

I. Introduction

Since the Basic Plan for Immigration Control (2nd Edition) was formulated in March 2000, changes in the existing conditions related to immigration control administration have been seen in many areas. There is now a need for the immigration control administration to take measures to establish Japan as a country built on tourism by encouraging foreign travelers to visit Japan. We are also called on to more openly accept those foreign nationals who are welcome in Japan, such as highly-skilled foreign workers in professional or technical fields. In addition, Japan's productive population has begun to decrease and its total population is expected to peak in 2006 and then start to fall. The time has come to decide what the role of Japanese administration of immigration control should be in this age of population decline.

At the same time, the number of illegal foreign residents in Japan has remained high, causing social and security problems. The immigration control administration urgently needs to take the toughest measures ever to halve the number of illegal foreign residents by the year 2008, which is the target that has been set by the Japanese government. Since the terrorist attacks on the United States in September 2001, it has become even more important for Japan and other countries to effectively block the international movement of terrorists and the like.

In response to these changes, at a time when five years have passed since the establishment of the 2nd Basic Plan for Immigration Control, it has been decided that a third plan should be formulated in order to specify basic immigration control measures at home and abroad and to implement them appropriately.

The Basic Plan for Immigration Control (3rd Edition) has been designed for the coming five years. In response to future changes in the situation regarding immigration control administration, however, we will review the plan as needed even within the five-year period.

II. Salient Points Concerning Foreign Nationals' Entry and Stay

1. Overall Conditions of Foreign Nationals' Entry and Stay, and Illegal Foreign Residents

(1) Foreign Nationals Entering Japan

The number of foreign nationals entering Japan was about 18,000 in 1950 when the government began to compile immigration control statistics. However, the number topped one million in 1978 and has maintained an upward trend ever since. In 2004, the number exceeded an earlier record by some one million to reach about 6.76 million (Chart 1). Owing to the government promoting measures to increase foreign tourists visiting Japan, it is expected that these measures will contribute to the number maintaining its upward trend. From a different angle, the number of cases of detection of forged or altered documents in landing and departure procedures is seeing an upward trend. It declined in 2004 from 2003 when the number had quickly increased, but the number in 2004 increased by 605 to 2,688 from 2,083 in 2000 when the 2nd Basic Plan for Immigration Control was formulated (Chart 2). Despite Japan's strict immigration control, a significant number of foreign nationals are expected to attempt to enter Japan with forged or altered documents owing to the factor of the economic gap between Japan and neighboring countries. At home and abroad, there are smuggling brokers who run businesses to smuggle stowaways into Japan and there is concern that the smuggling methods are becoming increasingly more malicious and cunning.

Chart 1 Changes in the number of foreign nationals entering Japan

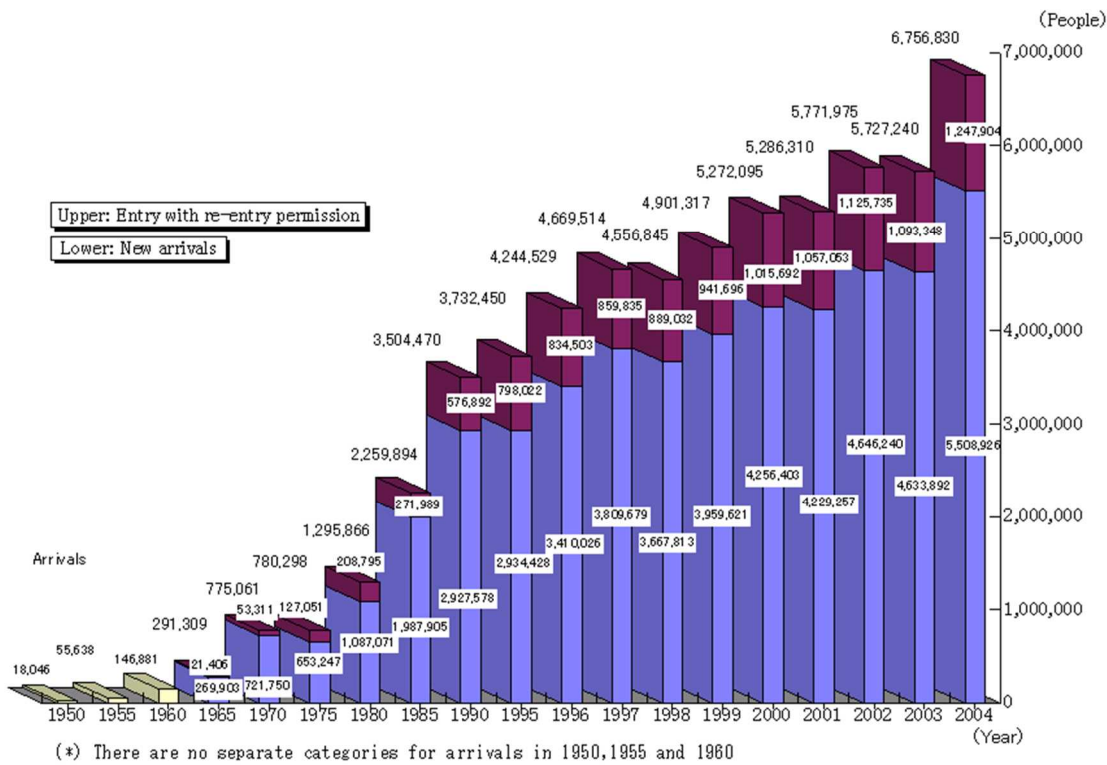
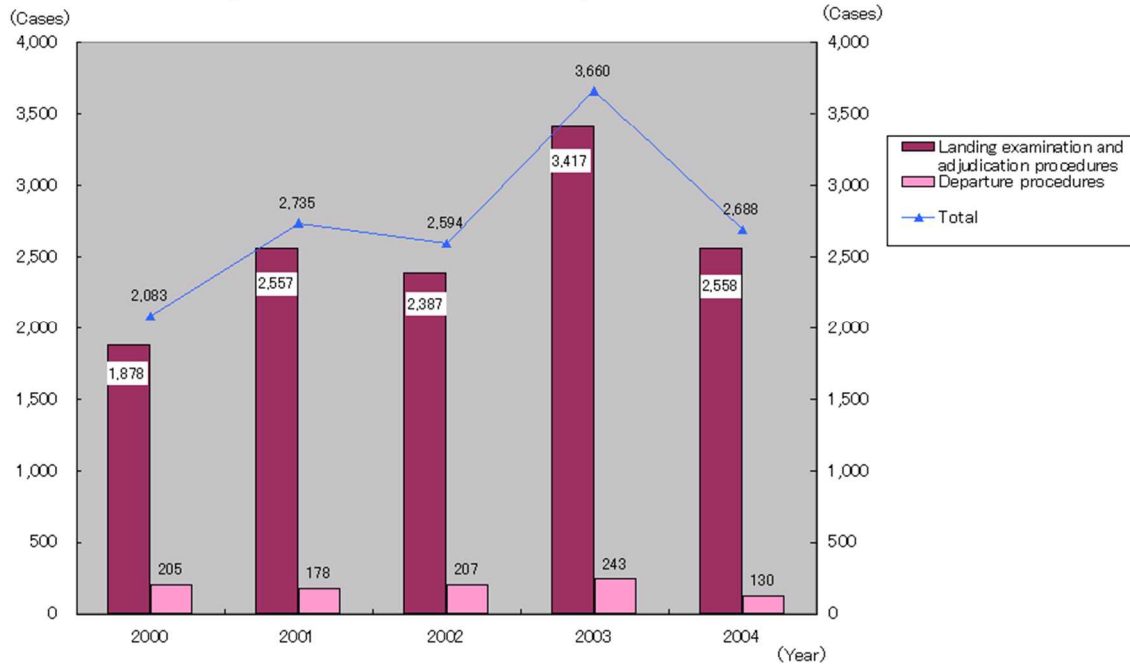


Chart 2 Changes in the number of cases of detection of forged or altered documents

