

◆ Part 2 ◆

Primary Measures Related to Immigration Control Administration since FY 2007

Chapter 1**Start of Immigration Examination
Using Personal Identification Information**

The most fundamental point in immigration control procedures is to know “who” the person subject to the procedures is. It is impossible to conduct proper immigration procedures unless the holder of the passport can be confirmed as being one and the same as the person named in the passport.

The Immigration Bureau therefore made a required amendment of the law in 2006 and commenced immigration examinations using personal identification information such as fingerprints in 2007.

**Section 1 ◆ Provision of Personal Identification
Information by Foreign Nationals
during Landing Examinations**

Under the amended Immigration Control Act which entered into force on November 20, 2007, foreign nationals (excluding those who are exempt such as special permanent residents and those under 16 years of age) are required to provide personal identification information (fingerprints and facial photos) during the landing examination.

Utilization of such information has made it possible for the immigration authorities to identify the applicant for landing as the person named in the passport, compare him or her against a blacklist more accurately and quickly, and detect foreign terrorists, who may threaten the life and safety of citizens, at the border more exactly. In addition, it is now possible to more effectively uncover those who have been deported in the past but who attempt to re-enter illegally using a forged or altered passport or using a different person’s passport, by comparing their fingerprints or printed facial images with fingerprints or printed facial images of persons who have been deported which are kept by the Immigration Bureau.

Section 2 ◆ Automated Gates

In order to enhance convenience by simplifying and speeding up immigration procedures, facilities were introduced, also on November 20, 2007, that allow Japanese nationals who have had their data registered in advance or foreign nationals who meet certain requirements such as having been issued with a reentry permit, to quickly undergo immigration procedures by going through automated gates located in the departure and landing examination areas of the South Wing of Terminal 1 and in the departure and landing examination areas of the South Gate of Terminal 2 of Narita Airport without having to undergo inspection by immigration inspectors at immigration inspection booths for general passengers.

Persons desiring to use the automated gates can register at the following locations: the reentry application counter at the Tokyo Immigration Bureau, the departure examination area of the South Wing of Terminal 1 and the departure examination area of the South Gate of Terminal 2 of the Narita Airport Branch of Tokyo Immigration Bureau. Japanese people must register the fingerprints of their index fingers of both hands, and foreign nationals must do the same and also register a facial photo using a special machine. When the registration procedures have been completed, a registration stamp will be printed in the passport. However, when departing or entering using an automated gate, in principle no departure or entry certification (stamp) will be printed in the passport.



Poster publicizing passengers are now required to provide personal identification information

Section 3 ◆ Implementation of New Immigration Examinations

Personal identification information is extremely effective during the landing examinations especially when preventing the entry of someone who has a past record of deportation but who attempts to re-enter illegally using a forged or altered passport or a different person's passport.

The major examples of denial of entry using personal identification information include: cases where a person who had been deported in the past tried to use a different person's passport to re-enter without possessing a valid passport during the period when he or she would have

otherwise been denied landing (the prescribed period had not yet elapsed since the date of deportation), and cases in which a person during the period when he or she would have otherwise been denied landing (the prescribed period had not yet elapsed since the date of deportation) applied for landing having acquired a new valid passport by changing his/her name and date of birth in order to avoid being denied entry.

As part of the proactive measures against terrorism and measures against illegal residents that the Government is now addressing, as well as countermeasures against crimes committed by foreign nationals, the Immigration Bureau is striving to ensure that each and every applicant for landing is identified as the person named in the passport, and is endeavoring to detect foreign terrorists at the border and to prevent them from entering Japan.

Chapter 2

Study on the New Residence Management System

Section 1 ◆ Background of the Study

1 Study by the Government

- (1) The number of foreign nationals who enter and reside in Japan is increasing year by year. The number of foreign nationals who entered Japan in 2007 was about 9,150,000, and the number of registered foreigners as of the end of 2007 was about 2,150,000, both recording all-time highs. The reasons why foreign nationals enter and reside in Japan are diversifying, including sightseeing, employment, study, training, and permanent residence. It is therefore of increasing importance to accurately monitor the state of entry and residence by foreign nationals in various branches of administration.

To date, the entry and residence of foreign nationals has been monitored through entry and residence examinations based on the Immigration Control and Refugee Recognition Act and the alien registration system based on the Alien Registration Act. However, these systems have led to various problems, such as the fact that alien residence management is covered by two separate laws, and the true state of residence and employment of foreign residents is not being fully monitored.

- (2) On July 19, 2005, the Government therefore set up a Working Team Concerning the Residence Management of Foreign Nationals under the Ministerial Conference to Discuss Countermeasures against Crime. This team studied methods of collecting residence information on foreign nationals as well as ideal methods of residence management, mainly by holding discussions with the officials of the related authorities including the Ministry of Justice, and submitted a report entitled, “Results of the Study of the Working Team Concerning Residence Management of Foreign Nationals” to the Ministerial Conference to Discuss Countermeasures against Crime on July 3, 2007. In this report, the team proposed appropriate actions for the residence management of foreign nationals, including the collection of residence information by the Ministry of Justice in an integrated fashion, cooperation among the team members’ organizations, the sharing and provision of information among administrative organizations, and precise residence management based on accurate residence information.

2 Study by the Sectional Meeting on Residence Management, Discussion Meeting on Immigration Control Policy

(1) Establishment of a Sectional Meeting on Residence Control

Based on this study by the government, the Ministry of Justice established a Sectional Meeting on Residence Management under the Discussion Meeting on Immigration Control Policy, a private consultative group for the Ministry of Justice on February 1, 2007. The purpose of this Sectional Meeting was to listen to various experts' views on how the new immigration management system should be and to reflect those views in future immigration management administration.

(2) Study of the Sectional Meeting on Residence Control

The Sectional Meeting on Residence Management held meetings frequently, solicited the views of 15 related groups and parties (cities where there are a large number of foreign nationals in residence, economic and industrial groups, labor unions, the Japan Federation of Bar Associations, etc.) and after long discussions, drew up the final report provisionally titled "The Proposals Concerning the New Residence Management System," which it submitted to the Discussion Meeting on Immigration Control Policy on January 31, 2008.

(3) Submission of "The Proposals Concerning the New Residence Management System"

The Discussion Meeting on Immigration Control Policy revised the final report submitted by the Sectional Meeting on Residence Management as required and approved it. It then prepared a report titled, "Proposal Concerning the New Residence Management System," which it submitted to the Ministry of Justice on March 26, 2008. The full text of the Report is available on the website of the Ministry of Justice (<http://www.moj.go.jp/NYUKAN/nyukan44-11.pdf>).

The Ministry of Justice is now studying the details of a new residence management system based on the Report, and will submit the related bill to the Ordinary Session of the Diet in 2009.

Section 2 ◆ Outline of "The Proposals Concerning the New Residence Management System" by the Discussion Meeting on Immigration Control Policy

1 Purpose of the Review of the Residence Management System

Immediately after the end of the War when the current alien registration system was

introduced, most foreign residents had come from the Korean Peninsula before the end of the War and continued to reside in Japan after the War. Then, as Japan globalized, foreign nationals (so-called newcomers) increasingly came to live in Japan for diverse purposes, thus significantly changing the constitution of foreign residents compared with the time the system started. Among the newcomers were those whose lives in Japan were unstable, who failed to apply for alien registration properly, or who frequently changed address or returned to their country after being granted a reentry permit and then stayed in their country, and it is not known whether they intended to re-enter Japan. This has made it increasingly difficult for the Ministry of Justice and the head of municipalities to collect information related to foreign residents. To improve the situation and enable the Ministry of Justice to fully monitor the residential state of foreign nationals, an information system for the residence of foreign nationals needs to be rethought.

