

2017

IMMIGRATION CONTROL



Immigration Bureau, Ministry of Justice, JAPAN

2017

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Introduction

Publication of the 2017 Immigration Control

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. 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 Bureau is to develop the refugee recognition procedures, and to promptly and appropriately protect those seeking asylum.

The "Immigration Control", first published in 1959, has now reached its 23rd edition. 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 2017 Immigration Control gives a brief introduction of the operations of the Immigration Bureau and, while looking at policy and operation changes which took place over the past five years from 2012 to 2016, gives a summary of the recent circumstances and policies of immigration control administration, focusing primarily on the actions taken in FY 2016, such as partial amendments of the Immigration Control and Refugee Recognition Act, revision of the system of technical intern training, acceptance of foreign human resources, efforts toward a tourism-oriented country, and measures taken for stringent prevention against the entry of unwelcome foreign nationals such as terrorists.

Finally, we hope that through this 2017 Immigration Control immigration control administration will prove to be beneficial and easy to understand.

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Points of the 2017 Immigration Control

Organization of the 2017 Immigration Control

- The 2017 Immigration Control 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 2016 based on the statistics over the five-year period from 2012 to 2016.
- Part II describes the major immigration control policies (implemented during FY 2016 as well as some of the measures for FY 2017).
- Data Section describes a summary of the operations, etc. of the Immigration Bureau.

Part I Immigration Control in Recent Years

- **Number of Foreign Nationals Entering Japan**
The number of foreign nationals who entered Japan in 2016 (including those who re-entered Japan) was 23,218,912, and the number of foreign nationals who newly entered Japan, excluding those who re-entered, was 21,092,975 (an increase of 18.5% 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 2,382,822 as of the end of 2016.
In addition, the percentage of foreign residents to the total population of Japan was 1.88%, an increase of 0.12 points compared to the number at the end of 2015.
- **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, 2017 was 65,270, which was an increase for the third year running.

Part II Major Policies Related to Immigration Control Administration

- **Amendment of the Immigration Control and Refugee Recognition Act**
On November 18, 2016, the “Act for Partial Amendment of the Immigration Control and Refugee Recognition Act” (Act No. 88 of 2016) was enacted at the 192nd session of the National Diet and promulgated on the 28th of the same month, an outline of which is given below.
 - A new status of residence “Nursing Care” was established for foreign nationals, who have acquired the qualification of “Certified Care Worker” (effective from September 1, 2017).
 - The countermeasures against imposter residents were reinforced as given below.
 - (i) Penalties were established for persons who received landing permission and permission to change their status of residence etc. through fraud or other illegal means.
 - (ii) Grounds for revocation of the status of residence were added. Namely, it has become possible to revoke the status of residence immediately a foreign national resides in Japan without engaging in the activities corresponding to the status of residence previously granted and is

moreover, engaging in or attempting to engage in other activities.

In addition, as well as the immigration inspectors, it has also become possible for immigration control officers to conduct inquiry into the facts relating to revocation of the status of residence (effective from January 1, 2017).

○ **Establishment of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees**

At the same time as the amendment of the Immigration Control and Refugee Recognition Act, the “Act on Proper Technical Intern Training and Protection of Technical Intern Trainees” (Act No. 89 of 2016), was established and promulgated, and an outline of which is given below.

- In order to reinforce the system of management and supervision, a system of accreditation of the technical intern training plans was introduced and skill evaluation at each stage of the training became mandatory in order to ensure that technical intern training is being implemented in line with the intent of the system, which is to promote international cooperation through skill transfer, etc. to developing regions, etc. In addition, a licensing system was introduced for supervising organizations (effective from November 1, 2017).
- Provisions on prohibition and penalties for such acts by an implementing organization or a supervising organization as those confiscating passports or residence cards of technical intern trainees and such acts by a supervising organization as those stipulating contract breaching penalties were established in order to protect the technical intern trainees (effective from November 1, 2017).
- The Organization for Technical Intern Training was established as a legal entity responsible for the administrative affairs relating to accreditation of the technical intern training plans and the licenses for the supervising organizations, on-site inspections of the implementing organizations and supervising organizations, and consultations for the technical intern trainees, etc. (enforced on November 28, 2016, and established on January 25, 2017).

○ **Promotion of the Acceptance of Highly-Skilled Foreign Professionals**

- Measures are being taken to give preferential treatment in terms of immigration control through the “points-based system for highly-skilled professionals” implemented from May 2012 to foreign nationals who have advanced capabilities and qualities and are expected to contribute to the economic growth etc. of Japan.
- The “Japan Revitalization Strategy 2016” (approved by the Cabinet decision of June 2, 2016) proposed the establishment of the world’s fastest “Japanese Green Card for Highly-Skilled Foreign Professionals” greatly reducing the current five-year period of stay required for the application for permanent residence for highly-skilled foreign professionals as one of the “considerations of an entry and residence management system further inviting highly-skilled foreign professionals to Japan”, and the requirements were also reviewed and further promotion of publicity for the system conducted from the perspective of making the points-based system for highly-skilled professionals more accessible.
- Based on the above, the residence period required in the applications for permanent residence of highly-skilled foreign professionals was reduced from the previous five years to three years (to one year for those human resources with specially outstanding abilities (where the total number of points is 80 points or more)), and additional point categories were added, and these measures have been implemented since April 2017.

