

Part 2

- Primary Measures Related to Immigration Control Administration since FY 2005

Chapter 1 Amendment to the Immigration Control and Refugee Recognition Act

On May 17, 2006, the 164th session of the Diet passed the Law for Partial Amendment of the Immigration Control and Refugee Recognition Act, which was promulgated on May 24 (Law No. 43 of 2006). An outline of this amendment is as follows.

Section 1 ◆ Outline of the Amendment of the Immigration Control Act

1 Establishment of Provisions for the Prevention of Terrorism

Preventive measures are the most important approach in addressing terrorism. To this end, as a member of the international community and a member of the United Nations, the government has been making active contributions to strengthening an international coalition against terrorism and taking various measures to prevent terrorism since the terrorist attacks upon the United States on September 11, 2001.

However, the situation of international terrorism remains critical. There have been numerous terrorist incidents involving heavy casualties throughout the world since the terrorist attacks upon the US, and many citizens have become victims of these activities. As Japan has been named a terror target by the international terrorist organization Al Qaeda, it is necessary to constantly review measures for the prevention of terrorist attacks in order to protect the lives and safety of the general public without underestimating the threat of international terrorism against Japan. Based on this recognition, the government established the Headquarters to Promote Responses to International Terrorism and International Organized Crime in accordance with a Cabinet decision on August 24, 2004, for the purpose of discussing measures for the prevention of international terrorism. After discussion sessions on December 10, 2004, the Headquarters adopted the “Action Plan for Prevention of Terrorism”.

According to the Action Plan, the Ministry of Justice should (1) submit a bill to the ordinary session of the Diet in 2006 for amendment of the Immigration Control Act requiring all foreign nationals except for special permanent residents and specified others, to submit fingerprints and photographs at the landing examinations, (2) submit a bill to the ordinary session of the Diet in 2006 for amendment of the Immigration Control Act in order to deny permission for landing or deport those who are designated as terrorists by relevant

ministries and agencies, and (3) take necessary measures in FY 2006, along with other relevant ministries and agencies, to develop legislation which requires the captain of an aircraft or vessel to submit a list of passengers and crewmembers in advance.

Therefore, based on the Action Plan, in order to achieve equitable immigration control and thereby protect the lives and safety of the general public, the amendment of the Immigration Control Act established (1) provisions requiring all foreign nationals, except for special permanent residents and specified others, to provide personal identification information (fingerprints and photographs) at the landing examination, (2) provisions on the grounds for deportation of foreign terrorists, and (3) provisions obliging the captain of an aircraft or vessel entering Japan to submit a report on passengers and crewmembers in advance.

(1) Establishment of Provisions on the Submission of Personal Identification Information of Foreign Nationals at the Landing Examination

The amendment of the Immigration Control Act stipulates that all foreign nationals, who intend to apply for landing except for special permanent residents and specified others, should provide personal identification information in an electromagnetic form to the immigration inspector.

In addition, according to the amendment of the Immigration Control Act, if a foreign national, who is not recognized as being exempt from this obligation, does not provide personal identification information, the immigration inspector shall deliver him/her to a special inquiry officer. As a result of the hearing, if the special inquiry officer recognizes the foreign national as not being exempt, he shall order the foreign national to leave Japan unless the foreign national provides his personal identification information.

Through requiring foreign nationals to provide their personal identification information at the landing examination, officials are able to confirm at the border whether or not the applicant is indeed the passport holder, to check the applicant's name against the Immigration Bureau's list of suspect persons more accurately and quickly, and to screen foreign terrorists who threaten the lives and safety of the general public. In addition, it is also possible to ensure detection of foreign nationals, who were previously deported and who attempt to enter Japan illegally using forged or altered passports or other persons' passports, by checking against the Immigration Bureau's fingerprint information and facial patterns of deported foreign nationals. Requiring foreign nationals to provide personal identification information at the landing examination is mainly for the purpose of the prevention of terrorism, but it also contributes to measures against illegal foreign nationals and crimes committed by foreign nationals; problems which the government has also been addressing.

The amendment of the Immigration Control Act makes it possible to require foreign

nationals intending to acquire special cases of landing, such as landing permission for crewmembers, to provide personal identification information when the immigration inspector recognizes its necessity in the case of conducting examinations for granting of the relevant permission.

This provision will be enforced on a day prescribed by a cabinet order within a period not exceeding 18 months from the date of promulgation (May 24, 2006).

(2) Establishment of Provisions on the Grounds for Deportation

Although no universal definitions of the terms “terror” and “terrorist” have been established by the international community, these terms are generally taken to refer to the act of killing and injuring people, based on specific principles and policies, for the purpose of forcing nations and other political entities to accede to these principles and policies, or for the purpose of instilling fear in society.

Operating on the assumption that any foreign national who is deemed likely to conduct, prepare or assist in carrying out terrorist activities should be deported as a terrorist, the amendment of the Immigration Control Act stipulates the grounds for deportation as follows: a person who the Minister of Justice determines, having reasonable grounds to believe as such, is likely to commit, prepare for or facilitate “criminal acts for the purpose of intimidation of the general public and of governments” as stipulated in Article 1 of the Law for Punishment of Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments. Moreover, a person who should be prevented from entering Japan pursuant to an international agreement can be deported from Japan.

This amendment of the grounds for deportation makes it possible to detain foreign terrorists detected in Japan and to deport them.

This provision was enforced on June 13, 2006.

(3) Establishment of Provisions Obliging the Captain of a Vessel or Aircraft Entering Japan to Submit a Report on Passengers and Crewmembers in Advance

The amendment of the Immigration Control Act stipulates that the captain of a vessel or aircraft entering Japan should notify an immigration inspector of the airport or seaport at which the aircraft or vessel will arrive of matters relating to passengers and crewmembers in advance. A non-penal fine not exceeding 500,000 yen is imposed in the case of violation of the reporting obligation or submission of a false report.

This makes it possible for immigration inspectors to obtain information on foreign nationals who intend to enter Japan and check them against the Immigration Bureau’s list of

suspect persons. Thereby, immigration inspectors can prepare for landing examinations and deportation procedures prior to landing applications by foreign nationals suspected as terrorists, which enables more effective immigration control.

This provision will be enforced on a day prescribed by a cabinet order within a period not exceeding one year from the date of promulgation (May 24, 2006).

2 Establishment of Provisions to Further Facilitate Immigration Control

(1) Establishment of Provisions to Simplify and Facilitate Landing Examination Procedures

An automated gate system using fingerprints and other personal identification information will be introduced in immigration examinations. In order to simplify and facilitate landing examinations, foreign nationals such as special permanent residents, will be permitted to pass through the automated gates without receiving a landing permission stamp if they satisfy certain requirements such as having received a re-entry permit.

Further, measures will be established by a Ministry of Justice ordinance to enable use of the automated gate without receiving a confirmation stamp when registered foreign nationals depart from Japan and when registered Japanese nationals depart from and return to Japan.

This provision will be enforced on a day prescribed by a cabinet order within a period not exceeding 18 months from the date of promulgation (May 24, 2006).

(2) Establishment of Provisions to Facilitate Deportation through Relaxation of the Principle of Repatriation

Under the conventional Immigration Control Act any person subject to deportation had to be, in principle, deported to a country of which he/she is a national or citizen. Even if a third country agreed to accept such foreign nationals, they could not be deported to the country as long as they could be sent to their home country. This was detrimental to the facilitation of deportation.

Consequently, due to relaxation of the principle of repatriation, a person who has received permission for departure at his/her own expense can be sent to an accepting country other than his/her home country, which not only allows for facilitation of deportation but also for enhancement of the detection of illegal immigrants.

This provision will be enforced on November 24, 2006.

3 Establishment of Provisions for Nationwide Implementation of the Preferential Measures under the Law on Special Zones for Structural Reform

The government decided to take measures to carry out nationwide programs promoting acceptance of foreign researchers and foreign information processing engineers mainly implemented in the Special Zones for Structural Reform by the end of FY 2005.

Therefore, the amendment of the Immigration Control Act stipulates the following activities as the status of residence of “Designated Activities” : (1) designated research activities, (2) designated research business activities, (3) designated dependent’s activities concerning (1) or (2), (4) designated information processing activities, and (5) designated dependent’s activities concerning (4) and measures equivalent to the above, (6) foreign professor’s educational activities and (7) foreign professor’s dependent’s activities as activities stipulated as preferential measures for the status of residence under the Law on the Special Zones for Structural Reform. The maximum term of residence granted for these activities has been extended from “three years” to “five years”.

Moreover, a person who intends to engage in the activities of (4) is required to meet the criteria stipulated by the Ministerial Ordinance, taking into consideration the impacts on Japanese industry and the lives of the general public. In addition, foreign nationals who intend to engage in activities (1) to (7) are required to prove by a certificate of eligibility that they meet the conditions for landing relating to relevant activities.

Provisions related to this matter in the Law on the Special Zones for Structural Reform will be deleted at the time of enforcement of this provision.

This provision will be enforced on November 24, 2006.

Chapter 2 Efforts to Halve the Number of Illegal Foreign Residents

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”.

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. 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 to meet the recent strong social needs for restoring public safety, the Immigration Bureau has been actively working with the agencies concerned to address the problem of illegal foreign residents in accordance with the three principles: preventing illegal foreign residents from “coming to”, “landing in” and “staying in” Japan.

Section 1 ◆ Measures to Prevent Illegal Foreign Nationals from Coming to Japan

1 Strict Pre-Entry Examination

With respect to pre-entry examination, such as those on applications for the certificates of eligibility for particular types of status of residence which many illegal foreign residents have, the Immigration Bureau will actively investigate the existing conditions and conduct stricter examination on such investigation.

2 Cooperation with Related Agencies for Strict Examination

Strict examination for issuance of a visa is effective in preventing illegal foreign residents from entering Japan. Therefore, the Immigration Bureau has been making efforts to establish a system to share necessary information in mutual cooperation with the Ministry of Foreign Affairs and other relevant agencies.

3 Active Overseas Public Relations

To prevent illegal foreign residents from entering Japan, the Immigration Bureau has created a leaflet translated into the major foreign languages so that foreign nationals can easily understand its contents. The bureau has widely distributed it through overseas diplomatic establishments and elsewhere. In addition, the bureau has also accepted requests for media coverage, including requests from overseas radio stations and newspaper publishers, and has actively carried out public relations activities to promote the Japanese immigration control system.

Section 2 ◆ Measures to Prevent Illegal Foreign Residents from Landing in Japan

1 Strict Landing Examinations

The Immigration Bureau has been making efforts to provide stricter landing examination procedures by using new measures such as APIS (Advance Passenger Information System) (see 3 below), which receives information on passengers in an electronic form before the aircraft arrive in Japan, as well as a secondary examination system and pre-clearance system.

