

2011

Immigration Control

JAPAN

Immigration Bureau, Ministry of Justice

Introduction

Publication of the “2011 Immigration Control”



Haneda Airport (Tokyo International Airport)
(2010:Photo credit, Tokyo International Air Terminal Corporation)

This year’s version of the report is the 17th version of “Immigration Control”, first published in 1959. Prior to the 2003 version, “Immigration Control” merely reported five-year trends in immigration control administration. However, given the accelerated pace of the changes in conditions surrounding Japan’s immigration control policy, it was recognized that immigration control administration needs to be swifter and more accurate in responding to those changes. Accordingly, since 2004, a summary of the one-year trend of immigration control administration has been given annually.

The “2011 Immigration Control” introduces the trend of immigration control administration during the past five years from 2006 to 2010 first, and then summarizes the current circumstances affecting immigration control administration and major policies mostly implemented during FY 2010. It also describes that Immigration Bureau’s efforts to achieve a tourism-oriented country by welcoming more foreign tourists to visit Japan, efforts for promotion of admission of skilled foreign workers in professional or technical fields including highly-skilled foreign professionals, efforts for reduction in the number of illegal or false foreign residents with tightened law enforcement, efforts for strict prevention of entry of possible terrorists at the ports of entry, and efforts for urgent and prompt response to the unprecedented devastating damage caused by the Great East Japan Earthquake occurred in FY 2010.

Part 1, titled “Immigration Control in Recent Years”, describes that Foreign

Nationals Entering and Residing in Japan (Chapter 1), Deportation Procedures for Foreign Nationals (Chapter 2), Recognition of Refugee Status (Chapter 3), Promotion of Measures against Trafficking in Persons and Proper Protection of Foreign DV Victims (Chapter 4) and Alien Registration Process (Chapter 5) based on statistics.

Part 2, titled “Primary Measures Related to Immigration Control Administration in FY 2010”, describes that Response to “New Growth Strategy” (Chapter 1), Efforts toward Smooth Introduction of the New System for Residence Management (Chapter 2), Smooth and Strict Implementation of Immigration Examination (Chapter 3), Launch of the New Technical Intern Training Program (Chapter 4), Proper and Smooth Acceptance of Foreign College Students (Chapter 5), Special Exceptions to the Period of Stay for Foreign Resident Applicants for Permission to Extend the Period of Stay (Chapter 6), Efforts by the Immigration Bureau concerning the Great East Japan Earthquake (Chapter 7), Measures against Illegal or False Foreign Residents in Japan (Chapter 8), Proper Operation of Special Permission to Stay (Chapter 9), Promotion of Appropriate and Prompt Refugee Protection (Chapter 10), Addressing the Global Community (Chapter 11), and Improvements in Public Relations and Administrative Services (Chapter 12).

Furthermore, the Data Section features major developments concerning immigration control administration in FY 2010.

We hope this report helps you feel immigration control administration closer to you.

November, 2011

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Points on “2011 Immigration Control”

■ Composition of “2011 Immigration Control”

- This report is composed of Immigration Control in Recent Years (Part 1), Primary Measures (Part 2), and following data section.
- Part 1 overviews the five-year trends from 2006 to 2010, and describes the circumstances surrounding Japan’s immigration control policy in 2010.
- Part 2 describes major immigration control policies in FY 2010.

■ Part 1 Immigration Control in Recent Years

○ Number of foreign nationals entering Japan in 2010

The number of foreign nationals entering Japan (including those who re-entered Japan) in 2010 was 9,443,696, up by 1,862,366 (24.6%) from the previous year, and the number of new foreign nationals excluding those who re-entered was 7,919,726, up by 1,800,332 (29.4%).

○ Number of alien registrations as of the end of the year 2010

The number of alien registrations as of the end of 2010 was 2,134,151, down by 2.4% compared to the end of 2009. However, it has increased by about 1.3 times compared to the end of 2000 and continued to be on the rise in the long term.

The percentage of registered foreign nationals in the total population of Japan is 1.67%, down by a basis point (0.04%) compared to the end of 2009.

