

◆ Part I ◆

What Is Immigration Control Administration?
Equitable Control over the Entry into and De-
parture from Japan of All Persons

Chapter 1. The Role of the Immigration Bureau

In this age of globalization, the Immigration Bureau plays a vital role in both promoting sound international exchange so as to enable foreign nationals visiting Japan for diverse reasons from various countries and regions to smoothly enter and stay in Japan and in differentiating between which foreign nationals should and which foreign nationals should not be permitted to enter and stay in Japan so as to maintain the law and order of Japanese society. The Immigration Bureau is also responsible for deporting, pursuant to laws and regulations, those foreign nationals already in the country who are unwelcome in terms of protecting the safety and interests of Japanese citizens.

Chapter 2. Japan's Immigration Control System

Section 1 ◆ Purpose and Legal Basis

Article 1 of the Immigration Control and Refugee Recognition Act stipulates that “the purpose of the Immigration Control and Refugee Recognition Act is to provide for equitable control over the entry into and departure from Japan of all persons and to consolidate the procedures for recognition of refugee status.”

The purpose of “equitable control over entry into and departure from Japan” is to achieve a reasonable balance between the smooth acceptance of foreign nationals and the removal of unwelcome foreign nationals. In order to achieve this purpose, on the one hand the Immigration Control Act provides for a status of residence system to enable the smooth acceptance of foreign nationals who have, for instance, advanced skills; and on the other hand, provides for deportation procedures so as to strictly deal with foreign nationals who have committed crimes in Japan. The procedures for recognition of refugee status were added to the responsibilities of the immigration control administration when Japan signed the Convention Relating to the Status of Refugees in 1981.

Other major laws and regulations relating to the Immigration Control Act include, for example, the Special Act on Immigration Control stipulating the special rules under the Immigration Control Act for special permanent residents; the Order for Enforcement of the Immigration Control Act and the Order for Enforcement of the Special Act on Immigration Control stipulating the statutory administrative affairs entrusted to the local governments; the Ordinance for Enforcement of the Immigration Control Act and the Ordinance for Enforcement of the Special Act on Immigration Control specifically defining the procedures for implementation of the Immigration Control Act and the Special Act on Immigration Control; and the Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, paragraph (1), item (ii) of the Immigration Control and Refugee Recognition Act (hereinafter referred to as “Ministerial Ordinance on Criteria”) stipulated taking possible effects on Japanese industry and people's lives and other circumstances into consideration.

Section 2 ◆ Immigration Procedures for All Persons

① Procedures for the Entry and Departure of Foreign Nationals ^(*1)

When a foreign national who does not have Japanese nationality (including stateless individuals) wishes to enter Japan, he or she must, in principle, possess a valid passport with a visa ^(*2) obtained at a Japanese embassy or consulate abroad, apply for landing with an immigration inspector at the port of entry and departure ^(*3), and receive a seal of verification for landing. Upon departure from Japan, the foreign national must receive confirmation of departure.

As a result of the landing examination by an immigration inspector, any foreign national who falls under any of the following cases will be denied permission to land in Japan: when the foreign national's passport or visa is found to be invalid such as being counterfeit or altered; when the activities declared in the application as the ones in which the foreign national intends to engage while in Japan are found to be false; or when the foreign national falls under any of the grounds for denial of landing enumerated in the Immigration Control Act (Article 5), such as having a past record of having been sentenced to a criminal punishment owing to a violation of any law or regulation relating to the control of narcotics, marijuana, opium, stimulants or psychotropic substances. These grounds for denial of landing were provided for the purpose of prohibiting foreign nationals undesirable to Japan from entering and staying in Japan.

Other than these general immigration procedures for foreign nationals, the Immigration Control Act also provides for a simplified system of landing permission known as “special landing permission”. ^(*4)

^(*1) A foreign national is deemed to have “entered” Japan when he or she has entered the territorial sea or territorial airspace of Japan, and to have “landed” in Japan when he or she has set foot on Japanese land. Therefore, the permission for entry or stay given to foreign nationals as a result of the immigration examination at the port of entry and departure is referred to as “landing permission”.

For a country which borders a neighboring country, “entry” means a foreign national has crossed the border and proceeded into the land territory of another country. In this case, it is not necessary to distinguish the concept of “entry” from that of “landing”. However, since Japan is surrounded by sea, a distinction is made between the two terms.

^(*2) A “visa” refers to a document that a Japanese consular officer issue under certain conditions to certify in a foreign national's passport, using a prescribed format, that the foreign national who seeks to land in Japan has a legitimate reason and qualifications based on his or her application.

^(*3) The “port of entry and departure” refers to certain seaports and airports where foreign nationals are allowed to enter into or depart from Japan (Article 2, item (viii) of the Immigration Control Act). Specific ports of entry and departure are stipulated in the Ordinance for Enforcement of the Immigration Control Act. As of April 1, 2012, the number of ports of entry and departure was 126 seaports and 29 airports.

^(*4) For special landing permission, see Section 4.

② Procedures for Entry (Landing) Examinations of Foreign Nationals (*1)

The procedures for entry examinations of foreign nationals are structured as a three-step examination process so that the cases may be examined carefully and foreign nationals will have a sufficient chance to assert and prove that they comply with the conditions for landing.

(1) Entry (Landing) Examinations

If a foreign national has applied for landing and such foreign national (excluding special permanent residents) has fulfilled his or her obligation to submit biometric information (fingerprints and facial photographs) (Article 6, paragraph (3) of the Immigration Control Act), the immigration inspector will examine whether such foreign national meets with the conditions for landing in Japan ((i) the foreign national possesses a valid passport; (ii) a valid visa is attached to the passport, except in cases where the foreign national is eligible for a visa waiver; (iii) the activity the foreign national has applied for is not false and comes under one of the statuses of residence listed in one of the Appended Tables of the Immigration Control Act, and moreover, with regard to certain statuses of residence, meets the landing permission criteria given in the Ministerial Ordinance on Criteria; (iv) the period of stay applied for conforms to the provisions of the Ordinance of the Ministry of Justice; and (v) the foreign national does not fall under any of the grounds for denial of landing) (Article 7, paragraph (1) of the Immigration Control Act). When an immigration inspector finds that a foreign national conforms to the abovementioned conditions, the immigration inspector will determine a status of residence and the period of stay, and affix a seal of verification for landing onto the foreign national's passport.

The provision of biometric information (fingerprints and facial photographs) at the time of the entry (landing) examination became mandatory through the 2006 amendment of the Immigration Control Act (enforced on November 20, 2007).

(2) Hearing

If a foreign national is found, as a result of the landing examination by the immigration inspector at the port of entry and departure, not to conform to the conditions for landing, the case will be assigned to a special inquiry officer (*2), who will hold a hearing (Article 9, paragraph (5) and Article 10, paragraph (1) of the Immigration Control Act).

If the special inquiry officer finds, as a result of the hearing, that the foreign national conforms to the conditions for landing, the foreign national will immediately be granted landing permission (Article 10, paragraph (8) of the Immigration Control Act).

(3) Filing of an Objection

On the other hand, a foreign national who is found not to conform to the conditions for landing may either accept the finding or file an objection. In the case of the former, the foreign national will be ordered to depart from Japan. In the latter case, the foreign national may file an objection with the Minister of Justice within three days after receipt of the notice (Article 10, paragraph (10) and Article 11, paragraph (1) of the Immigration Control Act).

(*1) The "entry (landing) examination" by the immigration inspector and the "landing adjudication" after the hearing are jointly called the entry (landing) examination procedures in the wide sense of the term.