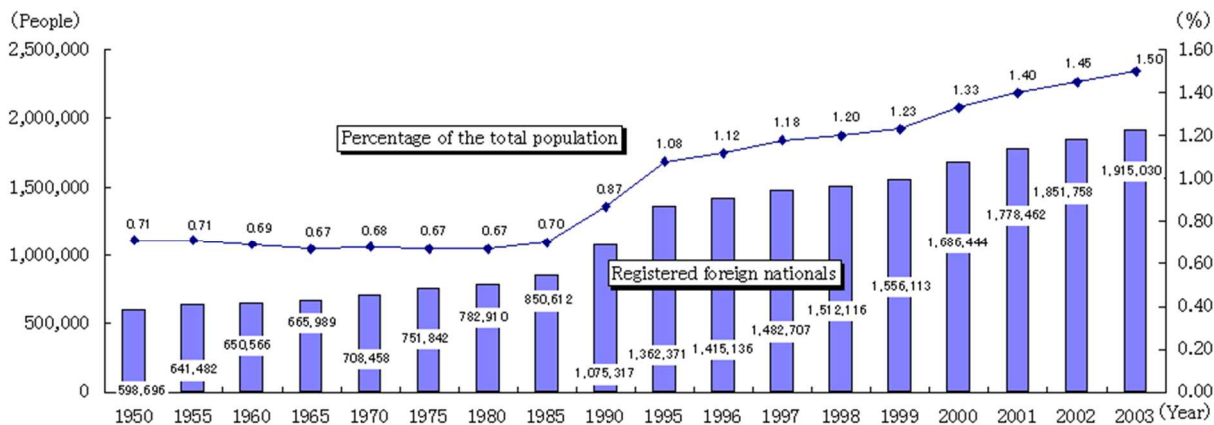


(2) Foreign Nationals Residing in Japan

Between the end of the war and 1965, the number of registered foreign nationals residing in Japan remained between 550,000 and 650,000. Special permanent residents, mainly comprised of Korean nationals accounted for nearly 90% of the total. Since the late 1960s, the number of special permanent residents has decreased, while the number of foreign nationals coming to stay in Japan for various

purposes has increased. An increasing number of foreign nationals have been living in Japan for a medium-length or long time. Therefore, the number of foreign nationals residing in Japan has risen year by year. At the end of 2003, the number of registered foreign nationals residing in Japan hit a record 1.92 million. Their share of Japan's total population also posted an all-time high of 1.5% (Chart 3). Special permanent residents made up 24.9% of the registered foreign residents at most, while the share increased for newcomer foreign nationals. This trend is expected to continue with the number of foreign residents in Japan increasing.

Chart 3 Changes in the number of registered foreign nationals and its percentage of the total population of Japan



(*) "Number of registered foreign nationals" as of December 31 each year.

(*) The "percentage of the total population of Japan" is calculated based on the population as of October 1 every year from the "National Census" (for 1950-1995 and 2000) and "Estimated Population" (for 1996-1999 and 2001-2003) of the Statistics Bureau, Ministry of Internal Affairs and Communications.

(3) Illegal Foreign Residents

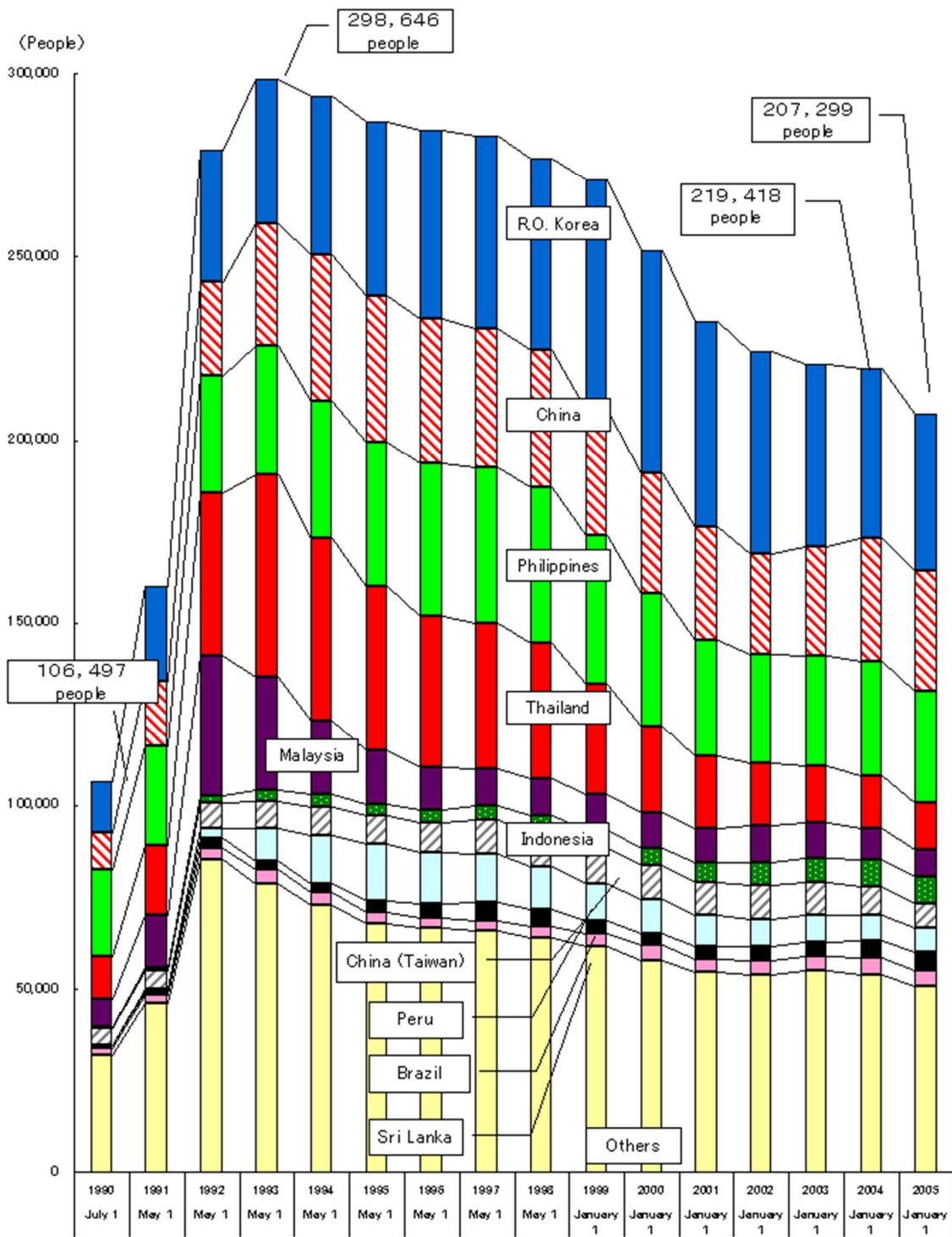
The number of overstayers (those who illegally stay in Japan beyond the permitted periods of stay without obtaining permission for extension or change of status of residence), as estimated through the computer statistics of the Immigration Control Bureau, peaked at about 300,000 as of May 1, 1993, and declined to around 210,000 as of January 1, 2005 (Chart 4). In addition, an estimated 30,000 foreign nationals are considered to have illegally entered Japan, smuggled in on boats or other vessels, and to be lying low. The total number of illegal foreign residents is thus estimated at some 240,000.

The number of overstayers is decreasing year by year because of various measures against illegal foreign residents in Japan such as intensified detection, and also owing to the prolonged economic slump. On January 1, 2005, the number declined by more than 10,000 from a year earlier. The decline, however, has slowed down over recent years. This indicates that a large number of foreign nationals are still attempting to enter Japan for illegal employment against the background of economic gaps between Japan and neighboring countries. It also indicates that illegal foreign residents have been willing to stay in Japan longer rather than returning to their home countries. Among the employers of illegal foreign residents, some businesses take advantage of the illegal foreign residents as cheap labor amid severe

economic competition. There are also some brokers who attempt to illegally earn massive incomes by helping illegal foreign residents obtain jobs. The number of illegal foreign residents working or living in one location has decreased and illegal foreign residents have dispersed more widely. This trend has made it difficult for authorities to detect illegal foreign residents.

The number of foreign nationals who violated the Immigration Control Act and underwent deportation procedures in 2004 totaled 55,351. Over recent years, a rising number of foreign nationals authorized to stay and work in Japan have been ordered to undergo deportation due to their taking part in unauthorized work activities.

Chart 4 Changes in the estimated number of overstayers by major nationality (place of origin)



(*)The estimated number is calculated based on the computer statistics of the Immigration Bureau.

