

2021

Immigration Control and Residency Management



Immigration Services Agency, Japan

————— 2021 —————

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Introduction

Publication of the 2021 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 the public 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 27th edition. On December 8, 2018, the "Act for Partial Amendment of the Immigration Control and Refugee Recognition Act and the Act for Establishment of the Ministry of Justice" (hereinafter referred to as "Act to Amend the Immigration Control Act and Other Related Laws") was approved at the 197th session (extraordinary session) of the National Diet, which clearly stated that along with immigration, another duty of the Ministry of Justice would be fair management of the "residence of foreign nationals" and accordingly, the name of the report was changed to "Immigration Control and Residency Management" from 2019. It was a publication which only summarized the trends in immigration control administration over a five-year period until 2003. However, given the accelerated pace of changes in the conditions affecting Japan's immigration control policies, immigration control administration has had to incorporate various new measures to respond it properly. In line with the rapid changes, the "Immigration Control" has annually been published primarily summarizing the trends of immigration control administration over a twelve-month period since 2004.

The 2021 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 2016 to 2020, gives a summary of the recent circumstances and policies of immigration control administration, focusing primarily on the actions taken in FY 2020, such as implementation of specified skilled worker program since April 2019, implementation of technical intern training program, acceptance of foreign human resources, measures on residence support, efforts toward a tourism-oriented country, measures taken for stringent prevention against the entry of unwelcome foreign nationals such as terrorists, Comprehensive measures for acceptance and coexistence of foreign nationals, efforts for appropriate treatment of detainees and status of the operation of the refugee recognition system.

Finally, we hope that through this 2021 Immigration Control and Residency Management immigration control and residency management administration will prove to be beneficial and easy to understand.

November 2021

SASAKI Shoko

Commissioner of the Immigration Services Agency, Japan

Points of the 2021 Immigration Control and Residency Management

Organization of the 2021 Immigration Control and Residency Management

- The 2021 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 2020 based on the statistics over the five-year period from 2016 to 2020.
- Part II describes the major immigration control and residency management policies (implemented during FY 2020 as well as some of the measures for FY 2021).
- 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 2020 (including those who re-entered Japan) was 4,307,257, and the number of foreign nationals who newly entered Japan, excluding those who re-entered, was 3,581,443 (a decrease of 87.4% 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 2,887,116 as of the end of 2020.
 - In addition, the percentage of foreign residents to the total population of Japan was 2.3%, an decrease of 0.02 points compared to the number at the end of 2019.
- **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, 2021 was 82,868, and as of January 1 each year, it has decreased for the first time in seven years.

Part II

Major Policies Related to Immigration Control and Residency Management Administration

- **Response to COVID-19**
 - Countermeasures at the port of entry

The Immigration Services Agency is taking countermeasures at ports of entry, such as refusing entry to Japan, for foreign nationals who have stayed in areas where there are a high number of COVID-19 cases. This is done by handling them as foreign nationals who fall under Article 5, Paragraph (1), item (xiv) of the Immigration Control Act, except when there are special circumstances.

- Procedures for residence

Given the impact of the COVID-19 pandemic, the Immigration Services Agency is taking measures such as allowing foreign nationals whose circumstances make it difficult to return to their home country to change their status of residence to “Designated Activities”, which allows them to work. Related measures include allowing foreign nationals whose status of residence does not enable them to work to engage in activities other than those permitted under their status of residence, so that they can maintain their livelihood in Japan.

- Employment maintenance support

The Immigration Services Agency is granting the status of residence “Designated Activities”, which allows foreign nationals to work in specific industrial fields under certain conditions, in order to enable the continued employment in Japan of technical intern trainees who can no longer continue their technical intern trainings, international students whose preliminary offer of employment was cancelled, former technical interns trainees who have completed their technical internship trainings but cannot return to their home country, and other foreign nationals in similar circumstances.

- Strengthening our information provision and consultation systems

The Immigration Services Agency collects and posts information about various government ministries and agencies on the Daily Life Support Portal for Foreign Nationals. Extraordinary measures are also being taken and operated to grant subsidies to one-stop consulting counters established by local governments, and the FRESC Help Desk has been started which can offer a free multilingual telephone consultation service to foreign nationals experiencing difficulties with daily life due to the COVID-19 pandemic, as means of strengthening our consultation system.