Therefore, in the new residence management system, the alien registration system will be overhauled and a new system will be established enabling the Ministry of Justice to monitor information required for the residence management of foreign nationals precisely, continuously and in an integrated fashion so as to conduct precise residence management. A new register system of foreign nationals legally staying in Japan, which will be introduced at a municipal level, will be designed to enhance the various administrative services for foreign residents living in the area. Through these systems aiming to assist foreign nationals living in Japan and to create a good environment where they will be able to live comfortably, we should be able to create a society of coexistence where Japanese and foreign nationals can live together, respecting, supporting and helping each other.

2 New Residence Management System

In the current system, residence information on foreign nationals is monitored and managed by both the Ministry of Justice and the heads of the municipalities, the former at the time of the procedures for permission to enter and live in Japan under the Immigration Control Act, and the latter at the time of alien registration under the Alien Registration Law. This system will be rebuilt as a new system that is integrated and unified under the Immigration Control Act, specifically for foreign nationals staying for the medium and long term with a status of residence prescribed under the Immigration Control Act, as follows:

- (1) After the items required for residence management have been recorded at the time of applying for various permits including a landing permit, renewal of the period of stay, and change in the status of residence, a residence card (provisional name) will be delivered to the foreign national after he or she has been awarded permission;
- (2) If during the period of stay, the foreign national's details change from the time of applying

for a permit such as a landing permit, he or she will be requested to report the changes to the Ministry of Justice (for a change in the place of residence, the foreign national will be asked to report to the Ministry of Justice through the head of the municipality);

- (3) Under the system, the Ministry of Justice will receive information from organizations at which foreign nationals study, enter or receive training about the foreign nationals enrolled there;
- (4) A mechanism will be introduced to enable the administrative organizations concerned to contact other organizations for information related to foreign nationals or to provide information related to them to the extent necessary for their own services or business.

The Ministry of Justice will therefore be able to more precisely monitor the conditions of residence of foreign nationals, for example, by comparing the information reported by foreign nationals with information provided by the organizations to which they belong, etc. The new residence management system will not apply to those who stay temporarily or to special permanent residents who stay without a status of residence granted under the Immigration Control Act.

3 Development of a Register System for Foreign Residents Legally Staying in Japan

At present, the municipalities treat foreign nationals who have been registered as foreign residents as their residents and use alien registration information as a basis for providing various administrative services. However, the Alien Registration System and Basic Residents' Register System have different purposes, which hinder the provision of administrative services. The municipalities therefore need to develop a register system for foreign residents who legally stay in Japan to keep correct records, by referring to the Basic Residents' Register System. Special permanent residents should be covered by this system. Additionally, a link with the Basic Residents' Register System should be included to accurately monitor households consisting of Japanese and foreign nationals.

In view of the importance of the register system for legal foreign residents, the Ministry of Justice will readily provide information required by the municipalities from among the information it holds under the new residence management system, thereby cooperating with the municipalities in developing and operating the register system based on precise information, and thus enhancing administrative services for foreign residents in the area.

4 Enhancement of the Convenience of Foreign Nationals Who Legally Reside in Japan

Based on the new residence control management system to be built which will enable the Ministry of Justice to precisely monitor the residence of foreign nationals, immigration control administration measures to enhance the convenience of foreign nationals who legally reside in Japan should also be considered. Such measures include: (i) measures to extend the maximum period of stay (for a certain status of residence, raise the upper limit of the period of stay, such as from three years in general to five years or so); (ii) review of the reentry permit system (for those who have been sent a registration card along with permission for a landing permit or renewal of the period of stay, apart from these kinds of permission, allow reentry during a certain period without having to be granted permission); (iii) simplification of application procedures for renewing the period of stay, etc. to be filed by a receiving organization where a foreign national is employed.

Along with introduction of the new residence management system, the following may be expected in areas other than immigration control administration: (i) smooth provision of various services in education, medicine, welfare, etc. based on the register system for foreign nationals who legally reside in Japan, (ii) promotion of various policies to support foreign nationals as ordinary citizens including creating local communities where foreign nationals will be able to live comfortably, such as improving Japanese language courses, and provision of information/services in foreign languages; and better education for foreign children by encouraging their attendance at school.

Section 3 ◆ Study on the Register System for Foreign Nationals Who Legally Reside in Japan

As mentioned in the previous section, the Report titled “The Proposals Concerning the New Residence Management System” by the Discussion Meeting on Immigration Control Policy intends that the new system should help create a society of cohabitation between Japanese and foreign nationals through the new residence management system and improvement of the register system for foreign residents who legally reside in Japan, which is a system to be improved by the municipalities. The Report states that the register system for foreign residents who legally reside in Japan needs to be improved by referring to the Basic Residents’ Register System so that accurate records of foreign residents can be made by the municipalities. It requests the Ministry of Justice to provide information required by the municipalities from among the information it holds under the new residence management, thereby helping them to improve and operate the register system based on accurate information.

With reference to the register system for foreign residents who legally reside in Japan, the Three-Year Plan for Promotion of Regulatory Reform, which was decided by the Cabinet on June 22, 2007, stated, “The current alien registration system will be reorganized into a register system for foreign residents who legally reside in Japan, by referring to the Basic Residents’ Register System. This reorganization of the system is intended to prepare the legal ground for municipalities to hold accurate information on foreign nationals as their residents and to ascertain their residential status while alleviating the financial burden on the State and local public bodies.”

Furthermore, the Three-Year Plan for Promotion of Regulatory Reform (Revised), which was decided by the Cabinet on March 25, 2008, stated that the Ministry of Public Management, Home Affairs, Posts and Telecommunications and the Ministry of Justice should prepare and make public the basic scheme for such register system in coordination with the Cabinet Secretariat (measures for 2007) and that both Ministries should introduce such a register system properly and steadily, giving full consideration to the opinions of local public bodies (the related bill will be submitted in the Ordinary Session of the Diet in 2009 at the latest).

Recognizing that the register system for foreign residents who legally reside in Japan is closely connected to the new residence management system, the Ministry of Justice prepared “The Basic Scheme of the Register System for Foreign Residents Who Legally Reside in Japan” jointly with the Ministry of Public Management, Home Affairs, Posts and Telecommunications in March 2008, and will continue to jointly work on measures for which it has been requested to submit a bill in the Ordinary Session of the Diet in 2009 at the latest. The contents of the scheme are available on the website of the Ministry of Justice. (<http://www.moj.go.jp/NYUKAN/nyukan71.pdf>)

Section 4 ◆ Measures to Ensure Accurate Registration

While a certain period is required for enforcing the new residence management system and the register system for foreign residents who legally reside in Japan, it is important to ensure in the meantime that accurate registration is practiced under the current alien registration system. The Immigration Bureau has decided on a series of measures for this purpose.

Specifically, during 2007, (i) posters in various languages were posted at the counters, etc. of municipal offices all over Japan and Regional Immigration Inspectors’ Offices, calling on foreign residents to accurately apply for registration and (ii) additional measures were implemented to ensure prompt notification of departure to the municipalities concerned of foreign nationals whose data is registered in the municipalities in case they leave Japan without having a reentry permit issued.

Further, a Team for Enhancement of Accuracy and Improvement of Operations was set up in

the registration controllers' office of the Immigration Bureau in April 2008. This team was set up to enhance accuracy and to improve the operations of the Immigration Bureau through various new measures including: (i) quick acceptance of inquiries from municipalities, such as setting up an exclusive e-mail address for inquiries, (ii) tentative provision of departure and landing information based on the granting of a reentry permit and (iii) sending of registration cards which are considered to be out of date to the Ministry of Justice and promoting their management.