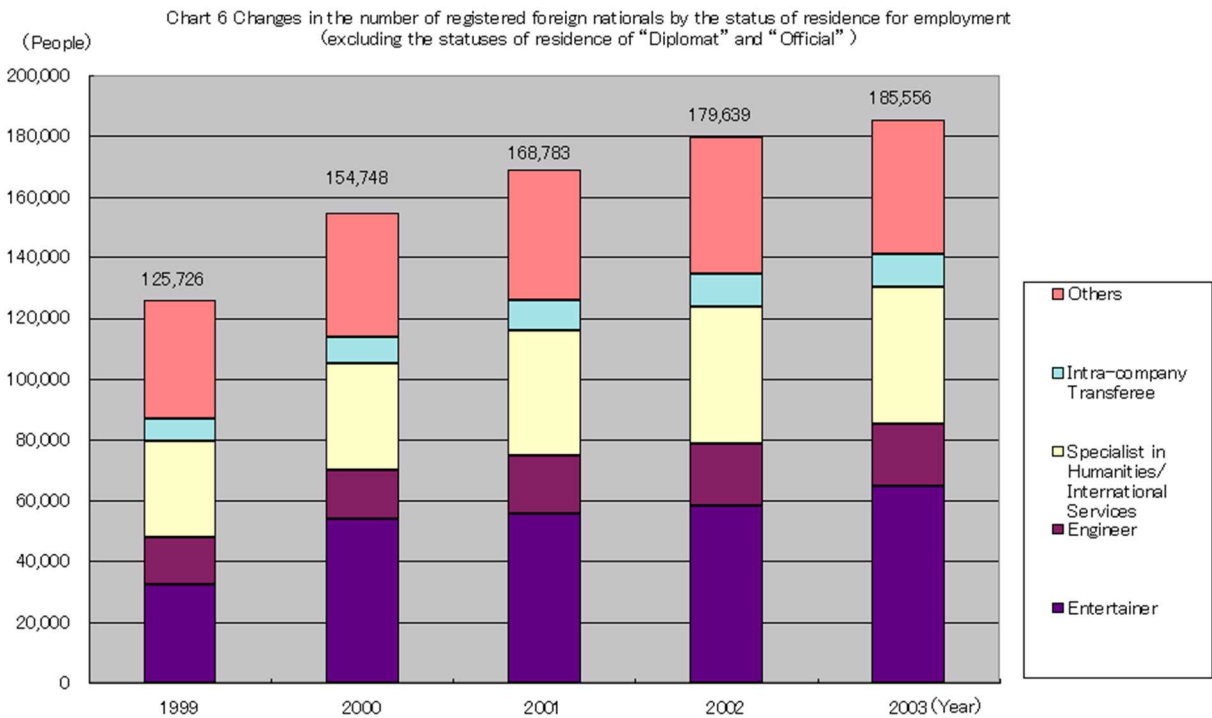
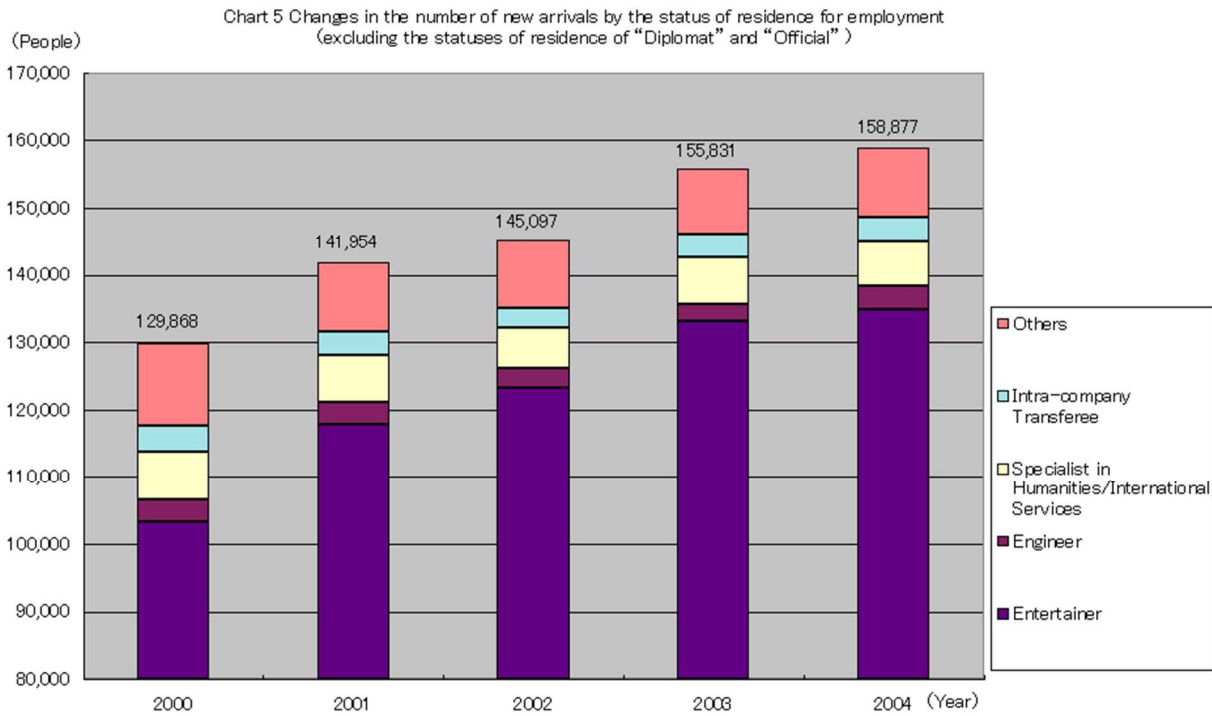
2. State of Foreign Nationals by Status of Residence

(1) Foreign Nationals Staying in Japan for the Purpose of Employment

The number of foreign nationals newly entering Japan with a status of residence for the purpose of employment (excluding the statuses of residence of “Diplomat” and “Official”) totaled 158,877 in 2004. The number of registered foreign residents with the same status came to 185,556 at the end of 2003. Both numbers have consistently increased over recent years (Charts 5 and 6).

The annual number of foreign corporate employees newly entering Japan with the status of residence of “Engineer,” “Specialist in Humanities/International Services” and “Intra-company Transferee” has fluctuated over recent years. On the other hand, the number of registered foreign residents with the same statuses has increased almost consistently. It is considered to be an indication that foreign nationals residing in Japan with those statuses tend to stay longer or settle down in Japan. In addition, a considerable number of foreign nationals with the status of residence of “College Student” have been permitted to change their status to those three statuses.

The number of foreign nationals newly entering Japan with the status of residence of “Entertainer” totaled 134,879 in 2004. The number of registered foreign nationals with that status in Japan came to 64,642 at the end of 2003. Both numbers are increasing. The number of foreign nationals newly entering Japan with the status of residence of “Entertainer” in 2004 by nationality (place of origin) shows that the Philippines accounted for 82,741 or 61.3% of the total, followed by China, which was 8,277, and the United States, which was 6,074. The number of registered foreign nationals with the same status at the end of 2003 by nationality (place of origin) indicates that the Philippines accounted for 50,539 or 78.2% of the total, followed by China, which was 3,848, and Romania, which was 2,597. On the other hand, the number of overstayers who formerly had the status of residence of “Entertainer” came to 11,319 as of January 1, 2005 with the Philippines accounting for 87.2% of that number.



(2) Foreign Nationals Staying in Japan for the Purpose of Study

The number of foreign nationals newly entering Japan with the statuses of residence of "College Student" and "Pre-college Student" continued to increase before their downturn in 2004. 21,958 foreign nationals entered Japan with the "College Student" status and 15,027 foreign nationals with the "Pre-college Student" status in 2004. By nationality (place of origin), China accounted for the largest

shares – 8,133 people (37.0%) for the “College Student” status and 5,705 people (38.0%) for the “Pre-college Student” status in 2004. At the end of 2003, the number of registered foreign residents with the “College Student” status came to a record high of 125,597. The number of those with the “Pre-college Student” status also hit a new high of 50,473. By nationality (place of origin), China accounted for the largest shares – 87,091 people (69.3%) for the “College Student” status and 38,873 people (77.0%) for the “Pre-college Student” status (Charts 7 and 8).

Chart 7 Changes in the number of new arrivals and registered foreign nationals with the status of residence of “College Student” by major nationality (place of origin)