○ **Acceptance of Foreign Nationals in National Strategic Special Zones**

- Special measures on the “Project to Accept Foreigners Conducting Agricultural Works in National Strategic Special Zones” and the “Project to Promote Activities Supporting Foreigners

Overseas Demand Development in National Strategic Special Zones” were established in the “Act for Partial Amendment of the Act on National Strategic Special Zones and the Act on Special Zones for Structural Reform” (Act No. 71 of 2017) enacted at the 193rd session of the National Diet (effective from September 22, 2017).

○ **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 the Immigration Bureau has been further promoting smoother immigration examinations at airports and seaports by measures such as installing and increasing the number of automated gates and streamlining the immigration examinations for cruise ship passengers through operation of the system of landing permission for cruise ship tourists, etc.
- In October, 2016, devices to obtain personal identification information (fingerprints and facial photos) while waiting in line for a landing examination, referred to as “Bio Carts” were introduced to Kansai Airport, Takamatsu Airport and Naha Airport, which are the airports where the reduction of waiting time was deemed to be the most effective, and from April 2017, the use of Bio Carts will also commence at 12 airports such as Narita Airport, thereby further promoting smoother 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 1, 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.
- In order to expedite the immigration procedures by enhancing the entry and departure examinations for foreign nationals through streamlining and facilitating the departure and return procedures for Japanese nationals using facial recognition technology, facial recognition gates were developed in the two years of FY 2016 and FY 2017 based on the results of the research survey to prepare optimal facial recognition technology conducted in FY 2016, and advance operations of facial recognition automated gates in procedures for Japanese nationals have been commenced at Haneda Airport on October 18, 2017.
- The Immigration Bureau will continue to implement strict immigration examinations utilizing personal identification 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 suspected persons posing as tourists, etc. at the border.
- The Immigration Bureau has implemented the cross-checking of the facial photographs provided by foreign nationals at the time of landing examination at airports and seaports across the country against the facial images of terrorists and other related persons, etc. kept by the Immigration Bureau since October 2016.
- The “Center of Collection and Analysis of Intelligence” 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 offices at the airports and other places utilizing the results of the analysis, stricter border measures are being implemented.

○ **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 22 years, and since it is estimated that there were about 65,000 foreign nationals overstaying their authorized period of stay in Japan as of January 1, 2017, which was an increase for third years running. Therefore, efforts are being made to reduce the increasing number of illegal foreign residents through strengthened crackdowns, 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, 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. Therefore, the Immigration Bureau is striving to strengthen the detection of imposter foreign residents and to reinforce the collection and analysis of information. In addition, in January 2017, the Act for Partial Amendment of the Immigration Control and Refugee Recognition Act, incorporating measures such as penalties for persons who received permission for landing etc. through fraud or other illegal means and expansion of the grounds for revocation of the status of residence, entered into effect.
- Based on an agreement with the Japan Federation of Bar Associations (JFBA) concluded in September 2010, the Immigration Bureau and the JFBA have arranged for legal consultations, etc. be provided by attorneys to the detainees.
- 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 Bureau 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 Bureau 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.

○ **Promotion of Appropriate and Prompt Refugee Protection**

- Based on the purport of the recommendations in the reports submitted in December 2014 by the “Sixth Immigration Policy Discussion Panel”, which is the private consultative group for the Minister of Justice, and the “Expert Meeting on the Refugee Recognition System”, the findings of the “Summary of the Revision of the Operation of the Refugee Recognition System” were compiled on September 2015 for the purpose of (i) clarifying the persons eligible for protection, the decisions on recognition and the procedures, (ii) strengthening the system and infrastructure pertaining to refugee recognition administration, and (iii) appropriate handling of applications attempting to abuse or misuse the refugee recognition system, and measures to put such findings into practice are being implemented.
- As a pilot case for the acceptance of refugees through the third country settlement program,

acceptance and settlement support for Myanmarese refugees staying in refugee camps in Thailand commenced from FY 2010, and later, Myanmarese refugees staying temporarily in Malaysia became eligible for acceptance pursuant to the contents of “Implementation of acceptance of refugees through third country settlement” (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), and in FY2016, 18 family members from seven families came to Japan.

- The Ministerial Ordinance for Partial Amendment of the Ordinance for Enforcement of the Immigration Control and Refugee Recognition was promulgated on May 1, 2017, through which the authority pertaining to the recognition of refugees which was previously only permitted to the Minister of Justice was delegated to the authority of the Directors of the Regional Immigration Bureau, and a new application form when re-applying for refugee recognition was created, thereby streamlining the process for processing the cases (effective from June 1, 2017).

○ **Responses to International Society and International Situations**

- The number of nurse and certified care worker candidates accepted up until FY 2016 pursuant to an EPA was 1,792 from Indonesia, 1,633 from the Philippines, and 470 from Viet Nam.
- The Immigration Bureau has been striving to strengthen its cooperative relations through proactive exchanges with other countries and regions such as by entering into a memorandum of cooperation pertaining to the establishment of a framework to strengthen cooperative relations between the immigration authorities of Japan and Australia.

