



Part 2

Primary Measures Related to
Immigration Control Administration in FY 2004

Chapter 1

Basic Plan for Immigration Control (3rd Edition)

In accordance with Article 61-10 of the Immigration Control Act, the Minister of Justice shall formulate the Basic Plan for Immigration Control, which regulates the entry and residence of foreign nationals, in order to exercise equitable control over immigration affairs. Specifically, in accordance with Article 61-10, Paragraph 2 of the said Act, the Basic Plan shall stipulate the following things: (1) Matters relating to foreign nationals entering into and residing in Japan; (2) Matters relating to guidelines for the control of entry and residence of foreign nationals; and (3) Matters necessary for implementation of the control of entry and residence of foreign nationals.

On March 29, 2005, it was 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 in order to adequately respond to ever-changing social needs for immigration control procedures. Such measures include Japan's efforts to establish Japan as a country built on tourism by encouraging foreign travelers to visit Japan, to more openly accept highly-skilled workers in professional or technical fields, to address the age of population decline, to halve the number of illegal residents and stringently prevent terrorists from entering Japan. When drafting the Basic Plan, the immigration control administration consulted the related ministries and agencies and drew upon the report submitted by the Informal Policy Conference on Immigration Control, a private conference organized by the Minister of Justice.

The First Basic Plan was formulated by the immigration control administration in May 1992 and the Second Basic Plan in March 2000.

Section 1 — Considerations for Drawing up the Basic Plan for Immigration Control (3rd Edition)

1 Informal Policy Conference on Immigration Control

(1) Discussions at the Informal Policy Conference on Immigration Control

The Informal Policy Conference on Immigration Control (hereinafter referred to as "Policy Conference") consists of experts from various fields and provides the Minister

of Justice with their expert opinions on immigration control. When drafting the First Immigration Control Basic Plan in May 1992 and the Second Basic Plan in March 2000, the immigration control administration drew upon the expert opinions of the Policy Conference.

When the immigration control administration prepared the Second Basic Plan in March 2000, the Fourth Policy Conference also started its activities. Up until December 2004, the Policy Conference held 24 sessions to discuss various topics, such as matters that should be carried over from the Second Basic Plan as well as matters that should be incorporated into the Third Plan. Specifically, the Policy Conference discussed possible measures to promote the acceptance of foreign workers in professional or technical fields, respond to a population-declining society, accept foreign college and pre-college students, encourage foreign tourists to visit Japan, improve training and technical internship programs, as well as measures for foreign nationals staying in Japan for a prolonged period and illegal residents. In addition, the conference also held hearing sessions with related agencies to fully discuss proper policy initiatives.

After ironing out differences in their opinions, the Policy Conference submitted a report titled “Necessary Immigration Control Measures in the Immediate Future for a Population-Declining Society: Toward a Proper Balance between Smoother Services and Stricter Actions” to the Minister of Justice on December 21, 2004.

(2) Report of the Immigration Control Policy Conference

An outline of the report submitted by the Policy Conference to the Minister of Justice on December 21, 2004 titled “Necessary Immigration Control Measures in the Immediate Future for a of Population-Declining Society: Toward a Proper Balance between Smoother Services and Stricter Actions” is given below.

A. Smooth Acceptance of Foreign Nationals Necessary to Japan

(A) Promoting Further Acceptance of Foreign Workers in Professional and Technical Fields

To ensure sustainable growth for the Japanese economy, Japanese society will be in great need of high-quality human resources that will enhance Japan’s total factor productivity (TFP). In addition, owing to deeper economic interdependence with foreign countries there is greater demand for high-quality workers knowledgeable in the field of trade. Cooperation between Japanese and foreign workers will vitalize Japan’s economy. In this context, in order to openly accept a greater number of foreign workers in professional and technical fields, it is important to provide adequate information on the current immigration control schemes, disclose case

examples related to immigration control procedures, and make efforts for prompt immigration examination. In addition, since diversified business activities create various demands for foreign workers, it is important to seek a new immigration control scheme capable of addressing the various corporate demands for foreign workers.

Even under the current immigration control system, Japan can accept highly skilled foreign workers in professional and technical fields. However, as international competition to secure outstanding foreign nationals has intensified on a global scale, the immigration control administration needs to grant a longer period of stay and to take other measures to further promote the acceptance of foreign workers from foreign countries.

(B) Issues of the Immigration Control Administration Responding to a Population-Declining Age.

To maintain and enhance Japan's industrial and economic vitality in a population-declining age and improve national living standards, the government needs to take all possible policy measures in various fields. First of all, the immigration control administration should further promote acceptance of foreign workers in professional and technical fields as mentioned above. On the other hand, it is unrealistic to simply make up the supply of a productive population by accepting foreign nationals alone because Japan would have to accept too many foreign workers in this case.

However, taking into account possible future obstacles to Japan's economic activities, while paying attention to public opinion it is necessary to give consideration to accept foreign workers in fields that are not valued as professional or technical at present.

When giving consideration, it is necessary to find a proper measure that will prevent potential problems, maintain Japan's safety and public order and smoothly accept foreign workers in fields that are not valued as professional or technical at present. In this context, in order to accept foreign workers in these fields, consideration should be given to cases where the industry is not focused on import-substitutes (or less focused), where the field is labor-intensive, shows a long-term demand and where it is difficult to find Japanese workers to make up the demand.

(C) Enhancing International Relations through Human Resources Development

Training and technical internship programs are expected to play more of an important role in the future because Asia is likely to see continuous economic growth.

On the other hand, these programs are posing such problems as fraudulent acts. In this situation, it is important to clearly stress the objectives of the programs, intensify investigations and give consideration to create a status of residence which combines training with the technical internship program.

It is expected of foreign college and pre-college students that they will increase mutual understanding with foreign countries, but some illegal foreign workers are, in fact, simply passing themselves off as college or pre-college students. In addition to implementing stricter examinations of status of residence, it is important to flexibly consider measures for college and pre-college students if they wish to work in Japan and apply for a change in their status of residence.

(D) Expanding Cultural Exchange Activities

To keep a proper balance between smooth acceptance of foreign travelers and strict examination, it is important to consider establishing a new system of immigration examination that utilizes biometrics.

It is also important to consider the feasibility of expanding the scope of countries participating in the working holiday program and of creating a new visa to allow prompt immigration procedures for those involved in international exhibitions and other major events.

(E) Measures for Foreign Nationals Residing in Japan for a Prolonged Period

It is important to consider conducting more proactive PR activities and measures to specify the conditions of permission for the status of residence of “Permanent Resident” in Japan.

From the viewpoint of developing an environment where foreign nationals can live comfortably, it is also necessary to consider measures for the exchange of information with related government agencies and provision of sufficient information to foreign nationals residing in Japan.

B. Measures against Illegal Immigrants

(A) Actively Detecting and Smoothly Deporting Foreign Residents

Aiming to halve the number of illegal foreign residents by the year 2008, it is necessary for the relevant agencies to work together to consider measures for actively detecting illegal immigrants and reinforcing detection, detention and deportation programs.

(B) Paying Due Attention to the Specific Circumstances of the Offenders

It is also necessary to correctly identify the specific circumstances of illegal residents and to properly grant special permission to stay in Japan from humanitarian perspectives when necessary. The Minister of Justice has a wide range of discretion in granting the special permission to stay, but it is necessary to provide ample information on actual examples where special permission to stay was granted, improve transparency in the Minister's decisions and consider drafting guidelines on granting special permission to stay, while paying due attention to prevent illegal residents from overstaying in Japan. In addition, it is important to streamline various procedures making them more convenient to utilize.

With regard to trafficking in persons, being a grave violation of human rights it should not be permitted under any circumstances. It is important for the immigration control administration to consider amendments to applicable laws and provide better protective measures when appropriate.

(C) Other Major Issues

It is important to properly manage the new refugee recognition schemes, such as the newly established Refugee Examination Counselors system, promote exchange of information with foreign immigration control authorities and provide immigration services more openly to foreign visitors to Japan.

2 Hearing Sessions on Immigration Control Administration

Since May 1992 when the Immigration Bureau drew up the First Immigration Control Basic Plan, the regional immigration bureaus have been holding hearing sessions on immigration control administration in order to listen to expert opinions on immigration control operations and related administrative tasks, and to incorporate these expert opinions into actual immigration control administration operations as much as possible. Currently, eight regional immigration bureaus hold this type of hearing session, listen to opinions from experts and organization representatives in local areas, and incorporate these opinions into the immigration control tasks. In preparing the Third Immigration Control Basic Plan, the immigration control administration paid due attention to the expert opinions expressed in these hearing sessions.

3 Collecting Public Comments

In drafting the Basic Plan for Immigration Control (3rd Edition), the Ministry of Justice launched its campaign on the MOJ website from February 2 to March 1, 2005 to solicit public opinions on “Major Issues and Future Directions in the Basic Plan for Immigration Control (3rd Edition)”. The Ministry received 266 opinions on a wide variety of immigration control-related topics, ranging from acceptance of foreign workers to countermeasures on overstayers. The outcomes of the campaign are available on the MOJ website.

4 “Opinion Survey on Accepting Foreign Workers”

In May 2004, the Cabinet Office conducted the “Opinion Survey on Accepting Foreign Workers” in order to listen to the thoughts of Japanese citizens on accepting foreign workers in Japan.

The survey included a wide variety of questions, such as acceptance of foreign workers and problems related to overstayers. For the question “Do you agree with accepting foreign workers if Japan sees a shortage in its labor force?” 15.3% of the respondents selected the answer option “I strongly agree”, while 45.0% chose, “Accepting foreign workers is unavoidable if Japan sees a shortage in its labor force”. For the question on their awareness of illegal foreign workers, 70.7% selected the answer option “It is not good”, and 24.5% chose the option “It is not a good idea, but we have no choice”.

Section 2 — Outline of the Basic Plan for Immigration Control (3rd Edition)

As explained earlier, the immigration control administration drafted the Basic Plan for Immigration Control (3rd Edition) after exchanging opinions with experts and related organizations at the Policy Conference and the immigration control hearing sessions, and listening to a wide variety of opinions expressed in the public comment process. The Basic Plan has been designed for the coming five-year period of immigration control administration and consists of two sections: “Salient Points Concerning Foreign Nationals’ Entry and Stay” and “Major Issues and Guidelines on Immigration Control Administration Services”. An outline of the latter section is as follows.

1 Open Acceptance of Foreign Nationals Needed in Japanese Society

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

As accepting a greater number of foreign experts and professionals will most certainly contribute to Japan's socioeconomic revitalization, the immigration control authorities have been actively accepting these experts and professionals from foreign countries. Further, the authorities intend to actively accept foreign experts and professionals who do not fall under the current status of residence or landing permit criteria by creating additional appropriate statuses of residence and landing permit criteria in line with socioeconomic changes.

The immigration control administration will employ the same approach when discussing the "movements of persons" in negotiations on EPAs (economic partnership agreements) with foreign countries. To attract outstanding foreign nationals who have world-class knowledge and skills and to secure their settlement in Japan, consideration will also be given to extending the maximum period of stay in Japan for foreign nationals (the current maximum period of stay in Japan for a single permission of status of residence is three years).

(2) Responding to a Population-Declining Society

It is not appropriate to simply make up the supply of Japan's population by accepting foreign nationals alone. Measures responding to a population-declining society owing to the falling birthrate and aging population should be considered along with measures in various fields. However, the time has also come to consider in detail what appropriate acceptance of foreign workers is in a population-declining 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.

(3) Expanding International Exchange Activities through Tourism

The Japanese government is promoting measures to establish Japan as a country built on tourism, setting the goal of doubling the annual number of foreign tourists visiting Japan by the year 2010. The immigration control administration will contribute to realizing a country built on tourism by introducing a secondary examination system and a pre-clearance system to secure strict examination depending on the situation, with one of the goals being to shorten the waiting time for landing examinations for a large number of problem-free foreign nationals.

The immigration control administration will contribute to expanding the range of countries participating in the working holiday programs.

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

Since a significant number of foreign nationals have passed themselves off as college or pre-college students, the immigration control administration will work on measures targeting educational institutions. It is also vital to focus on plans for expanding scholarships, developing housing and other factors while varying the strictness of landing examinations to accept those international students who really wish to study in Japan.

(5) Improving Training and Technical Internship Programs

Since some foreign trainees and technical interns have gone missing or have failed to receive allowances or wages in full, the objectives of the programs will be publicized, while ensuring appropriate running of the programs through strict examinations and reinforcement of investigations. In order to appropriately and smoothly promote technological transfer, consideration will be given to creating a status of residence for technical interns and reviewing legal protection of foreign nationals who are taking part in on-the-job training.

(6) Measures for Foreign Nationals in Japan for a Prolonged Period

For those foreign residents wishing to stay in Japan permanently, the criteria for the status of residence of “Permanent Resident” will be further specified and clarified, and cooperation with the relevant government agencies will be reinforced to provide better living conditions and to enhance information services for foreign nationals.

The simplification and acceleration of procedures including the development of information technology for use in the application procedures will also be considered.

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

(1) Promoting Border Measures

Regarding the statuses of residence which account for a large percentage of the status of illegal foreign residents have, stricter landing examinations will be implemented based on analysis of the accepting organizations. The criteria for landing permission will also be reviewed as needed. In addition, the immigration authorities will further enhance their countermeasures on falsified documents and prepare for new legislation that allows the immigration control authorities to take facial portraits and fingerprints in the process of landing examinations, aiming at introducing personal biometrics identification, which will be an effective tool in immigration examination.

(2) Strict Residence Examination

When examining extension of the period of stay of foreign nationals, the immigration control authorities will actively investigate the existing conditions and conduct stricter residence examination based on such investigation. The status of residence revocation system will be also be aggressively utilized.

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

Based on close analysis of information on illegal residents, detection will be reinforced in districts that have a concentrated number of illegal foreign residents. Joint detection with the police and other relevant agencies will be constantly implemented. Detection of dishonest employers and brokers will be aggressively carried out by applying the laws on the offense of encouraging illegal employment.

(4) Utilizing Detention Facilities and Implementing Prompt Deportation

In order to thoroughly carry out deportation of illegal residents, construction of detention facilities will be continued in order to increase the capacity of the detention facilities. The relevant counties will be strongly requested to facilitate and accelerate the issuance of passports and other documents in order to ensure that the deportees return to their home countries as quickly as possible.

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

As well as ensuring that the departure order system is fully utilized to encourage foreign residents to voluntarily appear, efficient deportation will also be undertaken by utilizing Article 65 of the Immigration Control Act promptly shifting from criminal procedures to deportation procedures.

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.

Consideration will be given to developing a legal principle to shoulder the costs for illegal residents' return to their home countries and to building frameworks to promote the deportation process, including cooperation with the relevant countries and airlines for prompt issuance of documents and arrangement of flights for their return. Regarding employment of foreign nationals the employer will be asked to verify the identity and status of residence of the foreign nationals, and consideration will also be given to making this into a legal requirement.

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

Some of the illegal foreign residents deserve humanitarian consideration due to their relationships with Japanese nationals. If an illegal immigrant is the victim of trafficking in persons, which constitutes considerable abuse of his or her human rights, the immigration control administration will take appropriate measures by giving consideration to the rights and wishes of these illegal residents and by implementing legal measures.

3 Other Major Issues

To steadily implement this Basic Plan and properly provide immigration control services, the immigration control administration will continue its efforts to develop the current system, and further promote international cooperation and appropriate enforcement of the new refugee recognition system while ensuring appropriate enforcement of the alien registration system.

Section 3 — Policy Initiatives in Accordance with the Basic Plan for Immigration Control (3rd Edition)

The Immigration Bureau intends to launch new policy initiatives in accordance with the Basic Plan for Immigration Control (3rd Edition). On June 16, 2005, the Diet passed the Bill for Partial Amendment of the Penal Code and Relevant Laws, which was submitted to the 162nd session of the Diet (see next chapter). The bill also amends part of the Immigration Control Act to incorporate countermeasures for trafficking in persons. On March 31, 2005, the immigration control administration disclosed new guidelines on granting a permanent status of residence to foreign nationals who have contributed to Japanese society.

Chapter 2

Amendment to the Immigration Control and Refugee Recognition Act

On June 16, 2005, the Diet passed the Bill for Partial Amendment of the Penal Code and Relevant Laws, which was submitted to the 162nd session of the Diet, and then promulgated on June 22 (Law No. 66 of 2005). Article 3 of the said Bill also amended the Immigration Control Act. An outline of this amendment is as follows.

Section 1 — Purpose of the Amendment

In order to deal with trafficking in persons that severely abuses personal liberty, the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the U.N. Convention against Transnational Organized Crime (the “Protocol on Human Trafficking”). In recent years, trafficking in persons and other similar antisocial behavior is also being carried out in Japan. Recognizing that trafficking in persons severely abuses human rights, the Japanese government has been taking comprehensive actions to prevent and eliminate trafficking in persons and to protect victims. In December 2004, the government developed the “Action Plan against Trafficking in Persons” which describes Japan’s intention to join the Protocol as soon as possible. (See next chapter, Section 1, 1.) The U.N. also adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the U.N. Convention against Transnational Organized Crime (the “Smuggling Protocol”), which criminalizes the production of fraudulent travel certificates to enable attempts at illegal immigration. In this context, Japan needs to have proper domestic laws in place in accordance with the UN protocol. In December 2004, the Japanese government developed the Action Plan on Preventing Terrorism, which recommends the immigration control administration intensify its actions to prevent terrorists from entering Japan. (See next chapter, Section 2, 1.)

The amendment of the Immigration Control Act taking the above into consideration, established provisions in line with these UN protocols.

The amended Act was enforced on July 12, 2005 in principle, but the new rules on deportation (Article 24, Item 4, sub-item I of the amended Act) will become effective on December 10, 2005, while the requirements for carriers to check passports (Article 56-2 and Article 77, Item 1-2) will become effective on December 22.

Section 2 — Outline of the Amendment of the Immigration Control Act

1 Legislation for Measures against Trafficking in Persons Relating to the Protocol on Human Trafficking

The Immigration Bureau of the Ministry of Justice has been making efforts to protect the victims of trafficking in persons by flexibly operating the Immigration Control Act but the amendment of the Immigration Control Act now clearly stipulates protective measures for the victims of human trafficking. Since the amended Act makes it easier for victims to voluntarily report their victimization to the regional immigration bureaus, the government will be able to provide better and more effective protective measures for the victims of human trafficking.

(1) Definition of Trafficking in Persons

Article 3 of the Protocol on Human Trafficking defines the concept of trafficking in persons. To protect the victims of trafficking in persons in Japan, it is necessary to define trafficking based on Japan's legal concepts. In this context, the amended Act has Article 2, Item 7 that defines the concept of human trafficking. This definition employs Japan's legal concepts and successfully covers the meaning as defined in the Protocol on Human Trafficking.

Referring to this new definition, the immigration control administration will be able to promptly and objectively identify victims and perpetrators of trafficking in persons.