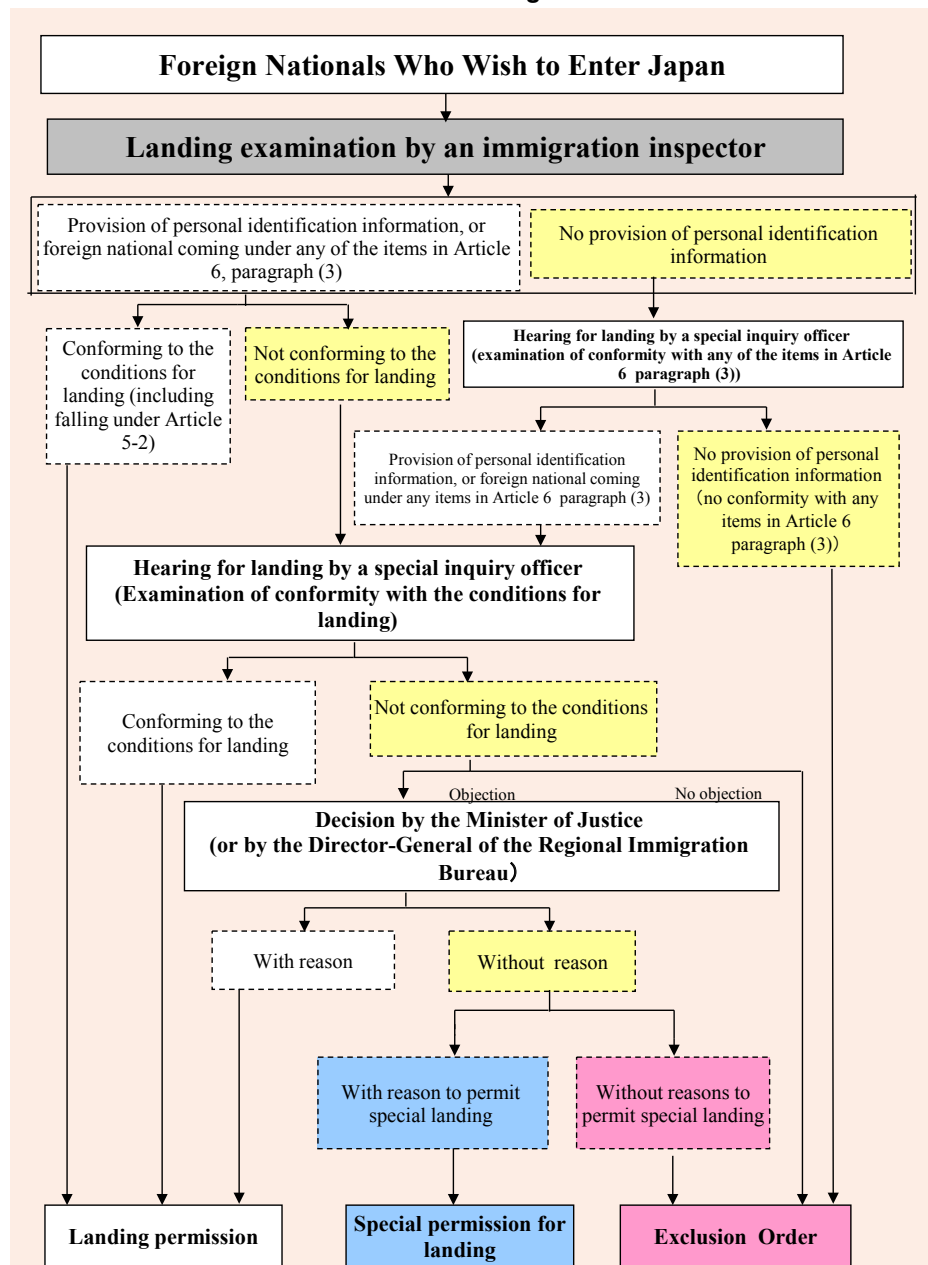
Moreover, the procedure of a decision to be made by the Minister of Justice does not apply to those foreign nationals who failed to provide personal identification information.

(*2) A "special inquiry officer" refers to a senior immigration officer appointed by the Minister of Justice, who is authorized to hold hearings for landing examination procedures and deportation procedures.

If the Minister of Justice receives an objection from a foreign national whom a special inquiry officer has found not to conform to the conditions for landing, the Minister will decide whether the objection is based on reasonable grounds or not; that is, whether the foreign national conforms to the conditions for landing or not. If the Minister decides that the objection has reasonable grounds, the foreign national will immediately be granted landing permission. If however the Minister decides the objection is without reasonable grounds, the foreign national will be ordered to depart from Japan (Article 11, paragraphs (3), (4) and (6) of the Immigration Control Act). If a foreign national who has been ordered to depart from Japan does not depart without delay, he or she will be deported.

The Minister of Justice may, even when an objection is found to be without reasonable grounds, give special permission for landing to a foreign national in such cases as when the foreign national has received re-entry permission, the foreign national entered Japan under the control of another person due to trafficking in persons, or the Minister otherwise finds that the foreign national should be permitted to land owing to extenuating circumstances (the “special permission for landing” provided for in Article 12 of the Immigration Control Act).(Chart 1)

Chart 1: Flow of landing examination



③ Pre-entry Examination

(1) Advance Consultation for Issuance of Visas

Although the Ministry of Foreign Affairs is the ministry which has jurisdiction over the issuance of visas, since possessing a valid visa is one of the conditions for landing, the issuance of visas is strongly tied to immigration control administration.

For this reason, the Ministry of Foreign Affairs, which has jurisdiction over the issuance of visas and the Ministry of Justice, which has jurisdiction over immigration control, liaise and coordinate over the entry of foreign nationals, and the Ministry of Foreign Affairs consults with the Ministry of Justice on the issuance of individual visas where necessary. Accordingly, the Ministry of Justice examines whether the activities which the foreign national intends to engage in while in Japan conforms to one of the statuses of residence described in the Appended Table of the Immigration Control Act, by examining the submitted documents, and hearing about the circumstances from a representative of the accepting organization in Japan that plans to accept the foreign national. In addition, with regard to a foreign national who intends to engage in a particular activity, the Ministry of Justice examines whether the foreign national complies with each of the conditions for landing stipulated in the Ministerial Ordinance to Provide for Criteria pursuant to Article 7, Paragraph 1 (2) of the Immigration Control Act, and subsequently provides an answer to the Ministry of Foreign Affairs as to whether or not it is appropriate to issue a visa to the foreign national.

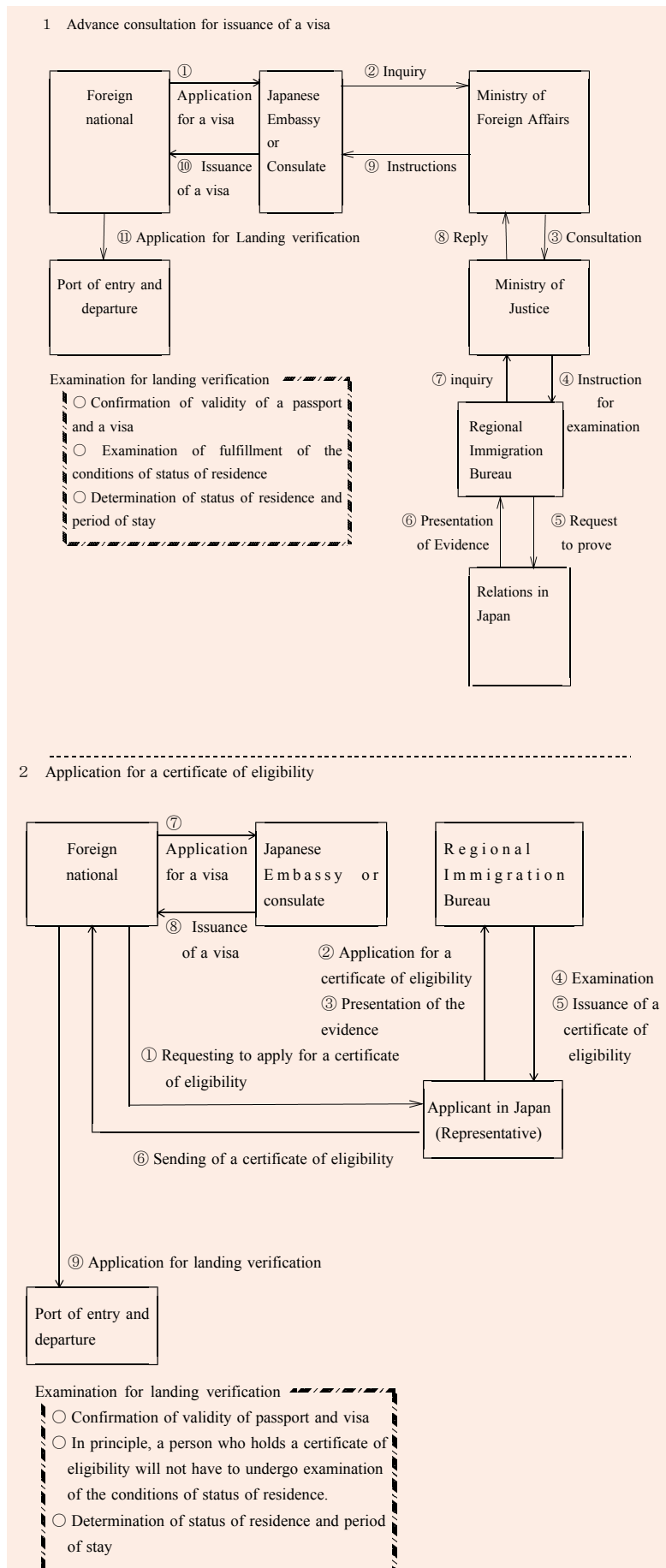
(2) Certificate of Eligibility

In principle, a foreign national is required to obtain a visa at a Japanese embassy or consulate abroad before coming to Japan. The visa will not be issued unless the visa application documents submitted abroad have been sent to Japan, examined in Japan, and an opinion has been given to the embassy or consulate, except in cases where a visa may be issued solely upon a decision made by the embassy or consulate abroad such as in cases relating to the status of residence of “Temporary Visitor”. For this reason, a considerable amount of time is required from the time of the application being submitted to the time of a visa being issued.