Furthermore, the bureau analyzes data on new illegal overstayers in various ways in order to use the results of analysis for efficient and effective hearings by special inquiry officers.

In addition, a “strict landing examination period” is scheduled several times a year so as to strengthen landing examinations intensively.

2 Strict Examination of Forged or Altered Documents

In order to deal properly with cases where foreign nationals use forged or altered documents for the purpose of illegally residing in Japan, the Immigration Bureau established a document examination office in the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau, in the Kansai Airport District Immigration Office of the Osaka Regional Immigration Bureau, and in the Chubu Airport District Immigration Office of the Nagoya Regional Immigration Bureau, respectively. Thereby, the Immigration Bureau

actively examines travel documents, gathers and analyzes information on forged or altered documents, and provides training for immigration control staff. The bureau has installed high-performance forged or altered document examination devices with communication function and booth-type document examination devices that can be used at landing examination booths in major airports and seaports all over Japan. Thereby, the bureau has been making efforts to establish a system which enables it to more promptly identify information on detected forged or altered documents in Japan and to ensure detecting such documents at the border (see Chapter 3, Section 3).

3 Effective Utilizing APIS (Advance Passenger Information System)

The National Police Agency, the Ministry of Justice, and the Ministry of Finance have been jointly implementing APIS (Advance Passenger Information System) since January 4, 2005. This is a system that 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 information in 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 landing examination on the results of the crosscheck and is also able to prevent suspect persons from landing in Japan in cooperation with the related agencies. In addition, the great majority of trouble-free foreign visitors can go through landing examinations more smoothly than ever before thanks to these new laborsaving procedures.

Section 3 ◆ Measures to Prevent Illegal Foreign Residents from Staying in Japan

1 Implementing Strict Examinations on Applications Relating to Residence

The Immigration Bureau strictly examines foreign nationals suspected of falsifying the purpose of residence. For example, the bureau actively investigates existing conditions and revokes the status of residence in some cases.

2 Effective Detection Activities

The Tokyo, Osaka, and Nagoya Regional Immigration Bureaus implement detection all year round. Other regional immigration bureaus have actively promoted joint detection campaigns with the police and other related agencies while sharing a mutual assistance system with neighboring regional bureaus. In addition, regional immigration bureaus have

also implemented intensive detection in major cities nationwide where many illegal foreign residents work, places where illegal foreign residents frequently gather, and red-light districts and offices (see Chapter 5, Section 1, 1).

3 Actively Applying the Provisions of Article 65 of the Immigration Control Act

Based on the “Joint Declaration on Strengthening of the Measures against Illegal Foreign Residents Staying in Tokyo,” in October 2003 the Tokyo Regional Immigration Bureau and the Tokyo Metropolitan Police Department started implementing transition measures to deportation procedures efficiently by applying the provisions of Article 65 of the Immigration Control Act. The Immigration Bureau has made active efforts to operate transition measures at the prefectural police stations nationwide in the same manner as at the Tokyo Metropolitan Police Department (see Chapter 5, Section 1, 2).

4 Encouraging Illegal Foreign Residents to Voluntarily Appear

The Immigration Bureau has made efforts to smoothly and appropriately implement the departure order system, which was started in December 2004. In addition, the bureau has also worked on promotion of active public relations activities in order to encourage illegal foreign residents to voluntarily appear at the regional immigration bureaus (Chapter 5, Section 1, 3).

5 Active Exchange of Information with Related Agencies

The Immigration Bureau has been trying to build closer cooperation with the police and other related agencies and to gain greater insight into foreign nationals disguising their purpose of residence and illegal residents through active exchange of information. In addition, the bureau has been making efforts to eliminate serious violations by filing criminal complaints against such violations found through investigation (see Chapter 5, Section 5).

Chapter 3 Immigration Control Administration in General

Section 1 ◆ Enhancing Countermeasures against Trafficking in Persons

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

Trafficking in persons severely abuses human rights and requires prompt and appropriate responses from a humanitarian perspective as trafficking in persons 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, the government developed an "Action Plan against Trafficking in Persons" in December 2004, aiming at taking comprehensive countermeasures against trafficking in persons in order to achieve close cooperation among the ministries and agencies concerned and promote coordination with the international community for the purpose of promptly and steadily promoting measures toward the prevention and elimination of trafficking in persons and the protection of the victims of 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), 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 Bureau has been cooperating with the relevant agencies making efforts to gain a thorough understanding of the situation of the victims, and has also been taking the following measures.

(1) Amendment of 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 submitted a bill for Partial Amendment of the Penal Code including partial amendment of the Immigration Control Act to the 162nd Diet session on February 25, 2005. The Diet passed the bill on June 22, 2005, and the amended Act entered into force on July 12, 2005.

Although the Immigration Bureau has been making efforts to protect the victims of

trafficking in persons by flexibly operating the Immigration Control Act, the amendment of the Immigration Control Act clearly stipulates protective measures for the victims of trafficking in persons. 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 trafficking in persons.

(2) Preventing Trafficking in Persons

The Immigration Bureau has been making efforts to identify the nations that send a large number of overstayers to Japan through analyzing data and strengthening landing examinations, conducting patrol activities in airport transit areas and monitoring and detecting suspect individuals. In addition, the Immigration Bureau has been actively providing a new type of border control by sending experts of forged or altered documents examination to foreign airports as liaison officers (see Section 2, 1(3) below).

(3) Eradicating Trafficking in Persons

When a case of trafficking in persons is detected, the Immigration Bureau will closely coordinate and cooperate with the National Police Agency and with other related institutions such as the Labor Standards Inspection Offices to strengthen measures to crack down on cases 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 has been making efforts to protect victims by flexibly operating special permission to stay and other measures. The bureau has been carrying out measures to help these victims return to their home countries in coordination with the relevant administrative agencies, the IOM and NGOs.

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

(5) 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.

Moreover, the Immigration Control Act was amended as mentioned in (1) above, and the Immigration Bureau has been taking appropriate measures, at each victim's wish, in sufficient consideration of the victim's circumstances even if the victim is an illegal foreign resident. For example, the bureau enables such a victim to legally stay in Japan by receiving special permission to stay.

(6) Number of Victims of Trafficking in Persons in 2005 and Case Examples

The number of victims of trafficking in persons protected (receiving special permission to stay) or supported for return to their home country by the Immigration Bureau totaled 115 (all females) in 2005.

According to the statistics by nationality, the Philippines accounted for the largest number at 47, accounting for 40.8% of all such victims, followed by Indonesia (41 accounting for 35.6%) and Thailand (17 accounting for 14.8%). These three countries accounted for 91.3% of all victims.

Out of the 115 victims, special permission to stay was granted to 47 victims who had violated the Immigration Control Act due to overstaying or other reasons.

68 victims, however, were legal residents staying in Japan with the status of residence of "Entertainer" while a further six victims had violated the Immigration Control Act after having been permitted to enter Japan with the status of residence of "Entertainer", and therefore the number of victims of trafficking in persons who entered Japan with the status of residence of "Entertainer" totaled 74, accounting for 64.3% of all such victims. (Table 48)

Table 48 Number of victims of trafficking in persons (2005)

(Person)

Nationality	Recognized as a victim of trafficking in persons		Total
	Legal resident	Special permission to stay	
Philippines	25	22	47
Indonesia	37	4	41
Thailand	0	17	17
Colombia	0	4	4
Romania	4	0	4
China	2	0	2
Total	68	47	115

(*) 68 legal residents stayed with the status of residence of "Entertainer".

2 Amendment of the Criteria for Landing Permission for the Status of Residence of “Entertainer”

It has been pointed out for some time that many foreign nationals who enter and stay in Japan with the status of residence of “Entertainer” work illegally as hostesses or in similar capacities in entertainment establishments, and that some of them have been victims of the international problem of trafficking in persons. The “Action Plan against Trafficking in Persons” was formulated by the government in December 2004. The Action Plan stated that the requirements for a foreign national who intends to engage in entertainment activities, such as theatrical performances, should be revised. Therefore, the Ministerial Ordinance on the Criteria for the Status of Residence of “Entertainer” was partially amended in February 2005.

The Action Plan also stated that other criteria for the status of residence of “Entertainer” should be drastically amended.

Based on such, the Ministerial Ordinance on the Criteria for the Status of Residence of “Entertainer” was amended to require that foreign entertainers who intend to engage in entertainment activities, such as theatrical performances, and the managers and full-time staff of the agencies that conclude performance contracts (contracting agencies) and agencies that run facilities used for such performances have neither been involved in trafficking in persons or illegal employment of foreign nationals, nor have been members of criminal organizations in the past. Moreover, contracting agencies are required to conclude, with foreign entertainers, performance contracts stipulating that they will be obliged to pay a remuneration of 200,000 yen or more per month, and are also required to have paid the entire amount owed from performance contracts concluded in the previous three years (amended on March 13, 2006, and enforced on June 1, 2006).

Section 2 ◆ Promotion of Counter-Terrorist Measures

1 Measures for Prevention of Terrorism

(1) Implementing Stricter Immigration Control

To protect the lives and safety of the general public, 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 and conducting terrorist activities, the Immigration Bureau has been working closely with other related agencies in collecting information on international terrorist behavior and other related information.

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 new high-performance forged or altered document examination devices with a magnification of more than ten times as large as that of previous devices and with a lighting system showing a perceivable system reaction toward forged or altered documents at major airports in order to improve document examination techniques for detecting forged or altered documents (see Section 3 below).

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 Airport in cooperation with the Customs and Tariff Bureau of the Ministry of Finance.

(2) Utilizing APIS (Advance Passenger Information System)

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

The Immigration Bureau will implement strict landing examinations based on the information on passengers and crewmembers obtained in advance through effective utilization of APIS, while maintaining a system to deal with the arrival of suspect persons in cooperation with related agencies. Thereby, the bureau will further work to prevent suspect persons from landing in Japan (see Chapter 2, Section 2, 3).

(3) Dispatching Liaison Officers

Terrorists are highly likely to use forged or altered passports when they attempt to enter Japan. Thus, detecting and rejecting such passports at overseas airports in advance is considered to be a highly effective measure. Therefore, the Immigration Bureau dispatched an immigration control officer with excellent skills in document examination to Don Muang Airport in Thailand to serve as a liaison officer for a period of about three months from April 1, 2005.

(4) Introducing New Measures

The Immigration Bureau is making efforts to smoothly accept foreign nationals to Japan while reinforcing border measures by implementing strict immigration examinations and introducing and carrying out new measures as follows in order to prevent terrorists from entering Japan: introduction of a secondary examination system to carefully examine foreign nationals who intend to enter Japan for questionable purposes, dispatch of liaison officers (see (3) above) for the purpose of preventing illegal immigrants who use forged or altered passports, and introduction of a pre-clearance system to prevent foreign nationals who intend to illegally enter Japan through an advance check at the place of departure.