○ Number of illegal overstayers

The number of illegally overstaying foreign nationals as of January 1, 2011 was 78,488, which is drastically reduced compare to the same figure in 1993. This was achieved by comprehensive measures against illegal residents such as stricter immigration examination and detection of foreign nationals violating the Immigration Control and Refugee Recognition Act (the “Immigration Control Act”) in close coordination with relevant organizations. This represents a constant decrease from 298,646 on May 1, 1993, when the number stood at the highest record.

■ Part 2 Major Policies Related to Immigration Control Administration in FY 2010

- Addressing “New Growth Strategy” etc.: Smooth acceptance of foreign nationals in order to revitalize Japanese economy and society
 - “Public Notice on Designated Activities” was partially amended so that foreign national patients who are to stay in Japan for a long period to receive medical treatment in a hospital etc. are given a status of residence allowing a longer stay in this country.
 - “Criteria for Landing Permission” (ministerial ordinance) was partially amended to abolish a restriction on working years etc. established for foreign dentists and nurses holding a national license issued by Japan.
 - The adoption of a preferential system utilizing points-based system in immigration control for highly-skilled foreign professionals was taken into consideration with relevant ministries.
 - In order to promote further acceptance of international students in post-secondary education programs/institutions, “Criteria for Landing Permission” (ministerial ordinance) on the status of residence such as “Engineer”, “Specialist in Humanities/International Services” was amended

so that vocational/technical school graduates given diploma called “Senmonshi” which is usually considered as almost equivalent to collegiate degrees are able to satisfy requirements regarding educational attainment criteria in the “Criteria for Landing Permission” (ministerial ordinance).

○ **Efforts for smooth introduction of the new system of residence management**

- The amended “Immigration Control Act” enacted in July, 2009 led to the introduction of the “new system of residence management” that enabled the Minister of Justice to continuously keep information necessary for residence management of foreign nationals residing in Japan with proper status of residence for a medium to long term.

In accordance with the law, foreign nationals residing in Japan with proper status of residence for a medium to long term became subject to the Basic Residents’ Registration Act, and each municipality started to register foreign residents in the basic resident register from the enforcement date of the amended “Immigration Control Act” to issue resident cards in each municipality.

- Taking into consideration the enforcement of the “new system of residence management” in July, 2012, the Immigration Bureau studies the ministerial ordinance and the operation of the bureau, discusses how the bureau should coordinate with relevant ministries and municipalities under the new system, prepares for system development and also enhances public relations activities including holding briefing sessions for embassies in Tokyo.

○ **Smooth and strict implementation of immigration examination, etc.**

- At present, Japanese government efforts are being made to make Japan a tourism-oriented country, and smooth implementation of immigration examination is being promoted by introducing secondary immigration examination, and installation or addition of automatic gates.
- In order to protect people’s lives and public safety, it is very important to unflinchingly prevent the entry of terrorists disguised as tourists into the country. Therefore, strict immigration examination continues to be implemented through the use of personal identification information, the ICPO’s Database on Lost and Stolen Passports, the Advance Passenger Information System (APIS), etc.

○ **Launch of new technical intern training programs**

- For the purpose of strengthening protection for trainees and technical interns by applying legal protection of labor relations law from the beginning, new training and technical intern training programs were initiated on July 1, 2010. Thus, efforts to ensure the proper programs have been promoted.
- Under the provisions of the ministerial ordinance of the Ministry of Justice, the Immigration Bureau may identify “misconduct” with regard to organizations that have acted inappropriately regarding training and technical intern training and suspend such organizations from accepting trainees and technical interns for one, three or five years according to the type of “misconduct”. 163 organizations were recognized to engage in “misconduct” during the year 2010.

○ **More appropriate and smoother admission of international students**

- “New Growth Strategy” approved by the Cabinet in June, 2010 aims to “accept 300,000 talented international students into Japan”. In order to achieve the policy goal, the Immigration Bureau is promoting more appropriate and smoother admission of international students in post-secondary education programs/institutions by simplifying documents for applications to be submitted from colleges etc. that properly manage student enrollment.
- As new measures, two types of status of residence, “College Student” and “Pre-college Student”, were integrated into a single status of residence. In addition to the simplification, permission to engage in an activity other than those permitted by the status of residence was

abolished for international students as long as they intend to work as a teaching assistant with in the college they belong to..