Therefore, in order to simplify and facilitate the entry examination procedures, a system of certificates of eligibility was established through the amendment of the Immigration Control Act in 1990. When a foreign national or a staff member of the organization wishing to accept the foreign national concerned, or some other agent, as provided for by an Ordinance of the Ministry of Justice, applies for a certificate of eligibility for a status of residence (except for “Temporary Visitor” and “Permanent Resident”) in Japan beforehand, the Director of the Regional Immigration Bureau will examine in advance whether the foreign national is eligible for the applied status of residence. When the foreign national intends to engage in a specific activity, the Director of the Regional Immigration Bureau examines whether or not he or she meets the conditions for landing. If he or she is eligible for the status of residence and meets the conditions for landing, the Director of the Regional Immigration Bureau will issue a certificate of eligibility, which will enable the foreign national to smoothly acquire a visa and permission for landing by presenting the certificate.

This procedure enables the saving of time needed for the sending of documents, and also enables speedy entry examination procedures, since all the procedures for pre-entry examination are carried out in Japan, unlike the system of advance consultation for issuance of visas.(Chart 2)

Chart 2: Procedures for Advance Consultation for Issuance of Visas and Applications for Certificates of Eligibility



④ Special Landing Permission ^(*)

In addition to being in possession of a passport and visa, in principle, the foreign national must meet the conditions for landing for the status of residence, and must have his or her status of residence determined by the Japanese government before being able to land in Japan. The following cases are the exceptions to this principle, and allow foreign crew members and passengers of vessels and aircraft to land temporarily through simple procedures without the need for a visa provided that they meet particular requirements. The exceptions are intended to simplify the landing procedures for foreign nationals who are staying in Japan for a short term (or for a few hours), but in order to secure their authorized stay through these simple procedures, there are some restrictions, such as on the period of stay and area of movement.

(1) Permission for Landing at a Port of Call (Article 14 of the Immigration Control Act, Article 13 of the Ordinance for Enforcement of the Immigration Control Act.)

This permission reduces the burden imposed on foreign passengers changing vessels in Japan to get to other countries. It allows a foreign national who is to proceed via Japan to an area outside Japan to stay for a maximum of 72 hours in order to land temporarily for the purpose of making purchases or resting at a place in the vicinity of the port of call (airport or harbor). However, this permission will not be granted when Japan is the final destination and the vessel is not proceeding to a destination outside Japan.

(2) Permission for Landing in Transit (Article 15 of the Immigration Control Act, Article 14 of the Ordinance for Enforcement of the Immigration Control Act.)

This permission reduces the burden imposed on foreign passengers aboard a vessel. It allows a foreign national aboard a vessel calling at two or more ports of entry or departure to land temporarily for sightseeing purposes while the vessel is in Japan and to return to the vessel at another port of entry or departure at which the vessel is scheduled to call within 15 days, or allows a foreign national who plans to proceed to an area outside Japan via Japan to make a transit stop in order to leave Japan from another port of entry or departure in the vicinity of the port at which he or she entered, on board a vessel or an aircraft, within three days of his or her entry into Japan.

(3) Landing Permission for Crew Members (Article 16 of the Immigration Control Act, Article 15, 15-2 of the Ordinance for Enforcement of the Immigration Control Act.)

This permission reduces the burden imposed on foreign crew members. It allows a foreign crew member aboard a vessel to land temporarily at a port of call for the purpose of transferring to another vessel, making purchases or taking a rest within a limit of 7 or 15 days.

For foreign crew members who frequently land at a Japanese port of entry or departure, there is also a system of multiple landing permission for crew members.

^(*) For landing permission for temporary refuge, see Section 6, Subsection 4 below.

(4) Permission for Emergency Landing (Article 17 of the Immigration Control Act, Article 16 of the Ordinance for Enforcement of the Immigration Control Act.)

The purpose of this provision is to respond quickly to emergency situations of foreign passengers and crew members aboard a vessel or aircraft. If such foreign nationals need to land in Japan for medical treatment of a disease, injury or some other physical ailment, permission will be granted until the cause thereof ceases to exist.

(5) Landing Permission Due to Distress (Article 18 of the Immigration Control Act, Article 17 of the Ordinance for Enforcement of the Immigration Control Act.)

This permission was established for the purpose of promptly dealing with vessels that are in distress. It is granted when it is necessary to carry out relief and protection of foreign victims aboard a vessel in distress or in the event of a forced landing within a limit of 30 days.

⑤ Procedures for the Departure and Return of Japanese Nationals

The main role of the immigration control administration is to control the entry into and departure from Japan of foreign nationals. However, at the same time, it takes on the role of monitoring the transnational movement of all persons. For this reason, the Immigration Control Act stipulates the procedures for departure and return of Japanese nationals.

If a Japanese national departs from Japan, his or her departure must be confirmed by an immigration inspector at the port of entry and departure. In addition, if a Japanese national returns to Japan, his or her return must be confirmed by an immigration inspector.

Section 3 ◆ Examination of the Statuses of Residence of Foreign Nationals

① Status of Residence System

In principle, foreign nationals who enter and reside as residents in Japan are required to have been granted a status of residence designated by the Immigration Control Act. These statuses of residence cover a wide variety of activities of the foreign nationals and clarify what activities they are permitted to engage in so as to be able to enter and reside in Japan. This scheme is called the status of residence system and it forms the foundation of the immigration control administration of Japan.

The statuses can be broadly divided into two categories:

- A. Statuses of residence which focus on the authorized activities of the foreign national in Japan (one of the statuses of residence in the left-hand column of Appended Table I of the Immigration Control Act (activity status))
- B. Statuses of residence which focus on the personal status or position of the foreign national (one of the statuses of residence in the left-hand column of Appended Table II of the Immigration Control Act (residency status))

The basis for the former is “what the foreign national does,” while that of the latter is “what kind of status the foreign national has”.

In addition, as Japan maintains a policy of permitting foreign nationals who are to engage in an occu-

pational activity utilizing their professional ability, skills or knowledge to enter and stay in Japan, but does not to permit other foreign workers (foreign nationals working in so-called unskilled labor markets) to enter and stay in Japan, the statuses of residence which belong to the abovementioned category "A" are divided into the two subcategories of statuses of residence for which work is permitted (activities to operate income-earning businesses or activities to receive payment), and statuses of residence for which work is not permitted. Although the original purpose of the statuses of residence which belong to the abovementioned category "B" is not work, it is possible to engage in a work activity because there are no restrictions imposed on work activities.

Furthermore, if an activity among the statuses of residence is likely to impact Japanese industries or people's lives, the foreign national will not be permitted to enter Japan unless such foreign national meets the criteria for the landing permission stipulated by the Ordinance of the Ministry of Justice.(Table 1)

Table 1 List of Statuses of Residence

Appended Table 1

(1)

Status of Residence	Activities authorized to engage in	Examples	Period of Stay
Diplomat	Activities on the part of constituent members of diplomatic missions or consular offices of foreign governments hosted by the Japanese Government; activities on the part of those who are provided with similar privileges and/or immunities as are granted to diplomatic missions pursuant to treaties or international customary practices; and activities on the part of their family members belonging to the same household.	Ambassador, minister, consulate general, or delegation member of a foreign government and their families	Period during which diplomatic activities are performed
Official	Activities on the part of those who engage in the official business of foreign governments or international organizations recognized by the Japanese Government; and activities on the part of their family members belonging to the same household (except for the activities listed in this Table's "Diplomat" column).	Employee of an embassy or consulate of a foreign government, individual assigned by an international institution for an official assignment, and their families	5 years, 3 years, 1 year, 3 months, 30 days or 15 days
Professor	Activities for research, guidance of research or education at a university, equivalent educational institutions or colleges of technology ("Kotosenmongakko").	College professor	5 years, 3 years, 1 year or 3 months
Artist	Activities for the arts that provide income, including music, the fine arts, literature, etc.(except for the activities listed in the "Entertainer" column of this Table).	Composer, artist, or writer	5 years, 3 years, 1 year or 3 months
Religious	Missionary and other religious activities conducted by foreign religious workers dispatched by foreign religious organizations.	Missionary assigned by a foreign religious organization	5 years, 3 years, 1 year or 3 months
Journalist	News coverage and other journalistic activities conducted based on a contract with foreign journalistic organizations.	Reporter or photographer of foreign press	5 years, 3 years, 1 year or 3 months