- Countermeasures against COVID-19 at immigration facilities

Since the initial outbreak of the Alpha strain of COVID-19, it has gradually been replaced by variant strains. The Immigration Services Agency considers establishment of more effective infection prevention measures to be an urgent task, and so on July 20, 2021 we published the 4th edition of the Manual for measures against COVID-19 infection Immigration Facilities.

- **Specified Skilled Worker Program**

- According to the preliminary figures as of end of June, 2021, the number of foreign nationals with the status of residence of Specified Skilled Worker was 29,144.

According to the preliminary figures as of end of June, 2021, there were 12,007 cases of issuance of Certificates of Eligibility pertaining to Specified Skilled Worker, 26,039 cases of permission granted for change of status of residence, and 6,156 cases of registration to registered support organizations.

- The Immigration Services Agency, in cooperation with the relevant ministries and agencies, has promoted the implementation of exams in Japan and abroad. Due to these efforts, as of end of June, 2021, exams in all the 14 fields have been implemented in Japan and in eight foreign countries.

The number of foreign nationals who have passed the proficiency test has increased favorably, totaling 47,270 as of end of June, 2021.

- As of end of June, 2021, Memorandums of Cooperation have been entered into with 13 countries and in accordance with these Memorandums of Cooperation, we share information and exchange opinions with the respective governments as necessary, and strive to address any

issues that are considered to require action in order to achieve the appropriate operation of the Specified Skilled Worker system.

- The Field-Specific Operation Policy was partially revised (Cabinet decision of February 28, 2020), including addition of the seven work categories to the construction field.

● 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 compiled these “Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals” (hereinafter referred to as “Comprehensive Measures”) by the “Ministerial Conference on Acceptance and Coexistence of Foreign Nationals” (hereinafter referred to as “Ministerial Conference”) in December 2018.
- In June 2019, Ministerial Conference compiled the “Enhancement of Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals” (hereinafter referred to as “Enhancement Measures”), as a means of enhancing the content of Comprehensive Measures with a focus on matters which are urgent issues involving the improvement of the environment for accepting foreign nationals. Following the direction of the Enhancement Measures, in December 2019, Ministerial Conference revised the Comprehensive Measures, and in July 2020, revised again in order to further enhance and promote improvement of the environment for accepting foreign nationals based on the implementation status of related measures thus far, working together as one government to promote related measures.
- In June 2021, Ministerial Conference revised the Comprehensive Measures from the standpoint of further enhancing the environment of accepting foreign nationals, also based on the issues identified due to e.g. the spread of COVID-19, in implementing the existing relevant measures.
- Following Comprehensive Measures, eight organizations from four ministries and agencies, including the Tokyo Regional Immigration Services Bureau, Japan Legal Support Center (Houterasu), Human Rights Department of Tokyo Legal Affairs Bureau, relating to foreign residents into the building in front of the JR Yotsuya Station in Shinjuku-ku, the Foreign Residents Support Center (FRESC) was opened on July 2020.

● Advisory Panel of Experts for the Realization of Society of Harmonious Coexistence with Foreign Nationals

- In January 2021, the decision was made to stage an “Advisory Panel of Experts for the Realization of Society of Harmonious Coexistence with Foreign Nationals” (hereinafter referred to as “Advisory Panel”), with the purpose of investigating the ideal form of a society of harmonious coexistence with foreign nationals, as well as medium to long-term issues which must be addressed in order to realize the society, and reporting the opinions of the Advisory Panel to Ministerial Conference. From the February, discussions were held at the Advisory Panel, and currently, the Opinion is being formulated.

The government will formulate a work schedules to show both Japanese nationals and

foreign nationals the ideal form and medium to long-term challenges and measures to be undertaken in order to realize the society, based on the Opinion of Advisory Panel and so on.

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

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

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

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

- In October 2017, Haneda Airport commenced advance operation of the facial recognition Automated Gates in the return confirmation procedures for Japanese nationals in order to streamline and facilitate the departure and return procedures for Japanese nationals by using facial recognition technology. In addition, from FY2018 to FY2019, the facial recognition Automated Gates were introduced in the landing and departure examination areas of New Chitose Airport, Narita Airport, Haneda Airport, Chubu Airport, Kansai Airport and Fukuoka Airport, and are being operated in the departure and return procedures for Japanese nationals. They were also newly installed at Naha Airport in 2020.

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

- The Immigration Services Agency will continue to implement strict immigration examinations utilizing Biometric information, ICPO’s database of stolen and lost travel documents and APIS as well as other information to reliably prevent the entry of terrorists and other suspicious persons posing as tourists, etc. at the border. In addition, since March 26, 2021,

facial images of people who receive departure confirmation when departing Japan have been collated with facial images of people who are subject to departure confirmation deferment, which are held by the Immigration Services Agency.

