# IMMIGRATION 2015 CONTROL



### 2015

## **Immigration Control**

Japan Immigration Bureau, Ministry of Justice

## Introduction:

### Publication of the 2015 Immigration Control Report



**Cruise Ship** 

In this age of globalization, the Immigration Bureau, 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. The Immigration Bureau is also responsible for deporting, pursuant to laws and regulations, those foreign nationals already in the country who are unwelcome in terms of protecting the safety and interests of Japanese citizens. Moreover, another major role played by the Immigration Bureau is that of developing the procedures for refugee recognition and making determinations as to whether a foreign national seeking asylum in Japan should be recognized as a refugee.

The immigration report entitled "Immigration Control", first published in 1959, has now reached its 21th edition. "Immigration Control" 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 so as to be able to respond properly. In line with the rapid changes, starting 2004, the "Immigration Control" report has been published annually mainly summarizing the trends in immigration control administration over a twelve-month period.

The 2015 Immigration Control Report gives a brief description of the operations of the Immigration Bureau and, while looking back over the changes in the operations which took place over the past five years from 2010 to 2014, gives a summary of the recent circumstances and policies of immigration control administration, focusing mainly on the actions taken in FY 2014, such as formulation of the Basic Plan for Immigration Control (5th edition), revision of the system of technical intern training, the efforts toward the achievement of a tourism-oriented country intended to attract more foreign tourists to Japan, and the measures taken for stringent prevention of the entry of possible terrorists at the port of entry.

Part I, entitled "Immigration Control in Recent Years," introduces, based on statistical data, such topics as foreign nationals entering and departing from Japan (Chapter 1), foreign nationals residing in Japan (Chapter 2), implementation of the system of technical intern training (Chapter 3), Japanese nationals departing from and returning to Japan (Chapter 4), deportation procedures for foreign nationals (Chapter 5), recognition of refugee status (Chapter 6), and promotion of measures against trafficking in persons and proper protection of foreign victims of domestic violence (Chapter 7).

Part II, entitled "Major Policies Related to Immigration Control Administration", gives formulation of the Basic Plan for Immigration Control (5th edition) (Chapter 1), outline of the amendment of the Immigration Control and Refugee Recognition Act (Chapter 2), promotion of the acceptance of highly-skilled foreign nationals (Chapter 3), smooth and strict implementation of immigration examination at the port of entry (Chart 4), measures against illegal or imposter foreign residents in Japan (Chapter 5), promotion of appropriate and prompt refugee protection (Chapter 6), responses to international society and international situations (Chapter 7), improvement of public relations activities and public services (Chapter 8), policy for the achievement of a symbiotic society co-existing with foreign nationals (Chart 9).

Furthermore, the data section features the outline of Japan's immigration control system and related statistics in recent years.

Finally, we hope through this report that immigration control administration will prove to be beneficial and easy to understand.

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## **Points of the 2015 Immigration Control Report**

## Organization of the 2015 Immigration Control Report

- This report 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 2014 based on the statistics over the five-year period from 2010 to 2014.
- Part II describes the major immigration control policies (implemented during FY 2014 as well as some of the measures for FY 2015).
- $\bigcirc$  Data Section describes summary of the operations, etc. of the Immigration Bureau

### Part I Immigration Control in Recent Years

Number of foreign nationals entering Japan

Number of foreign nationals who entered Japan in 2014 (including those who re-entered Japan with a re-entry permit) was 14,150,185, and the number of foreign nationals newly entering Japan, excluding those who had re-entered, was 12,388,748, which marked a substantial increase of 2,894,964 (25.7%) and 2,834,333 (29.7%), respectively. Some factors influencing the increase in the total number of foreign nationals entering Japan in 2014 are thought to be the continuing trend of the weak yen and the fact that the measures being implemented toward the realization of a tourism-oriented country by the entire government working together with private sectors has prompted an increase in the number of tourists coming to Japan.

#### 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 2,121,831 as of the end of 2014, increased by 2.7% compared to the end of 2013.