(2)

Status of Residence	Activities authorized to engage in	Examples	Period of Stay
Investor/ Business Manager	Activities to commence the operation of international trade or other business, to invest in international trade or other business and to operate or manage that business, or to operate or manage international trade or other business on behalf of the foreign nationals (including the foreign juridical persons; hereinafter the same shall apply in this section) who have begun such an operation or have invested in such a business (except for the activities to engage in the operation or management of the business which is not allowed without the legal qualifications listed in this Table's "Legal/Accounting Services" column).	Manager or administrator of a foreign-capital company	5 years, 3 years, 1 year or 3 months
Legal/Accounting Services	Activities to engage in legal or accounting business, which is required to be carried out by registered foreign lawyers "Gaikokuhoujimbengoshi", or certified public accountants "Gaikokukoninkaikeishi" or those with other legal qualifications.	Attorney or certified public accountant	5 years, 3 years, 1 year or 3 months
Medical Services	Activities to engage in medical treatment services, which are required to be undertaken by physicians, dentists or those with other legal qualifications.	Physician, dentist or registered nurse	5 years, 3 years, 1 year or 3 months
Researcher	Activities to engage in research based on a contract with a public or private organization in Japan (except for the activities listed in the Professor column of this table).	Researcher at a government-related institution or company	5 years, 3 years, 1 year or 3 months
Instructor	Activities to engage in language instruction and other education at elementary school, junior high school, senior high school, secondary educational school ("chutokyoikugakko"), school for special needs education ("tokubetsushiengakko"), vocational school ("senshugakko"), miscellaneous educational institution ("kakushugakko"), or the other educational institutions equivalent to vocational schools in facilities and curriculum.	Language instructor at a high school or junior high school	5 years, 3 years, 1 year or 3 months
Engineer	Activities to engage in services, which require technology and/or knowledge pertinent to physical science, engineering or other natural science fields, based on a contract with a public or private organization in Japan (except for the activities listed "Professor", "Investor/Business Manager", "Medical Services", "Researcher", "Instructor", "Intra-company Transferee" and "Entertainer" columns of this table).	Engineer of mechanical engineering	5 years, 3 years, 1 year or 3 months
Specialist in Humanities/ International Services	Activities to engage in services, which require knowledge pertinent to jurisprudence, economics, sociology or other human science fields or to engage in services which require specific ways of thought or sensitivity based on experience with foreign culture, based on a contract with a public or private organization in Japan (except for the activities listed in the "Professor", "Artist", "Journalist", "Investor/Business Manager", "Legal/Accounting Services", "Medical Services", "Researcher", "Instructor", "Intra-company Transferee" and "Entertainer" columns of this Table).	Interpreter, designer, or language instructor at a company	5 years, 3 years, 1 year or 3 months
Intra-company Transferee	Activities on the part of personnel who is transferred to a business office in Japan for a limited period of time from a business office established in a foreign country by a public or private organization which has head office, branch office or other business office in Japan and who engages at this business office in the activities listed in the "Engineer" and "Specialist in Humanities/International Services" column of this Table.	Transferee from an office abroad	5 years, 3 years, 1 year or 3 months
Entertainer	Activities to engage in theatrical performances, musical performances, sports or any other show form of business (except for the activities listed in the "Investor/Business Manager" column of this Table).	Actor, singer, dancer, or professional athlete	3 years, 1 year, 6 months, 3 months or 15 days
Skilled Labor	Activities to engage in services, which require industrial techniques or skills belonging to special fields based on a contract with public or private organizations in Japan.	Chef of foreign cuisine, sports instructor, aircraft pilot, or craftsman of precious metals	5 years, 3 years, 1 year or 3 months
Technical Intern Training	(i) Activities to acquire knowledge through group training courses and activities to acquire skills through employment agreements. (a) Activities performed by an individual enterprise accepting employees of companies with whom the individual enterprise has business relations such as joint ventures overseas (Individual enterprise-based training). (b) Activities performed under the supervision and responsibility of a non-profit organization such as a trade association (Association managed training). (ii) Activities for a person who has acquired knowledge and skills to engage in business that requires such knowledge and skills through an employment agreement.	Technical interns	1 year, 6 months, or a term designated by the Minister of Justice (1 year or less)

(3)

Status of Residence	Activities authorized to engage in	Examples	Period of Stay
Cultural Activities	Academic or artistic activities that provide no income, or activities for the purpose of pursuing specific studies on Japanese culture or arts, or activities for the purpose of learning and acquiring Japanese culture or arts under the guidance of experts (except for the activities listed in the columns from "Student" to "Trainee" in this Table).	Researcher of Japanese culture	3 years, 1 year, 6 months or 3 months
Temporary Visitor	Sightseeing, recreation, sports, visiting relatives, inspection tours, participating in lectures or meetings, business contact or other similar activities during a short period of stay in Japan.	Tourist or conference participant	90 days, 30 days, 15 days or period of less than 15 days

(4)

Status of Residence	Activities authorized to engage in	Examples	Period of Stay
Student	Activities to receive education at a university, a college of technology ("kotosenmongakko"), senior high school (including the latter course of a secondary educational school ("chutokyoikugakko")) or senior high school course of school for special needs education ("tokubetsushiengakko"), vocational school ("senshugakko") or schools in the miscellaneous educational institution ("kakashugakko") or equivalent educational institutions in terms of facility and organization in Japan.	College student, junior college student, high school student, or students of higher or general courses of an advanced vocational school (Senshugakko)	4 years and 3 months, 4 years, 3 years and 3 months, 3 years, 2 years and 3 months, 2 years, 1 year and 3 months, 6 months or 3 months
Trainee	Activities to learn and acquire skills at a public or a private organization in Japan (except for the activities listed in the "Technical Intern Training (i)" and "Student" columns of this Table).	Trainee	1 year, 6 months or 3 months
Dependent	Daily activities on the part of the spouse or unmarried minor supported by the foreign national staying in Japan with the status of residence referred to in the columns from "Professor" to "Cultural Activities" in this Table (except for "Technical Intern Training") or of those who stay with the status of residence of "Student" in this Table.	Spouse or child who is a dependant of a residing foreign national	5 years, 4 years and 3 months, 4 years, 3 years and 3 months, 3 years, 2 years and 3 months, 2 years, 1 year and 3 months, 1 year, 6 months or 3 months

(5)

Status of Residence	Activities authorized to engage in	Examples	Period of Stay
Designated Activities	Activities which are specifically designated by the Minister of Justice for foreign individuals.	Preferential system for highly-skilled workers, sophisticated researcher, domestic help by the Minister for a diplomat, individual on a working holiday, or nurse and certified caretaker candidates under the Economic Partnership Agreement	5 years, 4 years, 3 years, 2 years, 1 year, 6 months, 3 months or a term designated by the Minister of Justice (5 years or less)

Appended Table 2

Status of Residence	Personal relationship or status on which the residence is authorized	Examples	Period of Stay
Permanent Resident	Those who are permitted permanent residence by the Minister of Justice.	Individual who is permitted permanent residence by the Minister of Justice (except for special permanent residents of the Special Act on Immigration Control)	Unlimited
Spouse or Child of Japanese National	The spouses of Japanese nationals, the children adopted by Japanese nationals pursuant to the provisions of Article 817-2 of the Civil Code (Law No.89 of 1896) or those born as the children of Japanese nationals.	Spouse, biological child, or child adopted by a Japanese national in accordance with the provisions of Article 817-2 of the Civil Code	5 years, 3 years, 1 year or 6 months
Spouse or Child of Permanent Resident	The spouses of those who stay with the status of residence of "Permanent Resident" or Special Permanent Resident (hereinafter referred to as "permanent resident etc."), those born as children of a permanent resident etc. in Japan and having been residing in Japan.	Spouse or biological child of permanent resident or special permanent resident who was born and continues to reside in Japan	5 years, 3 years, 1 year or 6 months
Long Term Resident	Those who are authorized to reside in Japan with designation of period of stay by the Minister of Justice in consideration of special circumstances.	Refugees accepted for third-country resettlement, Japanese relative, child of Japanese descent, or child of foreign national spouse from a previous marriage	5 years, 3 years, 1 year, 6 months or a term designated by the Minister of Justice (5 years or less)

② Examination of the Status of Residence

If a foreign national residing in Japan wishes to continue to stay in Japan even after the expiration of the initial period of stay granted for his or her status of residence or wishes to change his or her status of residence for a new purpose that differs from that of the initial purpose of residence, he or she is required to file an application in accordance with the Immigration Control Act, and to obtain permission from the Minister of Justice (or the Director of the Regional Immigration Bureau except for applications for permission for permanent residence). In detail, the types of permission are permission to change the status of residence; permission for extension of the period of stay; permission for permanent residence; permission for acquisition of a status of residence; permission for re-entry; and permission to engage in an activity other than that permitted under the status of residence previously granted; and the task of making these decisions is called examination of statuses of residence.