● Implementation of the technical intern training program

- The Immigration Services Agency is conducting various initiatives order to promote implementation of proper technical intern training and protection of technical intern trainees. These include (1) 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, enforced in November 2017, (2) improvement measures compiled by the “Project Team for Operation of the Technical Intern Training Program” in March 2019, and (3) further improvement measures to reduce the number of disappearances of technical intern trainees, compiled in November 2019.
- Memorandum of Cooperation is being prepared in turn with the government of each sending country, with the primary aim of securing proper sending organizations, and as of the end of 2020, such agreements have been prepared with 14 countries.

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

- The number of foreign nationals overstaying their authorized period of stay had been steadily decreasing since 1993 owing to past measures that had been taken, but this trend saw an increase in 2015 for the first time in twenty-two years. Since then, as of January 1, 2021, the number of foreign nationals overstaying their authorised period of stay has increased to 83,000. The efforts are being made to reduce the increasing number of illegal foreign residents through strengthened a crackdown, reinforced collection and analysis of information on illegal foreign residents, and the promotion of voluntary appearances.
- “Imposter residents” are foreign nationals residing in Japan having illegally received entry or residence permission as though they came under one of the statuses of residence having disguised their identity or activities such as by using forged or altered documents or false documents under the cover of a fake marriage, studies or employment, etc., or they may not necessarily have concealed the purpose of their activities from the onset but are working illegally in jobs prohibited by their current status of residence. We are striving to find and reduce such “imposter residents” by strengthening collection and analysis of information.
- When a detainee is issued with a deportation order, but there are no prospects for a deportation owing to circumstances preventing the deportation such as the fact that a detainee suffering from a disease or the institution of litigation, the Immigration Services Agency actively utilizes provisional release, and makes efforts to ensure the implementation of more suitable deportation procedures.
- In response to the opinions given by the “Immigration Detention Facilities Visiting Committee”, the Immigration Services Agency has continued to strive for greater transparency in security treatment and has endeavored to improve and enhance the operation of the immigration detention centers, etc.
- The Expert Committee on Detention and Deportation was formed under the 7th Immigration Policy Discussions Panel to the Minister of Justice, and specific measures including legislation were discussed and reviewed among the committee members. The Committee submitted its final report to the Minister of Justice on July 14, 2020.

- Based on this report, with the dual purposes of making deportation procedures more appropriate and effective and resolving the problems such as deportation evasion and long-term detention, we submitted the Bill for the Partial Amendment of the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, inter alia, those who have lost Japanese Nationality pursuant to the Treaty of Peace with Japan to the 204th Diet. However, following prolonged deliberation, the bill was abandoned following dissolution of the House of Representatives.

● Promotion of Appropriate Refugee Protection

- As part of a revision of the operation of the refugee recognition system so as to promote prompt and reliable protection of 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 refugees had been hindered.
- Therefore, with regard to the many refugee recognition applications that attempt to abuse or misuse the refugee recognition system from legal residents, from January 15, 2018, the operation of the system was further revised mainly to (1) set a time limit to sort out the contents of the cases for first-time applications and to reflect the results of sorting the applications into the status of residence, (2) give further consideration to applicants whose applicability as a refugee is deemed to be high under the Refugee Convention and (3) respond more strictly than before to applications that attempt to abuse or misuse the system.
- As a result of these efforts, the number of applicants for refugee recognition mainly from neighboring countries in Asia such as the Philippines and Viet Nam, which had been increasing rapidly in recent years, turned into significant decrease. Meanwhile, in each year from 2018 to 2020, the number of applicants recognized as refugees doubled compared to before the review listed in the above and so far, the measures have been effective to a certain extent in suppressing the number of applications that attempt to abuse or misuse the system and offering prompt protection of refugees.

● Responses to International Society and International Situations

- The Immigration Services Agency has been involved in negotiations to conclude EPAs with various countries, and actively responds to bilateral and multilateral frameworks for exchanging information and opinions, and improving cooperative relationships.
- In 2020, the Immigration Services Agency has explored new methods of international exchange while working to strengthen cooperative relationships, such as by exchanging opinions online with Australian immigration authority, and participating in online opinion exchanges held by the Japan-Taiwan Exchange Association and the Taiwan-Japan Relations Association.

2021 Immigration Control and Residency Management Report

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