Moreover, the Law for Partial Amendment of the Immigration Control and Refugee Recognition Act was enacted on May 17, 2006, which requires foreign nationals (excluding special permanent residents) to provide fingerprints and other personal identification information at the landing examination.

(5) 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 seaports through closer cooperation with the related ministries, the Cabinet Secretariat set up the Airports/Seaports Crisis Management Team, consisting of 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 Overview of the Use of Forged or Altered Documents

There is an increasing trend to be seen of foreign nationals entering Japan using forged or altered passports, and it is not possible to disregard the existence of forged or altered passports and other documents used by international organized crime groups as a means of working

behind the scenes for the purpose of trafficking in persons 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 printing 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 Measures against Forged or Altered Documents

(1) Expanding the Organization

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.

These new offices examine passports and other documents used in the immigration examination procedures, provide training on document examination for immigration control staff, analyze detected forged or altered documents, and prepare data on these documents for use in examination.

In April 2003, the Immigration Bureau established a document examination section in the Immigration Information Management Development Office of the General Affairs Division of the Immigration Bureau, Ministry of Justice, to collect, organize and analyze information on forged or altered documents, which had been accumulated at each document examination office in the past for the purpose of sharing information. In addition, the bureau has also made efforts to promote better coordination among document examination offices and to collect information regarding document examinations both inside and outside Japan. In April 2005, the Ministry of Justice created the new post of Senior Coordinator for Immigration Information Analysis in the General Affairs Division, Immigration Bureau in order to further strengthen the information collection and analysis system, and the Document Examination Section was

reassigned to the control of the Senior Coordinator for Immigration Information Analysis.

The Document Examination Section hosts yearly information exchange meetings for document examination office staff, and also arranges and provides training for document examination personnel nationwide with the cooperation of document examination offices.

(2) Installing Examination Devices

In FY 2001, high-performance forged or altered document examination devices with communication functions were installed at the major airports and seaports in Japan. These new devices can enlarge the size of letters larger than previous devices, and they have a special lighting system. By using the communication function of these devices, document examination offices can mutually request inquiry into relevant passports and other documents in relation to the cases of forged or altered documents detected at local airports or seaports. This has made it possible for document examination offices to promptly share information on forged or altered documents.

In FY 2003, lighter, more compact document examination devices were installed in airports and seaports all over Japan in order to make it possible to examine passports at the immigration booths. Thereby further strict immigration examinations have been implemented.

Furthermore, in order to cope with the continually evolving methods of forgery and alteration, the Immigration Bureau installed state-of-the-art devices that can analyze the components of ink through the application of light of various wavelengths, in addition to conducting enlargement inspection at major airports.

In this manner, the Immigration Bureau has been making efforts to reinforce measures against forged or altered documents by actively providing training for immigration control staff as well as by improving and making maximum use of organizations and document examination devices.

3 Actual Detection of Forged or Altered Documents

As a result of these measures taken by the Immigration Bureau to improve the quality of devices, over 2,500 forged or altered documents have been detected every year in the last five years, and the number has shown no sign of decrease. (Chart 27, Table 49)

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.

However, although reinforced measures against forged or altered documents taken by the

bureau contributes to coping with trafficking in persons or terrorist activities, forgery and alteration techniques have become more elaborate in pace with reinforcement of the measures. In addition, there have been increasing cases in which foreign nationals attempt to enter Japan with the use of another person's genuine passport while pretending to be the other person who has a similar face. In such cases, it is difficult to completely prevent the foreign nationals who attempt to illegally enter Japan by means of conventional document examination devices alone, and therefore, it is vital to use biometrics.

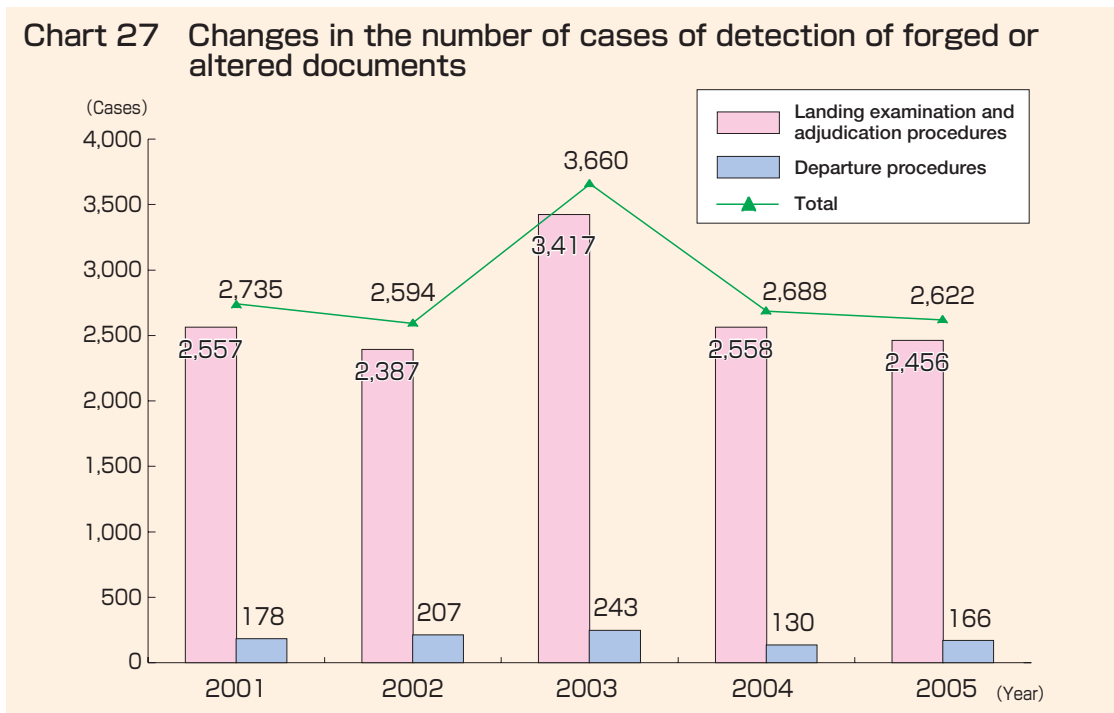


Table 49 Changes in the number of cases of detection of forged or altered documents (Cases)

Number of Detections		Year				
		2001	2002	2003	2004	2005
Landing	Passport	1,331	1,402	1,561	1,011	834
	Others	1,226	985	1,856	1,547	1,622
	Total	2,557	2,387	3,417	2,558	2,456
Departure	Passport	114	139	142	77	92
	Others	64	68	101	53	74
	Total	178	207	243	130	166
Total	Passport	1,445	1,541	1,703	1,088	926
	Others	1,290	1,053	1,957	1,600	1,696
	Total	2,735	2,594	3,660	2,688	2,622

Section 4 ◆ Promoting IT-Based Immigration Control

The current immigration control system is made up of the Foreigners Entry and Departure Information System (FEIS), used concomitantly since FY 2004 onwards, as well as several supplementary subsystems. Through steady renewal, the system processes information on each and every immigration process, including all entries and departures, and administration and deportations of foreign nationals, in an integrated manner.

In immigration examinations at airports and seaports, the endorsement stamps, which had been affixed to the passports of foreign nationals in the past, were replaced with sticker-type endorsement stamps in January 2004, with the introduction of the FEIS. Moreover, information on passport holders is now immediately obtainable through an optical reading of the machine-readable portion of the passport's identity column using a specialized device, which has increased the efficiency and accuracy of immigration control. In addition, sticker-type endorsement stamps have, since January 2005, also been used to replace various other sorts of passport endorsement stamps for permission indicated on the passports of foreign nationals in the residence status examination procedures, including permission for extension of the period of stay and permission for change of the status of residence.

Furthermore, in order to curb the production and distribution of forged or altered passports and to restore trust with regard to passports, the International Civil Aviation Organization (ICAO) held consultations aimed at establishing international parameters for IC passports with a built-in IC chip. As a result of the consultations, it was concluded that the decision over whether or not to include fingerprint and iris pattern information on the IC chip as electronic biometric information would fall within the purview of the country in question while facial pattern information would be required internationally. In response to this, in Japan, the Ministry of Foreign Affairs started issuing IC passports, on which the facial pattern is recorded, with respect to applications filed on and after March 20, 2006.

With the start of issuance of IC passports in Japan, the Immigration Bureau decided to introduce a new system to read IC passports for prescribed identification and to conduct trial operations and experimental tests for their introduction, based on the swift introduction of IC passports concurrent with ICAO's international specifications in the United States and numerous European countries during the period between 2005 and 2006. In addition, a liaison council for promotion of an e-Passport collaborative project, composed of ministries and agencies concerned, airline companies, airport management companies and other groups, has held several deliberations at the initiative of the Cabinet Secretariat since its launch in May 2004, with a view to realizing the most appropriate airport procedures. As part of these consultations, the Immigration Bureau conducted an experimental test using sample IC

passports and IC cards at Narita Airport from February to May 2005 for the purpose of verifying the accuracy and speed of biometric identification in a concrete manner. The Immigration Bureau decided to introduce automated gates as part of its attempts to offer more user-friendly services. Before doing so, the bureau will evaluate the cost-effectiveness of such services, based on an understanding of users' needs, and will carry forward consideration of system management and verification of use methods in cooperation with the ministries and agencies concerned and related institutions on the premise of ensuring both security and convenience.

Chapter 4 Entry and Residence Control of Foreign Nationals

Section 1 ◆ Measures to Promote Tourism in Japan

1 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 work illegally. 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.

The Immigration Bureau provides well-balanced landing examination procedures by analyzing the data of statuses of residence and identifying the countries from where many overstayers and terrorists originate, and utilizes the results of analysis for landing examinations. At Narita Airport and Kansai Airport, the bureau has set up a special task force consisting of immigration control officers skilled in document analysis and the oral proceedings of landing examinations. The bureau sends them to local airports where no such staff reside, when necessary, in order to flexibly utilize know-how such as advanced technology and skills in detecting forged or altered documents, which are used in the large airports. In addition, the bureau introduced the secondary examination system and pre-clearance system in FY 2005, thereby further promoting the realization of smoother but stricter examination.

2 Visa Exemption

Visa systems 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 generally allowed to stay in Japan for a maximum period of 90 days.

In April 2005, Japan started visa exemption programs applicable to the nationals of the following countries or regions: Bulgarian passport holders and Vietnamese diplomatic or official passport holders (effective from May 1, 2005); Taiwanese residents (effective from September 26, 2005); and South Korean nationals (effective from March 1, 2006).