The percentage of foreign residents to the total population of Japan was 1.67%, increased by 0.05 point compared to the number at the end of 2013.

#### Number of foreign nationals illegally staying beyond their authorized period of stay

The number of foreign nationals illegally staying beyond their authorized period of stay as of January 1, 2015 was 60,007, and although there was a decline after reaching a record of 298,646 foreign nationals, which was the highest ever, on May 1, 1993, this trend is seeing an increase once again for the first time in 22 years. This is thought to be because initially the number of foreign nationals staying beyond their authorized period of stay was greatly reduced owing to crackdowns which were continuously being implemented to expose illegal immigrants, but recently smaller groups of illegal immigrants are spreading out throughout the country which is making large-scale crackdowns difficult and the number of foreign nationals undergoing the deportation procedures is seeing a downward trend. Meanwhile, in recent years, the entire government has been working on promoting Japan as a tourism-oriented country, and as a result of the visa waiver and visa requirement easing measures vis-à-vis the ASEAN countries implemented since July 1, 2013, the number of foreign entrants in 2014 had significantly increased compared with the previous year, and this is believed to have had some impact on the increasing number of foreign nationals staying beyond their authorized period of stay.

## Part II Major Policies Related to Immigration Control Administration

- O Formulation of the Basic Plan for Immigration Control (5th Edition)
  - Toward the realization of proper and smooth immigration control administration, the Minister of Justice shall formulate the Basic Plan for Immigration Control, which aims to clarify the situation of foreign nationals who enter and reside in Japan, and to stipulate the guidelines for management of entry and residence of foreign nationals and other necessary matters concerning related measures.
  - The Basic Plan for Immigration Control (5th Edition), envisaging a period of the next five years, which is advocated smooth acceptance of foreign nationals vitalizing the Japanese economy and society, call for a national debate on the acceptance of foreign nationals in light of the declining birthrate and aging population, efforts toward the establishment of a new system of technical intern training, contributing to a symbiotic society coexisting with foreign nationals through accurate operation of the residence management system, etc. efforts to realize a tourism-oriented country, promotion of countermeasures at the port of entry toward the realization of a safe and secure society and countermeasures, etc. against illegal residents, and promotion of appropriate and prompt refugee protection, etc. as the basic policies was formulated on September 15, 2015.
- Outline of the Bill for Amendment of the Immigration Control and Refugee Recognition Act "Bill for Partial Amendment of the Immigration Control and Refugee Recognition Act" was submitted to the 189th session of the Diet on March 6, 2015. The outline is as given below.
  - In order to accept foreign nationals engaging in the work of nursing care, a new status of residence of "Nursing Care" will be established to enable foreign students graduated from a care worker training facility and acquired the qualification of a certified care worker to engage in the work of nursing care or instructions on nursing care as a certified care worker based on a contract with a Japanese nursing care facility, etc.
  - A penalty which is equivalent to the current penalty for illegal entry or illegal landing will be imposed on the foreign national who obtained landing permission or permission to change the status of residence, etc. through deception or other wrongful means, and a penalty will also be established against those who facilitate the execution of this act for the purpose of profit, furthermore, the associated grounds for deportation and the grounds for revocation of the status of residence will be also revised.
  - The amendment will make it possible to revoke the status of residence of the suspect immediately in the case where the suspect resides engaging in or attempting to engage in other activities without engaging in the original activities even when three months that is the period requirement of the current provision to revoke the status of residence have not yet elapsed, and moreover a new provision is to be established so that if there are reasonable grounds to believe that foreign nationals whose status of residence has been revoked for the reasons mentioned above, will flee, it will be possible to immediately switch to the deportation procedures, without setting a grace period for departure.
  - Immigration control officers in addition to immigration inspectors are able to conduct inquiry into the facts relating to revocation of the status of residence.
- Revision of the System of Technical Intern Training
  - "Bill on Proper Implementation of Technical Intern Training for Foreign Nationals and Protection of the Technical Intern Trainees" was submitted to the 189th session of the Diet on March 6, 2015. The outline is as given below.
  - Provisions are laid down for a system of certification of the technical intern training plan created for each technical intern trainee, the criteria for certification such as the conducting of an evaluation on the acquisition of skills, etc. by the technical intern trainee and the grounds for disqualification of the certification, as well as

provisions for the collection of reports, orders for improvement, revocation of certification, and other matters.