(2) Protecting the Victims of Trafficking in Persons

A. Revising the Grounds for Denial of Landing and Deportation Applicable to the Victims of Trafficking in Persons

Even if a victim of trafficking in persons had been forced to engage in prostitution, the immigration control administration previously deported the victim in accordance with the deportation criteria of the former Immigration Control Act. However, since these victims had been forced to engage in prostitution or forced to work at sex-related or entertainment businesses against their will, thereby engaging in activities other than those permitted by the status of residence previously granted, it was considered unfair to deport these victims or to deny them permission for landing, and therefore the amended Immigration Control Act exempts them from the deportation procedures.

In other words, although foreign nationals who engage in prostitution will be denied

permission for landing, this regulation does not apply to “those under the control of another due to trafficking in persons”. Further, although foreign nationals who are exclusively involved in activities other than those permitted by the status of residence previously granted or engaged in prostitution will be deported from Japan, this regulation does not apply to “those under the control of another due to trafficking in persons”.

B. Amendment of the Grounds for Permission for Landing and Special Permission for Residence Applicable to the Victims of Trafficking in Persons

Some victims of trafficking in persons are forced to enter Japan using a false passport, while others first enter Japan as legal immigrants and then become illegal immigrants in cases where their period of stay expired under the control of the perpetrator of human trafficking. If they go back to their home country, there is the possibility that they will be in danger of their lives from criminal organizations. In such case, Japan should offer such victims protection by granting a legal status of residence.

From this viewpoint, the amendment of the Immigration Control Act clearly states that a foreign national is entitled to special landing permission if “he has entered Japan under the control of another due to trafficking in persons”. This is a provision to protect the victims of trafficking in persons in the process of filing an application for landing in Japan. In addition, in accordance with the amended Act, the immigration control authorities may grant special permission to stay to a foreign national if “he resides in Japan under the control of another due to trafficking in persons” so that the foreign national will be able to stay in Japan. By providing such protection, it will be easier for victims of trafficking in persons to be able to voluntarily report their victimization to the immigration control authorities.

(3) Measures on Human Trafficking Perpetrators (Additional Grounds for Denial of Landing and Deportation)

In the past, the Immigration Bureau could not deport foreign nationals or deny them landing in Japan on account of having committed human trafficking. The bureau was only able to deport foreign nationals if they had been sentenced to criminal punishment on the grounds of violating criminal laws or regulations related to trafficking in persons in Japan.

The amendment of the Immigration Control Act authorizes the Immigration Bureau to deport foreign nationals or refuse them landing in Japan if they have committed, abetted or assisted in trafficking in persons. According to the amendment of the Act, the

deportation procedures will be applicable even if they have not committed trafficking in persons in Japan, or even if they have not been sentenced to criminal punishment. This means that the Immigration Bureau may deport foreign nationals who have committed human trafficking in Japan even if they have not been sentenced to criminal punishment. The bureau may also deny them landing in Japan if they have been involved in trafficking in persons in a foreign country. In this sense, the bureau may prevent these criminals from committing human trafficking in Japan.

2 Revision of Penalties as a Result of Japan Joining the Protocol on Smuggling

(1) Revision of Penalties

Recently, many illegal residents obtain the passports of other persons or fraudulent passports from brokers and use these passports in the immigration examination process. In addition, their techniques are becoming more elaborate and sophisticated. In Article 6, 1 (b) (ii), the Protocol on Smuggling requires its state parties to criminalize “procuring, providing or possessing” a fraudulent travel or identity document if it is committed for the purpose of enabling the smuggling of migrants. In line with these provisions, the amended Immigration Control Act imposes a maximum three-year prison sentence or a maximum 3 million yen fine, or both, if a foreign national intends to aid another person’s illegal entry by receiving a refugee travel document or re-entry permit issued by an authorized organization by making a false statement or other dishonest means; or if a foreign national has the same intention above and holds, offers or receives a fraudulent passport (except for passports as defined in the Passport Law, and travel certificate for sending him back to his home country) or fraudulent re-entry permit, or passport that is not valid for the person who commits illegal entry. If they commit these acts for commercial purposes, they will be sentenced to a maximum five-year prison sentence or a maximum fine of 5 million yen, or both.

These efforts will prevent the aforementioned unlawful acts or illegal entry using forged or altered passports.

The Passport Law also criminalizes the receiving of Japanese passports or travel documents to send foreign nationals to their home countries. (At the 162nd session, the Diet partially amended the Passport Law to implement the “Protocol on Smuggling” in Japan. The amended Passport Law will take effect on December 10, 2005.)

(2) Revision of the Grounds for Deportation Relating to the Newly-Created Penalties

As mentioned in (1) above, a larger number of illegal residents are using fraudulent passports in recent years. In addition, Article 11, Paragraph 5 of the Protocol on Smuggling stipulates “Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol (i.e., Article 6 of the Protocol).” In this context, the amended Immigration Control Act authorizes the immigration control administration to deport foreign nationals if they are sentenced to a criminal penalty on the grounds of having illegally obtained passports or travel documents as defined in the Passport Law, or a crewman’s pocket-ledger or re-entry permit as defined in the Immigration Control Act.

If a foreign national has been deported before, he or she will be denied landing permission for 5 or 10 years in accordance with Article 5, Paragraph 1, Item 9. (If a foreign national is sentenced to a criminal penalty of 1 year or longer, he will not be able to receive landing permission in Japan henceforth in accordance with Article 5, Paragraph 1, Item 4 of the Immigration Control Act.)

Due to this amended law, the immigration control administration will be able to remove the aforementioned criminal offenders from Japan, deny them landing in Japan, and prevent illegal immigrants from entering Japan with forged or altered passports.

3 Enhancing Revisions and Anti-Terrorism Measures in Line with the Two Protocols

(1) Requiring Carriers to Check Passports

According to the Protocol on Human Trafficking and the Protocol on Smuggling, state parties should require their commercial carriers to ascertain that all passengers are in possession of the travel documents required for entry into the receiving state. In addition, state parties of these protocols should take necessary measures, in accordance with their domestic law, to impose sanctions on violators.

The most effective anti-terrorist measure is to prevent terrorists from landing in Japan, but terrorists may attempt to enter Japan using forged or altered passports or genuine passports by pretending to be the passport holder.

In addition, many illegal immigrants obtain forged or altered passports in the transit areas of airports and attempt to board aircraft using these fraudulent passports.

In response to these problems, the Immigration Bureau has been enhancing its border control measures and counter-false document measures in order to prevent terrorists from entering or landing in Japan. Since the most effective anti-terrorist measure is to prevent terrorists from boarding aircraft bound for Japan, the Headquarters to Promote Responses to International Terrorism and International Organized Crime passed a decision that will “require airlines to check passengers’ passports and will impose penalties if the airlines violate this requirement” on December 10, 2004.

In this context, the amended Immigration Control Act requires carriers to check the passports of their passengers and imposes penalties (a fine not exceeding ¥500,000) on airlines if they accept passengers without a valid passport.

This will contribute to preventing terrorists or other illegal immigrants from using forged or altered passports in an attempt to enter Japan.

To enhance the effectiveness of this new rule, the Immigration Bureau of the Ministry of Justice has developed guidelines on the matters that the airlines should check. The bureau is also considering holding training sessions for airline employees on how to identify forged or altered passports.

(2) Enhancing Legislation to Provide Information to Foreign Immigration Control Authorities

According to the Protocol on Human Trafficking and the Protocol on Smuggling , the immigration control administration and relevant agencies should mutually share a wide-range of information in order to prevent human trafficking and the smuggling of immigrants.

As some experts have pointed out that illegal residents provide a breeding ground for crime, the immigration control administration has been enhancing immigration control measures at the border in order to prevent the entry of illegal residents and terrorist attacks, recognizing that counter terrorism is playing an increasingly more important role in recent years. From this viewpoint, it is necessary to establish closer cooperative relations with foreign immigration control authorities by directly sharing information with them.

In this context, the amended Immigration Control Act clearly stipulates the procedures on how the Ministry of Justice, which is in charge of Japan’s immigration control activities, should provide information to foreign immigration control authorities.

Chapter 3

Immigration Control Administration in General

Section 1 — Enhancing Countermeasures against Trafficking in Persons

1 Action Plan against Trafficking in Persons

Trafficking in persons severely abuses human rights and requires prompt and appropriate responses from a humanitarian perspective, as human trafficking causes serious emotional and physical damage to the victims especially to women and children, and recovery from such damage poses great difficulty. Given such circumstances, in April 2004, the Government of Japan (GOJ) established a Liaison Council of Ministries and Agencies on Human Trafficking, with the Assistant of the Deputy Chief Cabinet Secretary acting as the chairperson and the director-generals in charge at the National Police Agency, the Ministry of Justice, the Ministry of Foreign Affairs, and the Ministry of Health, Labor and Welfare acting as members, for measures to combat trafficking in persons, as a means of achieving close cooperation among all the government ministries and agencies concerned, and to promote coordination with the international community in order to promote measures specially and effectively toward the prevention and elimination of trafficking in persons and the protection of the victims of trafficking. In December 2004, the government developed an “Action Plan against Human Trafficking”, aiming at taking comprehensive countermeasures on human trafficking.

The Action Plan clearly states that victims of trafficking in persons are eligible for protection and calls for careful responses to be made in consideration of the different conditions of each victim, while giving due thought to the severe mental and physical pain in which many of the victims find themselves. Regarding the penalties for the perpetrators (brokers and employers, etc.), the Action Plan calls for the criminal laws to be amended reflecting the gravity of the crime, and for control measures to be further strengthened. Concretely, the Immigration Control Bureau will cooperate with the relevant agencies and efforts will be made to gain a thorough understanding of the situation of the victims.

(1) Revising the Immigration Control Act to Protect the Victims of Trafficking in Persons

To provide better protective measures for the victims of trafficking in persons, the Immigration Bureau drafted a bill to amend the Immigration Control Act. On February 25, 2005, the bureau submitted the bill to the 162nd Diet session. The Diet then passed the bill, and the amended Act entered into effect.

(2) Preventing Trafficking in Persons

The Immigration Bureau will identify the nations that send a large number of illegal immigrants to Japan by analyzing data, and then will subsequently strengthen landing examinations, conduct patrol activities in airport transit areas, and monitor and detect suspect individuals. In addition, the Immigration Bureau will actively provide a new type of border control by sending document examiners to foreign airports.

Further, the Immigration Bureau will review the status of residence and visas for “entertainers”.

(3) Eradicating Trafficking in Persons

When a case of trafficking in persons is detected, the Immigration Bureau, the Police and the Japan Coast Guard will closely coordinate and cooperate with one other, and with other related institutions such as the Labor Standards Inspection Offices, to strengthen measures to crack down on the case of trafficking in persons. This will be conducted with a view to uncovering the criminal employers and brokers, and investigating the transnational crime organizations behind the scenes.

(4) Protection of Victims of Trafficking in Persons

The Immigration Bureau will make efforts to protect victims by flexibly operating special permission to stay or permission for provisional release, and will carry out measures to help these victims return to their home countries in coordination with the relevant agencies, the IOM and NGOs.

In addition, the bureau will enhance its training activities for its staff so that they will be able to raise their awareness and learn more about trafficking in persons.

2 The Immigration Bureau's Efforts to Protect the Victims of Trafficking in Persons

As described in (1) to (4) below, the Immigration Bureau has been making efforts to protect the victims of trafficking in persons even if they are illegal residents who would otherwise be deported from Japan. In 2004, the Immigration Bureau once again instructed the regional immigration bureaus to provide these protective measures, while taking additional measures as mentioned in (5) and (6). The Immigration Bureau intends to continue these efforts, while endeavoring to take further action in accordance with the Action Plan of Measures to Combat Trafficking in Persons.

(1) Giving Consideration to the Wishes of the Victims of Trafficking in Persons

When interviewing a female foreign national who may be a victim of trafficking in persons, the Immigration Bureau usually arranges for a female member of staff to do the interviewing, and facilitates smoother communication by using an interpreter who speaks the interviewee's native language. In addition, the bureau endeavors to alleviate the interviewee's sense of insecurity by speaking in a friendly manner, and aims to promptly proceed with the applicable procedures.

(2) Prompt Return of the Victim Back to the Home Country

If a victim of trafficking in persons appears at the Immigration Bureau voluntarily with the intention of departing from Japan, the Immigration Bureau gives special consideration to them so that they will be able to depart (or be deported) from Japan immediately, without detaining them even if they are illegal residents.

(3) Flexibly Applying Provisional Release

In the case of a victim of trafficking in persons, the Immigration Bureau flexibly permits "provisional release", paying due attention to the circumstances and health conditions of the victim.

(4) Granting Special Permission to Stay on a Case-by-Case Basis

If a victim of human trafficking wishes to remain in Japan, special permission to stay is determined by comprehensively considering their circumstances on a case-by-case basis, including the reasons for such wish, family circumstances, and the reasons why they were involved in trafficking.

(5) New Leaflet

During the June 2004 campaign against illegal foreign workers, the Immigration Bureau created new leaflets, which explain that trafficking in persons is a grave violation of human rights. The leaflet demonstrates the Immigration Bureau's commitment to protecting the victims of trafficking in persons, and indicates the Immigration Bureau's efforts to protect the victims of trafficking in persons, mentioned above in (1)-(3). This leaflet was issued to clarify the policies to help these victims and to provide an environment where victims and their supporters are able to easily seek protection from the Immigration Bureau, so that protective measures will be more effective. The leaflets are written in Japanese and English as well as in Thai, Tagalog and Spanish, which are spoken by many of the victims of trafficking in persons. The leaflets are available at the regional immigration bureaus, foreign embassies and consulates general in Japan, and other related organizations.

The Immigration Bureau provides similar PR information on its own website at <http://www.moj.go.jp>.

(6) Efforts by the Regional Immigration Bureaus

The Immigration Bureau has designated the deputy director-general level staff as counter-human trafficking officers responsible for overseeing counter-human trafficking tasks at the regional immigration bureau level. The officer collects information on counter trafficking measures in the district over which he has jurisdiction and also instructs responsible divisions to take necessary measures promptly and appropriately. Under his supervision, the divisions and departments work closely together to address human trafficking. The Immigration Bureau has also established a counter-human trafficking secretariat at the regional immigration bureau level in order to assist the officers and to collect trafficking related information from government agencies, foreign embassies or consulates general in Japan, NGOs and citizens.

3 Revising the Criteria for Landing Permission for the Status of Residence of "Entertainer"

In 2004, more than 130,000 foreign nationals entered Japan with the status of residence of "Entertainer". A considerable number of foreign nationals with the "Entertainer" status have been working illegally as hostesses or the like at entertainment establishments without engaging in the originally planned entertainment activities. Among them, some

have been forced to date customers or engage in prostitution and have been victims of the international problem of human trafficking.

This is mainly attributable to the former Ministerial Ordinance which stipulated the criteria on permission for landing for the status of residence of “Entertainer” (hereinafter, “Ordinance on the Criteria”). According to the former Ordinance on the Criteria, if foreign entertainers wished to engage in theatrical performances or other entertainment activities, they had to be “qualified to do so by a foreign central or local government, or any other similar public/private organization, or have majored in related subjects for two years or longer at a foreign educational institute”, or “have working experience for at least two years in a foreign country”. As a result, a lot of would-be “entertainers” entered Japan with entertainer certificates issued by foreign governments, but some of them did not have actual skills to work as entertainers in Japan, and started working in sex-related businesses.

In response to this problem, the Ministry of Justice revised the Ordinance on the Criteria for the status of residence of “Entertainer” and also deleted the requirement to “be qualified to do so by a foreign central or local government”. The Ordinance on the Criteria for the status of residence of “Entertainer” was amended on February 15, 2005, and entered into force on March 15, 2005.

Section 2 — Promotion of Counter-Terrorist Measures

1 Action Plan for the Prevention of Terrorism

To prevent terrorism under increasingly severe global circumstances and to ensure the safety of the Japanese people, the government agencies concerned should work closely in taking comprehensive, effective and proper measures in order to address the problem of international terrorism, which is heightening anxiety among the general public. To this end, the Headquarters for Promotion of Measures against Transnational Organized Crime of the Cabinet Office was reorganized as the Headquarters to Promote Responses to International Terrorism and International Organized Crime on August 24, 2004. In September 2004, the Chief Cabinet Secretary gave instructions at the headquarters, saying “Preventive measures are the most important approach in addressing terrorism. At the headquarters here, we should first examine the necessary framework or scheme for preventing terrorism in advance, and take proper administrative and legislative actions most suitable to the current situation. To this end, we will examine counter-terrorism measures in foreign countries and

form our consensus, within 2004, on how to improve Japan's counter-terrorism measures.”

In line with such instructions, the Inter-Ministerial Meeting on Counter-International Terrorism had discussion sessions among the director-general level of staff from the ministries concerned. On December 10, 2004, the Headquarters to Promote Responses to International Terrorism and International Organized Crime adopted the “Action Plan for Prevention of Terrorism”. The Action Plan recommends the Immigration Bureau to take the following actions: 1) Enhance immigration examinations by taking the fingerprints of foreign nationals; 2) impose entry restrictions on terrorists; 3) require the captain of aircraft or vessels to transmit information on crew members and passengers on board; 4) use ICPO's information on missing and stolen passports to prevent terrorists from entering Japan; 5) require air carriers to check passengers' passports; and 6) dispatch Japanese experts in verification of forged and altered documents as liaison officers to foreign airports.

2 Measures for Prevention of Terrorism

(1) Implementing Stricter Immigration Control

It is extremely important to deny entry at the border when terrorists pretend to be tourists in an attempt to enter Japan. After the terrorist attacks upon the United States on September 11, 2001, the Immigration Bureau has been enhancing immigration examinations in order to exclude such terrorists at the border.

In concrete terms, to prevent terrorists from illegally entering Japan, the Immigration Bureau has been working closely with other related agencies in collecting information on international terrorist behavior. Based on such information, the Immigration Bureau prepares a list of suspect persons and screens terrorists by checking against this list.

As terrorists are likely to use forged or altered passports, the Immigration Bureau has established document examination offices and installed forged or altered document examination devices and new devices which are able to enlarge the size of letters with a magnification of more than ten times as large as that of previous devices at major airports in order to improve document examination techniques for detecting forged or altered documents.

Recently, a large number of illegal immigrants leave their country of origin with genuine passports, then obtain forged or altered passports from brokers in the transit area of Narita Airport, and attempt to illegally enter the United States or other countries using such forged or altered passports. As preventing such behavior is of utmost importance as a countermeasure to terrorism and international organized crimes, the

Immigration Bureau has been reinforcing patrol in the transit areas of Narita Airport, Kansai Airport and Chubu International Airport.

(2) Utilizing the Advance Passenger Information System (APIS)

It has become a critical issue in the international community to deter terrorists and international organized groups from moving freely across the world. Accordingly, in order to promote anti-terrorism measures and public security measures, it is vital to implement immigration control more strictly than ever and to stringently prevent suspect persons, such as those involved in cross-border crimes, from entering Japan.