The Immigration Bureau intends to enhance accuracy and improve operations based on the opinions of the municipalities expressed at the Meeting of Representative Staff of the Municipalities for Alien Registration Services.

Chapter 3**Efforts to Halve the Number of
Illegal Foreign Residents****Section 1 ◆ Action Plan for the Realization of
a Society Resistant to Crime**

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

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

**Section 2 ◆ Promoting Comprehensive Efforts to Halve
the Number of Illegal Residents**

As Japan has a higher income level than its neighboring nations, many foreign nationals have been entering Japan from these neighboring nations, intending to work illegally in Japan. The number of overstayers has been decreasing since 1993, but the number stood at some 150,000 as of January 1, 2008, still remaining at a high level. Therefore, the Immigration Bureau aims to halve the number of the abovementioned illegal foreign residents including overstayers and

those residing secretly in Japan after entering with the help of brokers, namely stowaways, in the five-year period from 2004 to 2008. In order to prevent illegal foreign residents from “staying in Japan”, the Immigration Bureau has been working closely with the police and other agencies concerned to jointly detect illegal foreign residents, and has been making efforts to promptly deport illegal foreign residents through active negotiations with the countries of origin on deportation and passport issuance. To prevent illegal foreign workers from “coming to Japan”, the Immigration Bureau strictly examines foreign nationals applying for a status of residence, and also requests foreign countries to effectively prevent its nationals from leaving for Japan if many of the nationals of that country are working illegally in Japan. To counter those foreign nationals intending to illegally stay in Japan who pass themselves off as tourists, the Immigration Bureau has been tightening landing examinations and reinforcing the examination of forged or altered passports in order to prevent these fake tourists from “landing in Japan”. To meet the recent strong social needs for restoring public safety, the bureau has been working with the agencies concerned to address the problem of illegal immigrants in accordance with the three principles: preventing illegal immigrants from “coming to”, “landing in” and “staying in” Japan.

Chapter 4 Strengthened Countermeasures at the Border and IT-Based Control

Section 1 ◆ Promotion of Counter-Terrorist Measures

1 Implementing Strict 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 or businesspersons etc. in an attempt to enter Japan. Since the terrorist attacks upon the United States in 2001, the Immigration Bureau has been continuously implementing strict immigration examinations in order to exclude such terrorists at the border.

In concrete terms, to prevent terrorists from entering Japan and conducting terrorist activities, the Immigration Bureau has been working closely with other related agencies in collecting information on the modes of behavior of international terrorists and other related information. Based on such information, the Immigration Bureau prepares a list of suspect persons and screens terrorists by checking them 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 at major airports in order to improve document examination techniques for detection of forged or altered documents (see Section 2 below).

In addition, foreign nationals wishing to enter Japan from November 2007 are required to submit personal identification information (fingerprints and a facial image). Further strict immigration examination is being implemented in order to prevent terrorists from entering Japan (see Chapter 1 above).

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, etc., and attempt to illegally enter the United States or other countries using such forged or altered passports. To prevent such behavior, the Immigration Bureau has been reinforcing patrol in the transit areas.

2 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 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 Act for Partial Amendment of the Immigration Control and Refugee Recognition Act is in force which includes the introduction of (i) regulations requiring foreign nationals (excluding special permanent residents) to provide fingerprints and other personal identification information at the landing examination, (ii) regulations regarding the grounds for deportation of foreign terrorists, and (iii) regulations requiring the captain of ships and other vessels entering Japan to report in advance information regarding crewmembers and passengers.

Section 2 ◆ Reinforcing Measures against Forged or Altered Documents

Overview of the Use of Forged or Altered Documents

There is an increasing trend of foreign nationals entering Japan using forged or altered passports, and Japan cannot ignore the fact that forged or altered passports and other documents may be used by international organized crime groups as a means of working behind the scenes for the purpose of trafficking in persons or terrorist acts.

Also, in recent years, forged or altered documents used in immigration procedures have become increasingly more elaborate and sophisticated. In some cases foreign nationals have obtained passports under another person's name through legitimate procedures using false documents, or have tried to enter Japan using a genuine passport where the holder had a similar face. Entry examinations using biometrics were introduced in November 20, 2007 and will be effective for the latter case, and the Immigration Bureau is continuously giving training sessions on how to use the latest technology to examine forged or altered documents, and to collect, analyze and use related information.

While 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 such cases 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. (Table 40)

Table 40 Changes in the number of cases of detection of forged or altered documents

(Cases)

Number of Detections		Year	2003	2004	2005	2006	2007
Landing	Passport		1, 561	1, 011	834	647	539
	Others		1, 856	1, 547	1, 622	1, 369	824
	Total		3, 417	2, 558	2, 456	2, 016	1, 363
Departure	Passport		142	77	92	70	71
	Others		101	53	74	43	25
	Total		243	130	166	113	96
Total	Passport		1, 703	1, 088	926	717	610
	Others		1, 957	1, 600	1, 696	1, 412	849
	Total		3, 660	2, 688	2, 622	2, 129	1, 459

Chapter 5

Efforts to Smoothly Accept 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 illegal activities such as illegal labor. Since more and more foreign nationals will visit Japan in the future as a result of Japan's efforts to promote tourism, the immigration control authorities must satisfy two seemingly contradictory objectives: smoother but stricter immigration control procedures.

In order to realize this by implementing well-balanced landing examination procedures, the Immigration Bureau introduced the secondary examination system and pre-clearance system in FY 2005 (see Chapter 4, Section 1 (2)), and established an examination support team in Chitose Tomakomai Branch Office and Haneda Airport Branch Office in FY 2006 in order to provide examination support to local airports, etc. more efficiently.

2 Revision of the Official Gazette on “Designated Activities” Regarding Working Holidays with Denmark

On June 2, 2007, the Japanese government notified the Danish government, in a verbal note, that it will issue working holiday visas to citizens of Denmark who fulfill certain requirements and will grant permission to stay in Japan for a period of a maximum of one year from the date of entry to citizens of Denmark who have this visa, and that such citizens will be allowed to engage in incidental work during their period of stay to earn supplemental money necessary for the trip with this measure taking effect from October 1, 2007.

Following this notification, the government added Denmark to the list of countries covered by the working holiday system stipulated in the official gazette of designated activities. (Revised September 21, 2007; enforced October 1, 2007)

Section 2 ◆ Normalizing and Reviewing the Training and Technical Internship Programs

Training and the technical internship programs are designed to train human resources who will assist in the economic progress of various countries through the transfer of technology and skills to trainees and technical interns. Those who enter Japan with a status of training and those who apply to change their status to a technical intern are increasing year by year and are also settling in Japan.

However, some accepting organizations that do not understand the objectives of the programs treat the trainees and interns improperly and pay them low wages, and the trainees and interns end up as victims.

The government must therefore review the programs and work on submitting a bill to the ordinary session of the Diet. To normalize operation of the programs under the current system, in 2007 the authorities revised the shishin, (the guidelines) for organizations which accept trainees and interns, specifying items that accepting organizations must observe. The authorities looked into the situation, found a case of unfair conduct, and took measures to suspend the organization involved for three years.

1 Formulation of Guidelines on Entry and Residential Control of Trainees and Technical Interns (Revised in 2007)

The Immigration Bureau has made efforts to properly operate training and internship programs, such as formulating guidelines on entry and residential control of trainees and technical interns first drawn up in 1999 (revised in 2007). However, based on the training and technical internship state during the eight years following the initial guidelines, the Ministry reviewed the contents and revised them on December 26, 2007, clarifying matters to be observed by receiving organizations as well as acts that fall under “unfair conduct.”