- In addition to establishing a permission system for the supervising organizations and the criteria for permission and the grounds for disqualification of the permission, provisions are laid down for the collection of reports, orders for improvement, revocation of the permission, and other matters.
- Provisions are established to prohibit acts of human rights infringement against the technical intern trainees,
  to prescribe penalties for such acts, and to enable the trainee to file a report with the competent Minister in the
  event of the implementer of the technical intern training or the supervising organization committing an act of
  infringement as well as a provision on penalties with regard to rendering disadvantageous treatment as a result of
  the trainee filing the report.
- Organization on technical intern training is newly established as an authorized corporation, and this
  organization is to perform the administrative affairs relating to certification of the technical intern training
  plans and permission for the supervising organizations, on-site inspections for the implementers of the technical
  intern training and supervising organizations, and advice and assistance for the technical intern trainees.
- The act enables the acceptance of technical intern trainees of technical intern training (iii) (implementation of the 4th and 5th year of the technical intern training) limited to trustworthy implementers of technical intern training and supervising organizations.

#### Promotion of the Acceptance of Highly-Skilled Foreign Nationals

- The points-based preferential immigration treatment for highly-skilled professionals classifies the activities of the highly-skilled foreign nationals into the three categories of "advanced academic research activities", "advanced specialized/technical activities" and "advanced business management activities" with a certain number of points being awarded for such items as "academic background", "professional career" and "annual salary" according to the characteristics of each category. Foreign nationals whose total number of points exceeds a certain number of points are recognized as "highly-skilled foreign nationals", thereby according them preferential immigration treatment.
- In order to further promote the acceptance of highly-skilled professionals, the new statuses of residence of "Highly Skilled Professional (ii)" and "Highly Skilled Professional (ii)" were established through an amendment of the Immigration Control Act in 2014 for those highly-skilled professionals who had previously been granted the status of residence of "Designated Activities" (enforced on April 1, 2015).

#### Smooth and strict implementation of immigration examinations at the port of entry

- Government-wide efforts are currently underway in Japan toward achieving a tourism-oriented country, and
  for its part, in order to further promote smoother immigration examinations, the Immigration Bureau has
  introduced secondary immigration examinations, installed or increased the number of automated gates and
  streamlined the immigration examinations for cruise ship passengers through landing permission for cruise ship
  tourists.
- In order to protect people's lives and public safety, it is of vital importance to unfailingly prevent the entry into the country of terrorists disguising themselves as tourists. Therefore, the Immigration Bureau continues to implement strict immigration examinations at the ports of entry through the utilization of such measures as biometrics data, ICPO's data on lost and stolen passports and the Advance Passenger Information System (APIS). In addition, there are concerns about the occurrence and increase in so-called cases of stowaways where foreign nationals attempt to illegally enter Japan using ships in order to avoid the landing examinations which utilize personal identification information, and since terrorists and other suspect persons may be hiding among these illegal entrants, information pertaining to cases of illegal immigration is being collected, analyzed and shared by mobile teams composed of immigration control officers and various forms of joint training are being conducted with reinforced cooperation from the relevant organizations, while border measures such as patrols at the seaports and coastal areas and searches of ships entering Japan are being strengthened.