To achieve this objective, the National Police Agency, the Ministry of Justice, and the Ministry of Finance have been jointly implementing the Advance Passenger Information System (APIS) since January 2005. This system receives information on passengers in an electronic form that has been obtained by airline companies before completion of boarding procedures, and then automatically crosschecks the information against the databases of suspect persons, that are owned by the authorities concerned, before the airplanes arrive in Japan, in order to check whether any person on board is on the list. The immigration inspector is able to implement strict examination for landing on the results of the crosscheck and is also able to prevent suspect persons from landing in Japan.

(3) Introducing New Measures

The Immigration Bureau is making efforts to smoothly accept foreign nationals to Japan, while preventing terrorists from entering Japan by introducing the following new approaches: introduction of a secondary examination system to carefully examine foreign nationals who intend to enter Japan for questionable purposes; implementation of a pre-clearance system for preliminary checks of foreign nationals who have reasons to be rejected by Japan and who may be recommended to cancel their trips to Japan; and collection of terrorist information from the point of departure in order to prevent the entry of terrorists before they arrive in Japan.

(4) Framework for Close Cooperation with Related Agencies

As various agencies are in charge of preventing illegal immigrants from entering Japan, there is a need for these relevant agencies to form more cooperative relationships at the field level. To this end, the Japanese government established the “Inter-Ministerial Meeting on Border Control” consisting of the director-general level of staff of related administrative agencies on September 17, 2003. Furthermore, to enhance crisis management at international airports and ports through closer cooperation with the

related ministries, the Cabinet Secretariat set up the Airports/Ports Crisis Management Team, consisting of the director-level staff from ministerial headquarters, on January 16, 2004. The Immigration Bureau also participates in the Inter-Ministerial Meeting and the Crisis Management Team. In addition, crisis management officers are assigned to the major airports and seaports in Japan in order to secure coherency in immigration control tasks among the relevant ministries at the ministerial headquarters level and at the field level.

Section 3 — Reinforcing Measures against Forged or Altered Documents

1 Current Circumstances of the Use of Forged or Altered Passports and Other Documents

There is an increasing trend to be seen of foreign nationals entering Japan using forged or altered passports, and the seriousness of this problem cannot be disregarded since, in particular, this is a means that is frequently used by international organized crime groups for the purpose of secretly committing such serious crimes as human trafficking or terrorist acts.

In recent years, forged or altered documents used in the immigration procedures have become increasingly more elaborate and sophisticated. These documents are produced in various ways such as simply changing the holder's photograph or entering false information on the holder's identity. Some foreign nationals also obtain genuine passports for themselves by dishonest means such as pretending to be someone else or by using a genuine passport where the holder has a similar face, though these cases are not regarded as forgery or alteration of passports in a strict sense. Most foreign nationals who intend to enter Japan using such forged or altered documents or dishonest means aim to work illegally in Japan, and some of them may have been exploited by terrorists or international organized crime groups. From the point of view of ensuring public security, it is urgently required in immigration control to establish a strong and solid system to detect such forgery or alteration of documents at the border and to prevent suspect persons, without fail, from coming into Japan.

2 Establishment of Document Examination Offices and Sections

In order to reinforce the measures against forged or altered documents used in the immigration procedures, the Immigration Bureau established a document examination office in the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau in April 1999, in the Kansai Airport District Immigration Office of the Osaka Regional Immigration Bureau in April 2000, and in the Chubu Airport District Immigration Office of the Nagoya Regional Immigration Bureau in February 2005. At these new offices, the Immigration Bureau examines passports and other documents used in the immigration procedures of airports and seaports in Japan, provides training on document examination for immigration inspectors and immigration control officers, and analyzes and prepares data on detected forged or altered documents.

3 Increase in the Number of Personnel Specializing in Examination of Forged or Altered Documents and Introduction of Forged or Altered Document Examination Devices

In FY 2001, high-performance forged or altered document examination devices were installed at the major airports and seaports in Japan. These new devices can enlarge the size of letters at a magnification of more than ten times as large as that of previous devices, and they have high-performance equipment such as a lighting system that shows a perceivable system reaction toward forged or altered documents. These devices, which have been installed not only at major airports and seaports but also at local airports, have dramatically increased the precision of document examination and have helped achieve more stringent immigration control. In FY 2003, lighter, more compact document examination devices were installed in airports and seaports all over Japan in order to promptly examine documents at the immigration booths.

In order to reinforce the system of examining forged or altered documents, it is of utmost importance to not only install high-performance devices but also to improve the document examination ability of each personnel member of the Immigration Bureau. With the aim of improving such ability, the Immigration Bureau has provided training on general knowledge and skills of document examination for all personnel of the Immigration Bureau as well as training on advanced knowledge and skills of document examination for personnel in charge of document examination.

4 Effects of the Measures against Forged or Altered Documents

As a result of these measures taken by the Immigration Bureau to improve the quality of devices, the number of cases in which forged or altered documents were detected stood at 2,688 in 2004, showing a decrease from the 2003 level, which had seen a sharp rise a year earlier. However, the number has seen an overall increase from the year 2000, increasing by 605, up 29% from 2,083. As Japan has an income gap with its neighboring nations, a large number of foreign nationals will probably continue to attempt illegal entry into Japan using forged or altered documents. Since human trafficking brokers at home and abroad are sending illegal immigrants to Japan for profit purposes, the techniques for illegally entering Japan will most likely become even more elaborate and sophisticated in the future. (Table 46)

However, document examination devices alone do not provide an effective solution to the problem of document forgery techniques that have become more elaborate and sophisticated as the result of stronger measures against forged and altered documents or to attempts to enter Japan pretending to be another person who has a similar face to match the photograph in the passport or by obtaining passports through official procedures under a different person's name. If illegal immigrants use these techniques, it is difficult to identify the foreign nationals who are attempting to illegally enter Japan and therefore, in order to exclude these illegal immigrants without fail, it is vital for the use of biometrics to be employed in the future.

Table46 Changes in the number of cases of detection of forged and altered documents (Cases)

		2000	2001	2002	2003	2004
Landing	Passport	867	1,331	1,402	1,561	1,011
	Others	1,011	1,226	985	1,856	1,547
	Total	1,878	2,557	2,387	3,417	2,558
Departure	Passport	88	114	139	142	77
	Others	117	64	68	101	53
	Total	205	178	207	243	130
Total	Passport	955	1,445	1,541	1,703	1,088
	Others	1,128	1,290	1,053	1,957	1,600
	Total	2,083	2,735	2,594	3,660	2,688

Section 4 — Consideration of the Introduction of Biometrics

1 Purpose

Biometrics is the technology of checking a person's physiological and behavioral features against registered information, thereby identifying the person. IT-related companies throughout the world are working on research and development of various methods using facial patterns, fingerprints, iris patterns, signatures and voice patterns. The purpose of introducing biometrics to entry examinations is to have, in addition to the identification data at the landing examinations, a means of checking foreign nationals against biometrics information to prevent those who use forged or altered passports, terrorists, criminals on international wanted lists, and foreign nationals of suspicious character (e.g., those who have previously been deported from Japan) from entering Japan, in order to effectively and efficiently implement counter-terrorism and public security measures as well as measures against illegal employment of foreign nationals.

2 Background

The International Civil Aviation Organization (ICAO) has been working on the international standardization of biometrics in passports and other travel documents in order to deal with advanced forgery and alteration technology, the rapid rise in the number of identity theft cases, and terrorist threats. On its website, ICAO discloses the technical specifications on how to record and read biometrics information. In accordance with the ICAO standards, Australia started issuing IC passports in December 2004, while the US and New Zealand are also planning to issue IC passwords by the end of 2005. The EU (European Union) chose fingerprint and facial patterns as the biometric information to be recorded in IC passports. The introduction of this technology has also been discussed at other international conferences such as the G8 summit and the Asia-Pacific Economic Cooperation (APEC) Conference.

The Japanese government, with the objective of “promoting the use of IC passports”, has decided to introduce IC passports based on international standards and to strengthen immigration control with the use of IC passports. In May 2004, the government set up the Inter-Ministerial Liaison Council, which is presided over by the Cabinet Secretariat, and commenced its efforts to provide safer and smoother airport immigration control procedures. From February to May 2005, the ministries concerned jointly conducted an

“e-Passport” demonstration experiment at Narita Airport. With regard to foreign nationals, the government is making necessary preparations to collect foreign nationals’ facial portraits and fingerprints at landing examinations in accordance with the “Action Plan for Preventing Terrorism” dated December 2004.

3 Efforts by the Immigration Bureau

To collect foreign nationals’ fingerprints and other information at landing examinations, the Immigration Bureau is presently conducting a study on a legislative bill to amend the Immigration Control Act and is planning to submit it to the Ordinary Session of the Diet in 2006. Aiming at developing and introducing devices compatible with biometrics passports, the Immigration Bureau is planning to introduce necessary devices within FY 2005 based on the research studies and trials of FY 2004. Paying attention to the trends of introducing IC passports at home and abroad, the Immigration Bureau is also making efforts to develop a new system that detects forged and altered passports and correctly and quickly confirms the identity of the passport holder. It is also necessary for the Immigration Bureau to make necessary preparations to deploy automated gates (Immigration Automated Clearance System) that automatically handle airport immigration procedures, mainly for Japanese travelers, through the use of IC cards with multiple biometrics data.

In the immigration examination process that employs biometrics data, the Immigration Bureau will closely work with the ministries concerned, and effectively use data on terrorism and crimes to further strengthen Japan’s immigration control procedures.

Section 5 — Computerization of Immigration Control Administration

1 Introduction of the Foreigners Entry and Departure Information System (FEIS)

The online computer system for immigration control work consists of integrated systems such as the immigration examination general management system, the status of residence examination support system, and the deportation procedures support system. The online system is operated by providing it with additional functions to connect these integrated

systems with one another every time each of these systems is developed and implemented. Recently, the databases in the existing systems have been integrated into a uniform database as the Foreigners Entry and Departure Information System (FEIS), and computer devices installed at airports and seaports have been upgraded as appropriate. In FY 2003, the Immigration Bureau commenced use of FEIS sticker-type landing permission stamps for foreign nationals who acquired landing permission in the immigration procedures of airports or seaports. In January 2004, immediate acquisition of information on embarkation and disembarkation* was started.

In FY 2004, the Immigration Bureau upgraded the status of residence examination support system and the deportation procedures support system and connected them to the FEIS database. These measures have enabled a data search from all of the systems and have established a centralized recording system covering the entire process from entry to departure, thereby increasing the accuracy and efficiency of immigration work. The conventional stamps in the status of residence examination procedures (e.g., changing the status of residence) and the deportation procedures were replaced with new sticker-type stamps, which look similar to the landing permission stamp.

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 * Machine readable passports (MRPs) : With the use of devices such as readers, information on foreign nationals' entry and departure and their identification information can be immediately obtained from these passports and utilized for information analysis.

2 Consideration of Introduction of Electronic Application Procedures

In computerizing the entry examination procedures and the status of residence permission procedures, the Immigration Bureau will first introduce an e-application process for the most feasible procedures, paying attention to consistency with conventional paperwork. The Immigration Bureau will work out a timeline for introducing online application services.

Section 6 — Efforts to Halve the Number of Illegal Residents

1 Action Plan for the Realization of a Society Resistant to Crime

Aiming at restoring Japan to the position of the “safest nation in the world” and taking active, comprehensive measures to recover public safety, the Ministerial Meeting Concerning Measures against Crimes formulated the “Action Plan for the Realization of a Society Resistant to Crime” on December 18, 2003.

According to this action plan, the government will aim at halving the number of illegal foreign residents, some of whom are potential criminals, in the next five years up until 2008 to ensure public safety. Also with a view to eliminating unreasonable suspicion toward the many foreign nationals who are staying in Japan peacefully and legally, the Immigration Bureau will promote various measures such as “tightening monitoring and controls at the border”, “taking measures against foreign nationals who illegally enter and stay in Japan”, and “reinforcing cooperation with foreign counterparts”. Namely, the Immigration Bureau will actively strive to implement stricter examination of the status of residence on entry, strengthen detection of illegal residents and increase efficiency in the deportation procedures, and will request foreign countries to exercise stricter control over their nationals who have been deported from Japan. Aiming at reinforcement of the immigration control procedures and a significant reduction in the number of illegal foreign residents, the Immigration Bureau will also promote measures to reinforce the immigration control system by increasing the number of immigration control officers and immigration inspectors and by upgrading the facilities for detention, devices and equipment.

2 Promoting Comprehensive Efforts to Halve the Number of Illegal Residents

As Japan has a higher income level than its neighboring nations, many foreign nationals have been entering Japan from these neighboring nations, intending to work illegally in Japan. The number of overstayers has been decreasing since 1993, but the number stood at some 207,000 as of January 1, 2005, still remaining at a high level. In addition, about 30,000 foreign nationals are estimated to be residing secretly in Japan as stowaways after having entered Japan with the help of brokers. Aiming to halve the number of these illegal foreign residents in the five-year period from 2004 to 2008, and prevent illegal foreign residents from “staying in Japan”, the Immigration Bureau has been working closely with

the police and other agencies concerned to jointly detect illegal foreign residents, and has been making efforts to promptly deport illegal foreign residents through active negotiations with the countries of origin on deportation and passport issuance. To prevent illegal foreign workers from “coming to Japan”, the Immigration Bureau strictly examines foreign nationals applying for status of residence, and also requests foreign countries to effectively prevent its nationals from leaving for Japan if many of the nationals of that country are working illegally in Japan. To counter those foreign nationals intending to illegally stay in Japan who pass themselves off as tourists, the Immigration Bureau has been tightening landing examinations and reinforcing the examination of forged or altered passports in order to prevent these fake tourists from “landing in Japan”. To meet the recent strong social needs for restoring public safety, the bureau has been working with the agencies concerned to address the problem of illegal immigrants in accordance with the three principles: preventing illegal immigrants from “coming to”, “landing in” and “staying in” Japan.

Chapter 4

Entry and Residence Control of Foreign Nationals

Section 1 — Measures to Promote Tourism in Japan

1 Tourism Promotion Action Plan

Prime Minister Koizumi set a target of doubling the number of foreign tourists to Japan, from the present approximate 5 million a year to more than 10 million by 2010, in a speech on his administrative policies at the 156th session of the Diet

Following the speech, the Cabinet adopted the Action Plan to Realize Japan as a Country Built on Tourism with a view to developing close cooperation among the administrative agencies concerned and of promoting effective and comprehensive measures to make Japan a country built on tourism.

The Action Plan to Realize Japan as a Country Built on Tourism proposes measures including immigration procedures, such as visa exemption for students on school excursions from R. O. Korea, improvement in the operation of group tour programs for Chinese nationals coming to Japan and area coverage of the system, and acceleration of the immigration procedures through introduction of the Advance Passengers Information System (APIS).

Visa exemption was started on March 1, 2004 for students on school excursions from R. O. Korea. Such students who have valid passports issued by the government of R.O. Korea and who wish to enter Japan with the intention of staying for a period not exceeding 30 days do not have to obtain a visa. (Since April 12, 2004, the visa exemption has also become applicable to people who accompany such students.)

With respect to the group tour system for Chinese nationals coming to Japan, the Immigration Bureau has been providing group tour visas only to residents in two province-level cities (Beijing and Shanghai) and Guangdong Province since September 2000. Since then, the Immigration Bureau has been working toward ensuring sound operation of the system in cooperation with the ministries and agencies concerned as well as its Chinese counterparts, while dealing with various problems including the disappearance of Chinese nationals in Japan. As a result of the Japan-China consular-level negotiations on how to improve operations and expand area coverage of the program, residents in four provinces (Jiansu, Zhejiang, Shandong and Liaoning) and a province-level city (Tianjin City) have also

become entitled to visas for this group tour system since September 15, 2004.

2 Measures for Smoother but Stricter Immigration Examination

It is necessary for the Immigration Bureau to provide smoother immigration procedures for the great majority of trouble-free foreign visitors who come to Japan, while imposing stricter immigration control procedures to prevent foreign visitors from entering Japan if they intend to illegally work. Since more and more foreign people will visit Japan in the future as a result of Japan's efforts in various areas, the immigration control authorities must satisfy two seemingly incompatible objectives: smoother but stricter immigration control procedures.

To this end, the Immigration Bureau provides stricter landing examination procedures by analyzing the data of statuses of residence and by identifying the countries from where many overstayers originate. At Narita Airport and Kansai Airport, the bureau has set up a special task force consisting of immigration officers skilled in document analysis and the oral proceedings of landing examinations. The bureau sends them to local airports, when necessary, to effectively enhance the immigration control procedures at local airports by passing on the know-how of employing advanced technology and skills in detecting forged or altered documents, which are used in the large airports. In addition, the bureau commenced use of the secondary examination system and pre-clearance system in FY 2005.

3 Visa Exemption

Visa systems may differ from one country to another in terms of procedures and formats. Each nation has a visa system as part of its immigration procedures. In order to promote human exchange, many countries have mutually agreed to exempt temporary foreign visitors from the requirement of obtaining a visa if they are visiting for sightseeing, business, or family visit purposes. Visas are required for the landing examination in accordance with the Immigration Control Act, but the Act also provides that a visa is not necessary for foreign nationals if they are permitted to visit Japan without a visa based on an international agreement or on the Japanese government's notification to their home country.

In Japan, the Ministry of Foreign Affairs is in charge of issuing or waiving visas. The Japanese government has mutually agreed with many foreign governments to introduce a

mutual visa waiver program. Generally speaking, the following foreign visitors do not need a visa: transit visitors not intending to conduct commercial activities; sightseeing visitors; foreign visitors intending to call on relatives; amateur sports participants; and temporary foreign visitors for business communication, contract signing, market surveys or after-sales service purposes. However, the visa exemption program does not apply to foreign nationals intending to work in Japan. If foreign nationals visit Japan without a visa, they are allowed to stay in Japan for a maximum period of 90 days.

In April 2004, Japan started visa exemption programs applicable to the nationals of the following countries or regions: students on school excursions from China (effective from September 1, 2004); R. O. Korea (effective from March 1 to September 30, 2005); Taiwan (effective from March 11 to September 25, 2005); and residents from the Macao Special Administrative Region (SAR) (effective from March 25, 2005). In addition, the visa exemption program has applied to Bulgarian passport holders and Vietnamese diplomatic or official passport holders since May 1, 2005.

4 Actions Relating to the 2005 World Exposition, Aichi, Japan

(1) Measures to Smoothly Accept People Involved in the Exposition.

The 2005 World Exposition, Aichi, Japan (EXPO 2005), held from March 25 to September 25, 2005 involved a variety of staff, such as clerical staff participating in the country's headquarters, architectural engineers and attendants at the pavilions. Some EXPO staff were not covered by an existing status of residence or the "Temporary Visitor" status of residence, which covers only short-term commercial activities. Since EXPO 2005 was an international exhibition of a highly public nature and only involved activities with limited purposes for a certain period of time, the Immigration Bureau decided to comprehensively define the activities permitted for EXPO 2005 staff. On June 30, 2004, the Ministry of Justice revised its Ordinance on the "Designated Activities" status of residence, thereby achieving smooth acceptance of the people involved in the exhibition from the preparation stage.