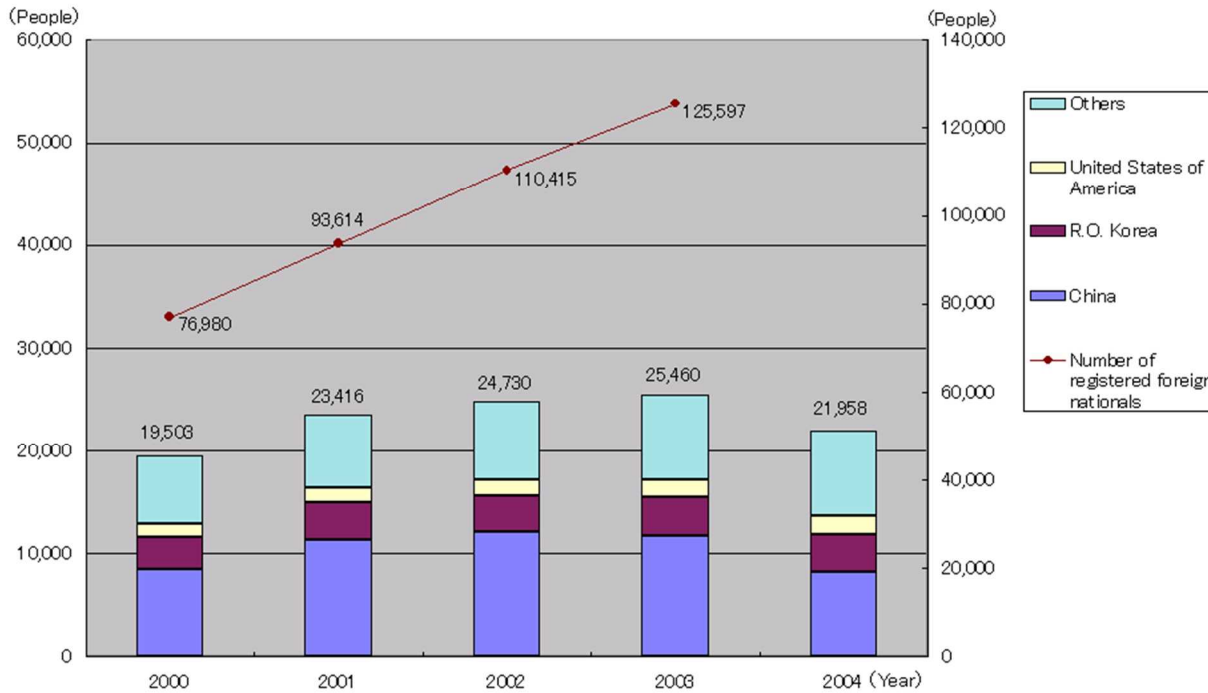
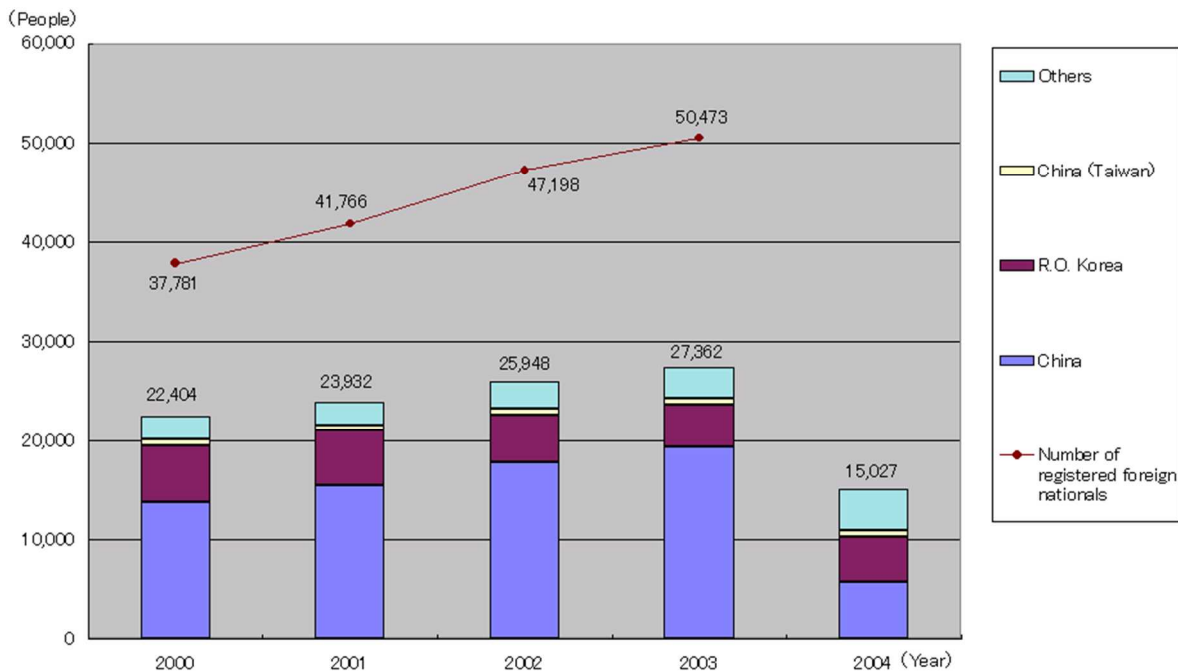


Chart 8 Changes in the number of new arrivals and registered foreign nationals with the status of residence of “Pre-college Student” by major nationality (place of origin)



On the other hand, foreign students whose real purpose to stay in Japan is to work or who begin to work due to financial difficulties are on the increase. The number of overstayers who had had the status of residence of “College Student” has begun to increase over recent years, reaching 8,173 as of January 1, 2005. China accounted for 86.1% of that number. The number of those as “Pre-college Student” has been declining over recent years. As of January 1, 2005, however, the number of those with the status of residence of “Pre-college Student” was 8,506, of which China accounted for 83.7%.

The number of foreign nationals newly entering Japan and the number of registered foreign residents with the status of residence of “Trainee” have consistently increased over the past years. In 2004, a record high of 75,359 foreign nationals entered Japan with the “Trainee” status. At the end of 2003, the number of registered foreign residents with the status came to a new high of 44,464 (Chart 9). The number of trainees taking part in technical internship programs after finishing their training has risen year by year, reaching 26,488 in 2004 (Chart 10). The number of foreign trainees entering Japan in 2004 by nationality (place of origin) showed that China accounted for 48,729 or 64.7% of the total, followed by Indonesia, which was 5,204 and Vietnam, which was 3,835. Of the registered foreign residents with the “Trainee” status at the end of 2003, China accounted for 30,763 or 69.2%, followed by Indonesia which was 4,234, and Vietnam, which was 3,528. As Asian economies are expected to develop further, the number of foreign trainees and technical interns in Japan is predicted to increase. On the other hand, the number of overstayers who had had the status of residence of “Trainee” stood at 3,648 as of January 1, 2005. The number is an upward trend, indicating that a growing number of foreign trainees are staying in Japan even after their authorized training periods.

Chart 9 Changes in the number of new arrivals and registered foreign nationals with the status of residence of "Trainee" by major nationality (place of origin)

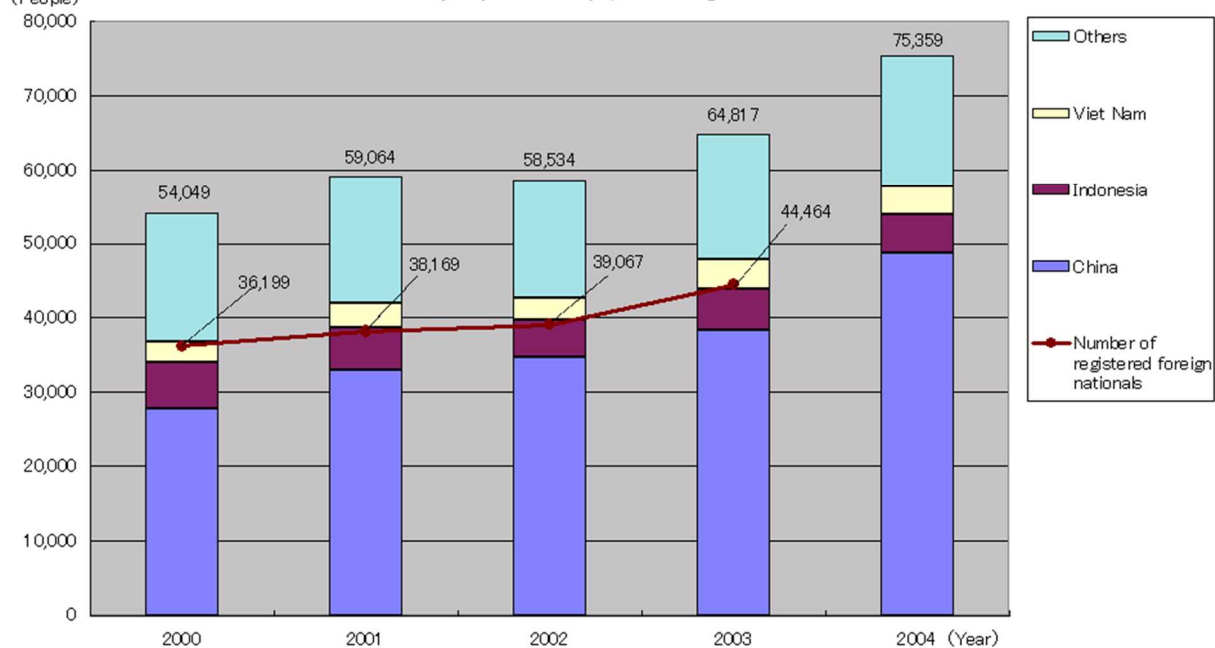
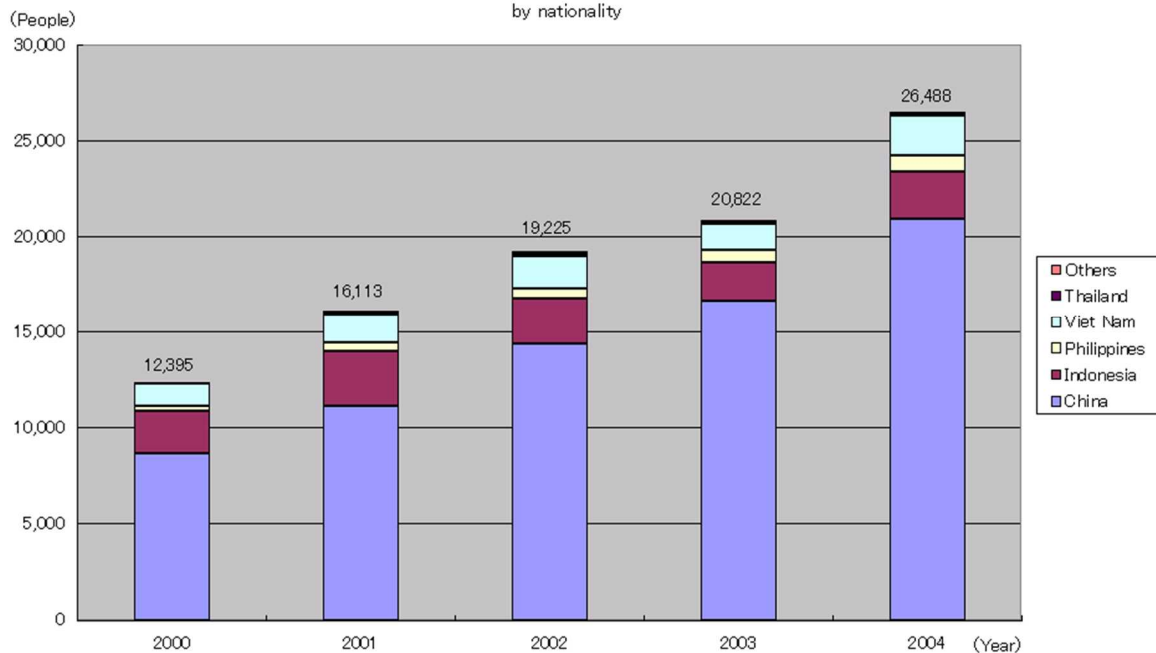