#### Measures against illegal and imposter foreign residents in Japan

- The number of foreign nationals staying illegally beyond their authorized period of stay had been steadily decreasing since 1993 owing to past measures that were being taken, but this trend is seeing an increase for the first time in 22 years, and it is estimated that there are still some 60,000 illegal foreign residents (as of January 1, 2015) in Japan, and therefore efforts to further reduce the number of foreign nationals illegally staying beyond their authorized period of stay are being promoted through strengthened detection, reinforced collection and analysis of information on illegal foreign residents, and the promotion of voluntary appearances.
- "Imposter residents" are foreign nationals who are residing in Japan having illegally received entry or residence permission as though they come 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, fake studies or fake 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 status of residence. The presence of imposter residents in Japan who illegally use a status of residence cannot be overlooked, and therefore, the Immigration Bureau is striving to strengthen the detection of imposter foreign residents and to reinforce the collection and analysis of information.
- Based on an agreement concluded between the Immigration Bureau and the Japan Federation of Bar Associations (JFBA) in September 2010, the Immigration Bureau and the JFBA are to discuss methods of improving the situation of problems related to detention in immigration control. In addition, the Immigration Bureau and the JFBA have arranged for legal consultations, etc. to be provided by attorneys to the detainees.
- With regard to detainees who have been detained for a considerable period of time following the issuance of a written deportation order, the Immigration Bureau will continue to check and examine the necessity for and suitability of provisional release for such detainees at regular intervals, and will flexibly utilize provisional release while taking individual situations into account so as to implement further appropriate deportation procedures.
- In July 2010, the Immigration Bureau established the Immigration Detention Facilities Visiting Committee consisting of experts from outside the Immigration Bureau, and the Immigration Bureau will continue to make efforts to ensure further transparency in security measures, and to improve and enhance the operations of the immigration detention centers, etc., while taking the Committee's views into consideration.

#### Promotion of appropriate and prompt refugee protection

- In order to quickly stabilize the legal status of foreign nationals who are to be recognized as refugees, the Immigration Bureau set six months as the standard processing time for the examination of refugee applications, and announces on a quarterly basis the average processing (examination) time for refugee applications on the Ministry of Justice website.
- A program to accept and support the resettlement of Myanmarese refugees who were staying in a refugee camp in Thailand was launched in FY 2010 as a pilot project for the acceptance of refugees desiring resettlement. The first group consisting of 27 refugees from five families came to Japan in FY 2010, 18 refugees from four families came to Japan in FY 2011, 18 refugees from four families came to Japan in FY 2013, and 23 refugees from five families came to Japan in FY 2014 (Although 16 refugees from three families were to enter Japan in FY2012, each of them declined the offer of acceptance prior to entry into Japan.).
- Based on the results of the Advisory Council on Resettlement held under the auspices of the Liaison and Coordination Council for Refugee Issues from March 2012 to December 2013, Japan's future policy on resettlement was approved by the Cabinet on January 24, 2014, and in accordance with the contents of this Cabinet Agreement and the "Specific Measures for the Admission of Refugees through Resettlement" (decision of the Liaison and Coordination Council for Refugee Issues of January 24, 2014), Myanmarese refugees who are staying temporarily in Malaysia are to be eligible for acceptance from FY 2015 onwards.

#### O Responses to international society and international situations

- The Immigration Bureau has been actively involved in negotiations for the conclusion of Economic Partnership Agreements (EPAs) with various countries.
- Based on the respective EPAs, nurse and certified care worker candidates have been accepted from Indonesia since FY 2008, from the Philippines since FY 2009, and from Viet Nam since FY 2014. The number of foreign nationals accepted up until FY 2014 was 1,235 from Indonesia, 1,004 from the Philippines, and 138 from Viet Nam.
- On April 28, 2015, an outline agreement was reached at the Japan-U.S. summit meeting on the implementation of a bilateral travel facilitation initiative pertaining to the U.S. Global Entry Program (GEP) and Japan Trusted Traveler Program (a new program making foreign nationals who have been identified as "trusted travelers" eligible to use the automated gates).
- The Immigration Bureau attended international conferences, including G7/8 meetings and the Asia-Europe
  Meeting (ASEM) to develop cooperative ties and to share information through discussions and exchanges of
  opinions with other countries.

## 2015 Immigration Control Report

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