

2012

IMMIGRATION CONTROL



Immigration Bureau, Ministry of Justice, JAPAN

2012

Immigration Control

JAPAN

Immigration Bureau, Ministry of Justice

Introduction

Publication of the 2012 Immigration Control



Narita Airport

(Photo credit, Narita International Airport Corporation)

This year's version of the report is the 18th 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, various new measures have been taken for immigration control administration so as to respond to those changes properly. Accordingly, since 2004, a summary of the one-year trend of immigration control administration has been given annually.

The "2012 Immigration Control" introduces the trend of immigration control administration during the past five years from 2007 to 2011 first, and then summarizes the current circumstances affecting immigration control administration and major policies mostly implemented during FY 2011. It also describes that Immigration Bureau's further 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 in 2011.

Part 1, titled “Immigration Control in Recent Years”, describes 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 “Major Policies Related to Immigration Control Administration in FY 2011”, describes Efforts by the Immigration Bureau concerning the Great East Japan Earthquake (Chapter 1), Introduction of the Points-based Preferential Treatment for Highly-Skilled Foreign Professionals in Immigration Procedure (Chapter 2), Efforts for Smooth Introduction of the New Residency Management System (Chapter 3), Smooth and Strict Implementation of Immigration Examination at the port of entry (Chapter 4), The Implementation of the New Technical Intern Training Program (Chapter 5), More Appropriate and Smoother Admission of International Students (Chapter 6), Measures against Illegal or False Foreign Residents in Japan (Chapter 7), Appropriate Operation of Special Permission to Stay in Japan (Chapter 8), Promotion of Appropriate and Prompt Refugee Protection (Chapter 9), Addressing the Global Community and Global Circumstances (Chapter 10), and Improvement of Public Relations Activities and Public Services (Chapter 11).

Furthermore, the Data Section features major developments concerning immigration control administration and related statistics in FY 2011.

We hope this report helps you feel that immigration control administration is friendly and easy to understand.

November, 2012

Shigeru Takaya

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Points on 2012 Immigration Control

■ Outline of 2012 Immigration Control

- This report is composed of Immigration Control in Recent Years (Part 1), Major Policies in FY2011 (Part 2), and following data section.
- Part 1 overviews the five-year trends from 2007 to 2011, and describes the circumstances surrounding Japan's immigration control policy in 2011.
- Part 2 describes major immigration control policies in FY 2011.

■ Part 1 Immigration Control in Recent Years

○ Number of foreign nationals entering Japan in 2011

The number of foreign nationals entering Japan (including those who re-entered Japan with re-entry permit) in 2011 was 7,135,407, down by 2,308,289 (-24.4%) from the previous year, and the number of new foreign nationals excluding those who re-entered was 5,448,019, down by 2,471,707 (-31.2%), which recorded a drastic decrease. This decrease may be due to the Great East Japan Earthquake, the disaster at the Fukushima Daiichi Nuclear Power Plant on March 11, 2011, and other elements.

○ Number of alien registrations as of the end of the year 2011

The number of alien registrations as of the end of 2011 was 2,078,508, down by 2.6% compared to the end of 2010. However, it has increased by about 1.2 times compared to the end of 2001 of ten years ago and continued to be on the rise in the long term.

The percentage of registered foreign nationals in the total population of Japan is 1.63% , down by a basis point (0.04%) compared to the end of 2010.

○ Number of illegal overstayers

The number of illegally overstaying foreign nationals as of January 1, 2012 was 67,065. 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 2011

○ Efforts by 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 admitted the entrance of 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 international 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 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 apply the issue of a certificate of alien registration in the municipalities to which they evacuated. In addition, in order to support such municipalities which have difficulties in registering foreign nationals, the Immigration Bureau help such municipalities by conducting the registration in stead of the municipalities.
- 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.

○ Introduction of the Points-based preferential treatment for highly-skilled foreign professionals in immigration procedure

Preferential treatment utilizing “points-based” system in immigration control for highly-skilled foreign professionals has been adopted through issuing a notification by the Ministry of Justice for the purpose of facilitating the acceptance of highly-skilled foreign nationals who are highly qualified, talented and expected to bring innovation and economic growth into Japan.

The system provides three categories of activities, namely, “advanced academic research activities,” “advanced professional and technical activities” and “advanced administrative and management activities,” each of which is subdivided into point items based on characters of these activities, such as “academic background,” “business career” and “annual income.” When they satisfy a criterion by gaining predetermined number of the total collected points of the items, the foreign nationals are admitted as a “highly skilled foreign professional” and granted a status of residence as “designated activities” by which they become eligible to enjoy preferential treatment in the immigration procedure. Concerning the system, necessary public notices of the Ministry of Justice was established on March 30, 2012, and the system started on May 7, 2012.