Chart 10 Changes in the number of trainees who switch to the technical internship programs by nationality



(3) Foreign Nationals Entering and Staying in Japan with the Statuses of Residence for Resident Activities Based on Civil Status or Position

The number of foreign nationals newly entering Japan with the status of residence of "Spouse or Child of Japanese National" was 23,083 in 2004. At the end of 2003, 271,719 registered foreign residents had this status. Both numbers have repeatedly fluctuated over recent years. Foreign nationals entering and staying in Japan with this status include children of Japanese nationals as well as the

spouses of Japanese nationals. A steady annual number of Japanese nationals marrying foreign nationals has contributed to the increase in the registered foreign residents with the status. Second-generation children of Japanese nationals who emigrated to South American countries are ageing, serving to reduce the number of foreign nationals entering Japan with this status. Some foreign residents with the status have chosen to change to the “Permanent Resident” status or to be naturalized in Japan. This has become a factor working to reduce the number of registered foreign residents with the “Spouse or Child of Japanese National” status.

Since there are no restrictions on work for foreign nationals with the “Spouse or Child of Japanese National” status, some foreign nationals have taken advantage of sham marriages to enter or stay in Japan.

The number of foreign nationals newly entering Japan with the status of residence of “Long-Term Resident” has repeated fluctuations over recent years. The number of registered foreign residents with the status has been on the rise, standing at 245,147 at the end of 2003. Japanese descendants staying in Japan with the “Long-Term Resident” or “Spouse or Child of Japanese National” status contribute to the globalization and diversification of Japanese society. Some of them, however, reportedly remain in unstable working environments and fail to make social insurance payments or to have their children go to school.

(4) Permanent Residents

The number of registered foreign residents with the status of residence of “Permanent Resident” stood at 267,011 at the end of 2003, up some 20% from a year earlier. The number has increased greatly along with the number of foreign nationals residing in Japan for a longer period. The rising number of foreign nationals hoping to change to the “Permanent Resident” status is expected to continue an upward trend.

III. Major Issues and Guidelines on Immigration Control Administration Services

1. Open Acceptance of Foreign Nationals Needed in Japanese Society

Japan has adopted a basic policy to openly accept foreign workers in professional or technical fields. It is therefore necessary to more openly accept foreign nationals who are welcome in Japanese society, and from the viewpoint of enhancing the international competitiveness of Japan, there is special need to welcome those foreign nationals who are vital to Japanese society such as highly-skilled workers who have world-class specialized knowledge or technical skills.

In this respect, there is also a need to develop an environment where foreign nationals can live comfortably, and therefore through such measures as considering a social security system for foreign nationals and by coordinating with other administrative measures the smooth acceptance of foreign nationals will be promoted through realization of a Japanese society where foreign nationals can live in a stable environment.

(1) Promoting Acceptance of Foreign Workers in Professional or Technical Fields

A. Basic Measures on Acceptance of Foreign Workers in Professional or Technical Fields

Foreign workers in professional or technical fields have been openly accepted from the standpoint that they have special knowledge and technical skills and help vitalize Japan's economy and society. The immigration control administration will vigorously promote acceptance of those foreign workers who are valued in professional or technical fields although failing to meet requirements for existing statuses of residence or landing permission by developing new statuses of residence or landing permission conditions in accordance with changes in the economy and society, while also giving consideration to factors such as the effects on Japan's industry and public welfare.

For instance, the immigration control administration will consider a status of residence for new types of business activities such as long business trips which are required in the course of more vigorous international business activities, taking into consideration their consistency with the domestic legal system. The acceptance of foreign nationals who have passed foreign examinations or obtained qualifications on information processing skills, which are mutually certified by Japanese IT-related examinations or qualifications will be continued. Regarding other skills as well, the easing of requirements for statuses of residence and other matters will be reviewed in order to appropriately accept foreign workers who contribute to a high value output, vital in maintaining and enhancing Japan's international competitiveness, while simultaneously assessing and confirming their specialties and technical skills through the results of mutual certification of examinations or qualifications.

With respect to foreign nurses qualified through Japan's national examinations, their acceptance will be expanded by easing the present restrictions that limit their stay for training purposes in Japan to four years. Regarding foreign medical doctors qualified through Japan's national examinations, the present restrictions on their working locations and those limiting their stay for training purposes to six years will be eased. As for foreign medical doctors or dentists, who are accepted based on written agreements with foreign governments to mutually accept medical doctors and dentists from each other's countries and who are allowed to treat foreign nationals in Japan on passing a national examination in English, the requirements for landing permission will be established while observing the conditions of conclusion of such agreements, from the point of view that their acceptance can contribute to creating an environment where foreign nationals can live comfortably.

As the movements of natural persons have become key in negotiations on economic partnership agreements, the framework, including measures to prevent illegal employment if necessary, will be considered in cooperation with relevant government agencies in order to promote active acceptance of foreign nationals highly valued in professional or technical fields.

B. Promoting Acceptance of Highly-Skilled Foreign Workers

Amid economic globalization and industrial development, international competition has intensified to secure outstanding foreign nationals who have world-class knowledge and skills. Such highly-skilled foreign nationals' entry and settlement in Japan depend on the nation's economic attractiveness and high living standards including the employment conditions of companies. Since such highly-skilled persons are expected to contribute greatly to Japan's economy and society, the immigration control administration should also take further measures to attract such people and secure their settlement in Japan. Therefore, out of those workers in specialized and technical fields who already will be openly accepted in Japan, a scope will be considered for defining highly-skilled foreign nationals, such as those who owing to their highly sophisticated knowledge and skills are desirable from the viewpoint of international recruitment competition, and then the following measures will be taken.

(a) Extending Periods of Stay

The maximum period of stay in Japan given for a single permission of status of residence is three years for foreign nationals, aside from the statuses of "Diplomat," "Official" and "Permanent Resident". The period of stay can be extended unlimitedly for those continuing activities related to their respective status of residence. However, it has been pointed out that highly-skilled foreign nationals contributing to Japan in economic, cultural and other fields should be given longer periods of stay for the single permission so that they are able to engage in their respective activities in Japan stably.

On the other hand, fraudulent foreign residents who engage in activities that are different from those meeting their primary status of residence have become a problem along with illegal foreign residents. In this respect, there is a need to develop a system, such as restricting the scope of organizations

employing foreign workers, to prevent such problems. In line with the nationwide promotion of acceptance of foreign researchers under the system of the Special Zones for Structural Reform to be implemented in FY 2005, imposing certain responsibilities and obligations on employers of foreign workers will be considered.

The periods of stay for highly-skilled foreign nationals will be extended with the prerequisite that a system be developed to ensure such extension does not cause a problem of illegal employment. Consideration will also be given to extending periods of stay for foreign nationals with statuses of residence in professional or technical fields, other than the highly-skilled workers.

(b) Easing, Clarifying and Increasing the Transparency of Requirements for “Permanent Resident” Permission

It is beneficial to Japanese society as a whole to take measures to promote the entry, settlement and permanent residence of highly-skilled workers among those that Japan should welcome. In order to demonstrate to foreign nationals and Japanese society that Japan welcomes highly-skilled foreign nationals, the requirements of permission for permanent residence for foreign nationals will be clarified and published in order to encourage settlement. Easing the requirements for permission for permanent residence of highly-skilled foreign nationals will also be considered as well as extending periods of stay for such foreign nationals as noted in (a) above. In addition, reducing the burden on these foreign nationals regarding renewal of periods of stay will be considered.

(2) Responding to a Population-Declining Society

According to the estimate (a median estimate) by the National Institute of Population and Social Security Research, Japan’s population is predicted to peak at 127.74 million in 2006 before entering a long-term decline hitting some 100.6 million in 2050. The nation’s productive population, which already peaked at 87.17 million in 1995 and turned down, is predicted to decline to 53.89 million in 2050. If Japan were to accept foreign nationals simply to make up for the decline and to maintain a productive population at that peak, the nation would have to accept some 650,000 foreign nationals annually. It is, however, not appropriate to simply supplement the decline by accepting foreign nationals alone.