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. (*)

(*) The member countries and regions as of the end of January 2006 are Australia, Brunei, Chile, China, the Hong Kong Special Administrative Region (SAR), Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, Papua New Guinea, Peru, the Philippines, Singapore, Taiwan, Thailand 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



ABTC

Visitor” (90 days).

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, the Kansai Airport District Immigration Office of the Osaka Regional Immigration Bureau, and the Chubu Airport District Immigration Office of the Nagoya Regional Immigration Bureau. 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

Utilizing the landing permission for crewmembers support system which commenced operations on July 23, 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 a “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 Convention on Facilitation of International Maritime Traffic (FAL Convention), 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.

In FY 2005, the system for landing permission for crewmembers support was modified corresponding to the above-mentioned reexamination of systems. In addition, the Plan to Optimize Immigration Control Services and Systems was formulated, which included promotion of computerization of procedures relating to applications for landing permission for

crewmembers.

3 Simplifying Matters Described in the Lists of Crewmembers and Passengers

With the conclusion of the Convention on Facilitation of International Maritime Traffic (FAL Convention), the Ministry of Justice promulgated the Ministerial Ordinance for Partial Amendment of the Ordinance for Enforcement of the Immigration Control and Refugee Recognition Act (Ordinance of the Ministry of Justice No. 74) on June 13, 2005, and which into force on June 30, 2005. Thereby, it has become unnecessary to state the company name, which had to be stated in the lists of crewmembers and passengers in the past, and the item “date and time of arrival” was changed to the “date of arrival.”

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 foreign nationals 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 should 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 on the Criteria for the Status of Residence of “Engineer” 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 are 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 Zone 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 Zone 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. The Evaluation Committee assessed the project to further accept foreign researchers to Japan and the project to further accept foreign data processing specialists to Japan as not causing any adverse effect due to preferential regulatory measures. Consequently, the HPSZSR decided to apply these projects nationwide in September 2004 and in February 2005. Moreover, in October 2005, as an item of regulatory reform to be implemented nationwide, the HPSZSR decided to extend the maximum period of stay for foreign professors who are not covered by preferential regulatory measures under the project to accept foreign researchers to Japan, from three years to five years (see Chapter 1, Section 1, 3 with respect to measures to develop these preferential regulatory measures nationwide).

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 arts categories on March 31, 2005, the bureau disclosed the guidelines on its website.

On March 31, 2006, the Immigration Bureau created the “Guidelines on Granting the Status of “Permanent Resident”” which announced the general requirements for the status of Permanent Resident and criteria for the number of years of stay. The Immigration Bureau also partially revised the guidelines on “contribution to Japanese society” with the aim of further relaxing, clearly articulating and refining the requirements for permission.

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.

In addition, as most Japanese firms employ new graduates in April, it is said 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 has been implementing this measure since March 2006.

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 has been implementing this measure since March 2006.

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, consideration should be given to the ensuing impacts on the domestic labor market and the positive impacts on rationalizing Japan’s medical care services. Consideration should also be given to 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. A decision should be quickly made to eliminate applicable employment restrictions on them or to extend their period of stay. In this process, consideration should be given to the ensuing impacts on the domestic labor market and the positive impacts on rationalizing Japan's medical care services. Consideration should also be given to 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 Ministerial Ordinance for Partial Amendment of the Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, Paragraph 1(2) of the Immigration Control Act (Ordinance of the Ministry of Justice No. 29 of 2006) was promulgated on March 30, 2006, and was enforced on the same day. The amendment of the Ministerial Ordinance on the criteria stipulated the elimination of the employment restrictions on doctors and easing of the employment restrictions on nurses.

7 Clarification of the Criteria for the Status of Residence of Foreign Business Managers

According to the “Policy Actions on Market Access Issues” (March 24, 2005) issued by the Office of Trade and Investment Ombudsmen, the criteria for the securing of a business facility concerning the status of residence of “Investor/Business Manager” and the criteria for the continuity of business required to engage in the activities of the status of residence of “Investor/Business Manager” should be clarified, and documents to confirm the amount of investment should be included in materials that applicants are required to submit in the application.

As a result, the Ministerial Ordinance for Partial Amendment of the Immigration Control Act Enforcement Regulations (Ordinance of the Ministry of Justice No. 74 of 2005) was promulgated on June 13, 2005, and was enforced on June 30, 2005. Thereby, “documents to clarify the amount of investment” was added to the materials required to be submitted in the application for a certificate of eligibility approval for the status of residence of “Investor/Business Manager.”

Moreover, in August 2005, “Clarification of the Criteria for the Status of Residence of Foreign Business Managers” was formulated and published, and notice of a lease contract was announced. For example, as for securing of a business facility, requirements will not be deemed to have been fulfilled if a short-term lease space or an easily disposable booth is used as a business facility. If the business facility is leased premises, the lease contract shall clarify that the premises are to be used for business, store, or office purposes. Regarding the continuity of business, rather than emphasis being laid on the status of settlement of accounts for one single fiscal year the criteria for determination was indicated as the status of settlement of accounts for the last two fiscal years.

8 Easing Requirements for the Status of Residence of “Intra-Company Transferee” under the Law on the Special Zones for Structural Reform

Based on the decision of the Headquarters for the Promotion of Special Zones for Structural Reform (HPSZSR) on September 12, 2003, the project for further establishment of foreign companies' branches has been implemented since April 2004. Under the program, when a foreign company without any branches in Japan prepares to establish a branch in Japan, if a local government provides the company with its own facility as a business location the staff of the company will be granted the status of residence of “Intra-company Transferee” from the time of entry. As the HPSZSR decided to apply the project nationwide, the project has been implemented nationally since September 2005.

Moreover, the project for further establishment of foreign companies' branches with the aid of the local government has been implemented since January 2006 only within the special zones. Under the program, when a foreign company without any branch in Japan prepares to establish a branch in Japan, if a local government provides the company with a facility designated as the subject of aid as a business location, the staff of the company will be granted the status of residence of “Intra-company Transferee” from the time of entry under certain conditions.

9 Easing Employment Restrictions on Aircraft Pilots

The Ministerial Ordinance on the criteria for the status of residence of “Skilled Labor” stipulates the flight experience requirement for pilots of aircraft used for air transportation services. However, the number of flight hours set is for pilots at the level of chief pilot of a large aircraft. Therefore, with changes in the environment surrounding air service such as expansion of airports and expected increase in demand for medium-sized aircraft, provisions to accept pilots are to be developed in consideration of the high expertise of the profession. The Ministerial Ordinance for Partial Amendment of the Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, Paragraph 1(2) of the Immigration Control Act (Ordinance of the Ministry of Justice No. 95 of 2005) was promulgated on September 28, 2005, and was enforced on October 1, 2005. Thereby, the flight experience requirement relating to persons, who work on aircraft used for air transportation services, engaging in duties as a pilot was reduced from “2,500 hours or more” to “1,000 hours or more”.

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 the 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, 180 accepting entities were judged to have committed improper conduct as of 2005.

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, were seen. Namely, the difference between information provided in the audit reports on member firms (the so-called secondary accepting entities) and the actual situation, no implementation of group training sessions, and differing from training/practice plans.

Further, as to trade associations' member firms (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 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 Statuses of Residence of “College Student” and “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 28, Table 50), 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.

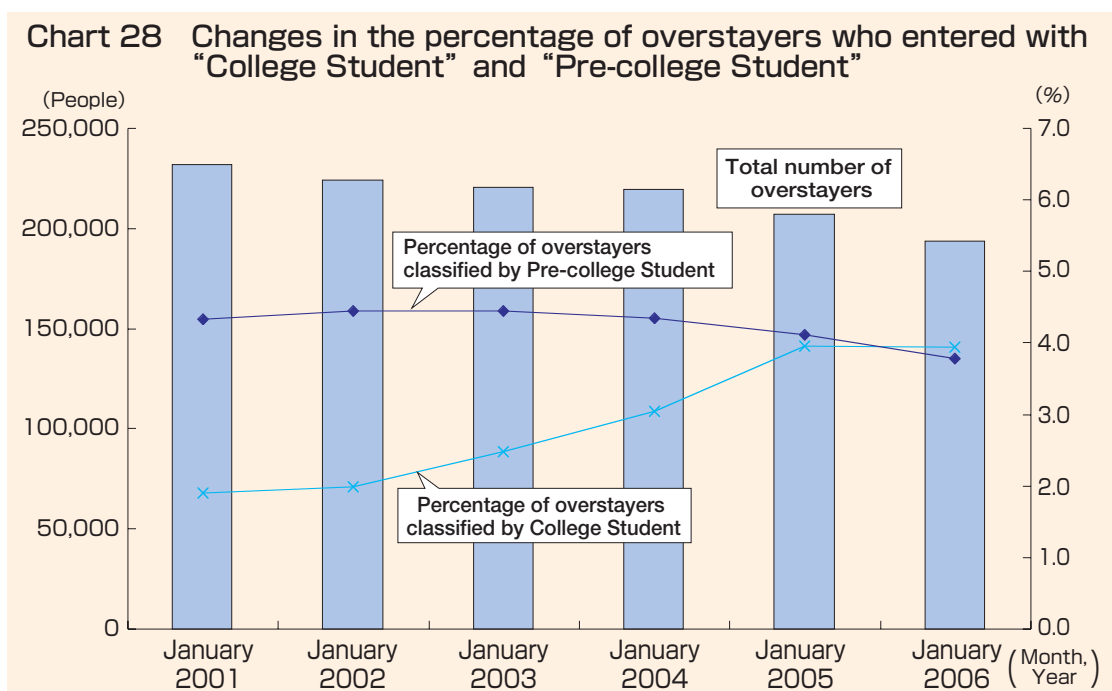


Table 50 Changes in the number and percentage of overstayers who entered Japan with “College Student” and “Pre-college Student”

Division \ Date	January 1 2000	January 1 2001	January 1 2002	January 1 2003	January 1 2004	January 1 2005	January 1 2006
Total number of overstayers	251,697	232,121	224,067	220,552	219,418	207,299	193,745
College Student	5,100	4,401	4,442	5,450	6,672	8,173	7,628
Percentage of total (%)	2.0	1.9	2.0	2.5	3.0	3.9	3.9
Pre-college Student	11,359	10,025	9,953	9,779	9,511	8,506	7,307
Percentage of total (%)	4.5	4.3	4.4	4.4	4.3	4.1	3.8

2 Instructions to Problematic Educational Institutions

Some educational institutions did not manage the enrolled students properly as they had not sufficiently confirmed the intention of the candidates to study or their capacity to pay expenses 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 to identify the actual conditions of educational institutions in FY 2005.