(1) Permission for Change of Status of Residence (Article 20 of the Immigration Control Act)

If a foreign national staying in Japan wishes to change the activity in which he or she is to engage in Japan, he or she will need to apply for permission to change the status of residence before engaging in any new activities and obtain permission for a change to the status of residence corresponding to the new

activity.

(2) Permission for Extension of the Period of Stay (Article 21 of the Immigration Control Act)

If a foreign national residing in Japan wishes to continue to stay in Japan even after the expiration of his or her period of stay without changing the activities under the status of residence currently possessed by him or her, he or she will need to apply for permission to extend the period of stay before the expiration of the period of stay and obtain permission for extension of the period of stay.

(3) Permission for Permanent Residence (Article 22 of the Immigration Control Act)

The status of permanent residence is granted when certain conditions are met by a foreign national staying in Japan under some other status of residence, who has applied to change their status of residence to that of permanent residence, or by a foreign national who applies to acquire permanent residence due to birth or renouncement of Japanese nationality. (*1,*2)

(4) Permission for Acquisition of a Status of Residence (Article 22-2 of the Immigration Control Act)

If a foreign national was born in Japan or renounced Japanese nationality to obtain a foreign nationality, or lost his or her status as a member of the United States armed forces as defined in Article 1 of the Japan - U.S. Status of Forces Agreement who was not required to possess any status of residence, seeks to continue to stay in Japan beyond sixty days, he or she will need to apply for permission for acquisition of a status of residence and to obtain permission for acquisition of a status of residence within thirty days of the day on which such grounds occurred.

(5) Re-entry Permission (Article 26, 26-2 of the Immigration Control Act)

If a foreign national residing in Japan seeks to temporarily depart from Japan and re-enter Japan once again, he or she may depart from Japan and enter Japan with the status of residence and the period of stay currently possessed by him or her, without taking other steps to apply for a new visa as long as he or she receives permission for re-entry in advance.

The introduction of a new residency management system, which commenced on July 9, 2012, no longer requires foreign nationals staying in Japan for a mid to long-term with a status of residence under the Immigration Control Act (hereinafter referred to as “mid to long-term resident”) to receive permission for re-entry in advance as long as they possess a valid passport and a valid residence card and re-enter Japan within one year of departing from Japan. Moreover, special permanent residents are no longer re-

(*1) In order to receive permission for permanent residence, the following requirements must be met: (i) the applicant's behavior and conduct must be good; and (ii) the applicant must have sufficient assets or skills to make an independent living, and (iii) the permanent residence of the foreign national must be deemed to be in accordance with the interests of Japan. However, a spouse or child of a Japanese national, permanent resident or special permanent resident does not need to satisfy requirements (i) and (ii).

(*2) The Immigration Bureau established its Guidelines for Contributions to Japan on March 31, 2005, and published them on its website. In addition, the Immigration Bureau has posted examples of cases where contributions were recognized and permission for permanent residence was granted, as well as cases where permission was not granted on its website and updates them from time to time.

On March 31, 2006, the Immigration Bureau established its Guidelines for Permission for Permanent Residence, and published general requirements relating to permission for permanent residence as well as the standard number of years of residence, and moreover, partially amended the Guidelines for Contributions to Japan.

quired to receive permission for re-entry, in principle, when they possess a valid passport and a valid special permanent resident certificate and re-enter Japan within two years of departing from Japan.

(6) Permission to Engage in an Activity Other Than Those Permitted by the Status of Residence Previously Granted (Article 19, Paragraph 2 of Immigration Control Act)

A foreign national who is granted a status of residence according to the activities in which he or she is engaged must receive permission to engage in an activity other than those permitted by the status of residence previously granted if he or she wishes to engage in activities “related to the management of business involving income or activities for which he or she receives remuneration, which are not included in those activities under his or her category of status of residence”. A typical example is that of an international student who wishes to have a part-time job. The Minister of Justice will give permission to the extent that the extra activity does not interfere with the original activity that is the main purpose of residence.

Since July 9, 2012, it has become possible for any person who has been granted the status of residence of “Student” (except for foreign nationals who have been granted a period of stay of three months and foreign nationals who entered Japan with re-entry permission) to apply for permission to engage in an activity other than that permitted under the status of residence previously granted after landing permission has been granted to him or her at the port of entry or departure.

③ System of Revocation of Statuses of Residence

The system of revocation of statuses of residence is the system under which the Minister of Justice (or the Director of the Regional Immigration Bureau except for revocation of the status of permanent resident) may revoke the status of residence actually possessed by a foreign national, if such foreign national is suspected of falling under any of the grounds for revocation set forth under the Immigration Control Act (each item of paragraph (1) of Article 22-4 of the Immigration Control Act), provided that it is deemed apparent after the hearing process (Article 22-4, paragraph (2) of the Immigration Control Act) that he or she falls under the statutory grounds for revocation.

The causes of revocation of the status of residence are as follows (the number in parentheses after the number of the paragraph indicates the number of the item of paragraph (1) of Article 22-4 of the Immigration Control Act).

- (1) The foreign national has misled the immigration inspector, by deceit or other wrongful means, to believe that he or she does not fall under any of the items of Article 5, paragraph (1) of the Immigration Control Act and has received a seal of verification for landing or permission (item (i)).
- (2) The foreign national has received a seal of verification for landing or other permission, by deceit or other wrongful means regarding the activities to be undertaken while staying in Japan (item (ii)).
- (3) Other than the cases listed in the preceding two items, the foreign national has received a seal of verification for landing or other permission, by deceit or other wrongful means (item (iii)).
- (4) Other than the cases listed in the preceding three items, the foreign national has received a seal of verification for landing or other permission, by submitting or presenting a document that contains a false entry (including a certificate of eligibility or visa which was obtained by submitting or presenting a document or drawing that contained a false entry), or a drawing that contains a false entry (item (iv)).

- (5) Where a foreign national has obtained special permission to stay in Japan by deceit or other wrongful means (item (v)).
- (6) Where a foreign national staying in Japan with a status of residence listed in the left-hand column of Appended Table I of the Immigration Control Act (Note) has failed to continue to engage in the activity corresponding to that status for three months or more (except for cases where the foreign national has a justifiable reason for not engaging in said activity) (item (vi)).
- (7) Where a foreign national staying in Japan with the status of residence of “Spouse or Child of Japanese National” (except for a child of a Japanese national or a child adopted by a Japanese national), or a foreign national staying in Japan with the status of residence of “Spouse or Child of Permanent Resident” (except for a child of a permanent resident) has failed to continue to engage in the activities of a spouse for six months or more (except for cases where the foreign national has a justifiable reason for not engaging in the activity) (item (vii)).
- (8) Where a foreign national who has newly become a mid to long-term resident by obtaining a verification for landing or permission for a change of the status of residence has failed to notify the Minister of Justice of his or her place of residence within 90 days of the day on which he or she obtained the permission (except for cases where the person has a justifiable reason for not giving notification of his or her place of residence) (item (viii)).
- (9) Where a mid to long-term resident has failed to notify the Minister of Justice of his or her new place of residence within 90 days from the day on which he or she moved out of his or her former place of residence (except for case where the person has a justifiable reason for not giving notification of his or her new place of residence) (paragraph 1(ix)).
- (10) Where a mid to long-term resident has notified the Minister of Justice of a false place of residence (item (x)).

Section 4 ◆ New Residency Management System

On July 9, 2012, the Act to Amend the Immigration Control Act and Other Related Acts promulgated on July 15, 2009 was partially enforced, and a “new residency management system” was introduced. The system enables the Minister of Justice to keep accurate information on mid to long-term residents necessary for management of their residency. The residency management system introduced the following four key points: (i) issuance of residence cards to applicable mid to long-term residents corresponding to the permission pertaining to their status of residence, such as the permission for landing, permission for change of the status of residence or permission for extension of the period of stay; (ii) extension of the maximum period of stay from “3 years” to “5 years”; (iii) in principal, it is no longer mandatory for mid to long-term residents in possession of a valid passport and residence card (including alien registration certificates that are treated as residence cards) who will re-enter Japan within one year of their departure to be in possession of a re-entry permit; (iv) abolition of the alien registration system (provided that the “alien registration certificates” possessed by mid to long-term residents are treated as the “residence cards” for a prescribed period of time).