○ **Establishment of a special exception to the period of stay for foreign nationals applying for permission to extend period of stay.**

In case an application of permission for extending the period of stay or for changing the status of residence is made by the expiration date of the period of stay, but procedures are not completed by the expiration date, the foreign national is allowed by the amended “Immigration Control Act” to stay with the status of residence either until the procedure is completed or for two months after the expiration date of the period of stay even after the period of stay is expired whichever comes earlier (implemented in July, 2010).

○ **Efforts of the Immigration Bureau concerning the Great East Japan Earthquake**

- Due to the Great East Japan Earthquake, foreign nationals subject to notification by the Ministry of Justice, based on Paragraph 2 of Article 3 of the Act on special measures for preservation of rights and interests of victims of specified disasters, are all allowed to postpone the expiration date of the period of stay until August 31, 2011 without taking any particular measures. Further, the Immigration Bureau swiftly accepted rescue teams of about 1,100 members from other countries and implemented quick procedures so that foreign nationals wishing to leave Japan due to the earthquake would be permitted to later re-enter Japan as well as follow the procedures to leave Japan. Along with that, the Immigration Bureau also implemented procedures so that college students, trainees and technical interns who returned home in the middle of their studies or training due to the earthquake are able to smoothly re-enter Japan.
- To confirm the safety of foreign nationals who might have fallen victim to the earthquake, the Immigration Bureau, based on requests from municipalities and foreign diplomatic offices in Japan, provided information on registered foreign nationals in the devastated area. The Immigration Bureau also referred to inquiries from families and relatives of foreign nationals and Japanese nationals in the devastated area about any existence of evidence of their leaving Japan.
- The Immigration Bureau implemented procedures so that foreign nationals who resided in the devastated area are able to request the issue of a certificate of registered matters in the municipalities to which they evacuated. Along with that, in order to support such municipalities which have difficulties in registering foreign nationals, the Immigration Bureau acted for such municipalities by carrying out the registration.
- The Immigration Bureau set up a specific phone number to conduct telephone counseling also on holidays so that foreign nationals who were affected by the earthquake can be provided with information.

○ **Implementation of measures against illegal and false foreign residents**

- There has been a steady decrease in the number of illegal overstayers. The decrease seems to be the outcome of past efforts over the years. However, it is estimated that still there are some 100,000 potentially illegal foreign residents, and efforts to further decrease the number of illegal foreign residents have been promoted by strengthening detection, reinforcing collection and analysis of information on illegal foreign residents, and promoting voluntary appearance.
- “False residents” stands for foreign nationals who disguise themselves as legal residents by falsifying their status of residence and purpose of stay by means of fake marriage, pretending to be students, etc. and work without legal status in Japan by misusing forging or alternating documents or abusing fraudulent documents. Since they actually appear to be “legal residents”, precise data on their actual number has not been obtained. The existence of false residents

abusing the system of status of residence cannot be overlooked, because such potentially illegal foreign nationals undermine the rule of the Immigration Control Act and are likely to have negative impact on Japanese society. Therefore, the Immigration Bureau is striving to strengthen the detection of those who engage in activities other than those permitted, and reinforce collection and analysis of information.

○ **Efforts toward proper treatment of detainees**

- In July 2010, the “Immigration Detention Facilities Visiting Committee” consisting of intellectuals from outside the Immigration Bureau was established with the aim of ensuring further transparency in security treatment, and improving and enhancing operations of immigration detention centers, etc.
- For detainees detained for a certain period of time after a written deportation order is issued, the Immigration Bureau is to hereafter examine and discuss periodically the necessity and reason for a provisional release of such detainees and flexibly utilize the provisional release while taking individual situations into account to implement further appropriate deportation procedures.
- The Immigration Bureau is to hold a discussion with Japan Federation of Bar Associations (JFBA) in September, 2010, on measures to achieve a better state of affairs over issues regarding detainment in immigration control administration. Along with that, as part of the measures, the Immigration Bureau and JFBA agreed to together promote efforts toward legal consultation etc. by lawyers for detainees. The Immigration Bureau and JFBA are hereafter to continuously discuss how to achieve a better state of affairs over issues regarding detainment.