(2) Preferential Treatment for Landing Permission Procedures in the "Law on Promoting Foreign Tourists' Visits to the 2005 EXPO, Aichi, Japan"

In order to attract more foreign tourists to EXPO 2005, it was necessary for Japan to take necessary measures at the central and local government levels and to provide foreign applicants with preferential treatment in their landing application procedures,

thereby promoting international tourism. To this end, the Diet passed the lawmaker-initiated “Law on Facilitating Foreign Tourists’ Visits to the 2005 EXPO, Aichi, Japan” on February 9, 2005. According to Article 5 of this law, foreign nationals are allowed to enter Japan without a visa if they meet all of the following requirements: their passport has been issued by the competent authority in a foreign region; the said foreign region is designated in Japan’s Cabinet Ordinance under the Immigration Control Act; and the foreign nationals satisfy the requirements in Japan’s Cabinet Ordinance. On March 9, 2005, in accordance with the aforementioned legislation, the Japanese government passed a decision to accept Taiwanese residents without visas from March 11 to September 25, 2005 (the final day of EXPO 2005), if they had passports issued by the competent Taiwanese authority and intended to carry out the activities permitted under the status of residence of “Temporary Visitor”.

Aiming at advancing the bilateral relationship between Japan and Korea, encouraging human exchange, and contributing to a successful EXPO 2005, the government passed a decision to accept South Korean citizens without visas during the EXPO 2005 from March 1 to September 30, 2005.

Section 2 — Simplifying the Entry and Departure Procedures of Foreign Nationals

1 Enforcement of the APEC Business Travel Card (ABTC)

The APEC business travel card (ABTC) is a special card issued and validated by the governments of the member countries and regions to a business person who frequently travels across the APEC zone. When entering member countries and regions that have validated the ABTC in advance, the business person can pass through immigration simply by possessing a valid passport and the ABTC. When he is permitted to land, he can stay in the country or region for at least two months or a maximum of three months. At present, 17 countries and regions participate in the ABTC program.*

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* The member countries and regions as of the end of May 2005 are Australia, Brunei, Chile, China, the Hong Kong Special Administrative Region (SAR), Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, Peru, the Philippines, Taiwan, Thailand, Papua New Guinea, Singapore and Viet Nam.

Japan started to use the ABTC on April 1, 2003. When an ABTC holder applies for landing in Japan for a temporary visit on business, he is not required to show his visa, and if the immigration inspector finds the person conforms to the conditions for landing, the inspector will grant him permission for landing as a “Temporary Visitor” (90 days).



ABTC

Upon commencement of the use of the ABTC, in order to achieve smooth examination for landing of ABTC holders, special lanes for ABTC holders have been established in the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau and the Kansai Airport District Immigration Office of the Osaka Regional Immigration Bureau. This type of special lane has also been established in the Chubu Airport District Immigration Office of the Nagoya Regional Immigration Bureau, which commenced operations in February 2005. The Immigration Bureau is making efforts to establish ABTC special lanes in other airports as much as possible.

2 Operation of the Landing Permission for Crewmembers Support System

On July 23, 2003, utilizing the landing permission for crewmembers’ support system which commenced operations in July 2003, applications for landing permission for crewmembers filed by carriers are received in electronic form, and operations such as the crosschecking of foreign nationals against a list of suspect persons and preparation of landing permission for crewmembers are conducted systematically. This system has made it possible to computerize records on the entry and departure of crewmembers and has improved the accuracy and convenience of the immigration control system.

The Japanese government has the ultimate goal of providing “one stop” service by accepting all application forms in an electronic format. At the moment, applicants in Japan now face inconvenience in that they must submit similar application forms to several different ministries if they want to utilize port-related civil services. Aiming at establishing a single window that comprehensively accepts both port-related and crewmember-related application forms, the Permission for Crewmembers Support System is designed to have

interoperability with Sea-NACCS (Ministry of Finance) and the EDI System (Ministry of Land, Infrastructure and Transport, Japan Coast Guard, and port managers). If applicants send their data to one of these systems, the data will automatically arrive at multiple ministries.

In FY 2004, the ministries in charge of marine affairs reexamined their systems, with an eye to future ratification of the FAL Treaty, which aims at smoother vessel operations by standardizing port departure and arrival procedures. In this process, these ministries now provide more user-friendly application procedures by narrowing down the data input entries and unifying their application forms.

3 Efforts Relating to the Sumatra-Andaman Islands Earthquake and Subsequent Tidal Waves

The Sumatra-Andaman Islands Earthquake of December 26, 2004 and its subsequent tidal waves caused devastating damage to vast areas. In this connection, the Immigration Bureau decided to provide preferential but temporary immigration procedures to foreign nationals as long as they satisfy the following conditions: they obtained a re-entry permit from the Japanese government while staying in the affected areas of the said earthquake; and they lost either the passport that carried their re-entry permit or other documents obtained from the Japanese government. Their preferential immigration procedures are as follows:

(1) Foreign nationals who lost their passport carrying the re-entry permit (except for the foreign nationals falling under (2) below)

If a foreign national has lost the passport that carried his re-entry permit due to the earthquake, and reports such fact in the immigration procedures, the Immigration Bureau will grant a re-entry permit again and affix a landing permit stamp after checking the passport's date of issuance and computer data.

(2) Foreign nationals who lost their re-entry permit certificate

If a foreign national has an alien registration card, but lost his re-entry permit certificate as a result of the earthquake, and reports such fact in the immigration procedures, the Immigration Bureau will grant a re-entry permit certificate again and affix a landing permit stamp after checking the computer data.

If a foreign national does not have the alien registration card, lost his re-entry permit certificate as a result of the earthquake, and reports such fact in the immigration

procedures, the Immigration Bureau will request his agent (a person acting on his behalf) to send the alien registration card data certificate by fax, grant a re-entry permit certificate again, and affix a landing permit stamp after checking the computer data.

Section 3 — Smooth Acceptance of Foreign Workers Needed in Japanese Society

1 Expanding Acceptance of IT Engineers from Abroad

In recent years, IT-related technology has seen remarkable developments, and the need for IT engineers has also been increasing. In March 2001, the IT Strategy Headquarters drew up the “e-Japan Priority Policy Program”. According to this program, the Immigration Bureau should identify problems in the present immigration control system, such as the landing permit criteria applicable to IT engineers, and also take necessary action to secure high-quality technical professionals and experts in Japanese society by further accepting IT engineers and other technical experts from foreign countries.

In this respect, the Ministry of Justice stated, in the Basic Plan for Immigration Control (2nd edition) formulated on March 2000, that “smooth acceptance of foreigners in response to new domestic and international social needs” is one of the critical issues, and “as telecommunications development is largely contributing to development of other industries, the immigration control administration shall also contribute to assertive securing and exchange of human resources in such fields”. In accordance with this policy, with a view to responding to the need for more IT engineers, the Ministerial Ordinance to Provide for Criteria pursuant to the “Engineer” status of residence was partially amended in December 2001 to ease the standards for accepting IT engineers from abroad. Namely, 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 and designated by the Minister of Justice in the Official Gazette, may enter Japan irrespective of whether or not they satisfy the criteria for landing permission regarding the status of “Engineer”, i.e., “having graduated from or completed a course at a college or acquired equivalent education, or having at least 10 years’ work experience”.

Foreign examinations and qualifications which are mutually certified in Japan and designated by the Ministry of Justice in the Official Gazette are examinations and qualifications implemented and granted in Singapore (as of December 28, 2001), R.O. Korea

(as of July 19, 2002), China (as of July 19, 2002), the Philippines (as of May 30, 2003), and Viet Nam (as of May 30, 2003). On August 27, 2004, the Ministry of Justice revised the Minister's notice to additionally certify the examinations implemented in Myanmar and Taiwan.

The Three-Year Program for Promoting Regulatory Reform formulated at the end of FY 2003 also states that the government will review the system relating to the acceptance of foreign nationals, including the criteria for landing permission for IT engineers, and continue to take necessary measures. In the future, the countries covered by mutual certification of foreign examinations and qualifications will be expanded.

2 Applying the Preferential Regulatory Measures of Special Rules for the Immigration Control Act in Accordance with the Law on the Special Zones for Structural Reform Nationwide

On December 11, 2002, the Diet passed the Law on the Special Zones for Structural Reform (hereinafter referred to as "Special Rules"), which became effective on April 1, 2003. The Japanese central government implemented preferential measures as exceptions to the existing regulations after hearing proposals from the local governments. In this relation, the government implemented the project to further accept foreign researchers to Japan as an exception to the Immigration Control Act. In this project, if foreign researchers intend to engage in research activities and also business activities using the research results of research facilities in the special zones, they can engage in both activities without changing their status of residence or without obtaining permission for engaging in activities other than those authorized under the status of residence previously granted. In addition, these researchers may stay in Japan for five years without renewing their period of stay. Furthermore, for the foreign researchers described above and for those who only engage in research activities at universities or other research facilities in the special zones (including family members of both types of researchers), the maximum period of stay granted without extension has been extended from three years to five years. In addition, the amendment to the Special Rules became effective on October 1, 2003.

With regard to the data processing industry, which is the key industry for pioneering industries (e.g., robotics, biotechnology, the environment) that will create new business through the development of new technologies and services and will play an important role in industrial development, the maximum period of stay applicable to data processing specialists who are expected to be employed in this industry at places of business located in the special zones has been extended from three years to five years.

These preferential regulatory measures in the special zones are evaluated by the Evaluation Committee of the Headquarters for the Promotion of Special Zones for Structural Reform (HPSZSR). If the Evaluation Committee finds that there are no problems with a preferential measure, the government will immediately apply it nationwide. In the first half of 2004, the Evaluation Committee assessed the project for further acceptance of foreign researchers. As a result, the committee found that there were no problems with this project. On September 10, 2004, the HPSZSR decided to apply the project nationwide within FY 2005.

In addition, the Evaluation Committee also assessed the project for further attracting foreign data processing specialists to Japan. As a result, the committee found that there were no problems with this project, and subsequently, on February 9, 2005 the HPSZSR decided to apply the preferential project nationwide within FY 2005.

3 Guidelines on Granting the Status of “Permanent Resident”

Foreign nationals will be granted the status of “Permanent Resident”, if they contribute to Japanese society, stay in Japan for five years or longer, and satisfy other requirements as stipulated in applicable law. The Basic Plan for Immigration Control (3rd Edition) also calls for clearer and more transparent requirements for granting the status of “Permanent Resident”. In this relation, the Immigration Bureau has decided to disclose cases in which the “contribution to Japanese society” of the status of “Permanent Resident” is clearly shown. After preparing the guidelines on evaluation factors such as award-winning history and past records in diplomatic, economic/industrial, cultural, and fine art categories on March 31, 2005, the bureau disclosed the guidelines on its website.

After listening to opinions from various fields, the Immigration Bureau will revise the guidelines, if necessary, and clearly articulate or refine the applicable criteria.

4 Granting the Status of Residence of “Temporary Visitor” to Foreign College Students Who Seek Jobs in Japan after Graduation

Foreign students who seek jobs in Japan after graduation from college may change their status of residence from “College Student” to “Temporary Visitor” and extend their period of stay if the college they graduated from recommends them as eligible candidates to change their status of residence for the purpose of seeking jobs in Japan. Such students may stay in

Japan for a maximum period of 180 days.

As most Japanese firms employ new graduates in April, some experts have pointed out that foreign students will not be able to stay in Japan if they graduate from college and are due to start working for a company in April of the following year. To address this problem, foreign students may stay in Japan until they start work if they submit a document describing their employment information (e.g., start of employment, the valid period of the contract, and the activities) The Immigration Bureau is planning to take necessary actions in FY 2005.

5 Granting the Status of Residence to Foreign Nationals Who Seek Jobs in Japan after Graduating from Special Training Colleges

In addition to university graduates, a foreign national who seeks a job may stay in Japan if he completes a specialized course at the specialized training college level, and has the degree of Associate of Vocational Arts. The Immigration Bureau is planning to take necessary actions in FY 2005.

6 Easing Employment Restrictions to Accept Foreign Doctors and Nurses

On December 24, 2004, the Council for the Promotion of Regulatory Reform submitted the “First Report on the Promotion of Regulatory Reform and the Opening Up of Government-Driven Markets for Entry into the Private Sector.” According to this report, foreign doctors with Japanese state qualifications should be able to perform their work on the same terms as Japanese doctors, and the employment restrictions on these foreign doctors should be removed, so that they will be able to have an authorized employment status similar to other foreign workers, rather than performing their tasks as a trainee.

When removing the employment restrictions on foreign doctors, policymakers should consider the ensuing impacts on the domestic labor market or its positive impacts on rationalizing Japan’s medical care services. Policymakers should also consider the feasibility of setting up a quota or other necessary measures on foreign doctors if there is a sudden extreme influx of foreign doctors.

The report also mentions foreign nurses with Japanese state qualifications. According to the report, foreign nurses with Japanese state qualifications should be able to perform

their work on the same terms as Japanese nurses. The policymakers should quickly make a decision to eliminate applicable employment restrictions on them or extend their period of stay. In this process, policymakers should consider the ensuing impacts on the domestic labor market or its positive impacts on rationalizing Japan's medical care services. Policymakers should also consider the feasibility of setting up a quota or other necessary measures on foreign nurses if there is a sudden extreme influx of foreign nurses.

As a result, the government will make a decision by the end of FY 2005 on how to eliminate the employment restrictions on doctors, while drawing a conclusion by the end of FY 2005 on how to ease the employment restrictions on nurses.

7 Status of Incubation Offices in the Application Procedures for the Status of Residence of "Investor/Business Manager"

According to the applicable Criteria Ordinance, a foreign national may start his own business in trading or another business category under the status of residence of "Investor/Business Manager," if he has his business office in Japan. In this relation, some foreign business owners may receive assistance from an incubator (i.e., an organization that provides advice on business affairs or other business-related services necessary for business operations). In this case, if the business owner submits the incubator's written consent that authorizes him to use the incubator's office, he will be regarded as having satisfied the requirement of "having his business office in Japan", as long as he temporarily rents a business office at JETRO Investment Japan Business Support Center (JETRO IBCS) or other incubation offices in order to start his own business. The Immigration Bureau started to apply this new rule from July 2004.

Section 4 — Appropriate and Smooth Promotion and Further Enrichment of Training and Technical Internship Programs

1 Projects for Promoting Human Resource Development through Acceptance of Foreign Trainees

In some geographical areas, small and medium-sized enterprises possess major technological skills in specific industries. On October 1, 2003, as part of the special measures for the special zones for structural reforms, the Ministry of Justice designated measures for the special rules to partially ease the limit on the number of trainees to be accepted, when the industry in the special zone has a close economic relationship with the country that sends trainees.

2 Association Managed Training

Problems have been pointed out with regard to the acceptance of trainees in the training programs under the so-called scheme of association managed training, and in particular, the organizational training of cross-industry associations. As a result of a survey on the actual conditions of the acceptance of trainees, 210 accepting entities were judged to have committed improper conduct.

With regard to the trade associations (so-called primary accepting entities), examples of improper conduct such as providing false information in the application forms submitted to the Immigration Bureau was seen. Namely, the audit reports on member firms (the secondary accepting entities) provided information differing from the actual situation or information on non-existent group training sessions.

Further, as to trade association's member firms (so-called secondary accepting entities), these member firms had trainees engage in overtime work, sent their trainees to other firms suffering from labor shortages, employed illegal workers, or employed foreign workers in a way which violated the labor laws.

3 Expanding the Number of Job Categories and Tasks Eligible for the Technical Internship Program

Shortly after the Technical Internship Program was established in 1993, foreign trainees could stay in Japan for “two years, including the training period” and engage in 17 job categories and 34 types of tasks. In 1997, their period of stay was extended to “three years, including the training period”. The number of job categories and tasks eligible for technical training programs has been gradually increasing, reaching 62 job categories and 113 tasks in 2003. After hearing opinions from the trainees’ home countries, accepting entities and the industrial community, the ministries concerned held policy dialogues on April 1, 2005, and decided to add “textile/knit dip-dyeing” work to eligible tasks, leading to a total of 62 job categories and 114 types of tasks.

4 Review of Training and the Technical Internship Programs

To properly and smoothly operate and improve the training and technical internship programs, it is necessary to review the program operations while closely cooperating with the other ministries concerned. As pointed out in the Basic Plan for Immigration Control (3rd Edition) dated March 29, 2005, the Immigration Bureau will examine the establishment of a new status of residence for technical internship trainees and also review the current frameworks such as protective measures for trainees, while paying due attention to encouraging proper and smooth technical transfers.

Section 5 — Promoting Academic, Cultural and Youth Exchange, and Smooth and Appropriate Acceptance of Foreign Students

1 Ensuring More Proper Examination of Applicants for the Status of Residence of “College Student” and of “Pre-college Student”

Since 1983, following the 100,000 Foreign Students Plan, the Japanese government has been actively promoting the acceptance of students from abroad as its basic policy.

However, the number of foreign students overstaying in Japan has been increasing in recent years (**Chart 27, Table 47**), and crimes committed by foreign students have become a serious social problem. Furthermore, illegal workers are entering Japan pretending to be a student, and many foreign students are engaging in activities not permitted by their status of residence. Due to such changes in circumstances concerning foreign students, in November 2003, the Immigration Bureau started to give consideration, as an important issue for examination, to whether or not applicants for the status of “College Student” or the status of “Pre-college Student” have the intention or ability to study and the capability to pay the expenses required for study, and has been aiming at examining applicants much more stringently.