In further detail, mid to long-term residents refer to foreign nationals who do not come under any of the following items (i) through (vi):

- (i) Persons granted permission to stay for 3 months or less,
- (ii) Persons granted the status of residence of “Temporary Visitor”,
- (iii) Persons granted the status of residence of “Diplomat” or “Official”,
- (iv) Persons recognized by the Ordinance of the Ministry of Justice as equivalent to the foreign nationals

mentioned above (specifically, the staff of the Japanese office of the Association of East Asian Relations (Taipei Economic and Cultural Representative Office in Japan, etc.) and the Permanent General Mission of Palestine in Japan who have the status of residence of “Designated Activities”, and their families),

- (v) Special permanent residents,
- (vi) Persons with no status of residence.

① Residence Card

A residence card is issued to persons who are to reside in Japan for a mid to long term (mid to long-term residents) as the result of the permission relating to their status of residence, such as the permission for landing, permission to change the status of residence or permission for extension of the period of stay, etc.

The residence card contains important information kept by the Minister of Justice, such as the name, date of birth, gender, nationality/region, address, status of residence, period of stay, whether the holder is permitted to work or not (and for those aged 16 or older, a facial image). An IC chip is embedded in the residence card as a measure to prevent forgery in which all or some of the matters described on the face of the card are recorded.



Residence card

② Applications and Notifications Relating to Residence Cards

(1) Notification of the Place of Residence

A. Notification of the Place of Residence after Newly Landing in Japan (Article 19-7 of the Immigration Control Act)

A mid to long-term resident who possesses a residence card which was issued upon newly obtaining a landing permit at the port of entry, or who is in possession of a passport containing a statement to the effect that a residence card will be issued at a later date (hereinafter referred to as “residence card, etc.”) must notify the Minister of Justice of his or her place of residence by submitting a notification at the office of the municipality where the place of residence is located, bringing his or her residence card etc., within 14 days of the day of deciding on the place of residence.

B. Notification of the Place of Residence in Connection with a Change in the Status of Residence and other Related Matters (Article 19-8 of the Immigration Control Act)

A foreign national who was not previously a mid to long-term resident but newly became a mid to long-term resident as a result of having obtained permission pertaining to the status of residence, such as permission to change the status of residence, permission for extension of the period of stay or permission for acquisition of a status of residence, must notify the Minister of Justice of his or her place of residence by submitting a notification at the office of the municipality where the place of residence is located, bringing his or her residence card, within 14 days of the day of deciding on the place of residence (or for a mid to long-term resident who had already decided on his or her place of residence, from the day on which he or she was granted permission).

C. Notification of a Change of Place of Residence (Article 19-9 of the Immigration Control Act)

A mid to long-term resident who has changed his or her place of residence must notify the Minister of Justice of his or her new place of residence by submitting a notification at the office of the municipality where the new place of residence is located, bringing his or her residence card, etc., within 14 days of the day on which he or she moved into the new place of residence.

(2) Notification of a Change of an Item on the Residence Card Other than the Place of Residence (Article 19-10 of the Immigration Control Act)

In cases of a change in the name, date of birth, gender or nationality/region, the mid to long-term resident is required to submit a notification of change to the Minister of Justice in accordance with the procedures provided for by the Ordinance of the Ministry of Justice at the regional immigration office within 14 days of the date of the change.

(3) Application to Extend the Valid Period of the Residence Card (Article 19-11 of the Immigration Control Act)

A permanent resident or a mid to long-term resident whose sixteenth birthday is designated as the expiration date of his or her residence card is required to apply for an extension of the valid period of the residence card to the Minister of Justice in accordance with the procedures provided for by the Ordinance of the Ministry of Justice at the regional immigration office within the extension application period.

If, however, it is difficult to apply for an extension of the valid period of the residence card within the extension application period for any unavoidable causes, such as long-term medical treatment or a long-term overseas business trip, an application for extension of the valid period of the residence card may be submitted even before the extension application period.

(4) Application for Reissuance of a Residence Card Due to Loss or Other Causes (Article 19-12 of the Immigration Control Act)

If the residence card has been lost, stolen, or defaced or is no longer in the possession of the holder for any other cause, the holder of the residence card is required to apply for re-issuance of his or her residence card to the Minister of Justice in accordance with the procedures of the Ordinance of the Ministry of Justice at the regional immigration office within 14 days after he or she has become aware of such fact (or, when he or she becomes aware of the fact while out of Japan, on the first day of entry).

(5) Application for Reissuance of a Residence Card Due to Damage or Soiling (Article 19-13 of the Immigration Control Act)

If the residence card in the possession of the foreign national has been substantially damaged or soiled, or the data in the IC chip of the residence card has been damaged, an application for re-issuance of the residence card may be submitted to the Minister of Justice in accordance with the procedures of the Ordinance of the Ministry of Justice at the regional immigration office.

However, in cases where a foreign national has received an order from the Director of the Regional Immigration Bureau to file an application for reissuance of a residence card because his or her residence card has been substantially damaged or soiled, or the data in the IC chip embedded in his or her residence card has been damaged, he or she must file an application for reissuance of a residence card with the Minister of Justice through the procedures specified by the Ordinance of the Ministry of Justice at the regional immigration office, within 14 days of the day of receiving the order.

If the holder of the residence card wishes to exchange his or her residence card, he or she is able to apply for re-issuance even if the residence card has not been damaged or otherwise soiled. The payment of a fee of 1,300 yen is required, in this case, for issuance of the residence card.

③ Notification Concerning the Organization of Affiliation or Concerning the Spouse

(1) Notification from a Mid to Long-Term Resident Concerning the Organization of Affiliation

A. Notification Concerning the Organization Where the Foreign National Is Engaging in Activities (Article 19-16, item (i) of the Immigration Control Act)

A mid to long-term resident residing in Japan with the status of residence of “Professor,” “Investor/Business Manager,” “Legal/Accounting Services,” “Medical Services,” “Instructor,” “Intra-company Transferee,” “Technical Intern Training,” “Student” or “Trainee” is required to notify the Minister of Justice of any changes in the name and/or location of the organization for his or her activities, the cessation of the existence of his or her organization, or withdrawal or transfer from his or her organization within 14 days of the change by submitting written documentation describing the causes and matters specified by the Ordinance of the Ministry of Justice to the regional immigration office or by sending the documentation by post to the Residency Management Information Department of the Tokyo Regional Immigration Bureau or by submitting a notification via the Internet through use of the “Immigration Bureau’s e-Notification System”.

B. Notification Concerning the Contracting Organization (Article 19-16, item (ii) of the Immigration Control Act)

A mid to long-term resident residing in Japan with the status of residence of “Researcher,” “Engineer,” “Specialist in Humanities/International Services,” “Entertainer (limited to activities to engage in services based on a contract with a public or private organization in Japan)” or “Skilled Labor” is required to notify the Minister of Justice of any changes in the name and/or location of his or her contracting organization, cessation of the existence of his or her contracting organization, or termination or execution of the contract with his or her contracting organization within 14 days of the change by submitting written documentation describing the causes and matters specified by the Ordinance of the Ministry of Justice to the regional immigration office or sending the documentation by post to the Residency Management Information Department of the Tokyo Regional Immigration Bureau or by submitting a notification via the Internet through use of the “Immigration Bureau’s e-Notification System.”