2017 Immigration Control

Introduction - Publication of the 2017 Immigration Control
Points of the 2017 Immigration Control
Contents

Part I. Immigration Control in Recent Years

Chapter 1. Foreign Nationals Entering and Departing from Japan 2

Section 1. Changes in the Number of Foreign Nationals Entering and Departing from Japan 2

1. Foreign Nationals Entering Japan 2

(1) Number of Foreign Nationals Entering Japan 2

(2) Number of Foreign Nationals Entering Japan by Nationality/Region 3

(3) Number of Foreign Nationals Entering Japan by Gender and Age 4

(4) Number of Foreign Nationals Entering Japan by Purpose of Entry
(Status of Residence) 5

A. "Temporary Visitor" 7

B. Foreign Nationals Entering Japan for the Purpose of Employment in Professional
or Technical Fields 9

(a) "Engineer/Specialist in Humanities/International Services" and
"Intra-company Transferee" 11

(b) "Entertainer" 11

(c) "Skilled Labor" 11

C. "Technical Intern Training (i)" 12

D. "Student" 12

E. Foreign Nationals Entering Japan with a Status of Residence for Resident
Activities Based on Personal Status or Position 13

2. Special Landing Permission 16

(1) Permission for Landing at a Port of Call 16

(2) Landing Permission for Cruise Ship Tourists 16

(3) Permission for Landing in Transit 16

(4) Landing Permission for Crew Members 16

(5) Permission for Emergency Landing 17

(6) Landing Permission Due to Distress 17

(7) Landing Permission for Temporary Refuge 17

3. Foreign Nationals Leaving Japan 17

Section 2. Judgment for Landing 18

1. Receipt and Processing of Hearings for Landing, and Filing of Objections 18

| | |
|---------------------------------------------------------------------------------------------------------------------------------------|----|
| 2. Foreign Nationals Falling Under Any of the Grounds for Denial of Landing | 20 |
| 3. Special Permission for Landing | 22 |
| Section 3. Pre-entry Examination | 22 |
| 1. Advance Consultation for Visa Issuance | 22 |
| 2. Certificate of Eligibility | 22 |
| Chapter 2. Foreign Nationals Residing in Japan | 23 |
| Section 1. Number of Foreign Residents in Japan | 23 |
| 1. Number of Foreign Residents in Japan | 23 |
| 2. Number of Foreign Residents by Nationality/Region | 23 |
| 3. Number of Foreign Residents by Purpose (Status of Residence) | 25 |
| (1) “Permanent Resident” and “Special Permanent Resident” | 25 |
| (2) Foreign Nationals Residing in Japan for the Purpose of Employment in Professional or Technical Fields | 26 |
| (3) “Technical Intern Training” | 28 |
| (4) “Student” | 28 |
| (5) Foreign Nationals Residing in Japan with a Status of Residence for Resident Activities Based on Personal Status or Position | 28 |
| Section 2. Examination of Statuses of Residence | 29 |
| 1. Permission for Change in the Status of Residence | 30 |
| (1) Change of Status of Residence from the Status of Residence of “Student” to a Status for Employment Purposes | 30 |
| (2) Permission to Change Status of Residence in Order to Participate in “Technical Intern Training (ii)” | 32 |
| 2. Permission for Extension of the Period of Stay | 33 |
| 3. Permission for Permanent Residence | 33 |
| 4. Permission for Acquisition of a Status of Residence | 34 |
| 5. Re-entry Permission | 34 |
| 6. Permission to Engage in an Activity Other Than Those Permitted by the Status of Residence Previously Granted | 34 |
| Section 3. Number of Issuance of Residence Cards and Special Permanent Resident Certificates | 35 |
| 1. Residence Cards | 35 |
| 2. Special Permanent Resident Certificates | 35 |
| Chapter 3. Implementation of the Technical Intern Training Program | 37 |
| Section 1. Outline of the Program | 37 |
| Section 2. Responses to Cases of Inappropriate Acceptance | 38 |
| Chapter 4. Japanese Nationals Departing from and Returning to Japan | 41 |
| Section 1. Number of Japanese Nationals Departing from Japan | 41 |
| 1. Total Number of Japanese Nationals Departing from Japan | 41 |

| | |
|-----------------------------------------------------------------------------------|-----------|
| 2. Number of Japanese Nationals Departing from Japan by Gender and Age | 41 |
| 3. Number of Japanese Nationals Departing from Japan by Airport and Seaport | 42 |
| Section 2. Number of Japanese Nationals Returning to Japan | 43 |

Chapter 5. Deportation Procedures for Foreign Nationals 44

Section 1. Foreign Nationals Overstaying Their Authorized Period of Stay

| | |
|---------------------------------------------------------------------------------------------------------|----|
| 1. Number of Foreign Nationals Overstaying Their Authorized Period of Stay by Nationality/Region | 44 |
| 2. Number of Foreign Nationals Overstaying Their Authorized Period of Stay by Status of Residence | 46 |