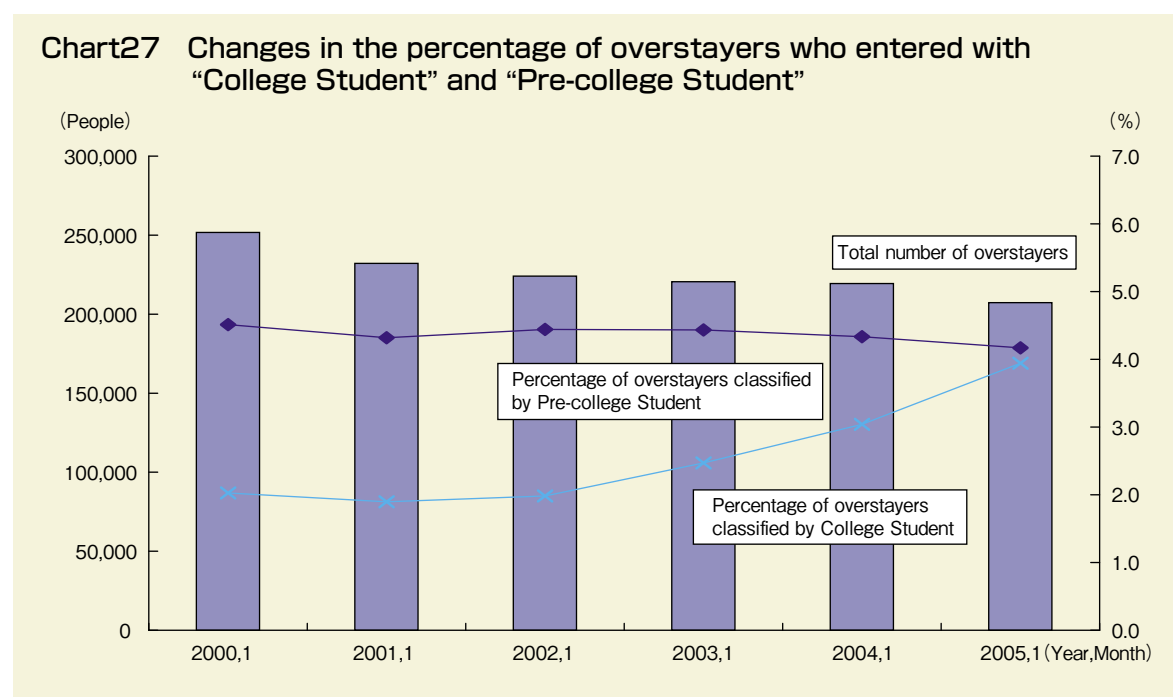


Table47 Changes in the number and percentage of overstayers who entered Japan with “College Student” and “Pre-College Student”

Division \ Date	January 1 1999	January 1 2000	January 1 2001	January 1 2002	January 1 2003	January 1 2004	January 1 2005
Total number of overstayers	271,048	251,697	232,121	224,067	220,552	219,418	207,299
College Student	5,914	5,100	4,401	4,442	5,450	6,672	8,173
Percentage of total(%)	2.2	2.0	1.9	2.0	2.5	3.0	3.9
Pre -college Student	12,931	11,359	10,025	9,953	9,779	9,511	8,506
Percentage of total(%)	4.8	4.5	4.3	4.4	4.4	4.3	4.1

2 Instructions to Problematic Educational Institutions

In FY 2004, some educational institutions did not manage the enrolled students properly, as they had not sufficiently confirmed the intention of the candidates to study when screening or had not verified the addresses of the students or their part-time work behavior. From this viewpoint, the Immigration Bureau conducted a survey on special technical schools and other educational institutes to identify the schools that manage their students in a problematic manner. Based on the survey results, the Immigration Bureau required persons in the problematic educational institutions to appear at the regional immigration bureaus that have jurisdiction over the locations of those institutions, and instructed them to make improvements in screening and overall management of enrolled students.

In addition, as more and more foreign students are overstaying in Japan, the Immigration Bureau also requested MEXT (Ministry of Education, Culture, Sports, Science and Technology) to give instructions for proper overall management of the enrolled students.

3 Programs for Accepting Foreign Students in School Evening Classes

According to the current Immigration Control Act, if a foreign student intends to study at a Japanese university with the status of residence of “College Student” by exclusively enrolling in school evening classes, the foreign student may not enter Japan because he does not satisfy the criteria for landing permission regarding the status of “College Student” (Ordinance of the Ministry of Justice). On the other hand, as the ways of learning are diversifying, there is a growing demand for education at the evening classes of graduate schools. In order to promote acceptance of high-quality foreign students in graduate schools, as one of the special measures applicable to the special zones for structural reform, a ministerial ordinance to provide special measures applicable to the special zones for structural reform and special rules for the criteria for landing permission regarding the

status of “College Student” was enacted on August 29, 2003 (and entered into force on October 1, 2003). Under this ordinance, the status of “College Student” shall be granted to foreign students who study in graduate courses of graduate school evening classes if the colleges to which the graduate schools belong responsibly manage the students enrolled in the schools. Such foreign students studying in the evening classes of graduate schools shall also be granted comprehensive permission for engaging in activities other than those permitted by the status of residence within a limit of 28 hours a week.

As with the project for accepting foreign data processing specialists in Japan, the aforementioned project was also evaluated by the Evaluation Committee in the second half of 2004. As the committee found no problems with the program, the HPSZSR made the decision on February 9, 2005 to expand this program nationwide within FY2005.

4 Accepting Foreign Students Who Work as Foreign Language Teachers during the Summer Vacation

In line with the “Program for the Regional Revitalization Program” decided by the Cabinet Office’s Regional Revitalization Headquarters (presided over by the Prime Minister), the Immigration Bureau decided to permit foreign students to stay in Japan from February 18, 2005 on condition that they participate in programs for cultural exchange organized by public bodies and give lectures, with pay, on international cultural exchange to Japanese elementary and junior high school students for three months or less during the summer vacation or other vacations, when these students have no classes at university.

5 Reviewing the Status of Residence of Foreign Students Who Study at Foreign University’s Extension Campuses in Japan

Even if a foreign university has an extension campus in Japan (“foreign university’s Japanese extension campus”), the School Education Law does not provide it with the official status of a university. As the ministerial ordinance for amending the School Education Law Enforcement Regulations has come into effect, students who have graduated from a foreign university’s Japanese extension campus may enter university-level advanced courses or graduate schools, if the extension campus is designated in a notice by the Minister of Education. As a result, if a foreign national engages in research activities, guides research activities, or provides education at a foreign university’s Japanese extension campus, the

foreign national will have the status of residence of “Professor” as long as he satisfies other legal requirements. In addition, foreign students at a foreign university’s Japanese extension campus will have the status of residence of “College Student”.

Section 6 — System of Revocation of Status of Residence

In recent years, a number of foreign residents have obtained permission for landing by making a false statement, are engaging in illegal work without engaging in the activities authorized under their status of residence or are committing crimes, thereby preventing fair immigration control. To deal with such a situation, the Ministerial Meeting against Crimes formulated an “Action Plan for the Realization of a Society Resistant to Crime” in December 2003. The Action Plan calls for introducing a new scheme that would revoke the status of residence of a foreign national if he has obtained permission for landing by making a false statement or any other illegal means. In line with the Action Plan, the amended Immigration Control Act of May 27, 2004 has set up the system of revocation of the status of residence (the amendment legislation was promulgated on June 2, 2004 and entered into effect on December 2, 2004). According to the amended Immigration Control Act, a foreign national will lose his status of residence in the following cases: he obtained the stamp of permission for landing by making a false statement regarding the activities to be undertaken while in Japan, he pretended that he did not fall under the grounds for denial of landing or he did not engage in any of the activities permitted under his status of residence for three months without reasonable grounds.

At the end of February 2005, the Immigration Bureau had revoked the status of residence of three persons in Japan, but from March 2 onward, since the bureau will be able to revoke the status of residence of foreign nationals who fail to engage in the activities permitted by the status of residence previously granted for three months without reasonable grounds, the number of residence revocation cases is likely to increase in the future.

Chapter 5

Deportation Procedures

Section 1 — Measures against Illegal Immigrants

1 Amendment of the Immigration Control Act as a Measure against Illegal Immigrants

(1) Outline of the Amendment to the Immigration Control Act in 2004

Several amendments have been made to the Immigration Control Act so far in order to take measures against illegal foreign residents. On May 27, 2004, the Diet amended the Immigration Control Act, which substantially raised the fines for illegal residents and extended the landing denial period to 10 years (from five years) for illegal foreign residents in particularly serious cases. Further, the amended Act established the departure order system, which provides simpler procedures to enable illegal residents to quickly leave Japan, if they voluntarily appear at an immigration control office and satisfy certain requirements. The amended Act also shortens the landing denial period from the current five years to 1 year, thereby encouraging illegal residents to voluntarily appear in front of the immigration control authorities. (The amendment of the Immigration Control Act was promulgated on June 2, 2004 and entered into force on December 2, 2004.)

(2) Effects of the Departure Order System

In recent years, the number of violators of the Immigration Control Act who voluntarily appeared at the regional immigration bureaus with the intention of departing from Japan had seen little change. In this context, as explained in (1) above, the Immigration Bureau decided to introduce the departure order system in order to encourage illegal residents to voluntarily appear. The system was introduced on December 2, 2004. However, the bureau had announced that the system would apply even to illegal residents who appeared between November 1 and December 1, 2004 and satisfied certain requirements. As a result, 2,148 illegal immigrants voluntarily appeared at the immigration control offices in November 2004, a significant increase of 722 (up 50.6%) from 1,426 in November 2003. In December 2004, the number of illegal immigrants voluntarily appearing stood at 2,005, an increase of 487 (up 32.1%) from 1,518 in December 2003. From December 2 to December 31, the bureau ordered 918 illegal immigrants to leave Japan.

While analyzing and estimating how many illegal residents will appear voluntarily, the Immigration Bureau will work on PR activities to encourage more and more illegal residents to voluntarily appear at the immigration offices.

2 Actively Enhancing Detection Activities

(1) Enhancing Detection Capabilities

Most overstayers are illegally working in Japan. As a characteristic of recent years, these illegal workers tend to work for a longer time and live or work in different locations by forming much smaller groups.

Further, some legal residents, such as college students or pre-college students, are involved in activities not permitted under their status of residence. In addition, there is an increasing number of foreign nationals engaging in fake marriages or pretending to be Japanese descendants, aiming at illegally obtaining a status of residence with an unlimited scope of activities.

Under the basic policy of reducing the number of illegal foreign residents in Japan by preventing them from settling down in Japan, the Immigration Bureau established investigation departments in the regional immigration bureaus in Tokyo, Osaka, and Nagoya in order to have permanent detection systems. In FY 2003, the Immigration Bureau instituted a first branch office exclusively in charge of exposing illegal foreign residents in Kabuki-cho, a district in Shinjuku ward, Tokyo, aiming at enhancing detection capabilities.

In FY 2004, to further reinforce detection abilities, the bureau set up detection task forces at the Tokyo Regional Immigration Bureau, which is responsible for the Tokyo Metropolitan Area where a large number of illegal foreign workers are working or staying secretly. The bureau conducted exposure operations, focusing on nightlife districts where numerous illegal residents are concentrated.

While closely working with the police department, the Immigration Bureau will stringently implement effective exposure operations, and smooth and efficient deportation procedures. In addition, as unscrupulous employers are facilitating illegal employment, the Immigration Bureau intends to notify the police department of these employers so that they will be sentenced to criminal punishment on account of having assisted illegal labor.

(2) Reinforcement of Patrols in the Airports

Recently, many persons have been using the transit areas in Japanese airports for

unlawful purposes such as illegally entering the US or other countries, or helping others enter Japan. Preventing such behavior is of utmost importance as a countermeasure against terrorism and international organized crimes, and therefore the Immigration Bureau has been reinforcing patrols in the transit areas in Narita Airport and Kansai Airport since FY 2002 in order to detect or prevent the use of forged or altered passports.

Section 2 — Improving the Treatment of Illegal Foreign Residents in the Detention Facilities While Giving More Consideration to Human Rights

Foreign nationals who stay in Japan in violation of the Immigration Control Act shall be detained under a written detention order issued by the supervising immigration inspector during the deportation procedures. If they are to be deported from Japan, they shall be detained under a written deportation order issued by the supervising immigration inspector. As detention facilities for these foreign nationals, the Immigration Bureau has a total of 16 detention houses at the regional immigration bureaus, their district immigration offices and some branch offices, as well as three immigration centers in Ushiku city in Ibaraki prefecture, Ibaragi city in Osaka prefecture, and Omura city in Nagasaki prefecture.

These detention facilities have been established for the purpose of detaining illegal foreign nationals in temporary custody until they are deported from Japan. Therefore, in the treatment of foreign nationals detained in these facilities (hereinafter referred to as “detainees”), arrangements have conventionally been made to give them as much freedom as possible to the extent that causes no security risks and which respects the lifestyle of individual detainees according to the culture and customs of their home countries. In August 1998, the rules on the treatment of detainees of detention facilities were amended (the amendment entered into force on September 1, 1998) to treat detainees properly while giving more consideration to human rights. In accordance with the amendment, an opinions’ system was also introduced to hear the opinions of inmates by placing at the detention facilities opinion boxes into which detainees can submit opinions on their treatment to the head of the facility. The rules were further amended in September 2001 to start the operation of the appeal system on November 1. Under this system, detainees who are dissatisfied with their treatment by immigration control officers can appeal to the head of the detention facility and finally to the Minister of Justice. Thus, active efforts have been made to improve the treatment of detainees in the detention facilities. Previously, if

a detainee met with a person other than a consul, an immigration control officer needed to accompany the detainee. As the aforementioned rule was revised on April 1, 2003, the detainee does not have to be accompanied by an immigration control officer when he meets with another person as long as this does not pose any security risks.

Each immigration center and the Tokyo Regional Immigration Bureau have been making additional arrangements for the treatment of detainees while giving as much consideration as possible to freedom and human rights to the extent that causes no security risks, such as making telephones freely accessible to detainees during the period of open treatment and providing them with additional opportunities to bathe and take outdoor exercise.

Section 3 — Efforts for Smoother Deportation

Smooth and prompt deportation of illegal foreign residents is, in addition to expansion of detention facilities, crucially important in taking effective measures against the problem of illegal residents. The Cabinet decided to set up the Headquarters to Promote Responses to International Organized Crime, and on August 29, 2001, the Headquarters adopted the Plan on Future Measures against International Organized Crime. In the section regarding “cooperation with the countries concerned” in the plan, the report states that “for smooth deportation of illegal foreign residents, the government will request the foreign countries concerned to promptly issue passports and other travel documents”. At a meeting between the Japanese and Chinese consular authorities held in Dalian in February 2004, the Immigration Bureau, in cooperation with other agencies, requested the Chinese government to promptly issue travel documents for deportation of Chinese nationals and to establish a stable issuance system. In June 2004, representatives of the Immigration Bureau visited Beijing, China to discuss countermeasures on illegal residents with officials of China’s Public Security Ministry and strongly requested its Chinese counterpart to issue travel documents as quickly as possible.

Annex 9 of the Convention on International Civil Aviation (Chicago Convention) provides that the competent authorities of signatory countries shall, without fail, seize fraudulent, forged or altered travel documents, and the deporting state shall issue a covering letter in place of the seized document. In accordance with this rule, the Japanese government has been issuing this letter since December 2003 in order to ensure smooth deportation.

Section 4 — Treating Illegal Immigrants While Paying Attention to Their Status

If an illegal foreign resident who has violated the Immigration Control Act expresses a wish to stay in Japan in the deportation procedures, the Immigration Bureau will pay due attention to his individual circumstances, including the reason why he wishes to stay in Japan, relationships with family members, living conditions, behavior and other factors as well as family unity and other humanitarian perspectives. After considering the effects on other illegal residents, the Immigration Bureau actively grants special permission to stay if it is necessary to do so. As a result, the bureau granted special permission to stay an increasing number of times in 2004.

The Minister of Justice has extensive discretionary power in granting special permission, and it is difficult to set clear criteria on permission. However, in order to grant special permission to stay in a more transparent and proper manner, the Ministry of Justice has been disclosing information on actual cases of special permission on its website since August 2004. The ministry will keep disclosing such data in the future as well.

Section 5 — Reinforcing Cooperation with the Authorities Concerned

1 Violation of the Immigration Control Act in General

In addition to the measures given in Section 1 above, the Immigration Bureau has been taking the following measures to reinforce cooperation with the authorities concerned, thereby taking much more effective countermeasures against illegal residents.

In order to promote effective prevention and intensified detection of violation of the Immigration Control Act, the Council for Prevention and Detection of Violation of the Immigration Control Act has been held since 1971. At this council, representatives from the National Police Agency, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Health, Labour and Welfare, and the Ministry of Land, Infrastructure and Transport have been discussing measures to properly deal with violations of the Act while sharing information and developing close cooperation among them. In November FY 2004, the council held in Hiroshima discussed (i) the present situation of illegal entry and possible countermeasures, and (ii) the present situation of illegal foreign

workers and possible countermeasures.

In line with the action plans decided by the Ministerial Meeting Concerning Measures against Crimes and the Headquarters to Promote Responses to International Terrorism and International Organized Crime, the Immigration Bureau has been enhancing its countermeasures against illegal entry or illegal foreign residents. The Immigration Bureau has also developed close cooperation in sharing information with the other authorities concerned, such as the Headquarters for the Promotion of Measures to Prevent Firearms, the Headquarters for the Promotion of Measures to Prevent Drug Abuse, and the Council for Regulation of Smuggling, aiming at effectively regulating serious violations of the Act.

2 Measures against Illegal Foreign Workers

To deal with the issue of illegal foreign workers, efforts should be made from various perspectives. For this reason, it is necessary to reinforce cooperation among the authorities concerned and to build a more effective cooperative structure.

To this end, the Immigration Bureau reports or brings charges to the investigating authorities against unscrupulous employers and brokers of illegal foreign workers in order to encourage the authorities to impose criminal punishments on account of facilitating illegal employment practices. The Immigration Bureau also requests the investigating authorities to apply penal provisions under the relevant laws and ordinances when finding any cases where employers or brokers coerce illegal foreign workers into prostitution or exploit them without paying sufficient wages.

There is a growing demand, from the perspective of globalization, for measures to accept foreign workers in wider fields and smoother procedures. Meanwhile, in light of the fact that illegal employment of foreign nationals has become a serious social problem, the Immigration Bureau also participates in the Liaison Council of the Ministries and Agencies on the Issue of Foreign Workers, which was established under the Cabinet Secretariat. The Immigration Bureau, the Cabinet Office, the National Police Agency, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure and Transport have been discussing the issue of illegal foreign workers while examining various matters concerning the acceptance of foreign nationals including foreign workers.

The National Police Agency, the Ministry of Justice, and the Ministry of Health, Labour

and Welfare have periodically exchanged information at the Liaison Council of Director-Generals on Measures against Illegal Foreign Workers, and the Conference on Measures against Illegal Foreign Workers and have discussed specific measures on the issue of illegal foreign workers, including joint detection.

Chapter 6

Refugee Recognition Procedures

Section 1 — New System of Refugee Status Recognition

The amended Immigration Control Act of May 27, 2004 has significantly modified the conventional refugee recognition system, which commenced operations in 1982. The amended Act will contribute to a more stable legal status for applicants for asylum, and also enhances fairness and neutrality in the refugee recognition procedures. (The amendment to the Act was promulgated on June 2, 2004 and came into effect on May 16, 2005.) (Chart 28)

1 Establishing the System for Permitting Provisional Stay

With the aim of ensuring the stable legal status of illegal foreign residents who have applied for refugee status, the amended Immigration Control Act has introduced the new concept of “provisional stay”. If a foreign national is granted the status of “provisional stay”, the Immigration Bureau will suspend the deportation procedures while continuing with the refugee recognition procedures without detaining him. The Immigration Bureau permits provisional stay, if the applicant for asylum satisfies the following requirements: 1) There are no reasonable grounds to suspect that he falls under any of the provisions for deportation; 2) he applied for asylum within six months after landing in Japan; 3) he entered Japan directly from a territory where he was likely to be persecuted; 4) he has not been sentenced, after entering Japan, to imprisonment with or without labor on a charge of a certain crime as stipulated in the Penal Code; 5) a written deportation order has not been issued to him; and 6) there are no reasonable grounds to suspect that he is likely to escape.

2 Stabilizing the Legal Status of Recognized Refugees

If an illegal resident applies for recognition of refugee status, the Immigration Bureau will proceed with the refugee recognition procedures and the residence permission procedures simultaneously in order to decide the applicant’s legal status as early as possible. If the

illegal immigrant is recognized as a refugee and satisfies certain requirements, the bureau will grant him the status of “Permanent Resident”. Even if the applicant does not meet the said requirements, the Minister of Justice may grant a status of residence, if the minister finds that there are extenuating circumstances to do so.

