examinations through operation of the system for landing permission for cruise ship tourists for cruise ship passengers.
- In October 2016, devices to acquire Biometric information (fingerprints and a facial photograph) making best use of the waiting time for a landing examination so-called Bio Carts, were introduced at Kansai, Takamatsu and Naha airports. Subsequently, the devices were introduced at 14 airports, including Narita Airport, by May 2018, at Haneda Airport in December 2019 and at Hakata Port and Hitakatsu Port in January 2020, for further promoting smooth examinations.
- The Trusted Traveler Program (TTP), which was introduced through an amendment of the Immigration Control Act in 2014, expands the scope of foreign nationals eligible to use the automated gates through to include foreign nationals with the status of residence of “Temporary Visitor” who are certified and registered to be a “trusted traveler” under certain criteria, and began operations on November 2016.

In addition, in order to contribute to expediting the immigration examinations between Japan and the United States, the immigration authorities of Japan and the United States discussed specific operations of TTP, and agreed that US citizens who, on the premise of being enrolled in the U.S. Global Entry Program (GEP), have applied for TTP, will not be required to meet some of the requirements.

On March 16, 2020, the existing registration requirements for business persons were relaxed, and the scope of applicants for registrations of this program was extended to tourists who satisfy certain requirements and family members of TTP registrants (spouse and unmarried minors).

- In October 2017, Haneda Airport commenced advance operation of the facial recognition automated gates in the return confirmation procedures for Japanese nationals in order to streamline and facilitate the departure and return procedures for Japanese nationals by using facial recognition technology. In addition, from FY2018 to FY2019, the facial recognition automated gates were introduced in the landing and departure examination areas of New Chitose Airport, Narita Airport, Haneda Airport, Chubu Airport, Kansai Airport and Fukuoka Airport, and are being operated in the departure and return procedures for Japanese nationals.

Furthermore, the facial recognition automated gates have been started to use in the departure procedures for foreign nationals who had entered Japan for such purposes as sightseeing on July 24, 2019, in Haneda Airport, followed by the other five airports listed in the above.

- The Immigration Services Agency will continue to implement strict immigration examinations utilizing Biometric information, ICPO's database of stolen and lost travel documents and APIS as well as other information to reliably prevent the entry of terrorists and other suspicious persons posing as tourists, etc. at the border.
- The “Center of Collection and Analysis of Intelligence” (Current Director for Intelligence Analysis) established in the Immigration Bureau of the Ministry of Justice in October 2015 has

been promoting information sharing with the related organizations in Japan and other countries, utilizing the information and conducting advanced analysis, and through the regional immigration services offices at the airports and other places utilizing the results of the analysis, stricter border measures are being implemented.

● Promotion of the Appropriate Acceptance of Foreign Students

- In order to promote the settlement of excellent foreign human resources and to expand opportunities to enable foreign students who are expected to revitalize Japan's economy and society to find employment in Japan, the public notice pertaining to the status of residence of "Designated Activities" was revised, and later promulgated and enforced on May 30, 2019. As a result, foreign students who have graduated from a university or graduate school in Japan will be permitted to work in a wide range of jobs under certain conditions.
- Since Japanese language education institutions that accept foreign students need to be optimized as educational institutions which steadily provide an appropriate learning environment, the public notice criteria for the Japanese language education institutions were partially amended, and introducing stricter criteria such as for the attendance rate of all students or for the proportion of foreign nationals staying illegally beyond their authorized period of stay to all of the students, etc. pertaining to deletion from the public notice, as well as making it obligation to report the results of periodic self-inspections pertaining to conformity with the public notice criteria, and the results of the exams on Japanese language proficiency. These revisions entered into force on September 1, 2019.

● Implementation of the technical intern training program

- In order to promote implementation of proper technical intern training and protection of the technical intern trainees, the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (Act No. 89 of 2016; hereinafter referred) under the joint jurisdiction of the Ministry of Justice and the Ministry of Health, Labor and Welfare was enforced on November 1, 2017, and have started operations.
- Bilateral agreements are being prepared in turn with the government of each dispatching country with the primary aim of securing proper dispatching organizations, and as of the end of June 2019, they have been prepared with 14 countries.
- In November 16, 2018, the "Project Team for Operation of the Technical Intern Training Program" was established and this team conducted a survey and review into the cases of disappearance and cases of death of the technical intern trainees, the format of the interview sheets pertaining to the missing technical intern trainees, the status of operation of the technical intern training program and improvement measures, and based on the results, a report prepared by the project team was published on March 29, 2019.