Section 2. Cases of Violation of the Immigration Control Act Necessitating the Implementation of Deportation Procedures

| | |
|-------------------------------------------------------------------------------------------------|----|
| 1. Outline | 48 |
| 2. Number of Cases of Violation of the Immigration Control Act by Grounds for Deportation | 49 |
| (1) Illegal Entry | 49 |
| (2) Illegal Landing | 51 |
| (3) Overstay | 52 |
| (4) Activity Other Than Those Permitted by the Status of Residence Previously Granted | 52 |
| 3. Illegal Foreign Workers | 54 |
| (1) Summary | 54 |
| (2) Number of Illegal Foreign Workers by Nationality/Region | 54 |
| (3) Number of Illegal Foreign Workers by Gender | 56 |
| (4) Number of Illegal Foreign Workers by Type of Work | 56 |
| (5) Number of Illegal Foreign Workers by Place of Work | 57 |
| 4. Outline of Decisions on Violations | 57 |
| (1) Receipt and the Processing of Cases of Violation | 57 |
| (2) Issuance of a Written Deportation Order | 59 |
| (3) Provisional Release | 60 |
| (4) Special Permission to Stay in Japan | 61 |
| 5. Outline of Deportation of Foreign Nationals | 62 |
| (1) Deportation at the Expense of Foreign National (Voluntary Departure) | 63 |
| (2) Deportation at the Expense of the Government of Japan | 64 |
| (3) Deportation at the Expense of and on the Responsibility of Carriers | 64 |
| 6. Departure Orders | 64 |
| (1) Investigation into Violations | 64 |
| (2) Examination | 65 |
| A. Receipt and Processing of Cases | 65 |
| B. Issuance of a Written Departure Order | 65 |
| (3) Confirmation of Departure | 66 |

Chapter 6. Recognition of Refugee Status 67

| | |
|------------------------------------------------------------------------------------|----|
| Section 1. Applications and Processing for Recognition of Refugee Status .. | 67 |
| 1. Application for Refugee Status | 67 |
| 2. Processing of Applications for Refugee Status..... | 68 |
| 3. Implementation of the System for Permission for Provisional Stay | 69 |
| Section 2. Appeal | 70 |
| 1. Appeal..... | 70 |
| 2. Processing of the Appeal..... | 70 |
| Section 3. Landing Permission for Temporary Refuge | 71 |

| | | |
|-------------------|-------------------------------------------------------------------------------------------------------------|----|
| Chapter 7. | Measures Against Trafficking in Persons and Protection of Foreign Victims of Domestic Violence | 72 |
|-------------------|-------------------------------------------------------------------------------------------------------------|----|

| | |
|--------------------------------------------------------------------------|----|
| Section 1. Measures Against Trafficking in Persons | 72 |
| 1. Measures Against Trafficking in Persons..... | 72 |
| 2. Protection of Victims of Trafficking in Persons | 72 |
| 3. Foreign Nationals Deported for Committing Trafficking in Persons..... | 74 |
| Section 2. Protection of Foreign Domestic Violence Victims | 75 |
| 1. Outline | 75 |
| 2. Number of Recognized Foreign Domestic Violence Victims | 75 |

Part II. Major Policies Related to Immigration Control Administration

Chapter 1. Amendment of the Immigration Control and Refugee Recognition Act 78

- Section 1. Establishment of the New Status of Residence of “Nursing Care” 78
- Section 2. Strengthening of Countermeasures Against Imposter Residents ... 78

Chapter 2. Establishment of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees 79

- Section 1. Measures for Optimization of the System 79
 - 1. Strengthening of the System of Management and Supervision 79
 - 2. Protection of the Technical Intern Trainees 79
 - 3. Establishment of Organization on Technical Intern Training 79
- Section 2. Measures for Expansion of the System 79

Chapter 3. Acceptance of Foreign Nationals and Immigration Control Administration 80

- Section 1. Promotion of the Acceptance of Highly-Skilled Foreign Professionals 80
 - 1. Outline of Points-Based Preferential Treatment for Highly-Skilled Foreign Professionals 80
 - 2. “Highly-Skilled Professional (i)” and “Highly-Skilled Professional (ii)” ... 80
 - (1) Preferential Treatment for “Highly-Skilled Professional (i)” 81
 - (2) Preferential Treatment for “Highly-Skilled Professional (ii)” 81
 - 3. Situation of Acceptance 82
 - 4. Publicity Measures 82
 - 5. Establishment of a “Japanese Green Card for Highly-Skilled Foreign Professionals”, etc. 83
- Section 2. Acceptance of Foreign Nationals in National Strategic Special Zones 84
 - 1. Entrepreneurs 84
 - 2. Foreigners Conducting Housekeeping Services 84
 - 3. Foreigners Conducting Agricultural Works 85
 - 4. Foreigners Supporting Overseas Demand Development 85
- Section 3. Other Measures 87
 - 1. Time-Limited Emergency Measures in the Fields of Construction and Shipbuilding 87
 - 2. Domestic Acceptance of Employees from Overseas Subsidiaries in the Manufacturing Industry 87
 - 3. Revision of the Requirements for the Status of Residence of Ski Instructors 88
 - 4. Formulation of the Public Notice Criteria for Japanese Language Education Institutions 88