C. Notification Concerning the Spouse of the Foreign National (Article 19-16, item (iii) of the Immigration Control Act)

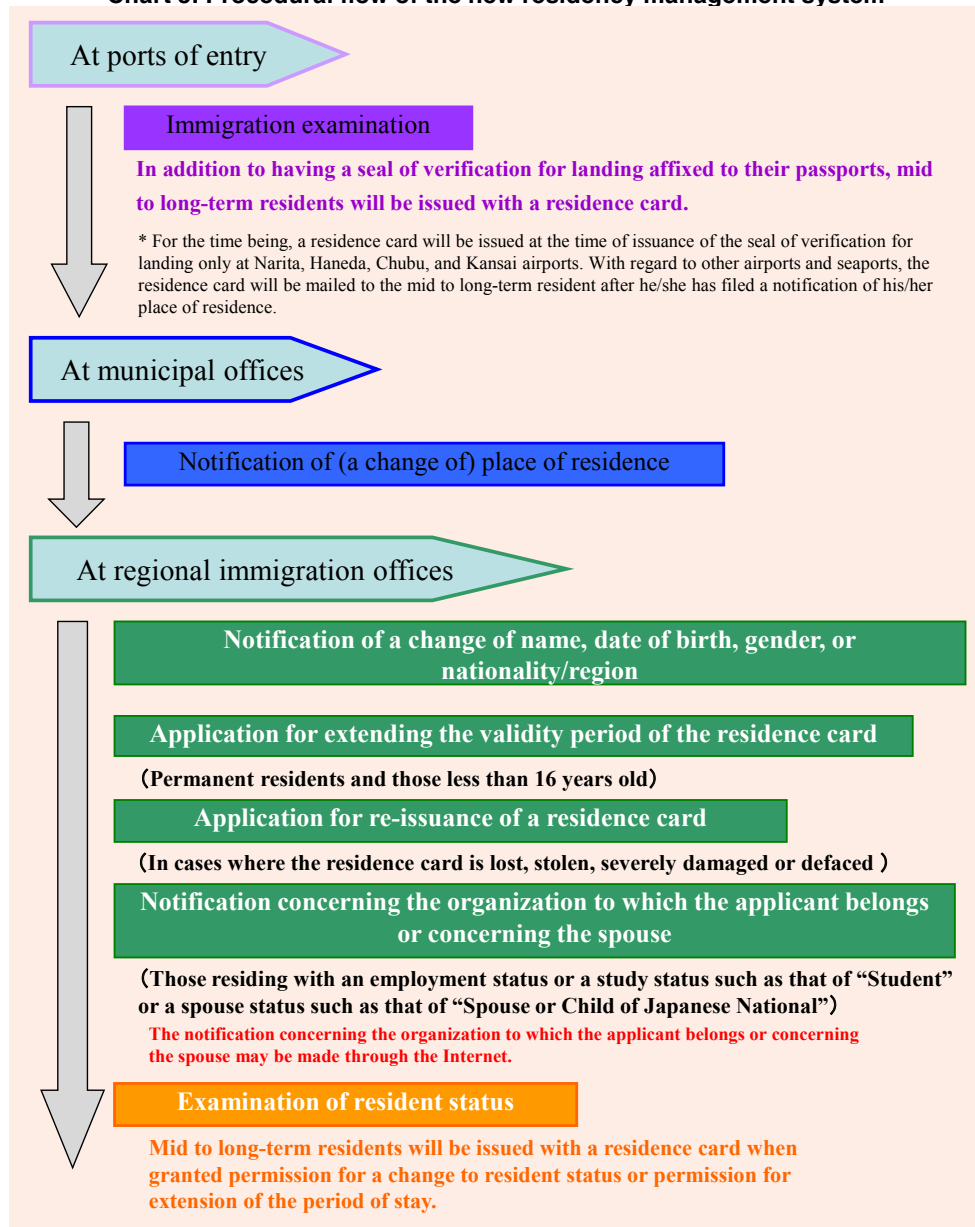
If any mid to long-term resident residing in Japan with the status of residence of “Dependent,” “Designated Activities (c),” (*)“Spouse or Child of Japanese National” or “Spouse or Child of Permanent Resident” who has the status of a spouse obtains a divorce from his or her spouse or loses his or her spouse through bereavement, he or she is required to notify the Minister of Justice thereof within 14 days by submitting written documentation describing the causes and matters designated by the Ordinance of the Ministry of Justice to the regional immigration office or by sending the documentation by post to the Residency Management Information Department of the Tokyo Regional Immigration Bureau or by submitting a notification via the Internet through use of the “Immigration Bureau’s e-Notification System.”

(*) “Designated Activities (c)” refers only to a person whose status of residence is granted based on his or her status as a spouse.

(2) Notification Concerning the Mid to Long-Term Resident by the Organization of Affiliation (Article 19-17 of the Immigration Control Act)

The affiliated public or private organization in Japan of a mid to long-term resident residing in Japan under the status of residence of “Professor,” “Investor/Business Manager,” “Legal/Accounting Services,” “Medical Services,” “Researcher,” “Instructor,” “Engineer,” “Specialist in Humanities/International Services,” “Intra-company Transferee,” “Entertainer,” “Skilled Labor” or “Student” (except for employers who must submit a notification to the Minister of Health, Labour and Welfare pursuant to Article 28, paragraph (1) of the Employment Countermeasures Act) is asked to notify the Minister of Justice of the commencement and termination of the acceptance of a mid to long-term resident and other matters relating to the status of acceptance by submitting written documentation describing the causes and matters specified by the Ordinance of the Ministry of Justice to the regional immigration office or by sending the documentation by post to the Residency Management Information Department of the Tokyo Regional Immigration Bureau or by submitting a notification via the Internet through use of the “Immigration Bureau’s e-Notification System.”(Chart 3)

Chart 3: Procedural flow of the new residency management system



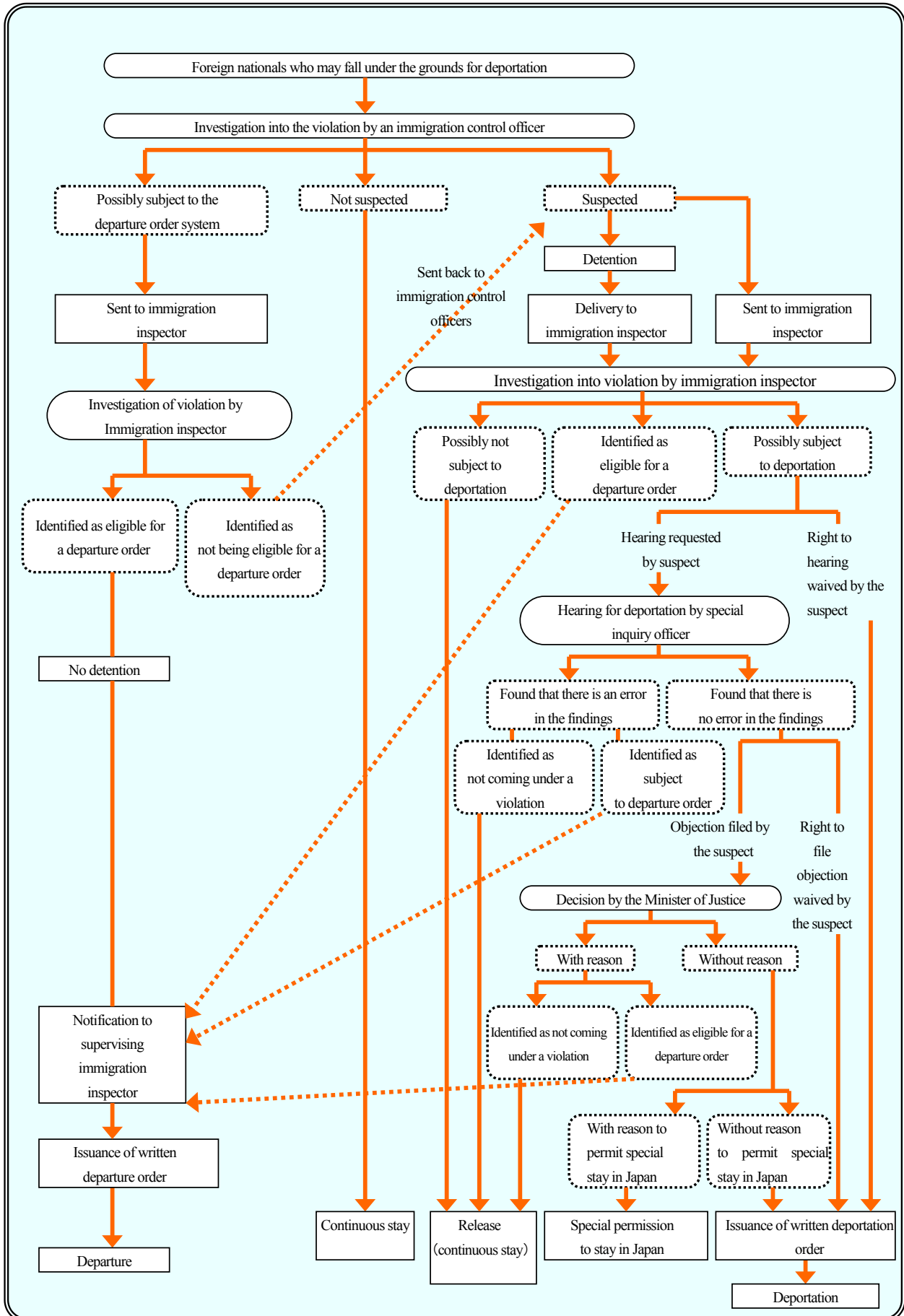
Section 5 ◆ Deportation Procedures for Foreign Nationals

In immigration control administration, it is necessary to achieve a balance so as to promote the smooth acceptance of foreign nationals on the one hand, and to maintain security and order in Japanese society by removing unwelcome foreign nationals from Japan on the other.