To strengthen the protection of trainees and interns, the revised guidelines prohibit receiving organizations from conducting inappropriate management, such as requiring trainees and interns to hand over their passports and alien registration cards, prohibiting them from leaving the dormitories, and clarifying acts that fall under “unfair conduct” . Specific examples are given in the guidelines.

2 Recognizing “unfair conduct” among receiving organizations

Under the provisions of the ministerial ordinance of the Ministry of Justice, the Immigration Bureau may make a finding of “unfair conduct” with regard to organizations that have acted

inappropriately regarding training and technical internship and suspend such organizations from accepting trainees and technical interns for three years. A record-high of 449 organizations were subject to a finding of “unfair conduct” during 2007, almost double the 229 organizations in 2006.

3 Review of the Programs

The objective of training and technical internship is international contribution through technical transfer. However, some organizations have no understanding of this objective and merely treat trainees and interns as low-wage workers. Various parties have made reports and suggestions that the programs themselves should be reviewed.

In the Three-Year Plan for Promotion of Regulatory Reform (decided by the Cabinet Meeting on June 22, 2007) and the Three-Year Plan for Promotion of Regulatory Reform (revised)” (decided by the Cabinet Meeting on March 25, 2008) it was proposed and adopted that related bills be submitted to the ordinary session of the Diet in 2009 at the latest concerning the legal protection of trainees now receiving on-the-job training or improvement of the status of residence for technical internships. In accordance with these decisions of the Cabinet Meeting and based on various proposals, a draft amendment of the related law will be prepared in consultation with the authorities.

Section 3 ◆ Promoting Academic, Cultural and Youth Exchange, and Smooth and Appropriate Acceptance of Foreign Students

Ensuring More Stringent 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 19, Table 41), 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 carefully check 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.

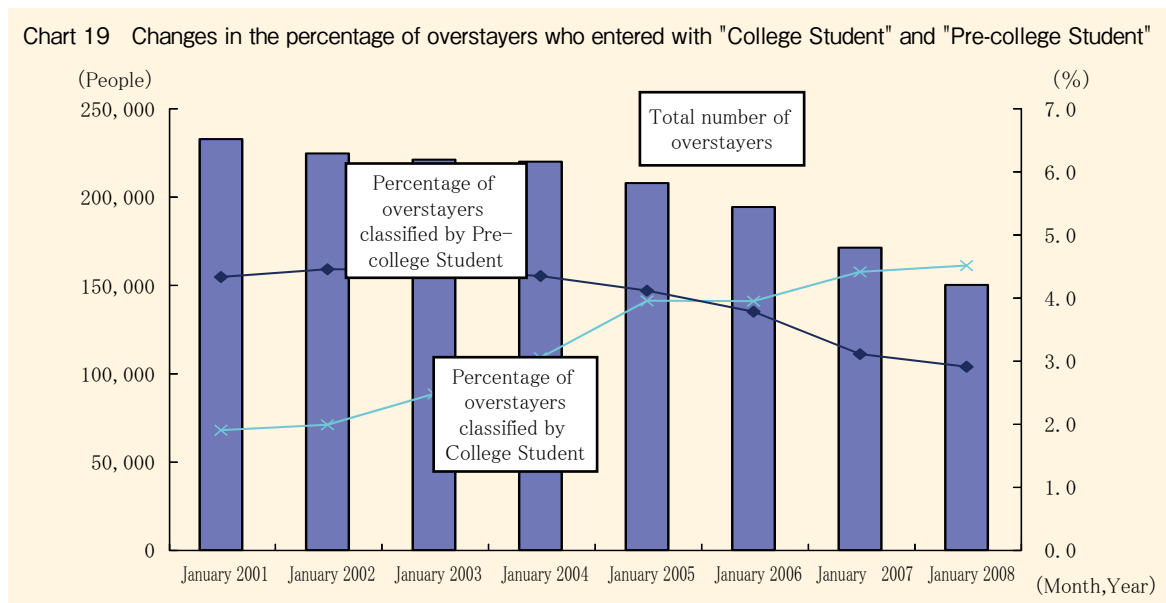


Table 41 Changes in the number and percentage of overstayers who entered Japan with "College Student" and "Pre-college Student"

Date		January 1 2001	January 1 2002	January 1 2003	January 1 2004	January 1 2005	January 1 2006	January 1 2007	January 1 2008
Division	Total number of overstayers	232,121	224,067	220,552	219,418	207,299	193,745	170,839	149,785
	College Student	4,401	4,442	5,450	6,672	8,173	7,628	7,448	6,667
	Percentage of total (%)	1.9	2.0	2.5	3.0	3.9	3.9	4.4	4.5
Pre-college Student		10,025	9,953	9,779	9,511	8,506	7,307	5,281	4,311
	Percentage of total (%)	4.3	4.4	4.4	4.3	4.1	3.8	3.1	2.9

Section 4 ◆ Publication of Guidelines for Change of Status of Residence and Permission of Extension of the Period of Stay

1 Circumstances

The law provides that a change of status of residence and extension of the period of stay are permitted only when there is a good reason that the Ministry of Justice considers appropriate. It is wholly left to the discretion of the Ministry of Justice to judge whether there is a good, appropriate reason such as considering the circumstances of the applicant staying in Japan and whether or not it is necessary and befitting for the applicant to stay in Japan. As foreign nationals increasingly stay for longer and settle down in Japan, and to make matters more predictable for applicants, the Guidelines for Change of Status of Residence and Permission for Extension of the Period of Stay have been formulated. These guidelines, together with examples of denied

permission related to applications for permission for a change in the status of residence and applications for permission for an extension of the period of stay have been published, thus clarifying and enhancing the transparency of operations based on the Three-Year Plan for Promotion of Regulatory Reform (decided by the Cabinet Meeting on June 22, 2007).

2 Publication of Guidelines for Change of Status of Residence and Permission of Extension of the Period of Stay

Permission for change of status of residence and extension of the period of stay are left to the discretion of the Ministry of Justice who considers the activities the applicant intends to engage in, the circumstances of the applicant and why it is necessary for him or her to stay in Japan. In order to clarify operations and improve transparency, guidelines for making judgments were formulated and made public in March 2003.

The guidelines include the following: (i) the status of residence listed in the attached list of the Immigration Control Act must match the activities that an applicant intends to perform in relation to his or her application; (ii) a person who intends to engage in the activities listed in the bottom row of the status of residence given in List 2 or 4 of Attachment 1 of the Immigration Control Act in principle must meet the standards for landing permission as prescribed in the Ordinance of the Ministry of Justice; (iii) the applicant must not be of poor character; (iv) the applicant must have assets or skills with which he or she is able to make an independent living; (v) the employment and labor conditions must be proper; and (vi) the applicant must pay taxes as required.

3 Publication of cases of denied permission for application for permission of change in status of residence and for permission of extension of the period of stay

The law provides that, in the event of a foreign national who resides in Japan intending to engage in activities which do not relate to the status of residence currently permitted or intending to stay in Japan beyond the period permitted, the person must apply to the Ministry of Justice for permission to change the status of residence or to extend the period of stay. The Ministry of Justice may grant permission only when there is a good reason considered appropriate for such change or extension. It is left to the discretion of the Ministry of Justice to judge whether there is “good reason” and whether the applicant deserves to be granted permission by considering such factors as the circumstances of the foreign applicant staying in Japan, and why it is necessary and befitting for him or her to stay in Japan. To clarify operations and enhance transparency, from November 2007 those cases where applications have been denied permission during the last one or two years have been published.