3 Establishing the Refugee Examination Counselors System (Re-examining the Objection Filing System)

The refugee examination counselors system was established in order to enhance the fairness and neutrality of the refugee recognition procedures. When making a decision on an objection filed by an applicant, the Minister of Justice shall consult with refugee examination counselors.

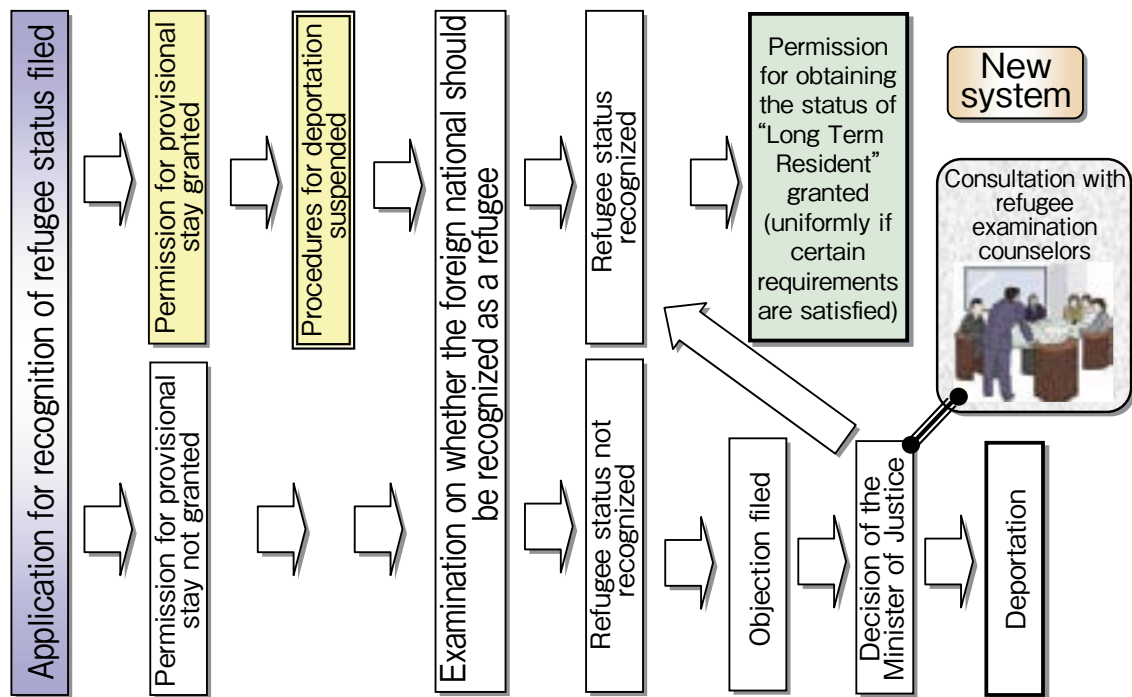
The refugee examination counselors may actively participate in the objection filing system by attending the procedures in which the petitioner and intervenor present their opinions, or by asking them questions.

The refugee examination counselors shall be appointed from 1) legal professionals experienced in fact-finding tasks, 2) former diplomats, trading company staff, foreign correspondents, international politics experts, and international organization staff who have expertise in regional affairs and international relations; and 3) experts of international law, foreign law, administrative law and other legal professionals.

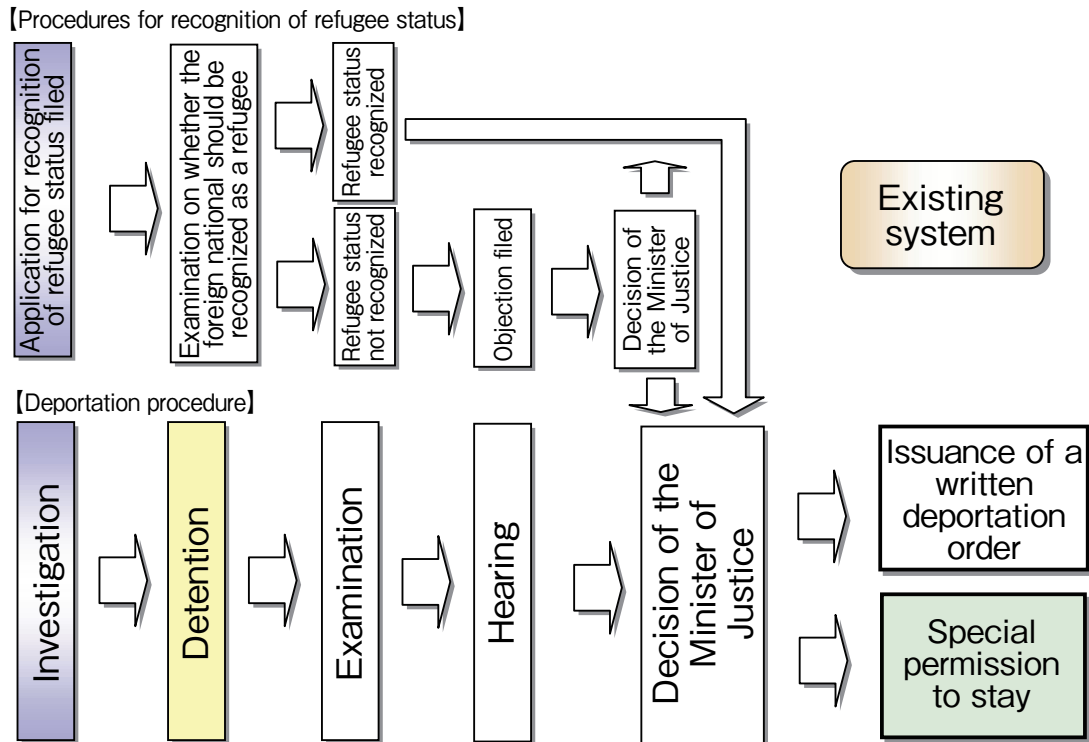
4 Abolishing the Limitation on the Period for Applying for Recognition of Refugee Status

The limitation on the period for applying for refugee recognition procedures (within 60 days after the date of landing in Japan) has been abolished.

Chart28 Procedures for Recognizing Illegal Foreign Nationals as Refugees under the Amended Law
 ~Procedures for recognition of refugee status and for deportation are carried out simultaneously~



Procedures for recognizing illegal foreign nationals as refugees under the existing law
 ~Procedures for recognition of refugee status and for deportation carried out separately~



Section 2 — Promoting the Handling of Applications for Recognition of Refugee Status

As domestic circumstances have become increasingly unstable in a number of countries due to regional conflicts in the midst of the ever-changing international climate, as mentioned in Part 1, Chapter 3, Section 1, the number of applications for recognition of refugee status in Japan has been increasing every year. In particular, the nationalities of applicants have become more diversified, the circumstances of the applicants have become more complicated, and the refugee recognition system is more frequently being abused. Furthermore, it is not an easy task to inquire into the facts necessary for the refugee recognition procedures because events based on which applications are filed have generally occurred in foreign countries.

In order to properly deal with the problems arising from these circumstances, such as an increase in the time required for handling applications and an increase in the number of applications that have yet to be handled, the following measures have been taken.

1 Establishing the Refugee Examination Department, Assigning Additional Officials as Refugee Inquirers, and Enhancing and Strengthening the Training System

In April 2003, with the aim of strengthening the examination system, the Refugee Examination Department was established in the Tokyo Regional Immigration Bureau since it receives the majority of applications for recognition of refugee status, and additional officials were assigned as refugee inquirers. In order to enhance the task-processing abilities of the newly-introduced refugee examination counselors system, the Immigration Control Bureau assigned additional refugee inquirers to the Department of Adjudication at the Tokyo and Osaka Regional Immigration Bureaus.

Training has been provided for staff in charge of refugee recognition procedures every year, aiming at improving the knowledge base and research skills of the refugee inquirers.

2 Providing Refugee Information

The Immigration Bureau provides regional immigration bureaus with refugee-related information to enable smoother administration work.

3 Improving Interpretation Services

The Immigration Bureau makes efforts to secure interpreters specializing in minority languages and to improve interpretation services.

These measures have led to certain achievements, including a steady increase in the number of applications handled. The Immigration Bureau will continue its efforts to handle appropriately and promptly cases that have not been handled for a long time and those cases that abuse the refugee recognition system.

Section 3 — Smooth Handling of Objections against Denial of Recognition of Refugee Status

As applications for refugee status recognition have been increasing, the number of objections filed by foreign nationals who have not been recognized as refugees has also been increasing in the last few years.

In the past five years from 2000 until the end of 2004, 1,257 foreign nationals were not recognized as refugees, and among them, 897 foreign nationals filed objections.

To handle these objections quickly and properly, the Immigration Bureau coordinates the interview schedule for petitioners and their agents and makes efforts to secure competent interpreters.

Section 4 — Information/Consultation Desks for Refugees

Since August 2003, the Immigration Bureau has been working to establish information/consultation desks at the Refugee Examination Department of the Tokyo Regional Immigration Bureau, regional immigration bureaus, and the 13 sections in the district immigration offices where refugee inquirers are assigned. The information desks answer inquiries by phone or visits from the refugees themselves or from non-government organizations supporting refugee activities by providing a guide to the refugee recognition procedures and other related information.

Chapter 7

Addressing Globalization

Section 1 — Holding Various Seminars

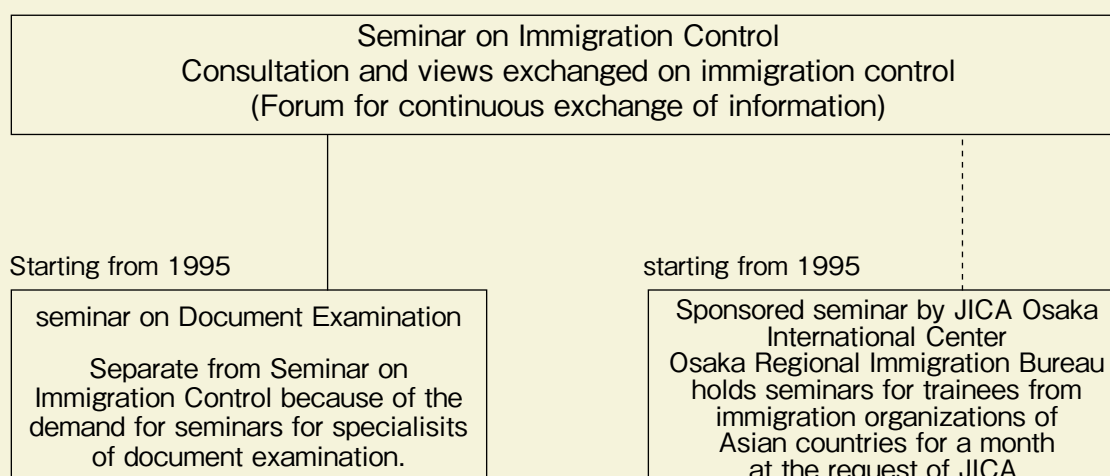
Due to developments in the transportation means and progress in information and communication technology, the movement of services, capital, and information is becoming increasingly more active in the international community. The movement of natural persons has become the rule and not the exception, and therefore a smoother movement of natural persons is also needed.

However, in the wake of the September 2001 terrorist attacks on the US, more and more people have started to recognize that restricting the transnational movement of terrorists is also an important role for immigration control. As human trafficking is also a grave problem which is facing the international community, it is important to protect human trafficking victims as a domestic policy and to take preventive and protective measures at the border.

The cross-border movement of natural persons, which involves such conflicting aspects, cannot be completely controlled by unilateral actions, and therefore bilateral, interregional, and multilateral efforts are particularly necessary. In order to achieve the orderly movement of natural persons, it is of vital importance to reinforce transnational cooperation in exchanging information on immigration control.

Chart29 Chart of ODA programs related to the Immigration Bureau

Starting from 1987



Based on such an understanding, the Immigration Bureau has been participating in the following programs as part of the ODA (Official Development Assistance) programs, aiming at successfully transferring administrative knowledge and skills to Asian countries and regions and establishing an information network and cooperative framework among the immigration authorities in Asia (**Chart 29**).

1 Seminar on Immigration Control

Since FY 1987, the Immigration Bureau has been inviting the executive officers of the immigration control authorities of Asian countries and regions to seminars every year and has been providing them with opportunities to exchange opinions and information on immigration control affairs in Asia. The Immigration Bureau recognizes that constructive exchange of opinions and information has helped the participating countries in designing effective immigration control measures and implementing such measures effectively.

In particular, at the seminar held in FY 2001, the participants shared the same view, under the influence of the terrorist attacks on the United States on September 11, that individual countries were facing a new issue of terrorism prevention and therefore it was becoming increasingly necessary for immigration control authorities to further reinforce international cooperation among them. Among others, more emphasis was placed upon the necessity of international information sharing on immigration control.

The 18th seminar was held in November 2004, and the participants actively exchanged their opinions with respect to how to balance stricter immigration control including terrorist prevention with smoother human movements, and how to deal with the problem of human trafficking.

2 Seminar on Document Examination

At the Seminar on Immigration Control, more and more participants are expressing a strong need for transfer of technologies for examining forged or altered documents and exchange of relevant information. To address their needs, the Immigration Bureau has been holding the Seminars on Document Examination since FY 1995, inviting experts who engage in examining forged or altered documents in the countries and regions that participate in the Seminars on Immigration Control. Particularly in recent years, the problems of illegal immigration and related transnational organized crimes have become more serious

throughout the world. Also in Asia, travel documents that are elaborately forged or altered are frequently being used, and this is regarded as a common problem among the immigration control authorities in Asian countries.

At the seminar, the Immigration Bureau provides participants with technologies for examining forged or altered documents, which have been accumulated by the Bureau, and also aims to promote effective technology transfer and information exchange while obtaining cooperation from other countries such as the United States, Canada, and Australia.

Thus, the Immigration Bureau makes efforts to exclude foreign nationals attempting to enter illegally with the use of forged or altered documents.

In FY 2004, the 10th seminar was held in February 2005 at Kansai Airport where high-performance document examination devices have been installed.

Section 2 — Supporting the Training Program: Immigration Control Administration Course

Since FY 1995, the Osaka International Center of JICA (Japan International Cooperation Agency) has been providing a training program called the Immigration Control Administration Course. The Osaka Regional Immigration Bureau has provided full cooperation for this training program. This training program is intended to provide middle-level officers who carry out immigration control administration tasks in developing countries in Asia with information on current immigration control administration in Japan and technical training, thereby contributing to the development of immigration control administration and the establishment of its network in Asia.

Section 3 — Treaties and International Conventions

1 Negotiations on Treaties

(1) Negotiations on Economic Partnership Agreements (EPAs)

A. Japan-Mexico Economic Partnership Agreement

Based on the agreement at the Japan-Mexico summit in June 2001, the two nations set up a joint study group to comprehensively hold discussions among participants from

industry, government, and academia on reinforcement of the economic partnership. Following repeated bilateral negotiations based on the reports of the study group, in March 2004, Japan and Mexico reached a substantive agreement on the core elements of the Economic Partnership Agreement. This has opened the path to the final draft and signing of the agreement. The Japan-Mexico EPA was approved by the Diet at its 161 session, promulgated on March 4, 2005, and then came into effect on April 1, 2005.

The “movement of natural persons,” which is closely related to the immigration control administration tasks, is one of the core elements of the Japan-Mexico EPA. Under this EPA, the two nations mutually allow entry and temporary visits of (i) short term visitors on business (those on business trips), (ii) intra-company transferees, (iii) investors, and (iv) natural persons who are engaged in special work under individual contracts concluded with public or private organizations of their own country (those who engage in activities under the statuses of residence of “Engineer” and “Specialist in Humanities/International Services”), if they satisfy certain requirements.

B. Negotiations on the Japan-ASEAN Comprehensive Economic Partnership Agreement

In January 2002, Prime Minister Koizumi proposed the Framework for a Comprehensive Economic Partnership between Japan and ASEAN. This framework aims at establishing a comprehensive economic partnership covering Japan and all the ASEAN countries as soon as possible within ten years. To this end, Japan intends to start bilateral negotiations with ASEAN member states that wish to have an economic partnership with Japan.

To this proposal, Thailand, the Philippines, and Malaysia requested the start of negotiations with Japan. Following repeated working group meetings between governments and study groups among industry, government and academia, at the Japan-ASEAN Commemorative Summit Meeting held in Tokyo in December 2003, it was agreed that Japan would start negotiations with Thailand, the Philippines, and Malaysia as soon as possible within 2004 and conclude an agreement within a reasonable period of time before the current momentum is lost.

Accordingly, Japan started official negotiations with Malaysia in January 2004 and with Thailand and the Philippines in February 2004. As the “movement of natural persons” is one of the core topics at every meeting, the Immigration Bureau sends its officials to participate in the meetings and actively take part in these negotiations.

In June 2003, Indonesia also requested the start of negotiations. A preliminary meeting for setting up a working group has been held. The two nations set up the

industry-government-academia study group in January 2005 and, then, agreed to start negotiations on an economic partnership agreement in June 2005.

At the Japan-ASEAN Summit meeting at the end of November 2004, the top leaders of the participating nations agreed that they would start negotiations on the Japan-ASEAN Comprehensive Economic Partnership Agreement in a different framework from the negotiations on bilateral economic partnership agreements. As a result, Japan will proceed with these negotiations, keeping a balance with bilateral talks.

(A) Negotiations on the Japan-Philippines Economic Partnership Agreement

After vigorous bilateral talks held since February 2004, Japan and the Philippines basically agreed on the core elements of the Japan-Philippines Economic Partnership Agreement in November 2004.

As for the movement of natural persons, the two nations basically agreed that Japan would accept Philippine nurse and welfare caretaker candidates who meet certain requirements, on the condition that the Philippines would provide a proper scheme that satisfies Japan's requests. These Philippine nurse and welfare caretaker candidates may stay in Japan for a fixed period of time. After completing Japanese proficiency classes, they will be able to work in order to obtain applicable qualifications in Japan. If they successfully qualify as a nurse or welfare caretaker, they will be able to continue working in Japan as a nurse or welfare caretaker.

After taking Japanese proficiency classes, the Philippine welfare caretaker candidates will enter Japanese caretaker training institutes and will qualify as welfare caretakers on their graduation. In this sense, the Japan-Philippines EPA will provide a totally new model for accepting foreign workers.

(B) Negotiations on the Japan-Thailand Economic Partnership Agreement

The two countries have been actively working on negotiations to agree on their EPA as early as possible in 2005. As for the movement of natural persons, the Thai government has made a number of requests to Japan, such as significantly relaxing the work experience requirements for Thai cooks to enter Japan. Along with the other ministries concerned, the Immigration Bureau has been examining Thailand's requests and actively working on the negotiations by sending its staff to participate.