Moreover, the Immigration Bureau required that at the educational institutions of which the enrolled student was detected on a charge of illegal working or was arrested for a penal code offense, a report be made on the method of screening students and the method of managing enrolled students, and that the situation be thoroughly improved.

In addition, based on the current condition that a considerable number of foreign students are overstaying in Japan, the Immigration Bureau informed universities, technical colleges and Japanese language schools of the proper management of enrolled students through conferences and other opportunities.

3 Programs for Accepting Foreign Students of the Evening Classes of Graduate Schools

According to the conventional Immigration Control Act, if a foreign student intended to study at a Japanese university with the status of residence of “College Student” by exclusively enrolling in graduate school evening classes, the foreign student could not enter Japan because he did 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 further accepting foreign data processing specialists to Japan, the HPSZSR made the decision to expand this program nationwide within FY 2005. Thereby, the Ministerial Ordinance for Partial Amendment of the Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, Paragraph 1(2) of the Immigration Control Act (Ordinance of the Ministry of Justice No. 29 of 2006) was promulgated on March 30, 2006, and was enforced on the same day.

Section 6 ◆ Amendment of the Official Gazette on the Status of Residence of “Long Term Resident”

1 Establishment of the Provision on the Adopted Children of Japanese Nationals Left behind in China after World War II

The adopted children aged 6 years or older of Japanese nationals left behind in China after World War II and the grown-up or married biological children of the spouses of Japanese nationals left behind in China after World War II were not covered by the Official Gazette in the past. However, in consideration of the historical background regarding Japanese nationals left behind in China after World War II, the Ministry of Justice decided to provide the Status of Residence of “Long Term Resident” to adopted children who had been raised in the same way as the biological children and to the children who had been born before the spouses’ marriage (Amended and enforced on September 28, 2005).

2 Adding the Requirement of “Good Behavior and Conduct” to Requirements for Japanese Descendants and Their Families

According to the National Police Agency’s announcements (2004 and 2005), around 2,000 foreign nationals with the status of residence of “Long Term Resident” were arrested for penal code offense for two consecutive years. In addition, the government decided to amend the Official Gazette of the Ministry of Justice, and to change the current situation in

which second/third-generation Japanese descendants are permitted to enter Japan without any requirements in order to ensure the safety and security of the general public.

Consequently, the Official Gazette on the Status of Residence of “Long Term Resident” was amended to add the requirement of “good behavior and conduct” to the requirements for acquisition of the status of residence of “Long Term Resident.” The requirement of “good behavior and conduct” will not be imposed on Japanese descendants who intend to enter Japan as a Japanese national left in China after World War II or a relative of such a Japanese national with the status of residence of “Long Term Resident,” taking into account the necessity for continuing promotion of their smooth return to Japan (amended on March 29, 2006 and enforced on April 29, 2006).

Chapter 5 Deportation Procedures

Section 1 ◆ Measures against Illegal Foreign Residents

1 Enhancing Detection Capabilities

Most illegal foreign residents 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. In FY 2005, the bureau also set up a detection task force at the Nagoya Regional Immigration Bureau to further reinforce detection capabilities.

2 Expanding Application of Article 65 of the Immigration Control Act

The total number of suspects accepted nationwide has significantly increased owing to the expanded implementation of acceptance of suspects under Article 65 of the Immigration Control Act by the Tokyo Regional Immigration Bureau and the Metropolitan Police Department in tandem from October 2003 onwards, which has been showing significant results. In 2005, other regional immigration bureaus started the expanded implementation one by one while improving the acceptance system. All of the prefectural police departments

have been putting such acceptance into practice as of September 1, 2005. The Tokyo Regional Immigration Bureau, which accepts a large number of suspects, will make efforts to further expand application of the article by enhancing the acceptance system for non-business days, such as Saturdays and Sundays.

3 Encouraging Illegal Foreign Residents to Appear

To encourage illegal foreign residents to voluntarily appear, the departure order system was introduced in December 2004. Under the system, foreign nationals who have voluntarily appeared at an immigration control office can quickly leave Japan through simple procedures and the landing denial period will be shorter. The number of foreign nationals who appeared in hope of returning to their home countries totaled 19,336 for the period between December 2004 and December 2005.

The Immigration Bureau will continue to actively work on public relations activities to further encourage illegal foreign residents to appear through foreign language media and various other information and communications channels, while analyzing the appearance of illegal foreign residents under the departure order system.

4 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, Ibaraki 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 detainees 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 an 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 and Nagoya Regional Immigration Bureaus 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 enriching the medical care system, 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

The Tokyo Regional Immigration Bureau is implementing active detection through detection task forces and accepting suspects under Article 65 of the Immigration Control Act in order to halve the number of illegal foreign residents. However, since the bureau has jurisdiction over the metropolitan area and the detention capacity of the bureau has reached its limits, it has

become indispensable to establish an efficient deportation system that makes up for the lack of the bureau's capacity and exactingly supports detection. Therefore, in FY 2006, the bureau will carry out smoother deportation through utilization of the detention house at the Narita Airport District Immigration Office, of which the detention capacity was expanded from 48 to 350.

Section 4 ◆ Treating Illegal Immigrants in Consideration of Their Conditions

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 2005.

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, and 28 cases of special permission to stay were additionally disclosed on the website in August 2005. 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

The Immigration Bureau has been taking the following measures to reinforce cooperation with the authorities concerned, thereby taking much more effective countermeasures against illegal foreign 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, Labor and Welfare, and the Japan Coast Guard have been discussing measures to properly deal with violations of the Act while sharing information and developing close cooperation among them. In FY 2005, the council discussed (i) the present situation of illegal entry and possible countermeasures, (ii) the present situation of illegal foreign workers and possible countermeasures, and (iii) the present situation of trafficking in persons 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 and 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 broader 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 amendment of the Immigration Control Act was enforced on May 16, 2005, thereby the conventional refugee recognition system was significantly modified. The amended Act contributed to providing a more stable legal status to foreign nationals who have applied for refugee status, and also enhanced fairness and neutrality in the refugee recognition procedures.

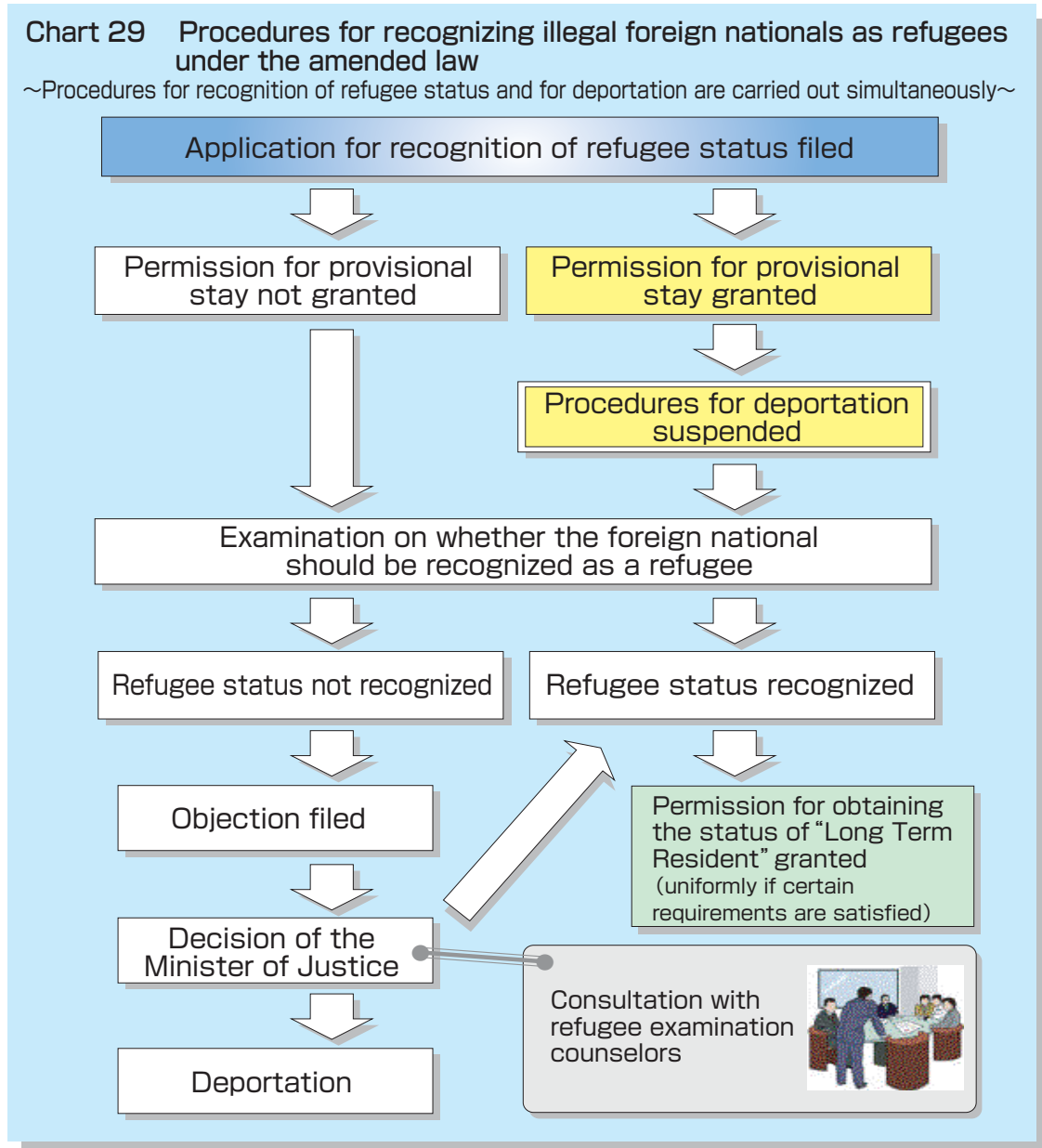
1 Operation of the System for Permitting Provisional Stay

With the aim of ensuring the stable legal status of illegal foreign residents who have applied for recognition of refugee status, the new system of refugee status recognition has introduced the system for permitting “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 recognition of refugee status 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 recognition of refugee status within six months after the day of landing in Japan (if grounds for being a refugee arose during his stay in Japan, the day of knowing such grounds); 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 foreign resident applies for recognition of refugee status based on the new system of refugee status recognition, 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 foreign resident is recognized as a refugee and satisfies certain requirements, the bureau will grant him the status of “Long Term 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. (Chart 29)



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

The number of applicants for recognition of refugee status in Japan was 384 in 2005, ranking third following 1982 just after the launch of the system of refugee status recognition, and 2004.