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|
| Article: International Student Employment Support Activities by the Local Governments, and Status of Residence of “Designated Activities” | 89 |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|

| | | |
|-------------------|-----------------------------------------------------------------------------------------|----|
| Chapter 4. | Smooth and Strict Implementation of Immigration Examination at the Port of Entry | 90 |
|-------------------|-----------------------------------------------------------------------------------------|----|

| | |
|-----------------------------------------------------------------------------------------------------------------|----|
| Section 1. Efforts to Promote a Tourism-Oriented Country | 90 |
| 1. Introduction of Bio Carts | 90 |
| 2. Automated Gates | 91 |
| (1) Promotion of Use of the Automated Gates | 91 |
| (2) Trusted Traveler Program | 92 |
| (3) Introduction of Facial Recognition Technology in the Departure and Return Procedures for Japanese Nationals | 92 |
| (4) Study on Expanded Use of the Automated Gates in the Departure Procedures for Foreign Nationals | 93 |
| Article: “Tourism Vision” and Efforts of the Immigration Bureau | 93 |
| 3. Response to Cruise Ship Passengers | 94 |
| 4. Other Measures to Reduce the Waiting Time for Examinations | 94 |
| Article: Measuring the Waiting Time for Entry Examinations | 95 |
| Section 2. Strengthened Countermeasures at the Port of Entry | 96 |
| 1. Immigration Examinations Utilizing Information | 96 |
| (1) Implementation of Immigration Examinations Through the Use of Biometric Information | 96 |
| (2) Utilization of Facial Image Cross-Checking | 97 |
| (3) Use of ICPO’s Database of Stolen and Lost Travel Documents | 97 |
| (4) Immigration Examinations Through the Use of APIS and PNR | 97 |
| 2. Reinforcement of Information Collection and Analysis | 98 |
| 3. Patrol Activities at Airports and Seaports | 98 |

| | | |
|-------------------|----------------------------------------------------------------------|-----|
| Chapter 5. | Measures Against Illegal and Imposter Foreign Residents, etc. | 100 |
|-------------------|----------------------------------------------------------------------|-----|

| | |
|----------------------------------------------------------------------------------------------|-----|
| Section 1. Implementation of Measures Against Illegal Foreign Residents | 100 |
| 1. Past Efforts to Reduce the Number of Illegal Foreign Residents | 100 |
| 2. Efforts to Further Reduce the Number of Illegal Foreign Residents | 100 |
| (1) Strengthened Detection | 101 |
| (2) Preparation of an Environment Facilitating Voluntary Appearance | 101 |
| Section 2. Implementation of Measures Against Imposter Foreign Residents | 102 |
| 1. Countermeasures Against Imposter Foreign Residents, etc. | 102 |
| 2. Crackdowns on Imposter Foreign Residents, etc. | 102 |
| (1) Reinforcement of the Collection and Analysis of Information | 102 |
| (2) Handling Through Reinforced Exposure and Proactive Application of Law | 103 |
| 3. Strict Handling of Brokers Involved in Aiding in Illegal Residence and Imposter Residence | 103 |
| Section 3. Efforts for Further Appropriate Treatment | 103 |
| 1. Efforts for Further Appropriate Treatment of Detainees | 103 |

| | |
|-------------------------------------------------------------------------------------------|-----|
| 2. Activities and Duties of the Immigration Detention Facilities Visiting Committee | 104 |
| Section 4. Promotion of the Deportation of Deportees | 105 |
| 1. Implementation of Safe and Reliable Deportation of Deportation Evaders | 105 |
| 2. Implementation of Mass Deportation Using Chartered Flights | 105 |
| 3. Promotion of the Use of IOM Repatriation Programs | 105 |
| Article: Case Examples of Crackdowns on Imposter Residents | 106 |

| | | |
|-------------------|---------------------------------------------------------------------|-----|
| Chapter 6. | Promotion of Appropriate and Prompt Refugee Protection | 107 |
|-------------------|---------------------------------------------------------------------|-----|

| | |
|----------------------------------------------------------------------------------------------------------------------------------|-----|
| Section 1. Revision of the Refugee Recognition System, etc | 107 |
| 1. Revision of the Operation of the Refugee Recognition System | 107 |
| (1) Outline | 107 |
| (2) Proper Operation of the System | 107 |
| 2. Revision of the System by Amendment of the Ordinance for Enforcement of the Immigration Control and Refugee Recognition | 108 |
| Section 2. Acceptance of Refugees Through Resettlement | 108 |
| Section 3. Promotion of Collaboration with NGOs | 109 |

| | | |
|-------------------|------------------------------------------------------------------------------|-----|
| Chapter 7. | Responses to International Society and International Situations | 111 |
|-------------------|------------------------------------------------------------------------------|-----|

| | |
|-----------------------------------------------------------------------------------------|-----|
| Section 1. Treaties and International Conventions | 111 |
| 1. Major Actions for Negotiations for the Conclusion of EPAs with Other Countries | 111 |
| 2. Acceptance of Nurse and Certified Care Worker Candidates Based on an EPAs | 111 |
| 3. Reports and Examinations in Accordance with Human Rights Treaties | 111 |
| Section 2. International Conferences/International Exchange | 112 |
| 1. Responding to International Conferences | 112 |
| 2. International Exchange | 112 |

| | | |
|-------------------|-----------------------------------------------------------------------------|-----|
| Chapter 8. | Improvement of Public Relations Activities and Public Services | 113 |
|-------------------|-----------------------------------------------------------------------------|-----|