(C) Negotiations on the Japan-Malaysia Economic Partnership Agreement

The two countries are working on negotiations to agree on an EPA as early as possible in 2005. Like Thailand, the Malaysian government made a number of

requests to Japan. Along with the other ministries concerned, the Immigration Bureau has been examining Malaysia's requests. The bureau actively works on the negotiations by sending its staff to give explanations on Japan's immigration control procedures.

C. Japan-R.O. Korea Economic Partnership Agreement

When Prime Minister Koizumi visited R.O. Korea in March 2002, an agreement was reached on the establishment of an industry-government-academia joint study group to discuss an economic partnership between Japan and R.O. Korea. After repeated meetings of the joint study group, at the summit meeting in October 2003, the top leaders of the two governments agreed to initiate official negotiations by the end of 2003, aiming at substantially completing the negotiations by the end of 2005. In this context, the official negotiations started in December 2003. As R.O. Korea government has strong interests in how to facilitate and expedite immigration procedures to encourage the "movement of natural persons", the Immigration Bureau has been sending its officials to participate in the meetings and actively promotes negotiations.

(2) WTO Service Negotiations

Aiming at gradually further liberalizing service trade, a number of countries have decided to negotiate on liberalization commitments from the beginning of 2002 to January 2005.

In line with GATS (The General Agreement on Trade in Services) of the WTO (World Trade Organization) and subsequent Japanese offers, Japan has promised to accept the entry and temporary visits of (i) short term visitors on business (those on business trips), (ii) intra-company transferees, (iii) legal, accounting and taxation service providers, and (iv) those who are engaged in activities under the statuses of residence of "Engineer" and "Specialist in Humanities/International Services," under certain requirements and limitations.

Mode 4 (supply of services via the movement of natural persons) is closely related to the immigration control services and also attracts strong interest and numerous requests from many nations.

From the viewpoint of transparency in the process, many of the WTO member nations have recently been calling for negotiations on Mode 4 service providers, the necessity of standardizing the commitment-related terminologies, and the format of commitment schedules. It is necessary to examine and address these problems from the viewpoint of immigration control administration tasks.

While the Ministry of Foreign Affairs is in charge of overall coordination, the Immigration Bureau is also actively working on examining new commitments or drafting documents, paying attention to requests from foreign nations. The bureau's staff participate in the negotiation process to directly explain Japan's immigration control framework.

(3) Reports and Examinations in Accordance with Human Rights Treaties/Covenants

As Japan is a signatory nation to the International Covenant on Economic, Social and Cultural Rights (Covenant A), the International Covenant on Civil and Political Rights (Covenant B), the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention of the Rights of the Child, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it is necessary for Japan to report to the UN Secretary General on how Japan intends to implement these treaties.

As the government section in charge of immigration and resident control management, the Immigration Bureau is heavily involved in the report drafting process. Depending on the nature of the report, the bureau may attend the report review process in Geneva. The bureau also follows up the evaluation results of the report review process.

In FY 2003, Japan saw its 5th report review in July 2003 on the International Convention on the Elimination of All Forms of Racial Discrimination, and the 2nd report review in January 2004 in accordance with the Convention of the Rights of the Child. In FY 2004, Japan continued to work on its reports for the International Covenant on Civil and Political Rights (Covenant B), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(4) Other Treaties

Japan signed the FAL treaty (the Convention on Facilitation of International Maritime Traffic) which aims at simpler port-related paperwork in 1965 but Japan still has not ratified the treaty. After working on and examining the feasibility of ratifying the FAL treaty along with the other ministries concerned, the Immigration Bureau decided to implement the port-related document formats specified in the treaty and to form new measures for simpler paperwork in 2004. In March 2005, the bureau submitted the FAL treaty to the 162nd Diet session.

The bureau is also working on revising Annex 9 of the Convention on International

Civil Aviation (Chicago Treaty), which aims for simpler procedures for immigration control, customs clearance, medical inspection and airport management.

2 International Conventions

(1) G8 Rome/Lyon Group Ad Hoc Immigration Intelligence Officers Conference

This is an ad hoc meeting to discuss measures against terrorism and transnational organized crimes at the G8 level, with the participation of immigration control experts. This meeting discusses effective measures, through immigration control, against terrorism and against foreign nationals who use forged or altered documents, which should be taken cooperatively by the G8 members. The Immigration Bureau also sends its officials to this meeting and uses it as a good opportunity to exchange information with the persons in charge of immigration control in the other G8 member states.

The decisions made at this meeting have been developed into the G8 Secure and Facilitated International Travel Initiative (SAFTI) (Sea Island, 2004).

(2) Pacific Rim (PACRIM) Immigration Intelligence Officers Conference

This conference has been held every year since 1994 with the aim of promoting information exchange and cooperation among immigration officials, and in particular those in charge of information management, in the Asia-Pacific region. In 1997, the 4th meeting was held in Japan. Aiming at promoting information exchange for practical purposes, the conference discusses various issues such as illegal immigrants, forged or altered documents, and stowaways. The Immigration Bureau sends its officials to every meeting of the conference to participate in information exchange.

(3) Asia-Europe Meeting (ASEM) of Immigration Director-Generals

This meeting has been held every year since 2002 as a place where Asian and European countries gather and discuss the issue of illegal entry and stay. This meeting provides participants with opportunities to exchange and collect opinions and information that are useful in considering measures against illegal immigration. For this reason, the Immigration Bureau sends its officials to participate in information exchange.

(4) Other International Conferences

In addition to the international conventions mentioned above, the Immigration Bureau has been participating in negotiations on bilateral economic partnerships and counter-

terrorism measures as well as discussions between the consular authorities or the security authorities, aiming at actively making efforts to explain the standpoint of Japan and develop cooperative relationships. The Immigration Bureau also has an active involvement in discussions on the Continuous Reporting System on Migration of the Organization for Economic Cooperation and Development (OECD/SOPEMI), the Regional Conference on Human Trafficking, the Control Authorities Working Group of the International Air Transport Association (IATA/CAWG), the Facilitation Workshop of the International Civil Aviation Organization (ICAO), and other multilateral meetings aimed at exchange of information and opinions and improvement of cooperative relationships.

The duties of the Immigration Bureau are also closely related to discussions at the UNHCR Executive Committee, the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), and the Immigration Expert Committee in the Asia Pacific Economic Cooperation (APEC) Conference. Therefore, the Immigration Bureau actively participates in these discussions.

Chapter 8

Improving Public Relations and Administrative Services

Section 1 — Facilitating the Landing Examination Procedures

The Immigration Bureau has made efforts to facilitate the landing examinations at airports and seaports, but foreign nationals who visit Japan through airports have pointed out that they have to wait in line for a long time for the landing examination. In response to this complaint, measures have been taken at the immigration counters at Narita Airport to solve this problem, by assigning some immigration inspectors in charge of examining Japanese nationals to the examination of foreign nationals, and transferring immigration inspectors between immigration counters depending on the degree of congestion. The immigration centers at Narita, Chubu and Kansai Airports indicate the expected waiting time for examination of foreign nationals.

The Immigration Bureau has established priority lanes for the elderly, the disabled, and pregnant women at Narita Airport and Chubu Airport, and has made additional efforts to facilitate procedures and improve administrative services.

Other airports also make efforts for smoother procedures. For example, the immigration center at Haneda Airport employs a fork line approach. In this approach, rather than standing in a line for each examination booth, arrival passengers will stand in a single line, and go to the next booth which becomes available. The airport also increases the number of immigration booths when the airport becomes congested, and displays an information board that illustrates how to fill in an E/D card. In this way, the Immigration Bureau makes efforts for smoother immigration procedures, while sometimes asking airlines for cooperation.

Section 2 — Providing Better Explanations on Why the Certificate of Eligibility Is Not Issued

The certificate of eligibility certifies that the holder has not made any false statements on his activities in Japan and will be able to enter Japan in terms of his intended activities. If a foreign national has this certificate, he will be able to obtain a visa or pass immigration checks in a shorter time. For this reason, foreign nationals intending to visit Japan will

usually apply for this certificate at the regional immigration bureau in advance. If the foreign national does not satisfy the applicable criteria for entering Japan, the Immigration Bureau will not issue the certificate. Instead, he will receive a letter explaining that the certificate of eligibility will not be issued to him.

This letter indicates the text of the applicable law, but does not explain the specific reasons, background or related facts. As pointed out by some analysts, the letter does not indicate what he should do to obtain a certificate of eligibility.

Giving the reason for why the certificate of eligibility has not been issued will enhance the transparency of immigration control administration. The Immigration Bureau will take necessary action as soon as possible in FY2005, so that the letter will indicate applicable legal wording or the reason why he was denied the certificate.

Section 3 — General Information Desk for Procedures to Apply for Entry into Japan and Recognition of Refugee Status

As interaction between Japan and other countries has become more frequent, the number of foreign nationals who visit Japan has been increasing and their inquiries about the landing procedures have become more diverse. Furthermore, it is also necessary to ensure that the refugee recognition system is operated appropriately. In order to respond to such inquiries from foreign nationals promptly and accurately, on January 6, 2003, a General Information Desk for Procedures to Apply for Entry into Japan and Recognition of Refugee Status was established within the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau. This general information desk was also established within the Kansai Airport District Immigration Office of the Osaka Regional Immigration Bureau on April 15, 2003.

Section 4 — Immigration Information Centers

Due to the differences in lifestyle, manners, customs and language, a number of foreign nationals who visit Japan are unfamiliar with procedures relating to immigration and residence or other Japanese legal or social systems. With a view to supporting such foreign

nationals, immigration information centers have been established to provide foreign nationals and relevant Japanese nationals with the following services:

- Procedures relating to immigration to be followed when inviting foreign employees and trainees or receiving families from abroad to Japan.
- Procedures relating to residence to be followed when obtaining or changing the status of residence, extending the period of stay, and obtaining permission for permanent residence.
- Procedures for alien registration.
- Preparation of application documents concerning immigration and residence of foreign nationals.
- Other information concerning the immigration and residence of foreign nationals.

Section 5 — Immigration Bureau Website

In March 2002, the Immigration Bureau established its own website separately from the website of the Ministry of Justice. Through this site (<http://www.immi-moj.go.jp>), the Immigration Bureau publishes questions and answers on immigration and residential procedures as well as the addresses, contacts, location maps, and business hours of regional immigration offices for the convenience of applicants. Since February 2004, the Immigration Bureau has been receiving information about foreign nationals who may be staying illegally by e-mail.

Chapter 9

Organizational Expansion and Staff Enhancement

Owing to significant changes in the circumstances affecting immigration control in recent years, in response to an increase in the quantity and in the complexity of immigration duties, measures have been taken to improve and expand the organization and staff for immigration control.

At the end of FY 2004, immigration control administration work was carried out by about 2,800 officials at the Immigration Bureau of the Ministry of Justice and other immigration control offices. Due to a wide range of problems in immigration control, further improvement and expansion of the organization and staff are still desired.

Section 1 — Organizations

1 Outline of the Immigration Control Organization

The organization that is responsible for immigration control duties is the Immigration Bureau, which is designated as an internal bureau of the Ministry of Justice. There are eight regional blocks, each of which has a regional immigration bureau as a local branch office of the Ministry of Justice. Each regional immigration bureau manages the district immigration offices and branch offices (including branch offices within the district immigration offices) under its jurisdiction. The Ministry of Justice also maintains three immigration centers as detention facilities. The organization as a whole performs various duties associated with immigration control such as immigration examinations, residence examinations, deportation procedures, and refugee recognition procedures in accordance with relevant laws and ordinances.

The Immigration Bureau, regional immigration bureaus, district immigration offices, branch offices, and immigration centers are collectively referred to as the “immigration control offices”. (Charts 30, 31)

Chart30 Immigration Bureau organization chart

(As of June 30,2005)

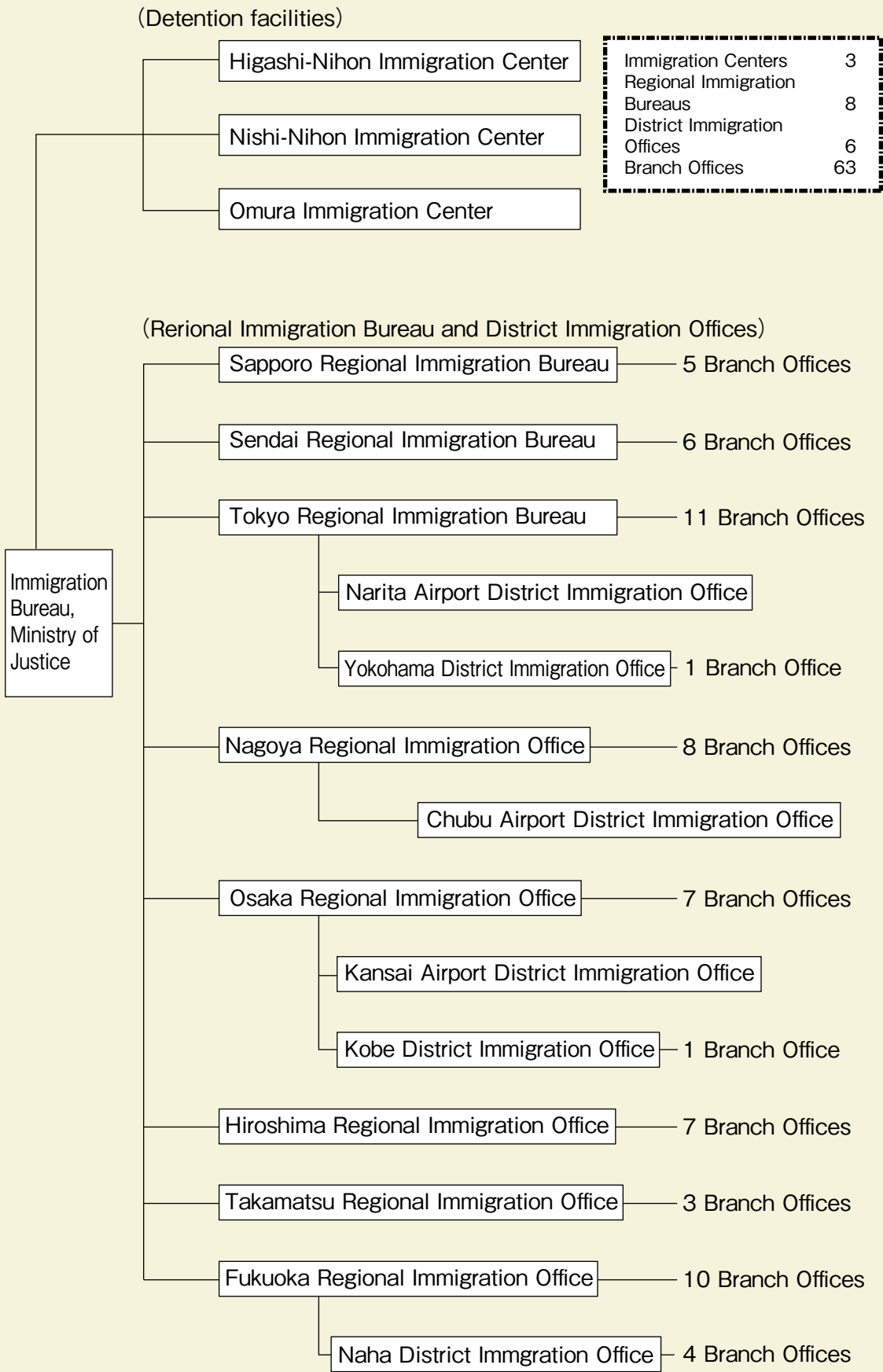
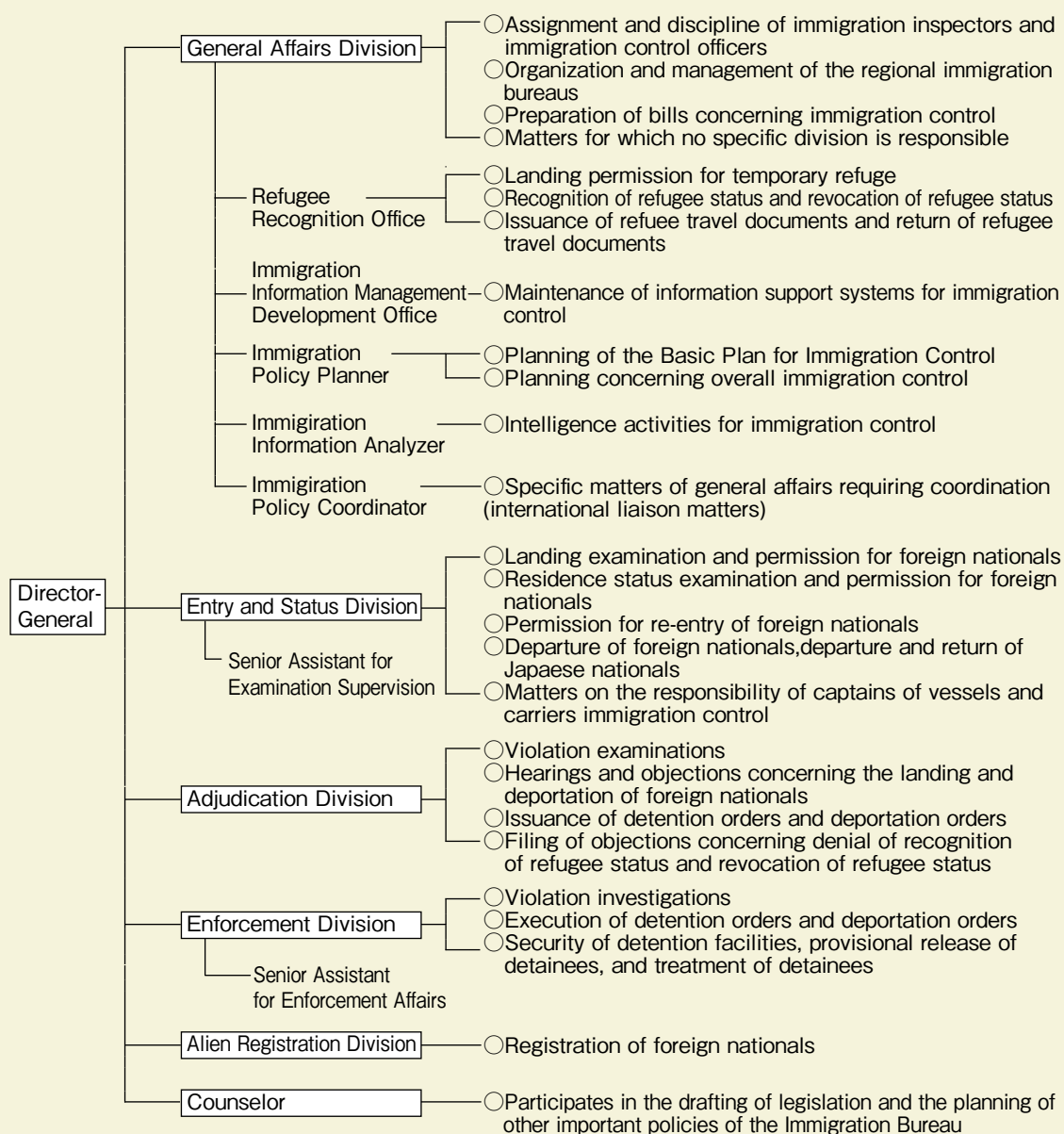


Chart31 Responsibilities of the Immigration Bureau, Ministry of Justice



(*) Other than the positions mentioned above, one Assistant Deputy Vice-Minister of Justice and three Attorneys (legal specialists) are assigned to the Immigration Bureau.