Chapter 6 Addressing the Global Community

Section 1 ♦ Treaties and International Conventions

1 Negotiations on Treaties

(1) Negotiations on EPAs (Economic Partnership Agreements)

A. Negotiations on the Japan-Thailand Economic Partnership Agreement

An agreement between Japan and the Kingdom of Thailand on an Economic Partnership came into force on November 1, 2007. With regard to the movement of natural persons, the agreement stipulates the acceptance of business visitors, intra-corporate transferees, investors, independent professionals (e.g., attorneys), contractual service providers (those under the status of residence of “Engineer,” “Specialist in Humanities/International Services” or “Skilled Labor: cooks”), and instructors (those under the status of residence of “Educator”), as well as continuous negotiations on the acceptance of welfare caretakers. A partial revision of a Ministerial Ordinance was made, now stipulating that practical experience of ten years or more is not required of a Thai cook (Ministerial Ordinance revised on August 24, 2007, and came into force on November 1, 2007).

B. Negotiations on the Japan-Indonesia Economic Partnership Agreement

An agreement between Japan and the Republic of Indonesia on an Economic Partnership came into force on July 1, 2008. With regard to the movement of natural persons, the two nations agreed on the acceptance of business visitors, intra-corporate transferees, investors, independent professionals (e.g., attorneys), contractual service providers (those under the status of residence of “Engineer” or “Specialist in Humanities/International Services”), and nurse and welfare caretaker candidates. The two countries are also considering programs for training and a technical internship program in the area of hotel service as relevant cooperation. In order to introduce the required provisions for nurse and welfare caretaker candidates, the Ordinance for Enforcement and Notification on Specific Activities was partly revised and the “Guidelines on the handling of Indonesian nurses, etc. subject to the provisions of the agreement between Japan and the Republic of Indonesia on an economic partnership in relation to the Immigration Control Act” was formulated (revised and formulated on May 26, 2008 and came into force on July 1, 2008).

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

Since Japan is a signatory nation to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, 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, the government has the obligation to report on the status of implementation of these treaties*. The Immigration Bureau is involved in the drafting of reports, the examination of governmental reports, and follow-up thereof.

Along with the establishment of the Human Rights Council in the UN, the Universal and Periodic Review (UPR) System was newly established as a framework to examine the universal human rights situation of all UN members. The Immigration Bureau was involved in preparing and reviewing the government report and a subsequent government review of immigration control administration.

Japan is now (as of April 2007) working for ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, a new treaty on human rights, signed in February 2007. The Immigration Bureau is involved in this work from the perspective of immigration control.

* The status (submission) of each report from the government as of April 2008 is as follows: the second report on the International Covenant on Economic, Social and Cultural Rights, the fifth report on the International Covenant on Civil and Political Rights, the fifth report on the Convention on the Elimination of All Forms of Discrimination against Women, the third report on the Convention of the Rights of the Child, the first and second report on the International Convention on the Elimination of All Forms of Racial Discrimination, and the first report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2 International Conventions

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

The Immigration Intelligence Officers Conference, one of the sub groups of the G8 Rome/Lyon Group, which is a working experts' group to discuss measures against international terrorism and transnational organized crime at the G8 level, is discussing measures that the G8 members can take cooperatively in the area of immigration control and the forging or alteration of documents.

Three meetings in total were held in Berlin, Germany in 2007, and officials from the Immigration Bureau attended all three to exchange information and opinions with their counterparts in other countries.

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

This meeting has been held every year since 2002 as a place where immigration officials from Asian and European countries can 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 November 2007, the sixth meeting was held in Seoul, Korea to discuss policies toward legal and illegal immigrants and countermeasures against trafficking in persons.

(3) The Control Authorities Working Group of the International Air Transport Association (IATA/CAWG)

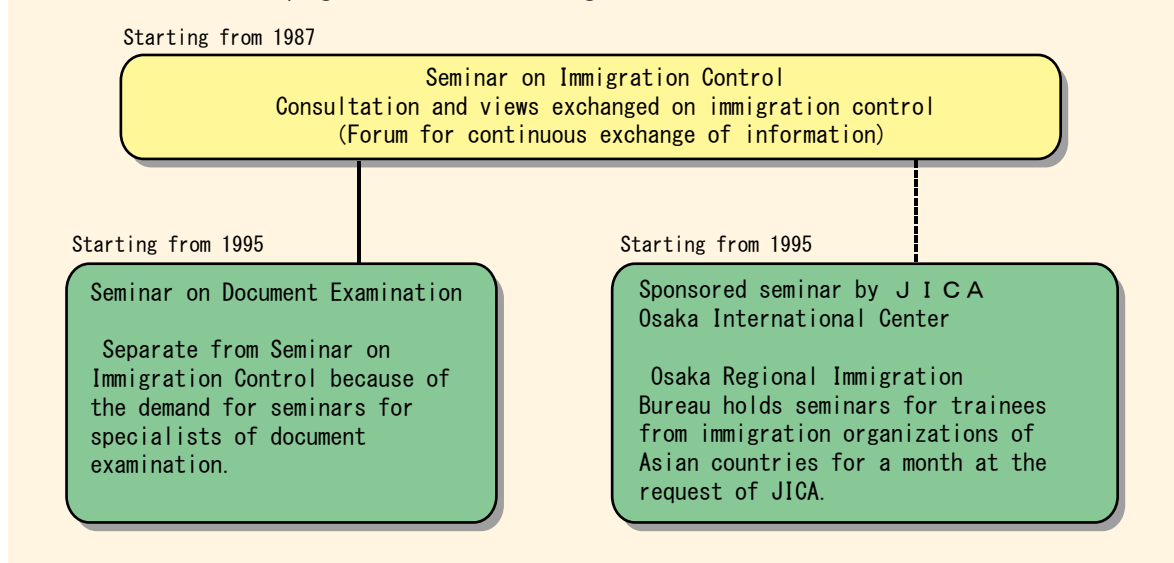
The Control Authorities Working Group (CAWG) is a subordinate organization of the IATA and was established as a forum of airlines and immigration authorities to discuss issues concerning persons who are denied landing, etc. in order to cope with the issue of illegal entry by aircraft.

The 41st meeting was held in May 2207 in Narita City, Chiba Prefecture under the joint auspices of Japan Airlines and the Immigration Bureau, and there was an exchange of information and opinions concerning the Registered Travelers Program, guideline on deportation, etc.

Section 2 ◆ Holding of Various Seminars

The movement of people across national borders gives rise to the contradictory issues of facilitating movement while taking stricter measures against terrorism. One single country is limited in the extent to which it can address this issue, thus making cooperative bilateral, regional and multinational approaches especially important. Therefore, the Immigration Bureau recognizes the critical importance of enhanced international cooperation, including exchanges of information on immigration control, and has been participating in the following programs as part of the Official Development Assistance (ODA) 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 20)

Chart 20 Chart of ODA programs related to the Immigration Bureau



1 Seminar on Immigration Control in East Asian Countries

Since FY 1987, the Immigration Bureau has been inviting executive officers of the immigration control authorities of Asian countries and regions to seminars every year to exchange opinions and information on immigration control affairs in Asia. These constructive exchanges have helped the participating countries to effectively design and implement immigration control measures.