● Measures against Illegal and Imposter Foreign Residents in Japan, etc.

- The number of foreign nationals overstaying their authorized period of stay had been steadily decreasing since 1993 owing to past measures that had been taken, but this trend saw an increase in 2015 for the first time in twenty-two years, and since it is estimated that there were about 83,000 foreign nationals overstaying their authorized period of stay in Japan as of January 1, 2020, which was an increase for six years running, efforts are being made to reduce the increasing number of illegal foreign residents through strengthened a crackdown, reinforced collection and analysis of information on illegal foreign residents, and the promotion

of voluntary appearances.

- “Imposter residents” are foreign nationals residing in Japan having illegally received entry or residence permission as though they came under one of the statuses of residence having disguised their identity or activities such as by using forged or altered documents or false documents under the cover of a fake marriage, studies or employment, etc., or they may not necessarily have concealed the purpose of their activities from the onset but are currently engaged in illegal work which is far removed from their actual status of residence; therefore, the Immigration Services Agency is striving to strengthen the detection of imposter foreign residents and to reinforce the collection and analysis of information.
- When a detainee is issued with a deportation order, but there are no prospects for a deportation owing to circumstances preventing the deportation such as the fact that a detainee suffering from a disease or the institution of litigation, the Immigration Services Agency actively utilizes provisional release, and makes efforts to ensure the implementation of more suitable deportation procedures.
- In response to the opinions given by the “Immigration Detention Facilities Visiting Committee”, the Immigration Services Agency has continued to strive for greater transparency in security treatment and has endeavored to improve and enhance the operation of the immigration detention centers, etc.
- The Expert Committee on Detention and Deportation was formed under the 7th Immigration Policy Discussions Panel to the Minister of Justice, and specific measures including legislation were discussed and reviewed among the committee members. The Committee submitted its final report to the Minister of Justice on July 14, 2020.

● Promotion of Appropriate and Prompt Refugee Protection

- As part of a revision of the refugee recognition system so as to promote prompt and reliable asylum for genuine refugees, efforts had been made to curb the number of applications for refugee recognition that attempt to abuse or misuse the system, but there had still been a persistent surge in the abuse or misuse of applications, resulting in a situation where the prompt protection of genuine refugees had been hindered.
- Therefore, with regard to the many refugee recognition applications that attempt to abuse or misuse the refugee recognition system from legal residents, from January 15, 2018, the operation of the system was further revised mainly to (1) set a time limit to sort out the contents of the cases for first-time applications and to reflect the results of sorting the applications into the status of residence, (2) give further consideration to applicants whose applicability as a refugee is deemed to be high under the Refugee Convention and (3) respond more strictly than before to applications that attempt to abuse or misuse the system.
- As a result of these efforts, the number of applicants for refugee recognition mainly from neighboring countries in Asia such as the Philippines and Viet Nam, which had been increasing rapidly in recent years, turned into significant decrease. Meanwhile, the number of applicants recognized as refugees has doubled compared to before the review listed in the above and so far, the measures have been effective to a certain extent in suppressing the number of applications that attempt to abuse or misuse the system and offering prompt protection to genuine refugees.
- Myanmar refugees staying temporarily in Malaysia became eligible for acceptance pursuant to the contents of “Implementation of acceptance of refugees through third country resettlement” (Cabinet decision of January 24, 2014) and “Specific measures relating to the

acceptance of refugees through third country resettlement” (decision of the Liaison and Coordination Council for Refugee Issues of January 24, 2014). Based on the above, six families, consisting of 20 refugees, came to Japan in FY 2019.

- On June 28, 2019, Cabinet approval and decision of the Liaison and Coordination Council for Refugee Issues in January 2014, listed in the above were partially amended. Due to this change, it was decided that from the scope of acceptance through resettlement would be expanded to include refugees (regardless of their country or region of origin) temporarily staying in Asia, the maximum number of accepted refugees would be increased to about 60 per year (with acceptance being increased from once to twice a year). In consideration of these government's decision, the Immigration Services Agency will continue to appropriately fulfill its role and strive to accept these refugees in a seamless manner, while working together with the relevant ministries and agencies.

● Responses to International Society and International Situations

- The number of nurse and certified care worker candidates accepted up until FY 2019 pursuant to an EPA was 2,783 from Indonesia, 2,592 from the Philippines, and 1,109 from Viet Nam.
- The Immigration Services Agency has been striving to strengthen cooperative relations with other countries and regions such as by actively exchanging views with the immigration authorities of other countries at different levels and accepting visits from related organizations.

2020 Immigration Control and Residency Management Report

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