○ **Appropriate operation of special permission to stay**

- Various measures, including formulation and announcement of the “Guidelines on Special Permission to stay in Japan” and publication of the “Cases where Special Permission to Stay was granted and the Cases where Special Permission to Stay was denied”, have been taken to enhance the transparency and predictability of the special permission to stay. These “Guidelines on Special Permission to Stay in Japan” provides more details concerning matters to be considered in judging whether to grant special permission to stay or not. It also presents the concept for judgment. The guideline, therefore, is to be applied to judge whether to grant special permission to stay or not.

○ **Promotion of appropriate and prompt refugee protection**

- For early stabilization of legal status of people to be recognized as refugees etc. the Immigration Bureau set six months as the standard processing period for protracted examination for application for refugee status in July, 2010, and further to officially announce the average processing (examination) period for application for refugee status quarterly on the website of the Ministry of Justice. There were 612 backlog cases which were not processed even after six months after filing, at the end of June, 2010. But the number of backlog cases drastically decreased down to 35 at the end of March, 2011.
- Based on “Concerning the Implementation of Pilot Case relating to the Acceptance of Refugees by Resettlement to a Third Country” (approved by the Cabinet on December 16, 2008), and the “Detailed Measures for Implementing Pilot Case relating to the Acceptance of Refugees by Resettlement to a Third Country” (Decision by the Liaison and Coordination Conference for Countermeasures for Refugees on December 19, 2008), a program to accept Myanmar refugees staying in the Mera Camp in Thailand and to offer support for resettlement as a pilot case will be launched from FY 2010. 27 Myanmar refugees from five families entered Japan in the first group in FY 2010.

○ **Addressing the global community**

- Based on “Basic policy on Comprehensive Economic Partnerships”, the “Research Association on the International Migration of People” led by the Minister of State for National Policy was established and the Immigration Bureau also participated in the research. On March 11, 2011, “Extension of period of stay of Indonesian/Filipino candidates for nurses and certified care workers based on Economic Partnership Agreement (EPA)” was decided by the Cabinet.
- The Immigration Bureau has actively participated in negotiations for concluding the Economic Partnership Agreement (EPA) with various countries.
- The bureau attended international conferences, including G8 meetings and the Asia-Europe Meeting (ASEM) to develop cooperative ties and share information through discussion and exchange of opinions with other countries.
- The bureau invited responsible officials of immigration control administration authorities of 19 Southeast Asian countries, including Pacific Rim countries and regions to the Seminar on Immigration Control held in December 2010 and exchanged views on “the developments over the past year in the immigration control administration of each participating country (region)”, “effective utilization of various information for appropriate border inspection and residence examination”, and “countermeasures against illegal residents”. The seminar contributed to effective planning and implementation of immigration control policies in each participating country.

○ **Improvement of public relations and administrative services**

- The Immigration Bureau has made efforts to accelerate procedures, and improve administrative services by taking measures such as establishment of priority lanes for elderly persons, persons with disabilities, pregnant women and others.
- The bureau is tackling the Comfortable Administrative Services Campaign for the purpose of creating a friendly and caring administration. Regional immigration bureaus have also made consistent efforts to improve the attitude of staff toward administrative services, and improve their reception manner by holding seminars to cultivate a humanitarian approach, and upgrading the environment of the reception counter or using ingenuity in providing various kinds of guide services in order to become more customer friendly immigration authority.
- For creating better and inexpensive administrative services, operation of Immigration Information Centers and reception work for immigration and residential procedures to be implemented at regional immigration offices etc. have been subcontracted to private enterprises starting from April 1, 2011 at immigration authorities which were subject to the Market Testing.

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