The 21st seminar was held in November 2007. Immigration authorities of 14 countries and two regions in Southeast Asia, the Pacific Rim, etc. (U.S.A., Australia, Brunei, Dar-es-Salaam, Cambodia, Canada, China, China (Hong Kong), China (Macao), Indonesia, R.O. Korea, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam) and responsible persons from three international organizations: the European Commission (EC), International Organization for Migration (IOM), and Office of the United Nations High Commissioners for Refugees (UNHCR) as observers participated in the seminar and actively exchanged opinions on the topics: “The present situation and measures to be taken for smooth immigration procedures such as reduction of time for examination and waiting time” and “Present situation of irregular and illegal entry and departure in recent years and countermeasures.”

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. Further 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 and Canada. Thus, the Immigration Bureau makes efforts to exclude foreign nationals' attempts to enter illegally with the use of forged or altered documents.

Section 3 ◆ 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.

Chapter 7 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 large scale airports to resolve 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. In addition, the expected waiting time for examination of foreign nationals is indicated and priority lanes for the elderly, the disabled and pregnant women have been established. Thus, the Immigration Bureau has made additional efforts to facilitate procedures and improve administrative services.

Moreover, a fork line approach, which allows arriving passengers to stand in a single line, and proceed one by one to the next available booth, is employed. Airports also increase the number of immigration officers when the airport becomes congested, and display 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 ◆ Information Service for Foreign Nationals

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 3 ◆ 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, as there are many foreign nationals who read our website and the services provided, the Immigration Bureau opened a website in English at the end of FY 2005, and websites in Chinese, Korean and Portuguese to provide services in many languages at the end of FY 2006. Thus, the Bureau has been making the website more convenient for foreign nationals.

Chapter 8

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 2007, immigration control administration work was carried out by about 3,200 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 necessary.

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 21 and 22)

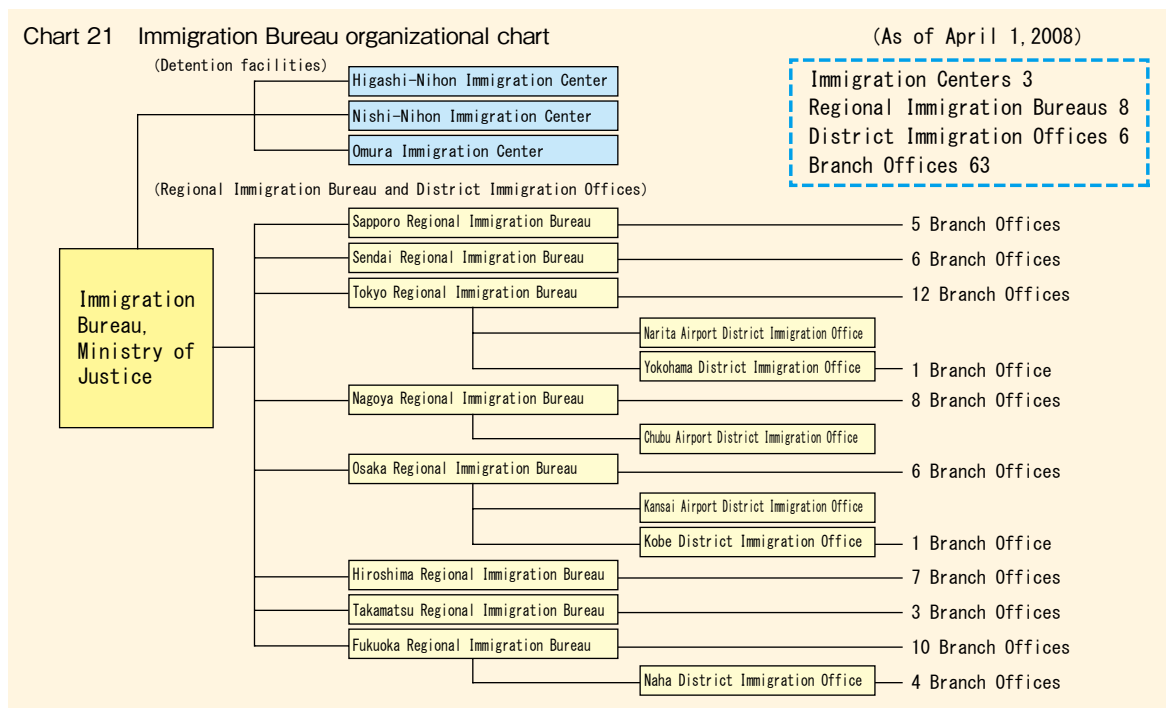
2 Major Expansions of the Immigration Control Offices

(1) Expanding the Organization for Smoother but Stricter Immigration Control

The present immigration control must satisfy two seemingly incompatible requirements: smoother but stricter immigration control. Therefore, in FY 2007, a new post of Chief Supervising Immigration Inspector (head of the office) was created for Haneda Airport to be in charge of supervising all work at Haneda. This will allow immigration examinations, which

have been increasing significantly, to be conducted in a smooth but strict manner.

It has been decided that a new post of Supervising Immigration Inspector (head of the office) will be created for Chitose Tomakomai Branch Office, which has jurisdiction over New Chitose Airport that is serviced by many regular flights and charter flights. This position will provide overall supervision of immigration examinations at Asahikawa Airport, where regular flights have been in service since June 2006, and at Obihiro Airport, which has regular charter flights.



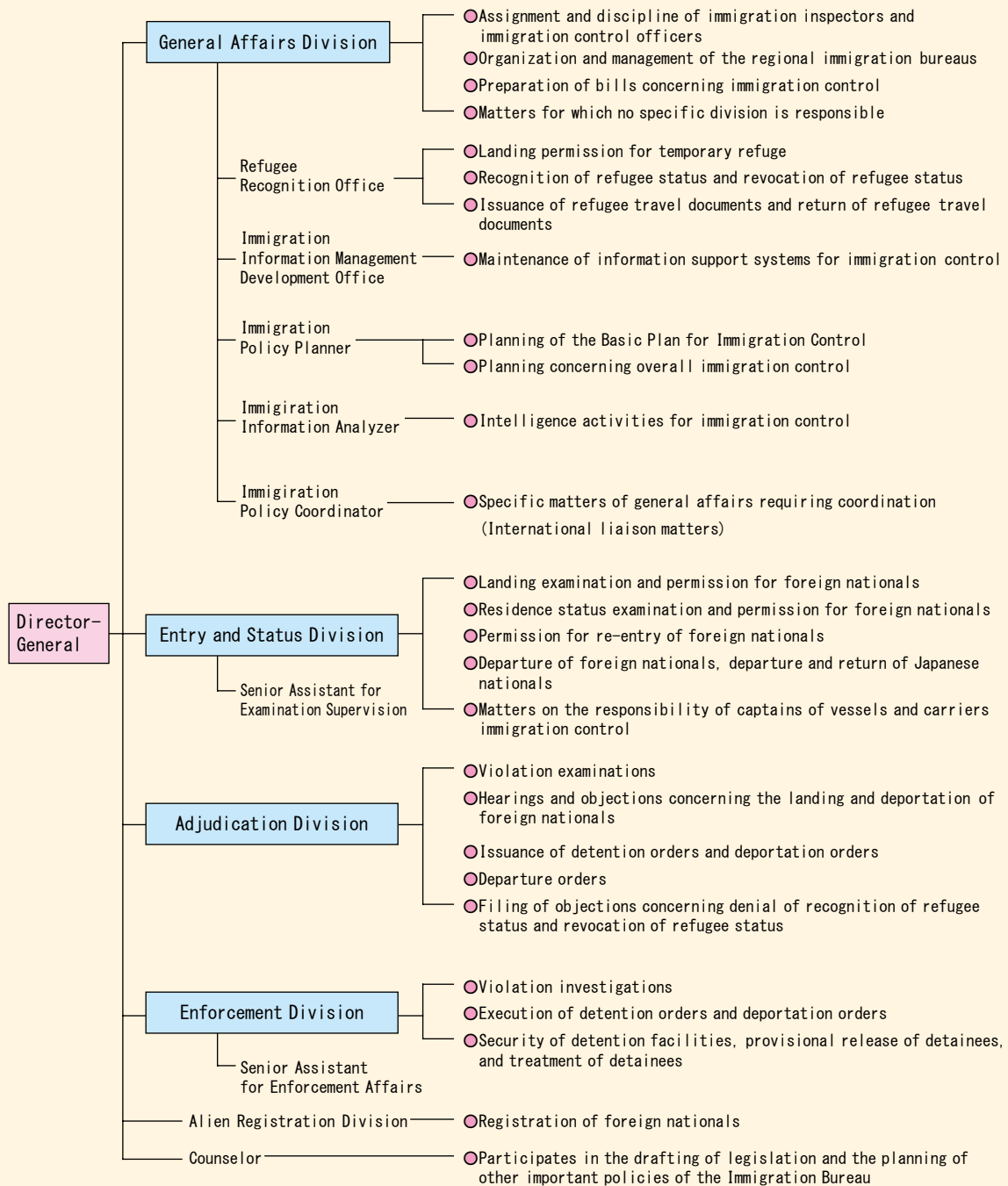
(2) Expanding the Organization to Strengthen Measures against Illegal Foreign Residents