| | |
|---------------------------------------------------------------------------------------------------------|-----|
| Section 1. Promotion of Public Relations Activities | 113 |
| Section 2. Improvement of Public Services | 114 |
| 1. Information Services for Foreign Nationals | 114 |
| 2. Immigration Bureau Website | 115 |
| Article: Hiroshima Regional Immigration Bureau Mascot Characters “Immiglemon-chan” and “Gate-kun” | 116 |

| | | |
|-------------------|---------------------------------------------------------------------------------------------------|-----|
| Chapter 9. | Policy for the Achievement of a Symbiotic Society Co-existing with Foreign Nationals | 117 |
|-------------------|---------------------------------------------------------------------------------------------------|-----|

| | |
|------------------------------------------------------------------------------------------------------------|-----|
| Section 1. Participation in the Meeting on Cities with Large Populations of Foreign Nationals | 117 |
| Section 2. Participation in Government-Wide Efforts | 117 |

Data Section

| | |
|--------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1. Outline of Japan's Immigration Control System | 120 |
| Section 1. Purpose and Legal Basis | 120 |
| Section 2. Immigration Procedures for All Persons | 120 |
| 1. Procedures for the Entry and Departure of Foreign Nationals | 120 |
| 2. Procedures for Entry (Landing) Examinations of Foreign Nationals | 121 |
| (1) Entry (Landing) Examination | 121 |
| (2) Hearing | 122 |
| (3) Filing of an Objection | 122 |
| 3. Pre-entry Examination | 124 |
| (1) Advance Consultation for Issuance of Visas | 124 |
| (2) Certificate of Eligibility | 124 |
| 4. Special Landing Permission | 127 |
| (1) Permission for Landing at a Port of Call | 127 |
| (2) Landing Permission for Cruise Ship Tourists | 127 |
| (3) Permission for Landing in Transit | 127 |
| (4) Landing Permission for Crew Members | 127 |
| (5) Permission for Emergency Landing | 128 |
| (6) Landing Permission Due to Distress | 128 |
| 5. Procedures for the Departure and Return of Japanese Nationals | 128 |
| Section 3. Examination of the Status of Residence of Foreign Nationals | 129 |
| 1. Status of Residence System | 129 |
| 2. Examination of the Status of Residence | 134 |
| (1) Permission for Change of Status of Residence | 134 |
| (2) Permission for Extension of the Period of Stay | 134 |
| (3) Permission for Permanent Residence | 134 |
| (4) Permission for Acquisition of a Status of Residence | 135 |
| (5) Re-entry Permission | 135 |
| (6) Permission to Engage in an Activity Other Than Those Permitted by the Status of Residence Previously Granted | 135 |
| 3. System of Revocation of Status of Residence | 136 |
| Section 4. Residency Management System of Mid to Long-Term Residents, etc. | 137 |
| 1. Residency Management System of Mid to Long-Term Residents | 137 |
| (1) Residence Card | 138 |
| (2) Notifications and Applications Relating to Residence Cards | 138 |
| A. Notification of the Place of Residence | 138 |
| (a) Notification of the Place of Residence After Newly Landing in Japan | 138 |
| (b) Notification of the Place of Residence in Connection with a Change in the Status of Residence and Other Related Matters | 138 |
| (c) Notification of a Change of Place of Residence | 139 |
| B. Notification of a Change of an Item on the Residence Card Other Than the Place of Residence | 139 |