As for recently-filed applications for recognition of refugee status, 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 Enhancing and Strengthening the Refugee Examination System

With the aim of strengthening the examination system, additional officials were assigned as refugee inquirers in order to respond to the increase in the number and complexity of applications for recognition of refugee status. 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. The training introduces lectures given by psychologists in order to allow the staff to acquire skills in interviewing applicants for recognition of refugee status who have suffered from psychological trauma, with the aim of improving the quality of refugee inquirers, so that they can interview applicants for recognition of refugee status who have various reasons and backgrounds in an appropriate manner, in consideration of the human rights of these applicants.

2 Providing Refugee Information

The Immigration Bureau provides regional immigration bureaus and their offices with collected information on the national origins of refugees, including materials prepared by the Ministry of Foreign Affairs, materials prepared by the UNHCR (United Nations High Commissioner for Refugees) and the human rights reports of Amnesty International, to enable smoother administration work.

3 Improving Interpreting Services

When interviewing an applicant for recognition of refugee status for questioning, regional immigration bureaus and their offices make an arrangement to interview the applicant through an interpreter in the official or everyday language in the applicant's country of nationality or habitual residence. For this reason, regional immigration bureaus and their offices are making efforts to ensure interpreters of each language.

Section 3 ◆ The Refugee Examination Counselors System

In order to realize the fairness and neutrality of procedures for objections to denial of recognition of refugee status, the Minister of Justice shall consult with refugee examination counselors when making a decision on an objection filed by an applicant.

Refugee examination counselors shall be appointed from those who have a reputation of good-standing, are able to make a fair decision on objections to the denial of recognition of refugee status, and have an academic background in law or international circumstances. They are recommended by the UNHCR (United Nations High Commissioner for Refugees), the Japan Federation of Economic Organizations, the Refugee Assistance Headquarters and other agencies, and are appointed by the Minister of Justice.

The Minister of Justice shall consult with three refugee examination counselors on all cases of objections to the denial. However, prior to this, oral statements in which the person who filed an objection and other persons concerned have stated opinions are made, and an informal examination in which refugee inquirers and refugee examination counselors ask questions to the person who filed the objection and other persons concerned is held.

After the oral statements and informal examination, refugee examination counselors prepare written opinions following the exchange of opinions with other refugee examination counselors and submit them to the Minister of Justice. There is no predetermined format for a written opinion, and some written opinions contain not only the determination of whether the person who filed the objection is deemed to be a refugee but also requests for special arrangements to enable the person who filed the objection to reside in Japan.

In 2005, refugee examination counselors submitted written opinions on 48 cases. Of these, five cases were deemed to be refugees and ten cases were deemed not to be refugees but recognized as subject to special arrangements, enabling them to reside in Japan.

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 through 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 modes of transportation and progress in information and communications 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 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.

Chart 30 Chart of ODA programs related to the Immigration Bureau

Starting from 1987

Seminar on Immigration Control
Consultation and views exchanged on immigration control
(Forum for continuous exchange of information)

Starting from 1995

Seminar on Document Examination
Separate from Seminar on Immigration Control because of the demand for seminars for specialists of document examination.

Starting from 1995

Sponsored seminar by JICA Osaka International Center
Osaka Regional Immigration Bureau holds seminars for trainees from immigration organizations of Asian countries for a month at the request of JICA.

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 30)

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 19th seminar was held in November 2005, and the participants actively exchanged their opinions with respect to utilization of biometric technology to satisfy “stricter” but “smoother” human movements, management of information on foreign nationals and sharing of information with other countries.

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 techniques 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 2005, the 11th seminar was held in February 2006 at Narita Airport.

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 an 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 161st session, promulgated on March 4, 2005, and then came into effect on April 1, 2005.

Regarding the “movement of natural persons,” which is closely related to immigration control administration tasks, under the Japan-Mexico 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 is a multilateral framework which aims to deepen ties between Japan and ASEAN countries through strengthening of a comprehensive economic partnership covering Japan and all the ASEAN countries. To this end, Japan intends to start bilateral negotiations with ASEAN member states that wish to have an economic partnership with Japan.

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 prevailing momentum was lost. Subsequently, Japan started official negotiations with the respective countries.

In June 2003, Indonesia also requested the start of negotiations. A preliminary meeting to set up a working group was held. The two nations set up an 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 is required to proceed with these negotiations, keeping a balance with negotiations on bilateral economic partnership agreements with each ASEAN country. In 2005, Japan held bilateral negotiations with some ASEAN countries within the framework of the Comprehensive Economic Partnership Agreement.

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

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

Japan and Thailand basically agreed on the core elements of the Japan-Thailand Economic Partnership Agreement in September 2005.

As for the movement of natural persons, the two nations basically agreed on easing of the work experience requirements for Thai cooks to enter Japan under certain conditions and continuing negotiations on the acceptance of welfare caretakers.

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

Japan and Malaysia basically agreed on the core elements of the Japan-Malaysia Economic Partnership Agreement in May 2005. The two countries worked toward conclusion of the agreement and signed the agreement in December 2005. As for the movement of natural persons, Japan recognized that service providers, whom Japan has "requested/offered" in WTO service trade negotiations, can enter and stay temporarily in Japan.

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 and active consultations were held. However, the negotiations have been suspended since November 2004.

D. Japan-Chile Economic Partnership Agreement

At the Japan-Chile Summit held in Chile in November 2004, the countries agreed to establish a study group on the possibility of entering negotiations on a bilateral economic partnership agreement. Subsequently, after consideration at the study group, the countries agreed to start negotiations on a bilateral economic partnership agreement at the Japan-Chile Summit held in November 2005. The countries started official negotiations in February 2006.

(2) Status of Countries at the Stage of Consultations on the Possibility of Entering Negotiations on a Bilateral Economic Partnership Agreement

Since 2005, Japan has held bilateral study groups with India, Vietnam, Brunei, Switzerland and Australia respectively to consider the possibility of entering negotiations on a bilateral economic partnership agreement. A need has arisen for preliminary consideration of each country's concerns relating to the "movement of natural persons".

(3) WTO Service Negotiations

In negotiations on the liberalization of service trade negotiations, each WTO member generally requests other relevant members for the desired liberalization. Then, the relevant members offer fields that they will liberalize if they are able to respond to the request.

In line with GATS (The General Agreement on Trade in Services) of the WTO (World Trade Organization) and subsequent Japanese offers, Japan has accepted 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 every year. The Immigration Bureau is actively working on examining the advisability of new commitments which is being coordinated by the Ministry of Foreign Affairs, and drafting documents, while paying attention to requests from foreign nations.

For the revised offers of Japan prepared in June 2005, Japan increased the clarity of descriptions in the schedule of commitments by reorganizing the categories of Japan's schedule of commitments based on the categories common to the world.

(4) 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 the 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 residence control management, the Immigration Bureau is heavily involved in the report drafting process. The bureau also follows up the evaluation results of the report review process.

In FY 2005, Japan submitted to the United Nations the first government report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Japan also worked on preparation of the fifth government report for the International Covenant on Civil and Political Rights (Covenant B), the third government report for the Convention of the Rights of the Child, the sixth government report for the Convention on the Elimination of All Forms of Discrimination against Women, and the third, fourth and fifth government reports for the International Convention on the Elimination of All Forms of Racial Discrimination.

(5) Other Treaties

Japan signed the FAL Treaty (the Convention on Facilitation of International Maritime Traffic) which aimed at simpler port-related paperwork in 1965, but did not ratify the convention at the time. The Immigration Bureau proceeded with the consideration of and preparation for the ratification of the convention along with the other ministries and agencies concerned, and decided to implement the port-related document formats specified in the convention and to form new measures for simpler paperwork. Subsequently, the convention was approved by the 162nd Diet session in March 2005, ratified on June 15, 2005, and was enforced in Japan on November 1, 2005.

In addition, countries that had already signed the convention proceeded with the amendment of the Annex in 2005, and the amendment was adopted and was determined for enforcement on November 1, 2006. Therefore, the Immigration Bureau is continuing to consider the amendment with the ministries and agencies concerned.

Since 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, was amended in March 2005 and was determined for enforcement in November 2005, the Immigration Bureau considered the procedures that did not comply with the procedural provisions of the said annex, and gave notice of the details of differences within the predetermined period jointly with the ministries and agencies concerned.

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). Then, G8 members started providing data on missing and stolen passports to the International Criminal Police Organization (ICPO) in November 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. In 2005, a meeting was held in Bali to discuss implementation of collaboration and cooperation in biometrics-based

immigration control using biometrics data.

(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 with 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 in advance. If a foreign national does not satisfy the applicable criteria for entering Japan, he will receive a letter explaining that the certificate of eligibility will not be issued. However, it was pointed out that

the letter does not explain the specific reasons for non-issuance and does not indicate what he should do next. Therefore, in FY 2005, specific reasons for determination of non-issuance and applicable legal wording will be indicated in the letter to contribute to further enhancing the transparency of immigration control administration.

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.

Moreover, the Immigration Bureau opened its English website on March 31, 2006. Thus, the bureau has been making efforts to make the website convenient for foreign nationals.

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 2005, immigration control administration work was carried out by about 2,900 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 31 and 32)