Measures responding to the population-declining society amid the falling birthrate and ageing population should be considered along with birthrate-boosting measures, improvements in labor force participation ratios for women and elderly people, and other measures in various fields. However, the time has also come for the immigration control administration to consider what the acceptance of foreign workers should be in a population-declining age.

As the productive population decreases substantially, it is important for Japan to further promote the acceptance of foreign workers in professional or technical fields. The statuses of residence or

conditions for landing permission will be reviewed for foreign workers who are highly valued in professional or technical fields according to changes in the economy and society.

Accepting foreign workers in fields that are not valued as professional or technical at present will also be given consideration in light of the decrease in the productive population, while also taking into account the need to maintain Japan's economic vitality and national living standards, the public consciousness and the existing conditions of the nation's economy and society. In this respect, consideration should be given not only to new industrial fields, Japanese language aptitude and other conditions for accepting foreign workers, but also to the positive and negative impacts on Japan's industry and public welfare which stretch over a wide range of factors covering domestic security, the domestic labor market, industrial development and restructuring and social costs.

As for nursing-care workers who will be in growing demand due to the ageing of the population, consideration will be given to whether and how to accept foreign workers in the field while paying careful attention to the acceptance of such foreign nationals under economic partnership agreements with foreign countries and taking into account nursing-care jobs being created for Japanese workers.

One single administration field cannot cover all the responses to a declining population: the falling birthrate and ageing population. Technological innovation and other measures in various fields including industry should be combined to tackle these problems. The immigration control administration for its part will consider measures while taking into account various requests.

(3) Expanding International Exchange through Tourism

A. Contributing to Development of Tourism in Japan

In tourism, Japan ranks 11th in overseas travelers, while taking 33rd place in attracting foreign travelers. Japan thus has a huge imbalance in tourism.

The government is promoting measures to make Japan a country built on tourism, setting the goal of doubling the annual number of foreign tourists visiting Japan by 2010.

In April 2003, the Japanese Tourism Advisory Council, a group of experts, submitted a report subtitled "Building a Country That Is Comfortable to Live in and Visit" in order to realize a country built on tourism. In response, the Cabinet Ministers Committee for a Country Built on Tourism, consisting of all the cabinet ministers decided on an "Action Plan for a Country Built on Tourism" in July 2003, putting forward specific measures. In November 2004, the Committee for a Promotion Strategy for a Country Built on Tourism presented 55 proposals to effectively and comprehensively implement measures for realizing a country built on tourism. The immigration control administration will contribute to realizing a country built on tourism through implementation of smooth immigration procedures for

foreign travelers visiting Japan, while taking note of the problem of illegal foreign residents and other issues.

In order to realize smooth examination for landing of foreign nationals including tourists upon their entry into Japan, one goal is to shorten the examinations for landing for a large number of problem-free foreign nationals while introducing a secondary examination system*1 and a pre-clearance system*2 to secure strict examination depending on the situation.

B. Cooperation in Utilizing and Expanding Working Holiday Programs

Japan now implements working holiday programs for Australia, New Zealand, Canada, the Republic of Korea, France, Germany and the United Kingdom. In order to encourage Japan's youth exchange with foreign countries and deepen mutual understanding on the cultures of other countries, smooth acceptance of working holiday visitors will be carried out while paying due consideration to the problem of illegal foreign residents. At the same time, the immigration control administration will contribute to expanding the range of countries subject to working holiday programs in cooperation with the Ministry of Foreign Affairs and other ministries.

With respect to international expositions to be held in Japan, smooth acceptance of exposition-related foreign nationals as well as foreign visitors to such expositions will also be carried out.

(4) Appropriate Acceptance of Foreign College and Pre-college Students

Foreign college and pre-college students in Japan are called “ambassadors from the future” since they are expected to increase mutual understanding and to deepen the friendship between Japan and other countries. Foreign nationals who are interested in Japan and choose to study at colleges or pre-college schools in Japan can be expected to become those who truly understand Japan through their studies and experience of Japanese culture. If such foreign nationals gain special knowledge and skills and become active in Japan or foreign countries, this will help support Japan's development in both economic and cultural fields. From this viewpoint, foreign college and pre-college students should be openly accepted. In 2003, although Japan achieved the 1983 plan to accept 100,000 foreign students, a significant number of the foreign nationals disguised themselves as college or pre-college students to enter and stay in Japan when, in fact, their real purpose was to work. Some foreign nationals who entered Japan as college or pre-college students ended up working illegally or committing crimes for financial and other reasons. Therefore, there is a need to improve the quality of the policy for accepting foreign students.

In order to accept as college or pre-college students foreign nationals who truly wish to study in Japan and who will become active in various fields with a good understanding of Japan, it is necessary to improve education at colleges and other schools and to implement appropriate selection of school

entrants and efficient management of their enrollment. For the purpose of allowing foreign students to increase their motivation for learning and to study without anxiety, it is also vital to expand scholarships, develop housing and other conditions and improve the quality of college education.

A cooperative link between these measures and the immigration control administration is of great importance, and through such means as utilizing the results of Japanese language tests and other tests for foreign nationals and by varying the strictness of landing examinations in accordance with the trends in overstayers, the acceptance of college or pre-college students who truly wish to study in Japan, and an environment where they can continue to study will be promoted. At the same time, strict measures against foreign nationals disguising themselves as college or pre-college students will be being taken. In this way, appropriate acceptance of foreign students will be ensured while also contributing to the acceptance of high-quality college and pre-college students through the promotion of smooth procedures for outstanding students to change to a status of residence for employment after graduation from college or other educational institutes in Japan.

(5) Improving Training and Technical Internship Programs

The number of foreign nationals newly entering Japan with the “Trainee” status of residence exceeded 70,000 in 2004. More than 20,000 foreign trainees took part in technical internship programs after finishing their training during that year. The training and technical internship programs have thus become firmly rooted in Japan.

On the other hand, some foreign trainees and technical interns have gone missing, are overstaying in Japan, or have failed to receive allowances or wages in full.

In order to appropriately tackle these problems and to achieve the goals of these programs in enabling foreign trainees and technical interns to master skills in Japan and utilize them in their home countries, implementation of the programs in accordance with their objectives will be further improved and these programs will be reviewed. Cooperation with relevant agencies will also be incorporated for measures to help foreign trainees and technical interns take full advantage of their skills in their home countries after mastering the skills in Japan.

A. Improving Implementation of Programs in Accordance with Their Objectives

The training and technical internship programs have widely spread throughout the industries, including the manufacturing sector, as an increasing number of foreign nationals have been accepted for these programs. In some cases, however, foreign trainees and technical interns are treated as low-cost workers. Some of the enterprises and other organizations accepting foreign trainees and technical interns, as well as these foreign nationals themselves and the foreign organizations sending them to Japan, have failed to fully understand the objectives of the programs – “training” as learning and

“technical internship” to master skills while under employment. In this respect, strict instructions to supervisors of foreign trainees and full notification to them of the program objectives will be given. Stringent examinations will be conducted through measures such as investigation of the training and internships in cooperation with the labor administration, if necessary. While taking into account protection of the foreign trainees and technical interns who have no reason to be blamed for any problems, the implementation of these programs, according to their objectives, will be improved by taking measures such as prohibiting organizations who have engaged in inappropriate practices from accepting foreign trainees for three years.

In this respect, directions will be given to encourage acceptors of foreign trainees and interns to make improvements under the present programs, through measures such as analysis and introduction of cases where some organizations have made successful international contributions through technology transfers to developing countries.

B. Reviewing the Programs

In order to appropriately and smoothly promote and further improve the training and technical internship programs, not only improvement of their implementation but also review of the programs themselves is needed in cooperation with relevant government agencies. Specifically, consideration will be given to creating a status of residence for technical interns, which is indicated in the 2nd Basic Plan for Immigration Control, and to reviewing legal protection of foreign nationals who are taking part in on-the-job training taking into account the promotion of appropriate and smooth technology transfers. Easing regulations on company individual training that has shown few problems will be considered in accordance with changes in the company's activities. As for the training programs under the scheme of association-managed training (training programs in which trainees are accepted under the scheme of association managed training such as those run by the chambers of commerce and industry and cooperative organizations and that do not have business relationships with the accepting companies or dispatching companies), which have caused a number of problems, toughening regulations on the acceptors in accordance with the existing conditions, such as imposing greater responsibility for management of trainees, will be considered. The range of job types subject to the technical internship programs will be reviewed widely from the viewpoint of international contributions, and measures to smoothly and quickly respond to internship requests will be considered in cooperation with relevant government agencies. When considering these measures, the view of promoting skills and technology transfers overseas through the development of transparent and appropriate programs that will benefit both the countries which are dispatching the foreign trainees and technical interns and the receiving country, Japan will also be included.

(6) Measures for Foreign Nationals Staying in Japan for a Long Time

Unlike foreign nationals staying in Japan for temporary sightseeing purposes, those who stay in Japan for a long time are residents who have ties to the regional community. The measures for those foreign residents have become more significant as their number has increased. The conditions of permission for “Permanent Resident” will be further specified and clarified for those foreign residents who wish to stay in Japan permanently.

