

2019

# Immigration Control and Residency Management



Immigration Services Agency, Japan



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# Introduction

## Publication of the 2019 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 25th 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". 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 2019 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 2014 to 2018, gives a summary of the recent circumstances and policies of immigration control administration, focusing primarily on the actions taken in FY 2018, such as amendment of the Immigration Control and Refugee Recognition Act, implementation of technical intern training program, acceptance of foreign human resources, 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, and Formulation of the Basic Plan for Immigration Control and Residency Management.

Finally, we hope that through this 2019 Immigration Control and Residency Management immigration control and residency management administration will prove to be beneficial and easy to understand.

November 2019

**Sasaki Shoko**

Commissioner of the Immigration Services Agency, Japan

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# Points of the 2019 Immigration Control and Residency Management

## Organization of the 2019 Immigration Control and Residency Management

- The 2019 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 2018 based on the statistics over the five-year period from 2014 to 2018.
- Part II describes the major immigration control and residency management policies (implemented during FY 2018 as well as some of the measures for FY 2019).
- 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 2018 (including those who re-entered Japan) was 30,102,102, and the number of foreign nationals who newly entered Japan, excluding those who re-entered, was 27,574,232 (an increase of 9.9% 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 2,731,093 as of the end of 2018.

In addition, the percentage of foreign residents to the total population of Japan was 2.16%, an increase of 0.14 points compared to the number at the end of 2017.

### ● 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, 2019 was 74,167, and as of January 1 each year, it has increased for five consecutive years.

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

### ● Establishment of the statuses of residence for the acceptance of new foreign human resources

- Previously the government gave various consideration on acceptance, in general, of foreign nationals. As labor shortages have become more serious, instructions were issued by the prime minister at the Council on Economic and Fiscal Policy in February 2018 to urgently review reform of the current system for the acceptance of foreign human resources in the specialized and technical fields, due to which a task force comprising officers of the director-general rank

of the relevant ministries and agencies and its executive group were convened several times between February and May of the same year, and various reviews were conducted of matters requiring consideration when establishing the system.

- Based on the above, in response to the “Basic Policy on Economic and Fiscal Management and Reform 2018” (Cabinet Decision, June 15, 2018) stating, “It is necessary to construct a system that enables wide acceptance that foreign human resources who have a certain level of professional knowledge and skills can contribute immediately, by eliminating the traditional limitation of only accepting foreign human resources having special professional and technical skills. For this purpose, the government will focus on the areas that really need foreign human resources and create a new status of residence to expand the acceptance of foreign human resources, with the understanding that such actions are not an immigration policy”, the status of residence of “Specified Skilled Worker (i)” and “Specified Skilled Worker (ii)” were established pursuant to the Act to Amend the Immigration Control Act and Related Laws.
- “Specific Skilled Worker (i)” is a status of residence for foreign nationals engaging in work requiring skills that necessitate a considerable degree of knowledge or experience belonging to an industrial field where labor shortages need to be supplemented by foreign nationals since the situation is such that it is difficult to secure human resources, and “Specified Skilled Worker (ii)” is a status of residence for foreign nationals engaging in work requiring proficient skills belonging to the same field.
- As well as establishing the statuses of residence of “Specified Skilled Worker (i)” and “Specified Skilled Worker (ii)” the Act to Amend the Immigration Control Act and Related Laws includes the contents of: (1) provisions concerning the process of acceptance, etc., (2) provisions concerning support for foreign nationals, (3) provisions concerning the accepting organizations, (4) provisions concerning the registered support organizations and (5) provisions concerning notifications, guidance, advice and reports, etc.

### ● Establishment of the Immigration Services Agency

- Based on the Act to Amend the Immigration Control Act and Related Laws, the Immigration Services Agency was established as an external agency of the Ministry of Justice on April 1, 2019 as an organization to work in an integrated and efficient manner on accurately handling the increase in the number of foreign residents accompanying the establishment of the new statuses of residence as well as the new operations such as planning, drafting and general coordination relating to the development of an environment for the acceptance of foreign nationals.

### ● 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” by the “Ministerial Conference on Acceptance and Coexistence of Foreign nationals” in December 2018.

## ● Formulation of the Basic Plan for Immigration Control and Residency Management

- The Basic Plan for Immigration and Residence Management is a plan formulated by the Minister of Justice, which serves as the basis for the measures on the management of the entry, departure and residence of foreign nationals in accordance with Article 61-10 of the Immigration Control and Refugee Recognition Act in order to ensure equitable management of entry, departure and residence.
- As a basic policy, the Basic Plan for Immigration and Residence Management, which was formulated on April 26, 2019, outlined the measures for the acceptance of foreign nationals who bring vitality to Japan's economy and society, stimulation of the national debate on the acceptance of foreign nationals in light of the declining birthrate and aging population, measures aimed at optimizing the technical intern training program, measures for acceptance and coexistence of foreign nationals, measures aimed at the realization of a tourism-oriented country, border measures aimed at the realization of a safe and secure society, the promotion of countermeasures against illegal residents and promotion of proper and prompt protection of refugees.

## ● 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, since these are the airports where it was thought the reduction of waiting time can be expected to be particularly effective, and from April 2017, they were introduced at 12 other airports including Narita Airport, and from May 2018, they were brought in at Kitakyushu and Oita Airport to promote 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 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 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, during 2018, the facial recognition automated gates were successively launched at the landing and departure examination areas of Narita Airport,

Haneda Airport, Chubu Airport, Kansai Airport and Fukuoka Airport, and are being operated in the departure and return procedures for Japanese nationals.

- 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" 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 educational 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 educational 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.

### ● Status of Operation 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 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 22 years, and since it is estimated that there were about 74,000 foreign nationals overstaying their authorized period of stay in Japan as of January 1, 2019, which was an increase for fifth 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 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. 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.
- 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

- 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 Asian countries such as the Philippines and Vietnam, which had increased rapidly

in recent years, started to decline significantly in 2018, and was almost half the number compared to the previous year (decline of approximately 47%). Meanwhile the number of applicants recognized as refugees in 2018 doubled from 20 in the previous year to 42, 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.

- Myanmarese 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, five families, consisting of 22 refugees, came to Japan in FY 2018.

### ● Responses to International Society and International Situations

- The number of nurse and certified care worker candidates accepted up until FY 2018 pursuant to an EPA was 2,445 from Indonesia, 2,265 from the Philippines, and 892 from Viet Nam.
- The Immigration Bureau 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.

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# 2019 Immigration Control and Residency Management

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