| | |
|---------------------------------------------------------------------------------------------------------------------------------|------------|
| C. Application to Extend the Valid Period of the Residence Card | 139 |
| D. Application for Reissuance of a Residence Card Due to Loss or Other Causes | 139 |
| E. Application for Reissuance of a Residence Card Due to Damage or Soiling, etc. | 139 |
| (3) Notification Concerning the Organization of Affiliation or Concerning the Spouse | 140 |
| A. Notification from a Mid to Long-Term Resident Concerning the Organization of Affiliation | 140 |
| (a) Notification Concerning the Organization Where the Foreign National is Engaging in Activities | 140 |
| (b) Notification Concerning the Contracting Organization | 140 |
| (c) Notification Concerning the Spouse of the Foreign National | 140 |
| B. Notification Concerning Mid to Long-Term Residents to be Given by the Organization of Affiliation | 141 |
| (4) Measures Using the Electronic Notification System | 143 |
| A. Immigration Bureau's Electronic Notification System | 143 |
| B. Immigration Bureau's Seiji Search System | 143 |
| (5) Inquiry into the Facts | 144 |
| 2. The System of Special Permanent Residents | 144 |
| (1) Special Permanent Resident Certificate | 145 |
| (2) Notifications and Applications Relating to Special Permanent Resident Certificates ... | 145 |
| A. Notifications on the Place of Residence | 145 |
| B. Notification of a Change of an Item on the Special Permanent Resident Certificate Other Than the Place of Residence | 146 |
| C. Application to Extend the Valid Period of the Special Permanent Resident Certificate | 146 |
| D. Application for Reissuance of a Special Permanent Resident Certificate Due to Loss or Other Causes | 146 |
| E. Application for Reissuance of a Special Permanent Resident Certificate Due to Damage or Soiling, etc. | 146 |
| 3. Information Coordination Between the Ministry of Justice and the Municipalities | 147 |
| Section 5. Deportation Procedures for Foreign Nationals | 148 |
| 1. Investigation into Violations by an Immigration Control Officer | 150 |
| 2. Examination of Violations by an Immigration Inspector/Hearing by a Special Inquiry Officer | 150 |
| 3. Determinations by the Minister of Justice | 150 |
| 4. Grant or Denial of Permission for Residence | 150 |
| (1) Denial of Permission for Residence (Deportation) | 150 |
| (2) Special Cases of Determinations by the Minister of Justice (Special Permission to Stay in Japan) | 151 |
| 5. Departure Order System | 151 |
| Section 6. Refugee Recognition Procedures | 152 |
| 1. Signing of the Refugee Convention | 152 |
| 2. Refugee Recognition Procedures | 152 |
| (1) Definitions | 152 |
| (2) Permission for Provisional Stay | 152 |
| (3) Inquiry into the Facts | 153 |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (4) Recognition of Refugee Status by the Minister of Justice and Effects of Refugee Status | 153 |
| 3. Appeal | 153 |
| 4. Refugee Examination Counselors System | 155 |
| 5. Landing Permission for Temporary Refuge | 155 |
| 2. Organizational Expansion and Staff Enhancement | 156 |
| Section 1. Organizations | 156 |
| 1. Outline of the Immigration Control Organization | 156 |
| 2. Review of the Organizational Structure of the Immigration Control Offices | 159 |
| Section 2. Staff | 162 |
| 1. Immigration Control Staff | 162 |
| 2. Staff Increase | 163 |
| 3. Training | 165 |
| 3. Budget etc | 167 |
| Section 1. Budgets | 167 |
| Section 2. Facilities | 167 |
| 4. Statistics | 168 |
| (1) Changes in the Number of New Arrivals and Mid to Long-Term Residents for the Principal Statuses of Residence by Nationality/Region | 168 |
| (2) Changes in the Number of New Arrivals and Foreign Residents of the Principal Nationalities/Regions by Status of Residence/Status | 175 |
| (3) Status of Implementation of Immigration Examination Using Biometric Information (2016) | 183 |
| (4) Changes in the Number of Cases of Detection of Forged or Altered Documents | 183 |

References

| | | |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Reference 1 | Changes in the number of foreign nationals entering Japan | 3 |
| Reference 2 | Changes in the number of foreign nationals entering Japan by major nationality/ region | 4 |
| Reference 3 | Number of foreign nationals entering Japan by gender and age (2016) | 5 |
| Reference 4 | Changes in the number of foreign nationals newly entering Japan by status of residence | 6 |
| Reference 5 | Changes in the number of foreign nationals newly entering with the status of residence of “Temporary Visitor” by purpose of entry | 8 |
| Reference 6 | Number of foreign nationals newly entering for the purpose of sightseeing by nationality/region (2016) | 9 |
| Reference 7 | Changes in the number of foreign nationals newly entering by status of residence for employment in professional or technical fields | 10 |
| Reference 8 | Changes in the number of foreign nationals newly entering with the status of residence of “Technical Intern Training (i)” by major nationality/region | 12 |
| Reference 9 | Changes in the number of foreign nationals newly entering with the status of residence of “Student” by major nationality/region | 13 |
| Reference 10 | Changes in the number of foreign nationals newly entering by status of residence for activities based on personal status or position | 15 |
| Reference 11 | Changes in the number of cases of special landing permission | 16 |
| Reference 12 | Changes in the number of foreign nationals simply leaving Japan by period of stay | 17 |
| Reference 13 | Changes in the number of new cases of hearings for landing by grounds for landing | 19 |
| Reference 14 | Changes in the processing of the hearings for landing | 19 |
| Reference 15 | Changes in the number of foreign nationals who were denied landing by major nationality/region | 21 |
| Reference 16 | Changes in the number of objections filed and decisions by the Minister of Justice | 22 |
| Reference 17 | Changes in the number of cases of pre-entry examinations | 22 |
| Reference 18 | Changes in the number of foreign residents, and changes in the number of foreign residents as a percentage of the total population of Japan | 23 |
| Reference 19 | Changes in the number of foreign residents by major nationality/region | 24 |
| Reference 20 | Changes in the number of foreign residents by status | 25 |
| Reference 21 | Changes in the number of mid to long-term residents by status of residence for employment in professional or technical fields | 27 |
| Reference 22 | Changes in the number of permission examined in status of residence examinations | 29 |
| Reference 23 | Changes in the number of foreign nationals of permission for change of the status of residence from student, etc. to a status for employment by status of residence | 31 |
| Reference 24 | Changes in the number of foreign nationals of permission for change of the status of residence from student, etc. to a status for employment by nationality/ region | 31 |

| | | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Reference 25 | Changes in the number of trainees who changed to “Technical Intern Training (ii)” by nationality/region | 32 |
| Reference 26 | Changes in the number of trainees who changed to “Technical Intern Training (ii)” by occupation | 33 |
| Reference 27 | Changes in the number of cases of permission for permanent residence by nationality/region | 34 |
| Reference 28 | Number of issuance of residence cards (2016) | 35 |
| Reference 29 | Number of issuance of special permanent resident certificates (2016) | 36 |
| Reference 30 | Changes in the number of organizations subject to a finding of misconduct by type of accepting arrangement | 38 |
| Reference 31 | Number of cases of misconduct by category (2016) | 39 |
| Reference 32 | Changes in the number of technical intern trainees absconding by nationality/region | 40 |
| Reference 33 | Changes in the number of Japanese nationals departing from Japan | 41 |
| Reference 34 | Number of Japanese nationals departing from Japan by gender and age (2016) | 42 |
| Reference 35 | Changes in the number of Japanese nationals returning to Japan by period of stay | 43 |
| Reference 36 | Changes in the estimated number of foreign nationals overstaying the authorized period of stay by nationality/region | 45 |
| Reference 37 | Changes in the estimated number of foreign nationals overstaying the authorized period of stay by major nationality/region | 46 |
| Reference 38 | Changes in the estimated number of foreign nationals overstaying the authorized period of stay by status of residence | 47 |
| Reference 39 | Changes in the number of cases of violation of the Immigration Control Act by grounds for deportation | 48 |
| Reference 40 | Changes in the number of cases of violation of the Immigration Control Act by nationality/region | 49 |
| Reference 41 | Changes in the number of cases of illegal entry by nationality/region | 50 |
| Reference 42 | Changes in the number of cases of illegal entry using aircraft by nationality/region | 50 |
| Reference 43 | Changes in the number of cases of illegal entry using vessel by nationality/region | 51 |
| Reference 44 | Changes in the number of cases of illegal landing by nationality/region | 51 |
| Reference 45 | Changes in the number of cases of foreign nationals overstaying the authorized period of stay by nationality/region | 52 |
| Reference 46 | Changes in the number of cases of activities other than those permitted under the status of residence previously granted by nationality/region | 53 |
| Reference 47 | Changes in the number of cases of illegal work by nationality/region | 55 |
| Reference 48 | Changes in the number of cases of illegal work by type of work | 56 |
| Reference 49 | Changes in the number of cases of illegal foreign workers by area | 57 |
| Reference 50 | Changes in the number of cases of receipt and findings of violation examinations by immigration inspectors, hearings by special inquiry officers and decisions of the Minister of Justice | 58 |
| Reference 51 | Changes in the number and percentage of requests for a hearing | 59 |
| Reference 52 | Changes in the number of issuance of written deportation orders by grounds for deportation | 59 |

| | | |
|--------------|----------------------------------------------------------------------------------------------------------------------------------|-----|
| Reference 53 | Changes in the number of issuance of written deportation orders by nationality/ region | 60 |
| Reference 54 | Changes in the number of cases of permission for provisional release..... | 61 |
| Reference 55 | Changes in the number of cases of special permission to stay in Japan by grounds for deportation | 61 |
| Reference 56 | Changes in the number of cases of special permission to stay in Japan by nationality/region..... | 61 |
| Reference 57 | Changes in the number of deportees by nationality/region | 62 |
| Reference 58 | Changes in the number of deportees by means of deportation | 63 |
| Reference 59 | Changes in the number of deportees through voluntary departure by nationality/ region | 63 |
| Reference 60 | Changes in the number of foreign nationals handed over under a departure order by nationality/region | 65 |
| Reference 61 | Changes in the number of issuance of written departure orders by nationality/ region | 66 |
| Reference 62 | Changes in the number of applications for refugee recognition | 67 |
| Reference 63 | Changes in the number of foreign nationals protected as refugees, etc. | 68 |
| Reference 64 | Changes in the number of appeals, and decisions of the Minister of Justice | 70 |
| Reference 65 | Number of victims of trafficking in persons (2016) | 73 |
| Reference 66 | Changes in the number of victims of trafficking in persons | 73 |
| Reference 67 | Number of recognized foreign domestic violence victims (2016) | 76 |
| Reference 68 | Changes in the number of victims of domestic violence cases recognized by regional immigration bureau..... | 76 |
| Reference 69 | Changes in the total number of cases of recognition through the points-based system for highly-skilled professionals | 82 |
| Reference 70 | Flow of landing examination | 123 |
| Reference 71 | Procedures for advance consultation for the issuance of visas and applications for certificates of eligibility | 125 |
| Reference 72 | List of Statuses of Residence (as of November 1, 2017) | 130 |
| Reference 73 | Procedural flow of the residency management system of mid to long-term residents | 142 |
| Reference 74 | Information Coordination between the Ministry of Justice (MOJ) and the Municipalities | 148 |
| Reference 75 | Flow of deportation procedures and departure order procedures..... | 149 |
| Reference 76 | Patterns and procedures for application for recognition of refugee status | 154 |
| Reference 77 | Immigration Bureau organizational chart | 157 |
| Reference 78 | Responsibilities of the Immigration Bureau, Ministry of Justice | 158 |
| Reference 79 | Reorganization, abolishment or establishment of branch offices of the regional immigration bureaus (actual performance) | 161 |
| Reference 80 | Changes in the number of immigration control office personnel | 164 |
| Reference 81 | Changes in the budget for immigration control administration | 167 |