As already mentioned in Part 2, Chapter 3 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 and provides such information to the enforcement division. 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 in the bureau. In FY 2006, a detection task force was also set up in the Osaka Regional Immigration Bureau in order to effectively and properly take countermeasures against illegal foreign residents.

Chart 22 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.

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.

In FY 2007, in line with reorganization of the detection task forces, the Immigration Bureau established the Tobu Branch Office under the Tokyo Regional Immigration Bureau and set up a new detection task force in Tachikawa Branch Office and created a new post of Supervising Immigration Control Officer to supervise this task force.

In addition, due to the significant increase in the detention capacity at the Osaka Regional Immigration Bureau in accordance with its scheduled move to a new building in FY 2007, a new post of Chief Supervising Immigration Control Officer in charge of deportation was created, in order to cope with the increase in work related to detention and deportation.

In addition, due to the significant increase in the detention capacity at the Nagoya Regional Immigration Bureau in accordance with its scheduled move to a new building in FY 2008, just as at the Osaka Regional Immigration Bureau, two posts of Chief Supervising Immigration Control Officer will be created.

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, officers 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 the 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 3,413 in FY 2008, up about 27% (720) from FY 2003 (2,693), five years ago. 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, strengthening residence management related to foreign residents after entry and enforcing strengthened detection of illegal foreign residents, some of whom are potential criminals. (Chart 23, Table 42)

Chart 23 Changes in the number of immigration control office personnel



Table 42 Changes in the number of immigration control office personnel

(People)

Division Fiscal Year	Secretaries in the Ministry of Justice	Regional Immigration Bureaus					Total
		Secretaries	Inspector	Control officer	Others	Sub-Total	
1985	169	155	703	658	55	1,571	1,740
1990	166	154	777	673	46	1,650	1,816
1995	163	165	1,152	869	38	2,224	2,387
1996	161	166	1,182	915	34	2,297	2,458
1997	161	166	1,203	931	31	2,331	2,492
1998	159	166	1,202	956	29	2,353	2,512
1999	159	165	1,204	978	27	2,374	2,533
2000	157	164	1,196	998	26	2,384	2,541
2001	156	155	1,211	1,017	26	2,409	2,565
2002	154	146	1,268	1,070	25	2,509	2,663
2003	152	144	1,272	1,101	24	2,541	2,693
2004	142	142	1,343	1,183	23	2,691	2,833
2005	131	122	1,433	1,266	20	2,841	2,972
2006	129	122	1,494	1,367	8	2,991	3,120
2007	128	121	1,580	1,431	8	3,140	3,268
2008	127	129	1,626	1,523	8	3,286	3,413

In FY 2008, 193 persons were additionally assigned as immigration inspectors and immigration control officers. An outline of the staff increase is as follows

(1) Strengthened Immigration Examination System Using the Advance Passenger Information System (APIS)

The Advance Passenger Information System (APIS), which has been operated jointly by the National Police Agency, the Ministry of Finance and the Ministry of Justice since January 4, 2005, is a very effective system to prevent suspect persons such as terrorists and those involved in international organized crime from entering Japan, by checking passenger information acquired by airlines during boarding procedures prior to the arrival of the airline. The APIS was initially operated as a voluntary participation scheme by airlines. However, under the amended Immigration Control and Refugee Recognition Act which came into force in February 1, 2005, it became obligatory for all aircraft and ships arriving in Japan to submit the names and other information of passengers and crewmembers in advance. These measures resulted in a drastic increase in the participation of airlines in the APIS.

With this move, an additional 29 immigration inspectors were assigned to Narita Airport Branch in 2008 to promptly and precisely process APIS information provided by the many airlines.

Moreover, Haneda Airport, which aims to become an international hub under the Asia Gateway Scheme, expects an increase in arriving and departing passengers on international charter flights to and from Shanghai beginning with use of the airport in September 2007.

Therefore, an additional nine immigration inspectors were assigned to the Haneda Airport Branch to handle immigration examination services.

(2) Strengthened Residence Management System Using Employment Information Provided by the Foreign Nationals Employment Report

As the number of foreign residents in Japan has been increasing year by year, “fake” residents are having an increasingly harmful influence on Japan. They pretend to be regular residents in appearance through fake marriages and other means but in reality they are simply engaging in unskilled labor, committing crimes, or have become involved with or work for crime syndicates.

A stronger system for checking foreign residents upon entry was called for in the “Action Plan to Realize a Crime-Resistant Society”, a plan drawn up in December 2003 as well as in the “Third Report of the Council for Regulatory Reform and Providing Opportunities to Private Enterprises” submitted on December 25, 2006 by the Council for Regulatory Reform and Providing Opportunities to Private Enterprises. With this move, we began to receive employment information about foreign nationals from the Ministry of Health, Labour and Welfare (Public Employment Security Office) in October 1, 2007. This is being done in accordance with the foreign nationals’ employment report system under the Amended Employment Measures Law.

In order to use the information about foreign nationals’ employment and information from the existing alien registration system effectively in the system for conducting residence examinations and the system for prosecuting foreign nationals who have violated laws, it is more effective to gather and analyze the information centrally and therefore we have accordingly assigned 15 additional immigration control officers to the Tokyo Immigration Bureau as information analysts.

Furthermore, in order to promptly take appropriate measures against fake residents on the basis of the analyzed information, 23 additional immigration inspectors were assigned to the regional immigration bureaus excluding those in Sapporo and Takamatsu (13 in Tokyo, 3 in Nagoya and Osaka, 2 in Fukuoka and 1 each in Sendai and Hiroshima) to conduct hearings and handle residence status cancellations.

Further, as staff for examination and prosecution of violations based upon information provided regarding illegal residents, 20 additional immigration control officers were assigned to the Tokyo Immigration Bureau.

(3) Strengthened prosecution system at Nagoya Immigration Bureau

The Nagoya Immigration Bureau has jurisdiction over a large area covering seven

prefectures: Aichi, Mie, Shizuoka, Gifu, Fukui, Ishikawa and Toyama Prefectures, and is also home to one of the leading industrial zones in Japan. Therefore, the area strongly attracts illegal workers and a considerable number of illegal residents in Japan are hidden within the jurisdiction of the Bureau.