○ Efforts for smooth introduction of the new residency management system

- The Act for Partial Revision of the “Immigration Control Act(hereinafter called the “Act”) enacted in July 2009, led to the introduction of the “new residency management system” 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 mid to long term.
- In accordance with the Act, foreign nationals residing in Japan with proper status of residence for a mid to long term became subject to the Residential Basic Book Act, and each municipality started to register foreign residents in the basic resident registration from the enforcement date of the Act to issue resident records in each municipality.
- Toward the enforcement of the new residency management system on July 9, 2012, the Immigration Bureau advanced study on organizing the ministerial ordinance and on the ideal operation of the bureau under the new system and preparing development of computer systems.

○ Smooth and strict implementation of immigration examination at the port of entry

- At present, Japanese government efforts are being made to make Japan a tourism-oriented country, and smooth implementation of immigration examination at the port of entry is being promoted by introducing secondary immigration examination, and installation or addition of automated 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 at the port of entry continues to be implemented through the utilization of biometrics 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 of the training programs, new 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” . Hundred and eighty-four organizations were recognized to engage in “misconduct” during the year 2011.

○ More appropriate and smoother admission of international students

- “New Growth Strategy” 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 by simplifying documents for applications to be submitted from colleges etc. that properly manage student enrollment.
- From a viewpoint of promoting admission of international students through helping them to get employed in Japan, on July 1, 2011, the landing permission criteria (Ministerial Ordinance) involving the statuses of residence of “Engineer” and “Specialist in Humanities/International Services” were amended so that international students who graduated from vocational/technical schools in Japan and hold a “Senmonshi” or specialist degree are able to satisfy the requirements of educational qualifications set forth the criteria.

○ Measures against illegal and false foreign residents in Japan

- 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 67,000 illegally overstaying foreign nationals (as of January 1, 2012), and efforts to further decrease the number of overstayers 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 lawful 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 look lawful 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, and therefore, the Immigration Bureau is striving to strengthen the detection of false foreign residents , and reinforce collection and analysis of information.
- In July 2010, the Immigration Detention Facilities Visiting Committee consisting of intellectuals from outside the Immigration Bureau has established, and the Immigration Bureau continues to make efforts to ensure further transparency in security treatment, and improve and enhance operations of immigration detention centers, etc., while taking the Committee’s views into consideration.
- For detainees detained for a certain period of time after a written deportation order is issued, the Immigration Bureau has continuously made efforts to 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.
- Based on the agreement concluded between the Immigration Bureau and the Japan Federation of Bar Associations (JFBA) in September 2010, the Immigration Bureau is to hold a discussion with JFBA, on measures to achieve a better state of affairs over issues regarding detainment in immigration control administration. In addition, the Immigration Bureau and JFBA made legal consultation etc. by lawyers for detainees.

○ Appropriate operation of special permission to stay in Japan

- The Immigration Bureau is taking 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 and the Immigration Bureau has continuously dealt with enhancing the transparency and predictability of the special permission to stay. The “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.

○ Promotion of appropriate and prompt refugee protection

- For early stabilization of legal status of people to be recognized as refugees etc., the Immigration Bureau has set six months as the standard processing period for protracted examination for application for refugee status,

and both of the processing and examination periods of FY 2011 backlog cases were kept shorter than the standard period of six months.

- A support program to accept and settle Myanmar refugees staying in the Mera Camp in Thailand and to offer support for resettlement as a pilot case of acceptance of refugees through resettlement to a third country has been launched from FY 2010. Eighteen Myanmar refugees from four families entered Japan in FY 2011.
- In February 2012, the Immigration Bureau concluded agreement and a memorandum with the NPO Forum for Refugees Japan and the Japan Federation of Bar Associations on mutual cooperation, such as conducting consultation for finding refugees-related administrative matters that should be improved and are in charge of the Immigration Bureau, including procedures for recognizing refugee status, and exchanging information on housing to refugees under examination of recognizing their refugee status through assistance of refugees support groups.

○ Addressing the global community and international affairs

- 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 study. Based on the study results submitted by the Association, 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.
- As a temporary measure for dealing with the Thai employees of Japanese companies' plants in Thailand, which were closed due to the massive flood occurred in the country in 2011, Japan accepted such employees who satisfy certain requirements and allowed them to work in Japan.

2012 Immigration Control

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