From the point of view of developing an environment where foreign nationals can live comfortably, it is indispensable to link together measures in various areas including labor, education and welfare to appropriately address living condition problems seen in regions where many foreign nationals reside. Therefore, relevant national measures should be considered in coordination with local government measures. Since it is important for foreign nationals to have Japanese language skills when engaging in various activities in Japan, cooperation with government agencies in charge of Japanese language education and promotion measures for foreign nationals in Japan and foreign countries will be reinforced, and the immigration control administration will also play a major role including consideration of how to accept foreign nationals. In order to make it easier for foreign nationals to live in Japan, for example, foreign medical doctors may be allowed to provide medical services in foreign languages. Such a measure will help Japan become a country where foreign nationals can live comfortably.

While a wide range of organizations are involved in helping foreign nationals stay in Japan, foreign nationals who do not have much knowledge of the Japanese language or of Japan’s administrative structure may lack knowledge on contacts for consultations on administrative services. In this respect, possible measures to support the livelihood of foreign nationals will be considered. Such measures may be to expand the website functions of immigration control services and to cooperate with relevant administrative agencies and private-sector organizations supporting foreign nationals, including participation in efforts to build cooperation arrangements for regional information exchange and services. Immigration information centers in each regional administration bureau may also accept inquiries from foreign nationals on other administrative services and introduce relevant administrative agencies to them.

(7) Other Issues Regarding Acceptance of Foreign Nationals

The immigration control administration, which has gradually eased related regulations in order to facilitate international human exchanges, will take deregulation measures as far as possible while taking note of the problem of illegal residents and other issues. For example, an online system of issuance of landing permission for crews, and simplification and acceleration of procedures including development of information technology for use in application procedures will be considered. Public relations activities will also be promoted such as announcements of explanations on present landing permission

requirements, in order to improve the convenience and transparency of various procedures. As such, foreign languages will be used as needed.

2. Measures for Recovering Japan's Public Security through Promotion of Tough Border Measures and Substantial Reduction of Illegal Foreign Residents

The number of illegal foreign residents in Japan is now estimated at some 240,000. Over recent years, foreign nationals' crimes in Japan have become more serious. Brutal crimes including break-in robberies have increased and some foreign nationals have collaborated with crime syndicates in committing crimes. It has been pointed out that the presence of illegal foreign residents has become a hotbed for crimes committed by foreign nationals.

In order to address such a situation, the Ministerial Meeting against Crimes formulated an "Action Plan for the Realization of a Society Resistant to Crime" in December 2003. According to this action plan, the government will aim at reducing the number of illegal foreign residents by half in the next five years to ensure public security. It also indicates that it is necessary to eliminate unreasonable suspicion toward the many foreign nationals who are staying in Japan peacefully and legally.

In order to openly accept foreign nationals who are needed in Japan, the immigration control administration should develop an environment where foreign nationals are easily accepted, by reducing the number of illegal foreign residents who influence Japanese society to resist acceptance of all foreign nationals. Strong measures to halve the number of illegal foreign residents will be promoted in reinforced cooperation with the police and other relevant agencies.

Enhancement of measures to prevent terrorists from entering Japan has become a key challenge. Tougher border measures to forestall terrorist attacks will be promoted based on the "Action Plan for Prevention of Terrorism" as adopted at the Headquarters for Promotion of Measures Against Transnational Organized Crime and Other Relative Issues and International Terrorism in December 2004.

(1) Promoting Border Measures

Border measures are needed to block the entry of terrorists and other foreign nationals planning to commit crimes in Japan, as well as those planning to illegally stay or work in Japan. These measures will be aggressively promoted in cooperation with relevant agencies or officials including crisis management officials at international airports and seaports.

A. Implementing Stricter Examinations for Landing

In order to reduce the number of illegal foreign residents in Japan, it is necessary to prevent foreign nationals who wish to stay illegally from coming to and entering Japan. Regarding the status of residence of “Temporary Visitor” which accounts for 70% of the status illegal foreign residents have, as well as the “Entertainer,” “Pre-college Student,” “College Student” and “Trainee” statuses of residence which account for a large percentage of the status illegal foreign residents have, stricter examinations for landing will be implemented based on analysis of the accepting organizations and their home countries. Landing permission conditions will also be reviewed as needed. Stricter examinations on applications for certificates of eligibility will be implemented through investigation of existing conditions and other measures.

It is vital to cooperate with the examinations of the Ministry of Foreign Affairs for issuance of visas in preventing foreign nationals from coming to Japan for the purpose of staying illegally.

B. Introducing Immigration Examinations Using Biometrics

In order to detect and oust, at the border, terrorists or foreign nationals who have been deported from Japan or committed crimes, one effective method is to further enhance measures against forged and falsified documents and to utilize biometrics in immigration examinations.

In order to take facial portraits and fingerprint data during landing examinations of foreign nationals under the “Action Plan for Prevention of Terrorism” (as adopted at the Headquarters for Promotion of Measures Against Transnational Organized Crime and Other Relative Issues and International Terrorism on December 10, 2004), necessary preparations will be made by putting in order points for us to keep in mind, observing relevant measures taken by foreign countries and developing relevant law. The Ministry of Foreign Affairs is planning step-by-step to implement the fingerprinting of foreign nationals for their visa applications depending on the overall system and the installation of materials and equipment at diplomatic establishments and on developments in foreign countries, while consideration is also being given to linkage with the landing examinations.

As for examinations of Japanese nationals upon their departure from and return to Japan, introduction of automatic examination gates utilizing biometric data for those willing to use the system is being planned. Using such gates for foreign nationals will also be considered.

C. Introducing Other New Measures

The Advance Passenger Information System (APIS) was introduced in January 2005 for airlines to transmit information on crew members and passengers on flights bound for Japan before reaching Japan to allow automatic verification of the data against data maintained by immigration control, customs and police authorities. Strict landing examinations are being promoted by utilizing this system. Obliging airlines to introduce this system will be considered while observing operation of the present system in which airlines participate voluntarily.

As described in 1(3)A, through the introduction of the secondary examination system and the implementation of a pre-clearance system, strict and effective landing examinations will be secured. A measure will also be introduced to dispatch Japanese experts in verification of forged or altered documents as liaison officers to foreign airports to detect forged or altered passports and to instruct airline officials to prevent their holders from boarding aircraft bound for Japan. Another possible measure that may be introduced is requiring airlines to verify the passports of foreign nationals boarding aircraft bound for Japan. In addition, the effectiveness of border measures will be increased by proceeding with preparations for immigration examinations using a database that the International Criminal Police Organization is developing for real-time sharing of information on missing and stolen passports, and by cooperating with other government agencies in developing laws to block entry of foreign nationals identified as terrorists.

(2) Strict Status of Residence Examinations

Problems have been highlighted not only with illegal foreign residents but also with legal foreign residents who have valid statuses of residence while concealing their real purposes for entering and staying in Japan. Focusing on “College Student,” “Pre-college Student,” “Entertainer,” “Spouse or Child of Japanese National” and other statuses of residence that foreign nationals frequently use to conceal their real purposes for entering and staying in Japan, existing conditions will be thoroughly investigated, and strict examination of statuses of residence will be conducted based on such investigations. The status of residence revocation system will also be aggressively utilized.

The immigration control administration will also continue to cooperate with the health, labor and welfare administration to implement pre-entry and post-entry status of residence examinations using information on dishonest businesses that fail to pay wages or social insurance premiums for foreign nationals who are identified as technical interns or illegal workers. This will help develop an environment where foreign nationals who should be accepted in Japan can engage in their activities free of problems.

(3) Reinforced Detection Based on Close Information Analysis and Cooperation with Relevant Agencies

In order to halve the number of illegal foreign residents in Japan, it is necessary to efficiently deport foreign nationals who have illegally stayed in Japan. To this end, based on collection and close analysis of information on illegal foreign residents, detection will be reinforced in major entertainment centers and other districts that have concentrated numbers of illegal foreign residents. Joint detection with the police and other relevant agencies will be constantly implemented to create an environment where foreign nationals attempting to illegally stay in Japan with false purposes for entry into the country have

difficulties working illegally for a long period of time. In this way, the realization that illegal stay in Japan has few benefits will be reached.

At the same time as exposing illegal foreign residents to reduce their number, detection of dishonest employers and brokers will be promoted aggressively by applying the regulations on the offenses of encouraging illegal employment, in cooperation with the police in order to improve the present environment, which encourages foreign nationals to illegally stay in Japan. Detection will also be reinforced for brokers who, by mediating for employment and forging and selling fake passports and alien registration certificates, make it easy for illegal foreign residents to stay in Japan.

(4) Utilizing Detention Facilities and Implementing Prompt Deportation

In order to halve the number of illegal foreign residents, it is necessary to reinforce detection and other measures, and then increase the number of foreign nationals to be deported from Japan. Therefore ample detention facilities and prompt deportation are indispensable. To this end, development of detention facilities will continue in order to increase the capacity of the detention facilities. In order to ensure prompt and secure deportation, the relevant countries will be firmly requested to facilitate and accelerate the issuance of passports and other documents for deportees' return to their home countries and requests to airlines will also be increased. The district immigration offices at the airports will enhance their function as a deportation base to facilitate deportation.