For this reason, the system of prosecution teams in charge of the Tokai Region which includes Aichi, Mie and Shizuoka Prefectures on the one hand and the Hokuriku Region consisting of Gifu, Fukui, Ishikawa and Toyama Prefectures on the other, was improved to reinforce the prosecution system in the area of jurisdiction of the Bureau in 2005. However, there are still calls for reinforcement of the prosecution system in the jurisdiction of the Bureau which has a great number of illegal workers next to the Kanto Region, and particularly in the Tokai Region. In addition, the number of those staying illegally and who will be handed over by the authorities including the police is expected to increase after the Bureau relocates to the new office building in 2008, which will bring a significant expansion to its detention facilities.

Therefore, 35 additional immigration control officers were assigned to reinforce the Tokai Team of the same Bureau, to examine violations by those staying illegally who will be handed over by the authorities. In addition, four immigration control officers were assigned to the Shizuoka Branch in charge of examining violations and prosecutions. Along with these assignments, six immigration inspectors for precisely and promptly examining violations, 23 immigration control officers in charge of treatment and guarding in the expanded detention facilities, and 11 immigration control officers as implementing staff who will ensure the detention facilities operate efficiently were assigned to the Nagoya Immigration Bureau. This increase in staff was done to improve and strengthen the prosecution system of the Nagoya Immigration Bureau.

In the Tokyo Immigration Bureau, there are still many illegal residents who fall under the grounds for deportation but who file an objection with the Ministry of Justice in order to be granted a special residence permit as they wish to stay in Japan. Their reasons for wishing to stay in Japan are diverse with many complicated cases such as those involving fake marriages, all adding to the staff's qualitative difficulties. Therefore, four additional immigration inspectors were assigned to the Bureau to judge violations.

(4) Strengthened refugee adjudication system of the Tokyo Immigration Bureau

The introduction of the refugee examination counselors system in 2005 enhanced the equity and neutrality of the refugee recognition procedures, but the number of applications for refugee status suddenly increased from 384 in 2005 to 954 in 2006. Although the number

in 2007 remained comparatively stable at 816, the figure is still high. In 2007, 12 additional refugee examiners were assigned to the Tokyo Immigration Bureau to ensure quick and proper examination of these suddenly increasing applications for recognition as a refugee.

On the other hand, due to an increase in the number of applications and enhanced processing ability, the number of objections filed against disposals of denial of recognition by those who were denied recognition as a refugee doubled from 183 in 2005 to 362 in 2007. Delayed processing of a filed objection might not only lead to delayed protection for a refugee but could also damage the international community's trust in Japan. Smooth and proper operation of the refugee examination counselors system is required.

Therefore, to improve and reinforce the refugee adjudication system including examinations related to objections filed in refugee recognition procedures, 14 refugee examiners were assigned to the Tokyo Immigration Bureau.

3 Training

As the number of foreign nationals entering and departing from Japan has been increasing year by year and the types of residence have diversified, the volume of services has increased and the contents have become more complicated and difficult. It is therefore indispensable to enhance the skills and abilities of the officers of the Immigration Bureau, and so we are in the process of enriching and reinforcing our training program.

Chapter 9 Budget

Section 1 ◆ Budgets

Chart 24 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 24)

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 regional immigration bureaus have recently been constructing new buildings and have expanded detention facilities in order to increase the capacity.

As part of the project, new buildings of the Osaka Regional Immigration Bureau (housing capacity 42 persons → 200 persons) and the Nagoya Regional Immigration Bureau (housing capacity 120 persons → 400 persons) were completed in FY 2007 (both as an exclusive building for legal services) and a new building of the Yokohama Branch of the Tokyo Regional Immigration Bureau will be completed in 2008.

The Immigration Bureau will continue to upgrade its immigration control facilities as needed. (Table 43)

Chart 24 Changes in the budget for immigration control administration

(Thousand yen)

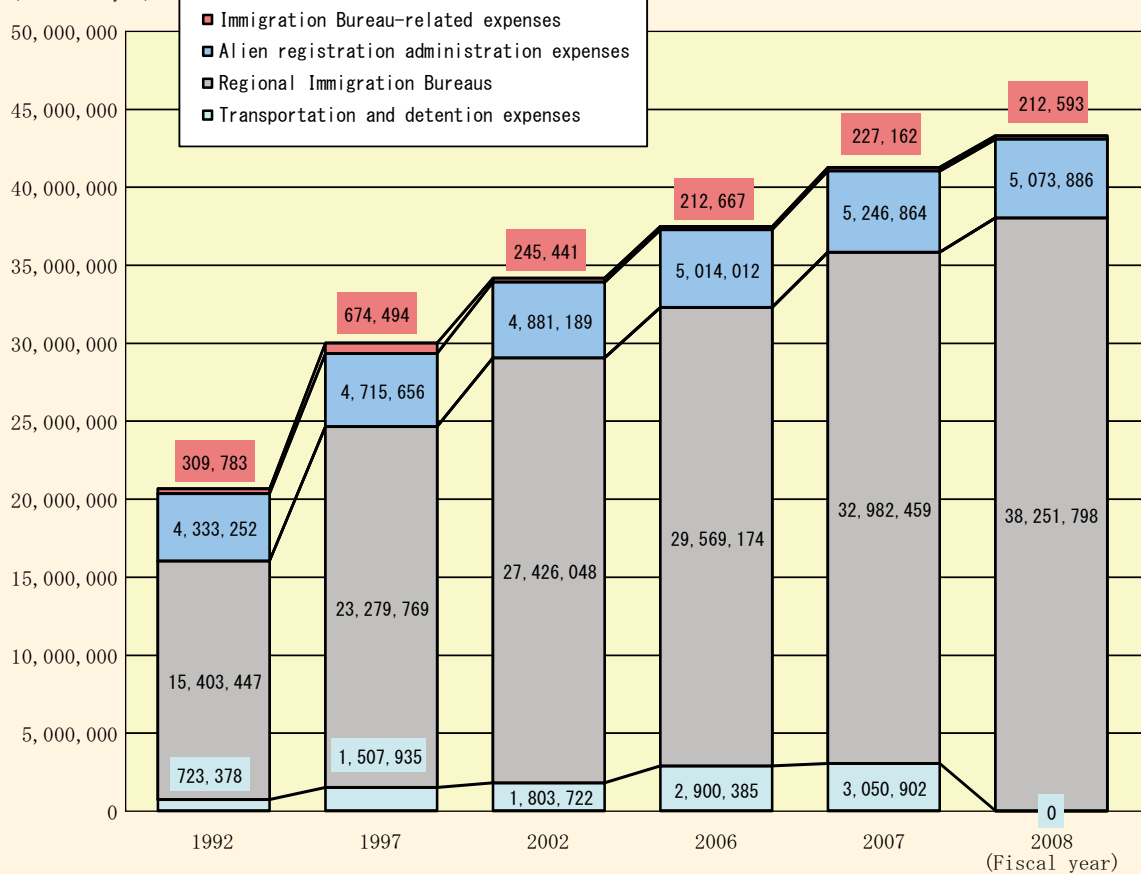


Table 43 Changes in the capacity for detention

(People)

Fiscal Year	2001	2002	2003	2004	2005	2006	2007	2008
Division								
Total	2,568	2,788	3,039	3,108	3,410	3,410	3,848	3,998
Immigration Centers	1,549	1,549	1,800	1,800	1,800	1,800	1,800	1,800
Regional Immigration Bureaus	1,019	1,239	1,239	1,308	1,610	1,610	2,048	2,198

as of every March 31 (the number for 2008 is an estimate.)