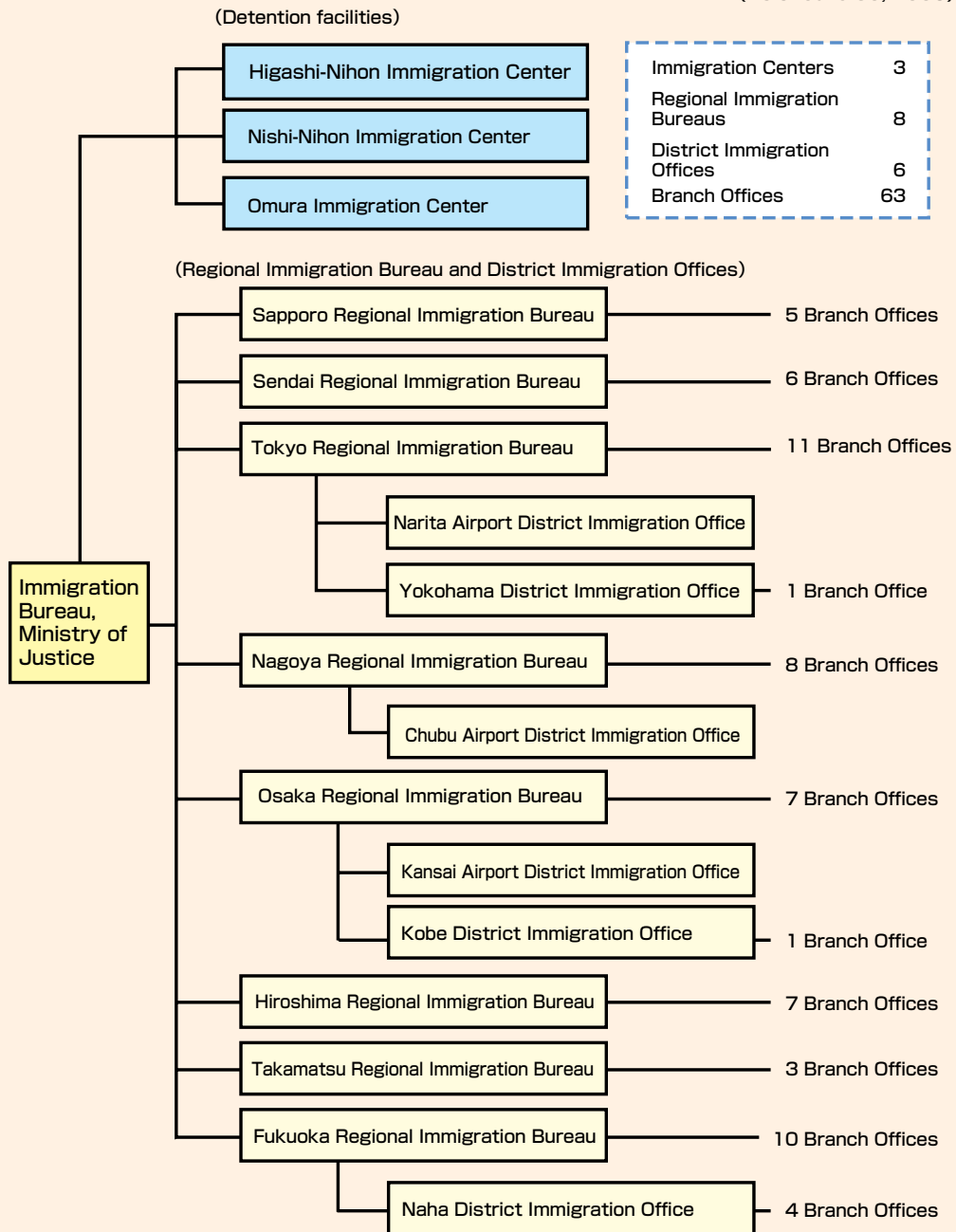
2 Major Expansions of the Immigration Control Offices

(1) Expanding the Organization for Residence Status Examination Procedures

With an increasing number of foreign nationals residing in Japan, the number of applications for residence status examination procedures has been increasing. On the other hand, the

Chart 31 Immigration Bureau organizational chart

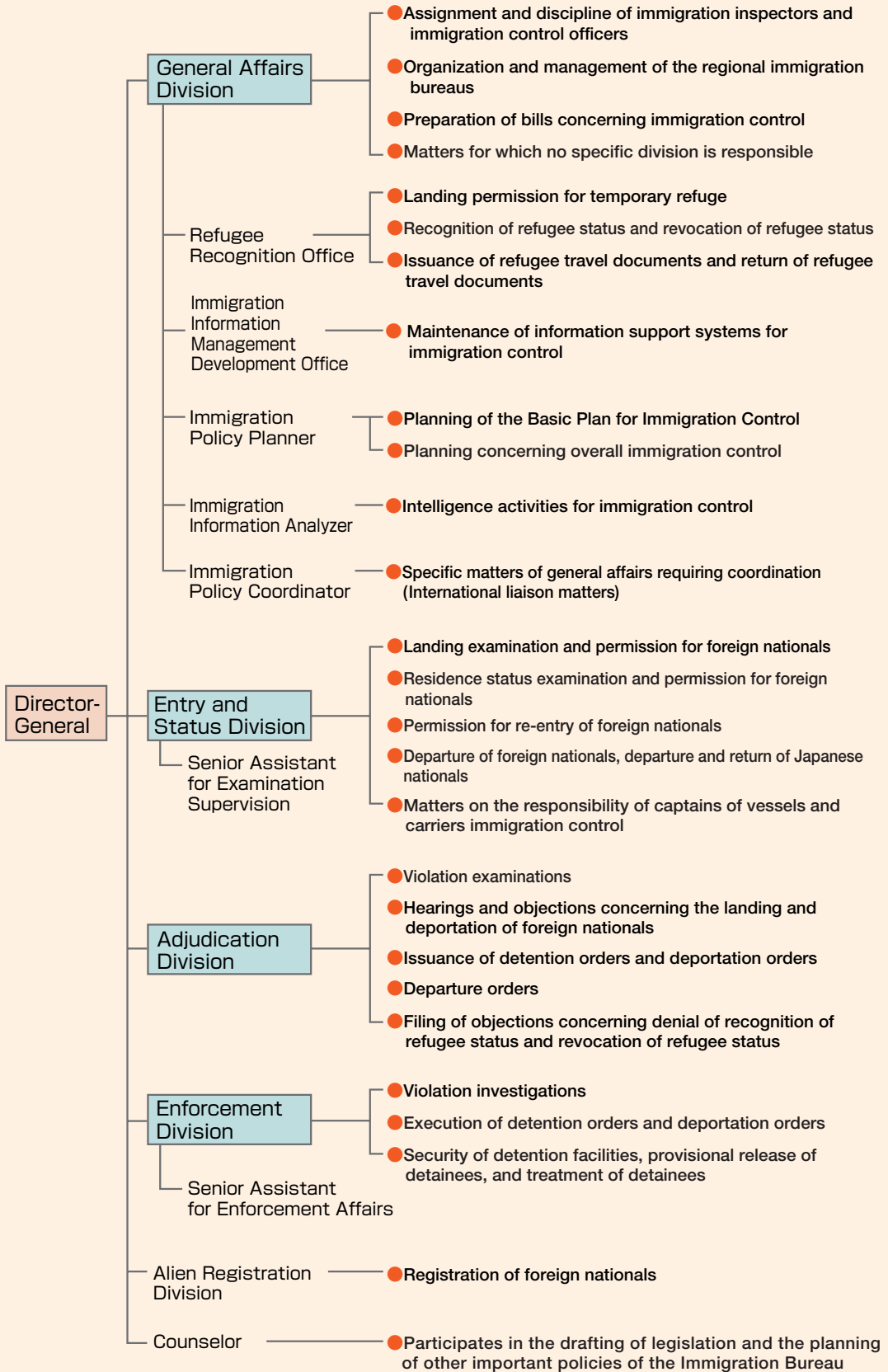
(As of June 30, 2006)



problem of exclusion of illegal foreign residents who have obtained permission by making a false statement or other illegal means has been pointed out. Consequently, the system of revocation of status of residence was introduced. Thus, there has been a request for improvement of the system for residence status examination procedures.

Many foreign nationals, including Japanese descendants with the status of residence of “Long Term Resident,” reside in the areas under the jurisdiction of the Nagoya Regional Immigration Bureau. In FY 2005, the Employment and Permanent Resident Examination Department of the bureau was divided into the Business and Employment Examination Department and the Permanent Residence Examination Department to lay out a framework

Chart 32 Responsibilities of the Immigration Bureau, Ministry of Justice



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

for proper and strict residence status examination in the areas under the jurisdiction of the bureau.

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

As already mentioned in Chapter 2 above, with the aim of halving the number of illegal foreign residents, the system to detect violators of the Immigration Control Act has been improved and reinforced mainly in the metropolitan areas. In FY 2003, the Research and Planning Department was established in the Tokyo Regional Immigration Bureau as an organization that receives, collects and analyzes information on illegal residents provided by residents or by related organizations. Furthermore, the Shinjuku Branch Office was established for the purpose of strengthening investigation of suspected violators of the Immigration Control Act including illegal foreign residents, collection of relevant information and detection of violators, mainly in the Shinjuku ward.

In FY 2005, the Immigration Bureau set up the First Investigation Department at the Nagoya Regional Immigration Bureau. This new department is exclusively responsible for detecting illegal foreign residents in the Nagoya area. A detection task force was also set up at the bureau. In FY 2006, a detection task force was also set up at the Osaka Regional Immigration Bureau in order to effectively and properly take countermeasures against illegal foreign residents.

Moreover, in FY 2006, the detention house at the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau was considerably expanded. The Planning Management and Deportation Department and the Detention Department were also set up for appropriate detention and smooth deportation.

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*, *keibishiho*, *keishucho*, and *keishu*, in order of descending 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 control staff was 3,120 in FY 2006, up about 22% (555) from FY 2001 (2,565). During this period, the number of cases handled by immigration control offices remained at a high level, and the immigration control duties have been getting more complicated and difficult due to the necessity of implementing stricter immigration examinations to prevent terrorism and illegal entry, coping with forged or altered documents that have become increasingly more sophisticated, and enforcing strengthened detection of illegal foreign residents, some of whom are potential criminals. (Chart 33, Table 51)

In FY 2006, 196 persons were additionally assigned as immigration inspectors and immigration control officers. An outline of the staff increase is as follows.

(1) Smoother but Stricter Immigration Control

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 authorities need to strictly examine the status of residence at the time of entry in order to strengthen immigration control at the border.

Chart 33 Changes in the number of immigration control office personnel

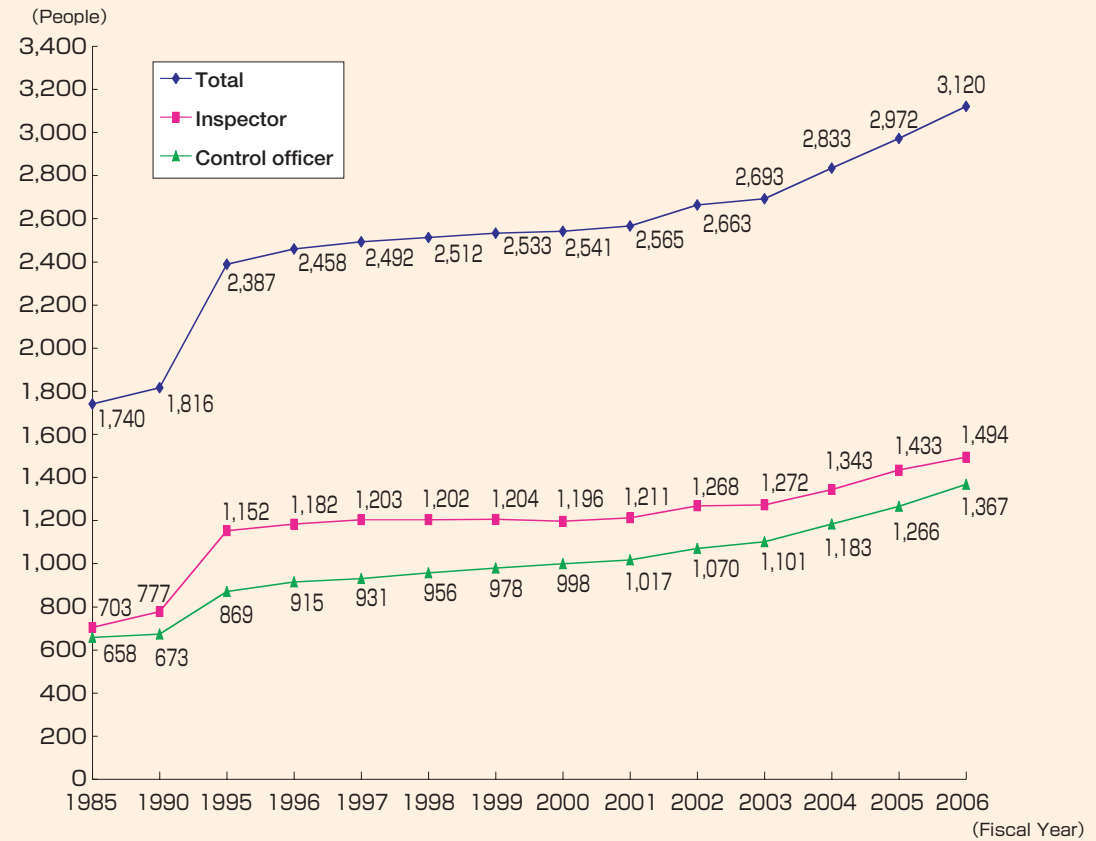


Table 51 Changes in the number of immigration control office personnel

(People)