(5) Reviewing the Systems for Efficient Deportation Procedures and Prevention of Illegal Residents

In order to promote measures against illegal foreign residents under our limited structure, it is necessary to review the systems for effective and efficient deportation procedures.

In this respect, the creation of the departure order system, as well as the additions to the reasons for deportation and review of the penalties, is significant. The departure order system may be utilized to encourage illegal foreign residents to voluntarily appear. With regard to the detection of illegal foreign residents, continuous joint detection with the police will be promoted, and efficient deportation will be undertaken by utilizing Article 65 of the Immigration Control Act to promptly shift from criminal procedures to deportation procedures. The immigration control administration will also ask the police to strictly apply relevant penalties to illegal foreign residents including repeaters.

Illegal foreign residents who appear in order to continue their residence in Japan are required under the present law to undergo three procedural stages – examination by an immigration inspector, a hearing by a special inquiry officer and the decision of the Minister of Justice – after investigation of the

violation by an immigration control officer, despite the fact that violations are not disputed in most cases. This imposes a great burden on both the administrative sector and the illegal foreign residents who have appeared voluntarily. Therefore, simplified procedures which do not go into the illegality will be considered for cases where illegal foreign residents have appeared voluntarily and who seek special permission to stay.

Moreover, applications for renewal of the period of stay in Japan from foreign nationals who have caused no problems during their stay but who have inadvertently become illegal residents by forgetting the renewal deadline are presently not accepted. The only option is to order deportation procedures for them and give them special permission to stay in order to turn them back into legal residents. This has also imposed a great burden on both the administrative sector and the foreign nationals who, through forgetfulness, have become illegal residents as a result. For foreign nationals who have had short periods of illegal stay and there have been no problems with their residence, some relief measures along with a review of the three-stage system will be considered.

In order to strongly promote prompt deportation, consideration will be given to developing a legal principle forcing deportees to shoulder costs for their return to their home countries and building frameworks to promote deportation, including cooperation with relevant countries and airlines for prompt issuance of documents and arrangement of flights for their return.

In order to improve an environment that presently encourages illegal residence and in order to deter violations, not only will detection of illegal brokers and employers be reinforced, but also requests for employers to verify the identity of foreign nationals and their statuses of residence will be promoted in cooperation with relevant agencies. Institutionalizing such verification will also be considered when necessary.

(6) Continuing Consideration of the Conditions of Illegal Foreign Residents

A. Treatment Based on Links to Japanese Society

While the immigration control administration is urgently required to substantially reduce the number of illegal foreign residents, some of them deserve humanitarian consideration due to their relationships with Japanese nationals.

Japan has not adopted any amnesty policy which would encourage an inflow of new illegal foreign residents or extension of illegal residence, but special permission to stay has been granted to illegal foreign residents who have close links with Japanese society or who, from a humanitarian standpoint, would suffer from deportation. While taking into account the effects of special permission to stay on illegal foreign residents in general, the immigration control administration will continue to give sufficient humanitarian consideration and appropriate treatment to illegal foreign residents, who are identified as

having close links with Japanese society, including close relationships with Japanese nationals or permanent foreign residents.

Specific standards are difficult to establish for special permission to stay since they depend on the discretion of the Minister of Justice: the Minister of Justice gives comprehensive consideration based on the details of individual cases. In order to increase the transparency of special permission to stay, however, more cases where special permission to stay has been granted will be made public and consideration will be given to whether and how to work out guidelines for special permission to stay while taking into careful account such guidelines' possible effects on other illegal foreign residents.

B. Giving Consideration to the Victims of Trafficking in Persons

Trafficking in persons constitutes considerable abuse of human rights. In cases where foreign nationals became illegal residents due to trafficking in persons, immigration control officers in charge of deportation procedures have taken appropriate measures giving consideration to human rights and the wishes of these illegal residents. In cases where illegal foreign residents as victims of trafficking in persons sought to continue residing in Japan, whether or not to issue special permission to stay has been decided after comprehensive consideration of the developments leading to illegal residence, the reasons to stay in Japan and residence conditions. In order to further expand and secure protection of such victims in the future, the reasons for denial of landing and deportation of foreign nationals who have been forced to engage in prostitution or the like as a result of being a victim of trafficking in persons will be reviewed. A considerable number of foreign nationals with the "Entertainer" status of residence have illegally worked as hostesses or the like at entertainment establishments without engaging in the originally planned entertainment activities. Among them, some have been forced to accompany customers or engage in prostitution and have been victims of the international problem of human trafficking. Improvements in such situations and review of the present system to prevent the "Entertainer" status of residence from being utilized for immoral purposes will be carried out. Further, more enhanced measures at the border to find such victims will be taken. Cooperation with relevant agencies at home and abroad in tackling the issue of trafficking in persons will also be reinforced.

Domestic violence also constitutes a serious abuse of human rights. In cases where foreign nationals who have a "Spouse or Child of a Japanese National" status of residence and have been separated or divorced due to domestic violence by a Japanese national and who wish to stay in Japan, decisions on whether to issue special permission to stay will be made, as before, taking into account overall consideration of their residence conditions and their capacity to make a living. As for cases where foreign nationals become illegal residents because their spouse's domestic violence prevents them from making due applications within their authorized periods of stay, whether or not to issue special permission to stay will be decided taking into account overall consideration of the relevant conditions.

3. Other Major Issues

(1) Development of the Immigration Control System

The immigration control system will be further developed in order to contribute to the progressive development of Japan as a whole, and to meet requests at home and abroad for more open and smooth acceptance of foreign nationals who should be welcomed in Japan and reinforcement of a check system to eliminate foreign nationals planning illegal employment in Japan through the secure implementation of the measures specified in this 3rd Basic Plan.

In this respect, utilizing information for both smooth and strict enforcement of immigration control will be promoted by integrating and analyzing immigration control information in a unified manner and utilizing such information in all possible fields, including landing examinations, status of residence examinations and detection of illegal foreign residents.

(2) Further Promotion of International Cooperation

International cooperation, including measures against terrorism and illegal immigration, is indispensable for immigration control. In this respect, it is necessary to further develop cooperative relations with relevant foreign organizations including immigration control authorities. Japan will promote international cooperation through overseas dispatch of liaison officers, active participation in various relevant international conferences and implementation of seminars on immigration control.

Based on the recent activities of international terrorism, further exchange of information with relevant foreign agencies will be promoted to securely block entry of terrorists at the border. Development of laws to exchange information with foreign immigration control authorities will also be carried out.

(3) Appropriate Enforcement of the New Refugee Recognition System

The refugee recognition system was reviewed to introduce the refugee examination counselors system and other matters. The immigration control administration continues to fulfill its responsibilities in the global community by enforcing the new system smoothly and appropriately, eliminating foreign nationals disguising themselves as refugees and protecting real refugees.

In order to promptly and appropriately process refugee recognition applications, it is necessary to develop an investigation system for refugee recognition, expand training to improve investigation know-how and accumulate information including the conditions of applicants' home countries. Therefore,

frequent exchange of information with relevant agencies will be carried out and accumulated information will be utilized in investigations.

(4) Appropriate Enforcement of the Alien Registration System

It is important to contribute to the fair administration of foreign residents, which is the objective of the Alien Registration Law, namely to appropriately provide accurate materials and information on residence and identification of foreign residents for immigration control, labor, education, welfare and other administrative services. While paying due attention to changes at home and abroad, and in order to answer requests for provision of detailed information on daily living and welfare assistance, which are becoming more frequent owing to the increase in foreign nationals, appropriate enforcement of the system to make alien registration further meet real needs will be promoted. While taking into account the rights to privacy of each foreign national, measures to simplify and rationalize alien registration procedures and to implement further prompt and appropriate provision of accurate materials and information will be considered, including online alien registration procedures that use the information technology that has seen great developments over recent years.

In order to help reduce the number of illegal foreign residents, measures against forged or altered alien registration certificates will be promoted. Since some illegal foreign residents utilize alien registration certificates to disguise themselves as legal residents, publicity of the meaning of “No status of residence”, as specified on the alien registration certificates issued for illegal foreign residents will be carried out.

*1The secondary examination system is designed to ensure both smooth, swift examinations for landing and strict examinations. Under the system, foreign nationals who clearly meet the conditions for landing may be given permission for landing at the landing examination booths. Those whose purposes for entry and other matters engender some doubt may be moved to a different booth for secondary examination in order to carry out a stricter examination of satisfaction of the conditions for landing.

*2The pre-clearance system means that immigration officers are sent to foreign airports for preliminary checks of foreign nationals traveling to Japan. Foreign nationals who have reasons to be rejected by Japan may be recommended to cancel their trips to Japan. These officers may also confirm foreign nationals' planned activities in Japan as authentic at foreign airports so that their examination process at Japanese airports or seaports may be simplified thereby shortening their waiting time and forestalling illegal residence problems.