2 Major Expansions of the Immigration Control Office

(1) Establishing the Chubu Airport District Immigration Office (Tentative Name)

On February 17, 2005, the Chubu International Airport was opened as the third international airport in Japan following Narita Airport and Kansai Airport. The new airport is operated 24 hours a day as an international hub airport for many domestic and international flights across Asia.

The new office that was established upon the opening of Chubu Airport has to perform not only examination upon entry and departure but also deportation procedures; all as an

independent organization. For this reason, the Chubu Airport District Immigration Office was established under the Nagoya Regional Immigration Bureau.

(2) Organizational Enhancement to Strengthen Document Examination Capabilities

In order to properly and stringently cope with forged and altered passports, visas, and landing permission stamps, which have become increasingly more elaborate and sophisticated in recent years, as mentioned in Chapter 3, Section 3, the Document Examination Office was established in the Narita Airport District Immigration Office in FY 1999, and in the Kansai Airport District Immigration Office in FY 2000. In FY 2004, as mentioned in (1) above, a Document Examination Office was established at the Chubu Airport District Immigration Office, in line with the opening of Chubu Airport in February 2005. In FY 2005, the Ministry of Justice created the new post of Senior Coordinator for Immigration Information Analysis in the General Affairs Division, Immigration Bureau. This senior coordinator is responsible for collecting, sorting out and analyzing immigration control information as well as efficiently examining documents. These measures to strengthen the document examination system have improved the ability of the immigration offices to examine forged or altered documents and have promoted collection and accumulation of information concerning such documents. Thus, the document examination system plays an effective role in detecting foreign nationals who attempt to enter and stay in Japan illegally with the use of forged or altered passports.

(3) Expanding the Organization to Strengthen Measures against Illegal Foreign Residents

As already mentioned in Chapter 5, Section 1 above, with the aim of reducing the number of illegal foreign residents by half, measures are being taken to improve and reinforce the system for detection of violators of the Immigration Control Act particularly in the Tokyo Metropolitan Area. In FY 2003, the Research and Planning Department was established in the Tokyo Immigration Bureau as an organization in charge of performing centralized collection and analysis of information on illegal foreign residents provided by residents or by related organizations. Furthermore, for the purpose of investigating the actual facts of suspected violators of the Immigration Control Act, with a large concentration of illegal foreign residents in Shinjuku ward, of collecting relevant information and detecting such violators, a branch office was established in Shinjuku ward.

In FY 2005, the Immigration Bureau set up the First Investigation Department at Nagoya Regional Immigration Bureau. This new department is exclusively responsible for detecting illegal immigrants residing in the Nagoya area in order to effectively and properly take countermeasures against illegal immigrants.

(4) Expansion of the Organization for Refugee Recognition Procedures

In recent years, the number of applications for recognition of refugee status has been increasing, and the nationalities of the applicants have become more diverse. Accordingly, examination of the recognition of refugee status has become increasingly more complicated and difficult. In light of this situation, in FY 2003, a Refugee Examination Department was established by dividing the former Permanent Resident and Refugee Examination Department of the Tokyo Regional Immigration Bureau into two departments. The Immigration Bureau also increased the number of refugee inquirers who are engaged in inquiring into the facts concerning the recognition of refugee status. Since the refugee examination counselors system was established in FY2005 as mentioned earlier in Chapter 6, Section 1, additional officials have been assigned as refugee inquirers to the Adjudication Department of the Tokyo and Osaka Regional Immigration Bureaus.

Section 2 — Staff

1 Immigration Control Staff

In immigration centers and regional immigration bureaus, immigration inspectors and immigration control officers are assigned as staff who are engaged in immigration control duties, in addition, secretaries of legal affairs engage in general administrative duties and specialists of legal affairs, including doctors, are also assigned.

Immigration inspectors are responsible for (i) examinations and hearings on landing and deportation, (ii) issuance of written detention orders and written deportation orders, (iii) provisional release, and (iv) investigation of recognition of refugees and statuses of residence. They are also engaged in examining statuses of residence as assistants for the Minister of Justice.

Immigration control officers are responsible for (i) investigation of violations concerning entry, landing, or residence in Japan, (ii) detention, transportation and deportation of foreign nationals in order to execute written detention orders or written deportation orders, and

(iii) treatment of inmates in immigration centers and detention facilities and guards of these detention facilities. They fall under police personnel in relation to the “National Civil Service Law” and “Law Concerning Salaries for General Service Personnel”. As they are often involved in dangerous tasks, they are regarded as public security service staff.

Immigration control officers are divided into seven ranks (keibikan, keibicho, keibishicho, keibishi, keihishiho, keishucho, and keishu, in order of superiority) in order to clarify the chain of command for group operations for detection.

Individual immigration inspectors and immigration control officers perform their duties independently as specialists in immigration control and therefore, the specialist system was introduced. These officials are required to have legal knowledge necessary for their duties as well as a balanced point of view from an international perspective and the ability to interact with foreign nationals flexibly while giving consideration to their diverse cultures, customs and religions and their human rights.

2 Staff Increase

The number of immigration staff was 2,972 in FY 2005, up 17% (431) from FY 2000 (2,541). During this period, the number of cases handled by immigration control offices remained at a high level, and the immigration duties have been getting more complicated and difficult due to the necessity of implementing stricter immigration checks to prevent terrorism and illegal entry, coping with forged or altered documents that have become increasingly more elaborate and sophisticated, and strengthening detection of illegal foreign residents, some of whom are potential criminals. In order to perform immigration duties properly and promptly and to satisfy public needs, an increase in the number of officials is desired (**Chart 32, Table 48**).

In FY 2005, 174 officials were additionally assigned as immigration inspectors and immigration control officials. An outline of the staff increase is as follows.

Chart32 Changrs in the number of Immigration control office personnel

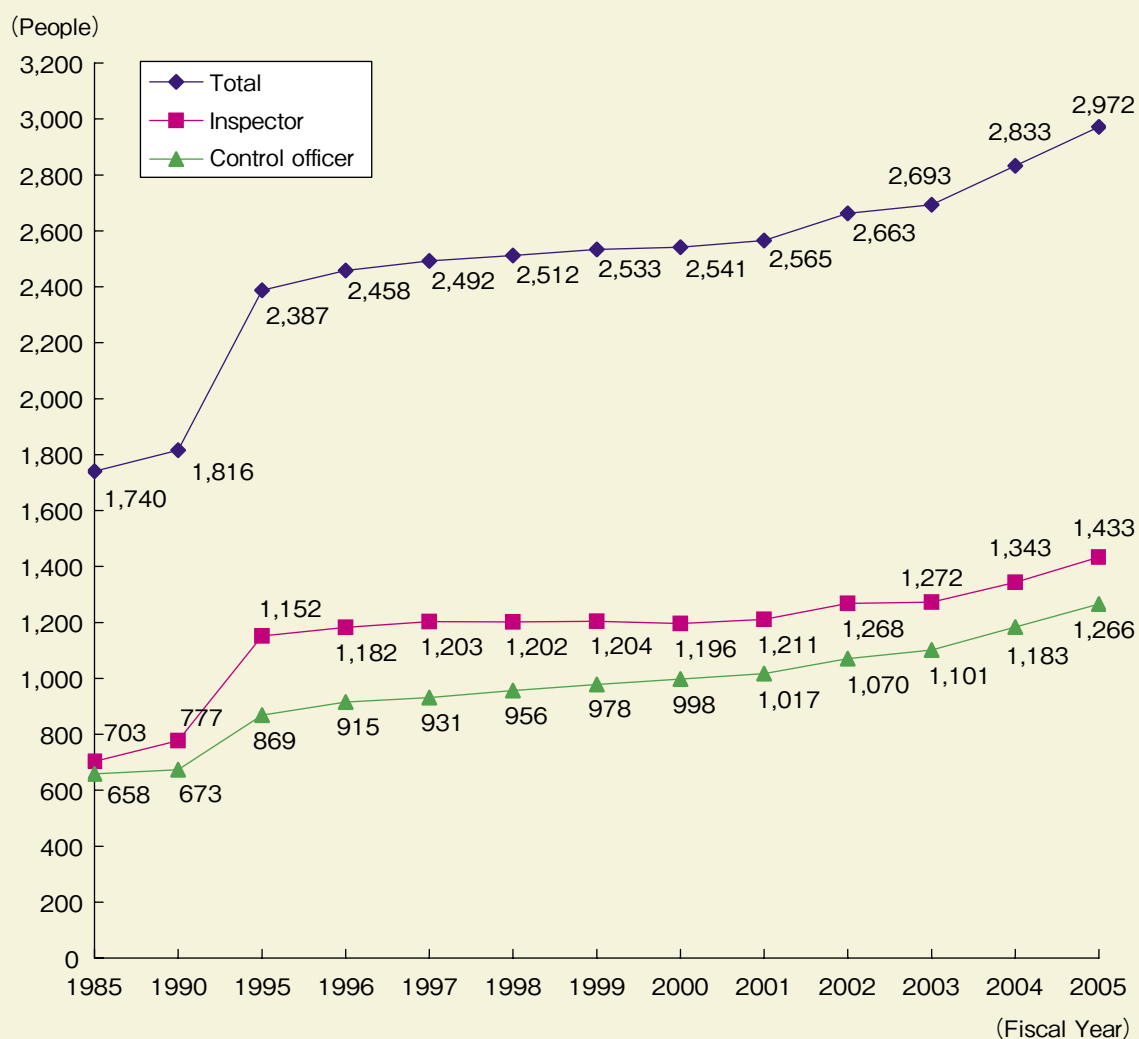


Table48 Changes in the number of immigration control office personnel

(People)

Year	Division Secretaries in the Ministry of Justice	Regional Immigration Bureau					Total
		Secretaries	Secretaries	Control officer	Others	Sub-total	
1985	169	155	703	658	55	1,571	1,740
1990	166	154	777	673	46	1,650	1,816
1995	163	165	1,152	869	38	2,224	2,387
1996	161	166	1,182	915	34	2,297	2,458
1997	161	166	1,203	931	31	2,331	2,492
1998	159	166	1,202	956	29	2,353	2,512
1999	159	165	1,204	978	27	2,374	2,533
2000	157	164	1,196	998	26	2,384	2,541
2001	156	155	1,211	1,017	26	2,409	2,565
2002	154	146	1,268	1,070	25	2,509	2,663
2003	152	144	1,272	1,101	24	2,541	2,693
2004	142	142	1,343	1,183	23	2,691	2,833
2005	131	122	1,433	1,266	20	2,841	2,972

(1) Smoother but Stricter Immigration Control at Large International Airports

The present immigration control must satisfy two seemingly incompatible requirements: smoother but stricter immigration control. Stricter immigration control is necessary when addressing transnational threats. To this end, the immigration control authority needs to strictly examine the status of residence at the time of entry in order to strengthen immigration control at the border.

On the other hand, in accordance with the “Tourism Promotion Action Plan,” the Japanese government is making efforts to double the number of foreign visitors to Japan by the year 2010. To this end, the action plan calls for smoother immigration procedures.

To satisfy these two requirements, the Immigration Bureau introduced APIS (Advance Passenger Information System; see Chapter 3, Section 2, 3) as well as the secondary examination program. To deal with these tasks, the bureau has additionally assigned 46 immigration inspectors to the Narita Airport District Immigration Office, 12 inspectors to the Kansai Airport District Immigration Office, and 6 immigration inspectors to the Chubu Airport District Office.

(2) Strengthening the Status of Residence Checking Capabilities at the Nagoya Regional Immigration Bureau

As the Chubu region has a large-scale industrial base, many illegal immigrants are pretending to be of Japanese descent or trainees in an attempt to enter Japan, posing a serious problem in society. In this context, the Immigration Bureau has assigned an additional 6 immigration inspectors to strengthen the fact-finding capabilities of the Nagoya Regional Immigration Bureau.

(3) Enhancing Cooperative Relationships between the Tokyo Regional Immigration Bureau and Authorities Concerned and Strengthening the Nagoya Regional Immigration Bureau's Ability to Detect Illegal Immigrants

As a measure against illegal immigrants, it is necessary to form a closer relationship with the ministries concerned in order to detect and efficiently deport illegal immigrants. The Tokyo Regional Immigration Office puts emphasis on having closer ties with the National Police Agency in order to actively detect illegal immigrants regardless of the length of illegal stay, while employing Article 65 of the Immigration Control Act to proceed with deportation procedures thoroughly and efficiently. In this context, the bureau has additionally assigned 26 immigration control officers and 6 immigration inspectors to the Tokyo Regional Immigration Bureau.

The Narita Regional Immigration Bureau is responsible for wide geographical areas

from the Pacific Coast to the Japan Sea coasts. As the region's large-scale industrial areas are attracting a large number of illegal workers, many overstayers are probably staying in Japan secretly. As the Nagoya Regional Immigration Bureau does not have a task force exclusively in charge of detecting activities, its detecting abilities are not strong enough. To reinforce Nagoya's capabilities of detection, the Immigration Bureau decided to set up detection specialist task forces that would be able to quickly detect illegal immigrants. As these task forces will be operating 24 hours a day, it is also necessary to increase manpower at the Nagoya Regional Immigration Bureau for quicker detention procedures and smoother deportation. To this end, the Immigration Bureau has additionally assigned 7 immigration inspectors and 57 immigration control officers to Nagoya.

(4) Reinforcement of the Refugee Status Examination Procedures as a Result of Introducing the Refugee Examination Counselors System

To secure fairness and neutrality in the refugee status recognition procedures, the Immigration Bureau introduced the Refugee Examination Counselors System in May 2005 (see Chapter 6, section 1). As a result, it is necessary to provide data as requested by the refugee examination counselors. The bureau additionally assigned a total of 8 refugee inquirers to the Tokyo and Osaka Regional Immigration Bureaus to deal with such increased paperwork.

3 Training

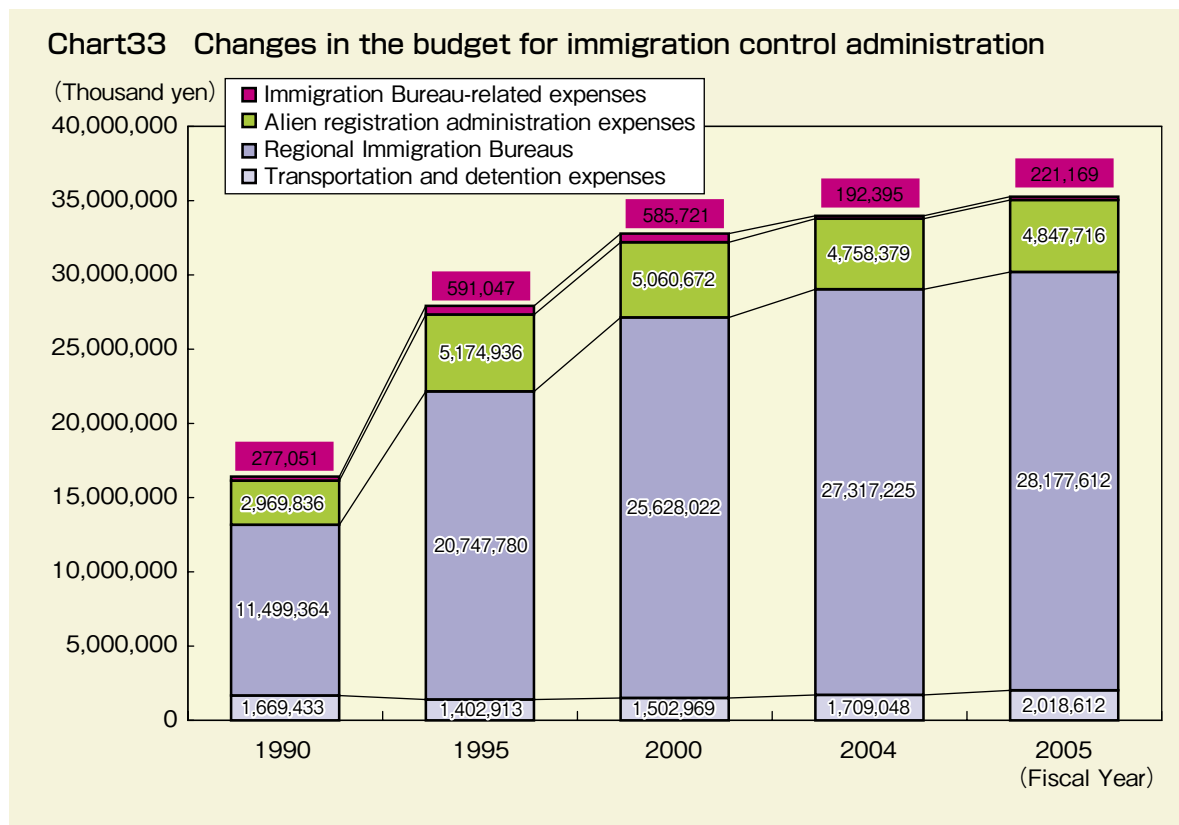
For the purpose of handling immigration control duties that have become increasingly more complicated and difficult in recent years, it is necessary to improve the ability and skills of immigration control officials. To this end, efforts have been made to enhance and strengthen the training system.

Chapter 10

Budget

Section 1 — Budgets

Chart 33 shows the trends in budgets for immigration control administration. Despite severe fiscal and administrative limitations in recent years, the fiscal authorities approved the Immigration Bureau's expenses to implement necessary immigration control duties and related projects, leading to improvement and enhancement of immigration control administrative capabilities. (Chart 33)



Section 2 — Facilities

Due to globalization in recent years, more and more foreign nationals are entering or staying in Japan. In addition, Japan also has many foreign overstayers. To address such situations, the Immigration Bureau is constructing a new building at the Tokyo Regional Immigration Bureau, expanding a detention facility at the East Japan Immigration Center, and constructing a new building at the Sendai Regional Immigration Bureau. In FY 2004, the Nagoya Regional Immigration Bureau relocated its residence status checking section to downtown Nagoya in order to provide better services for applicants, repaired the existing facilities and expanded the detention facility. As Chubu International Airport opened in February 2005, the Immigration Bureau set up the Chubu Airport District Immigration Office of the Nagoya Regional Immigration Bureau. This new facility also has a detention center that accommodates 29 detainees.

The Immigration Bureau is planning to construct a new building for the Osaka Regional Immigration Bureau and will actively upgrade immigration control facilities when necessary to do so. (Table 49)

Table49 Changes in the capacity for detention

(People)

Division \ Year	2000	2001	2002	2003	2004	2005
Total	2,418	2,568	2,788	3,039	3,108	3,410
Immigration Centers	1,549	1,549	1,549	1,800	1,800	1,800
Regional Immigration Bureaus	869	1,019	1,239	1,239	1,308	1,610

as of every March 31 (the number for 2005 is an estimate.)