Fiscal Year	Division Secretaries in the Ministry of Justice	Regional Immigration Bureaus					Sub-Total	Total
		Secretaries	Inspector	Control officer	Others			
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	
2006	129	122	1,494	1,367	8	2,991	3,120	

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.

In line with these circumstances, at Narita Airport, the South Wing of Terminal 1 has been in use since June 2006, while at Haneda Airport, shuttle flights between Haneda Airport and Kimpo Airport doubled from August 2005, according to an agreement made at the Japan-R.O. Korea Summit held in June 2005. In addition, at Hakata Port, the number of foreign nationals entering and leaving Japan has been rapidly increasing in recent years.

Therefore, to satisfy requests for stricter but smoother immigration control, the bureau has assigned 8 immigration inspectors to the Narita Airport District Immigration Office, 23 immigration inspectors to the Haneda Airport Branch Office, and 8 immigration inspectors to the Hakata Port Branch Office.

In addition, local governments are actively attempting to attract charter flights and major liners in order to increase the number of foreign travelers in the region. However, it has become difficult to deal with immigration examinations solely through the immigration control staff at a neighboring branch office for the many charter flights arriving at airports which lack permanently stationed immigration control staff and the major liners regularly coming into the local ports.

Therefore, the bureau has assigned 16 immigration inspectors to Chitose Tomakomai Branch Office and Haneda Airport Branch Office, which are used as bases for air routes, in order to flexibly and efficiently assist immigration examinations for charter flights and major liners arriving at local airports/ports nationwide.

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

While the presence of illegal foreign residents has become a social problem, illegal foreign residents have had a more serious adverse affect on Japan. For example, some foreign nationals acquire a status of residence by various illegal means, such as under the guise of false marriages, false study, false training and submission of false documents, and reside in Japan for a long period as legitimate residents. Some of them engage solely in simple labor, or join a criminal organization and collaborate in committing crimes.

To exclude these illegal foreign residents, it is indispensable not only to strictly examine the documents submitted by the applicants in residence status examinations, but also to have a system to detect false or forged identifying information through field research of the situation surrounding those who invited the foreign nationals and the residence situation of applicants. However, the number of foreign nationals suspected of illegally residing under

false information has increased in the areas under the jurisdiction of the Tokyo Regional Immigration Bureau, and cases have become more complicated and difficult to deal with due to sophisticated concealment activities. Therefore, the bureau has assigned 16 immigration inspectors to the Tokyo Regional Immigration Bureau in order to strengthen the system of investigating actual conditions.

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

The government decided upon the “Action Plan for the Realization of a Society Resistant to Crime” in December 2003, and determined to halve the number of illegal foreign residents within five years from 2004 to ensure public safety.

While actively detecting illegal foreign residents toward their significant reduction, the Immigration Bureau decided to set up a detection task force at the Osaka Regional Immigration Bureau in FY 2006, following the setting up of a detection task force at the Tokyo Regional Immigration Bureau in FY 2004 and at the Nagoya Regional Immigration Bureau in FY 2005, in order to further strengthen cooperation with the police and other related agencies and to implement specialized, flexible detection in each region. For this purpose, the bureau has assigned 36 immigration control officers to the Osaka Regional Immigration Bureau.

In addition, the Immigration Bureau actively accepts illegal residents from the Metropolitan Police Department according to Article 65 of the Immigration Control Act, in order to efficiently carry out the deportation procedures for illegal residents allocated to the Tokyo Regional Immigration Bureau. In order to respond to the increasing number of illegal residents accepted and to start acceptance of illegal foreign residents on weekends and holidays, the bureau has assigned 34 immigration control officers and 5 immigration inspectors to the Tokyo Regional Immigration Bureau.

Moreover, an ensured sufficient capacity and prompt deportation are necessary to significantly increase the number of foreign nationals deported from Japan. Therefore, the detention house at the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau was relocated in FY 2006, with an increase in its detention capacity from 48 to 350 persons. In addition, the bureau has assigned 28 immigration control officers to the office as personnel needed for detention and deportation of detainees there.

(4) Enhancing and Strengthening Detection Capacity in the Transit Areas of Large International Airports

There are an increasing number of cases where a foreign national obtains another person's passport or a forged or altered passport from a broker in the transit areas of airports and uses such passport in landing examination procedures, and cases where foreign women and children are tricked into entering Japan by a criminal organization for the purpose of trafficking in persons.

Therefore, the bureau has assigned 22 immigration control officers to the Narita Airport District Immigration Office, the Chubu Airport District Immigration Office, and the Kansai Airport District Immigration Office in order to control trafficking in persons and the illegal movement of natural persons mainly in the transit areas at the border.

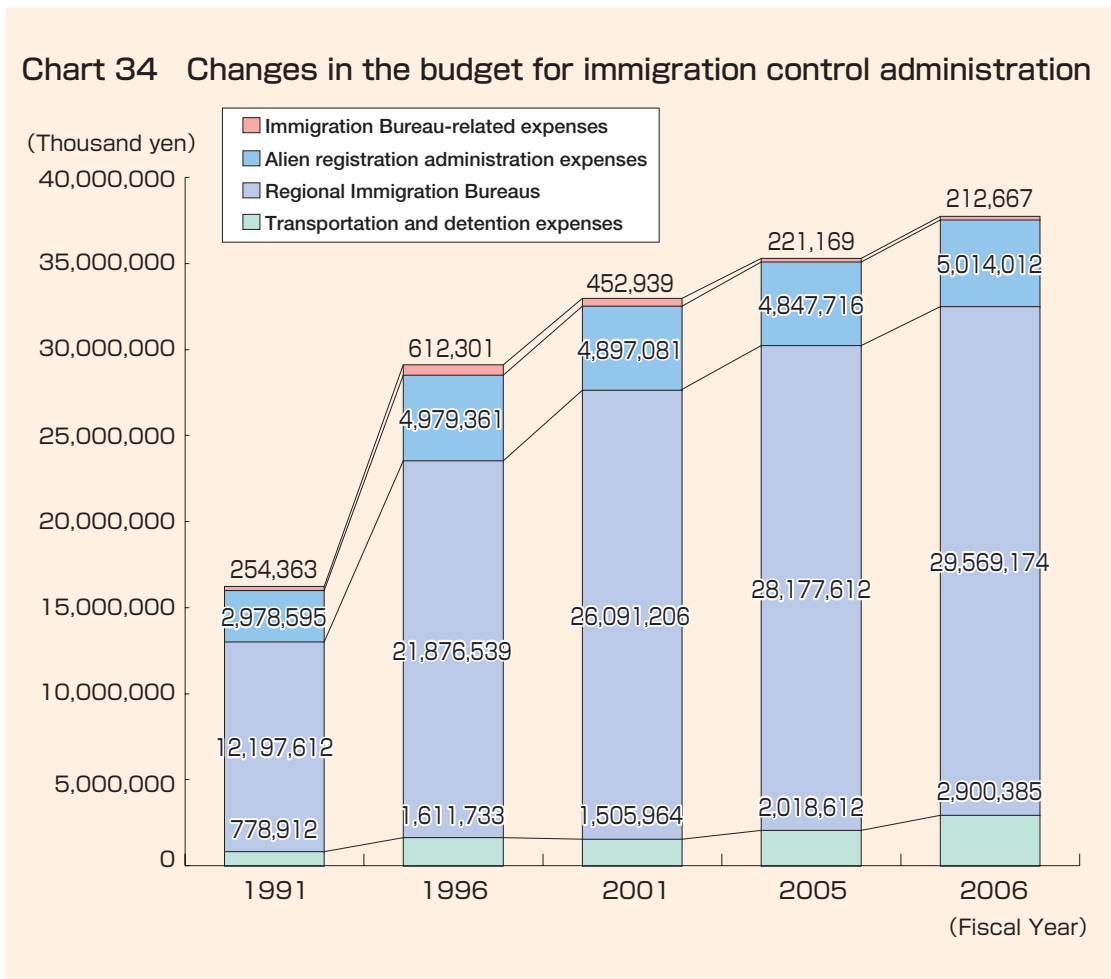
3 Training

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 34 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 34)



Section 2 ◆ Facilities

Due to globalization, more and more foreign nationals are entering and staying in Japan of late. In addition, Japan also has many illegal foreign residents. To address such situations, the Immigration Bureau has recently been 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 detention house at the Nagoya Regional Immigration Bureau was expanded with an increase in its detention capacity from 80 to 120 persons. Moreover, the detention house at the Narita Airport District Immigration Office of the Tokyo Regional Immigration Bureau was also expanded in FY 2005 with an increase in its detention capacity from 48 to 350 persons. In addition, new buildings of the Osaka Regional Immigration Bureau and the Nagoya Regional Immigration Bureau will be constructed in FY 2007.

The Immigration Bureau will continue to actively upgrade the immigration control facilities when the need arises. (Table 52)

Table 52 Changes in the capacity for detention

Fiscal Year Division	2001	2002	2003	2004	2005	2006
Total	2,568	2,788	3,039	3,108	3,410	3,410
Immigration Centers	1,549	1,549	1,800	1,800	1,800	1,800
Regional Immigration Bureaus	1,019	1,239	1,239	1,308	1,610	1,610

as of every March 31 (the number for 2006 is an estimate.)