The deportation procedures for foreign nationals constitute a powerful administrative action where the foreign national is deported even if deportation is against the foreign national's will. In international customary law, deportation is left to the discretion of the State. In Japan, the grounds for deportation and the deportation procedures are provided for in the Immigration Control Act and deportation is implemented on the basis of these provisions.

Deportation procedures begin with an immigration control officer conducting an investigation, and is composed of three steps: namely, an examination by an immigration inspector, a hearing by a special inquiry officer, and a decision rendered by the Minister of Justice for the objection filed by the foreign national in order to ensure that the foreign national who is undergoing the deportation procedures will be given ample opportunity to contest the facts of the case or to assert his or her side as to why he or she should be permitted to stay, and to ensure that a decision is made after a careful examination of the facts.(Chart 4)

Chart 4: Flow of deportation procedure and departure order procedure



① Investigation into Violations by an Immigration Control Officer

An investigation into the violation by an immigration control officer is the first step in the deportation procedures for foreign nationals. An immigration control officer will conduct an investigation into the violation as stipulated in Article 27 of the Immigration Control Act of a foreign national who is believed to come under one of the grounds for deportation as stipulated in Article 24 of the Act (hereinafter referred to as “suspect”). If the immigration control officer determines that there is reasonable cause to believe that the suspect falls under one of the grounds, he or she may detain the suspect in accordance with a written detention order issued by the supervising immigration inspector (*) following which the suspect will be handed over to an immigration inspector (Article 39 and Article 44 of the Immigration Control Act).

② Examination of Violations by an Immigration Inspector/Hearing by a Special Inquiry Officer

An immigration inspector, on receiving the delivery of the suspect and the case, examines whether the case falls under one of the grounds for deportation (examination of the violations provided for in Article 45, paragraph (1) of the Immigration Control Act). If the immigration inspector finds that the foreign national falls under one of the grounds for deportation and the suspect objects to the findings by the immigration inspector, the suspect may request a hearing by a special inquiry officer (Article 48 of the Act). If the suspect is dissatisfied with the findings of the special inquiry officer, he or she may file an objection with the Minister of Justice (Article 49, paragraph (1) of the Immigration Control Act).

③ Determinations by the Minister of Justice

The Minister of Justice makes a decision as to whether or not the objection is with reasonable grounds after receiving it (Article 49, paragraph (3) of the Immigration Control Act).

④ Granting or Denial of Permission for Residence

(1) Denial of Permission for Residence (Deportation)

If the procedures from examination of the violation to the final decision of the Minister of Justice (violation adjudication) produce one of the results described below, the supervising immigration inspector will issue a written deportation order:

- The immigration inspector has conducted an examination of a violation and finds that the foreign national falls under one of the grounds for deportation, and the foreign national has submitted to the findings (Article 45, paragraph (1) and Article 47, paragraph (5) of the Immigration Control Act).
- A foreign national, who was found to have fallen under one of the grounds for deportation, objected to the findings and requested a hearing by a special inquiry officer and, as a result of the hearing, the special inquiry officer found that there was no error in the findings, and the foreign national submitted to the findings (Article 48, paragraphs (1) and (9) of the Immigration Control Act).
- A foreign national who objected to the results of the hearing, filed an objection with the Minister of Justice and, as a result, received a notice of the Minister's decision that the objection is without reason, and whom the Minister of Justice does not find grounds to grant special Permission to stay (Article

(*) The “supervising immigration inspector” refers to an immigration inspector of supervisory rank designated by the Minister of Justice, who has the authority to issue written detention orders and written deportation orders, grant foreign nationals provisional release and revoke provisional release.

49, paragraphs (1) and (6) of the Act).

In the violation adjudication procedures, if a foreign national is found not to fall under one of the grounds for deportation, the foreign national will be released immediately or if a foreign national is found to fall under one of the grounds for deportation but satisfies the requirements for a departure order, the foreign national will be released immediately after the foreign national has been ordered to depart from Japan.

(2) Special Cases of Determinations by the Minister of Justice (Special Permission to Stay in Japan)

The Minister of Justice may, even if he or she finds that the objection is without reason, grant the foreign national special permission to stay in Japan if the foreign national has obtained permission for permanent residence, was once a Japanese national, entered Japan under the control of another person due to human trafficking, or when the Minister of Justice finds grounds to grant special permission to stay (“Special Permission to Stay” as provided for in Article 50, paragraph (1) of the Immigration Control Act).

⑤ Departure Order System

The departure order system is a system under which a foreign national in violation of the Immigration Control Act, who has illegally stayed beyond the authorized period of stay, may be deported from Japan through simplified procedures without being physically detained, provided that he or she satisfies certain requirements; and moreover, the period of denial of entry of a foreign national who has been deported from Japan under the departure order is one year.

A foreign national who has stayed in Japan beyond the authorized period of stay and who also satisfies all of the following requirements may be ordered to depart from Japan:

- A. The foreign national has appeared at the immigration office voluntarily
- B. The foreign national does not fall under any of the grounds for deportation other than staying beyond the authorized period of stay
- C. The foreign national has not been sentenced to imprisonment with or without work on the charge of theft or other prescribed crimes after entering Japan
- D. The foreign national has no past record of deportation, nor that of departure by a departure order
- E. The foreign national is expected with certainty to depart from Japan immediately

Section 6 ◆ Refugee Recognition Procedures

① Signing of the Refugee Convention

Japan signed the Convention Relating to the Status of Refugees (“Refugee Convention”) on October 3, 1981 and the Protocol Relating to the Status of Refugees (“Protocol”) on January 1, 1982, and accordingly established the system required for the refugee recognition procedures.

The Refugee Convention and the Protocol provide for the definition of refugees, and stipulate the rights and protection to be granted to refugees by the contracting countries.

② Refugee Recognition Procedures

(1) Definitions

Under the Japanese refugee recognition procedures, a “refugee” refers to a refugee as defined in Article 1 of the Refugee Convention or in Article 1 of the Protocol (Article 2, item (iii)-2 of the Immigration Control Act). Generally, a refugee is defined as a person who is outside the country of his or her nationality owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country.

(2) Permission for Provisional Stay

When a person without a legal status of residence such as a foreign national who has illegally stayed beyond the authorized period of stay applies for refugee recognition for the purpose of stabilizing his or her legal status, he or she is permitted to provisionally stay in Japan if he or she meets certain requirements (Article 61-2-4, paragraph (1) of the Immigration Control Act), and the deportation procedures are suspended during the period of the permission for provisional stay (Article 61-2-6, paragraph (2) of the Immigration Control Act).

The period of provisional stay is, in principle, six months (Article 56-2, paragraph (2) of the Ordinance for Enforcement of the Immigration Control Act) and, if an application for extension is filed prior to the expiration of the period of the provisional stay, that period will be extended (Article 61-2-4, paragraph (4) of the Immigration Control Act). However, various conditions will be imposed on the permission for provisional stay, such as restrictions on the domicile and scope of activity and a ban on working (Article 61-2-4, paragraph (3) of the Immigration Control Act; Article 56-2, paragraph (3) of the Ordinance for Enforcement of the Immigration Control Act).

If a foreign national without a status of residence is not permitted to provisionally stay in Japan, the procedures for recognition of refugee status and the procedures for deportation will be taken in tandem. However, deportation will be suspended while the application for recognition of refugee status is being processed (Article 61-2-6, paragraph (3) of the Immigration Control Act).

(3) Inquiry into the Facts

It is the responsibility of the applicant to prove that he or she is a refugee (Article 61-2, paragraph (1) of the Act). However, the fact that it is usually difficult for an applicant for refugee status to prove his or her case must be taken into account. Therefore, when an accurate recognition of refugee status is not possible with only the data furnished by the applicant, a refugee inquirer will investigate the case (Article 61-2-14 of the Act).

(4) Recognition of Refugee Status by the Minister of Justice and Effects of Refugee Status

When a foreign national has been recognized as a refugee, the Minister of Justice will issue a certificate of refugee status to the foreign national concerned. If the foreign national is denied recognition of refugee status, the foreign national will be notified in writing with the reason attached (Article 61-2, paragraph (2) of the Immigration Control Act).

If a foreign national recognized as a refugee falls within the category of a foreign national without a status of residence, he or she will be granted the status of residence of “Long-Term Resident” without exception, provided that he or she has satisfied certain requirements, such as having applied for recognition

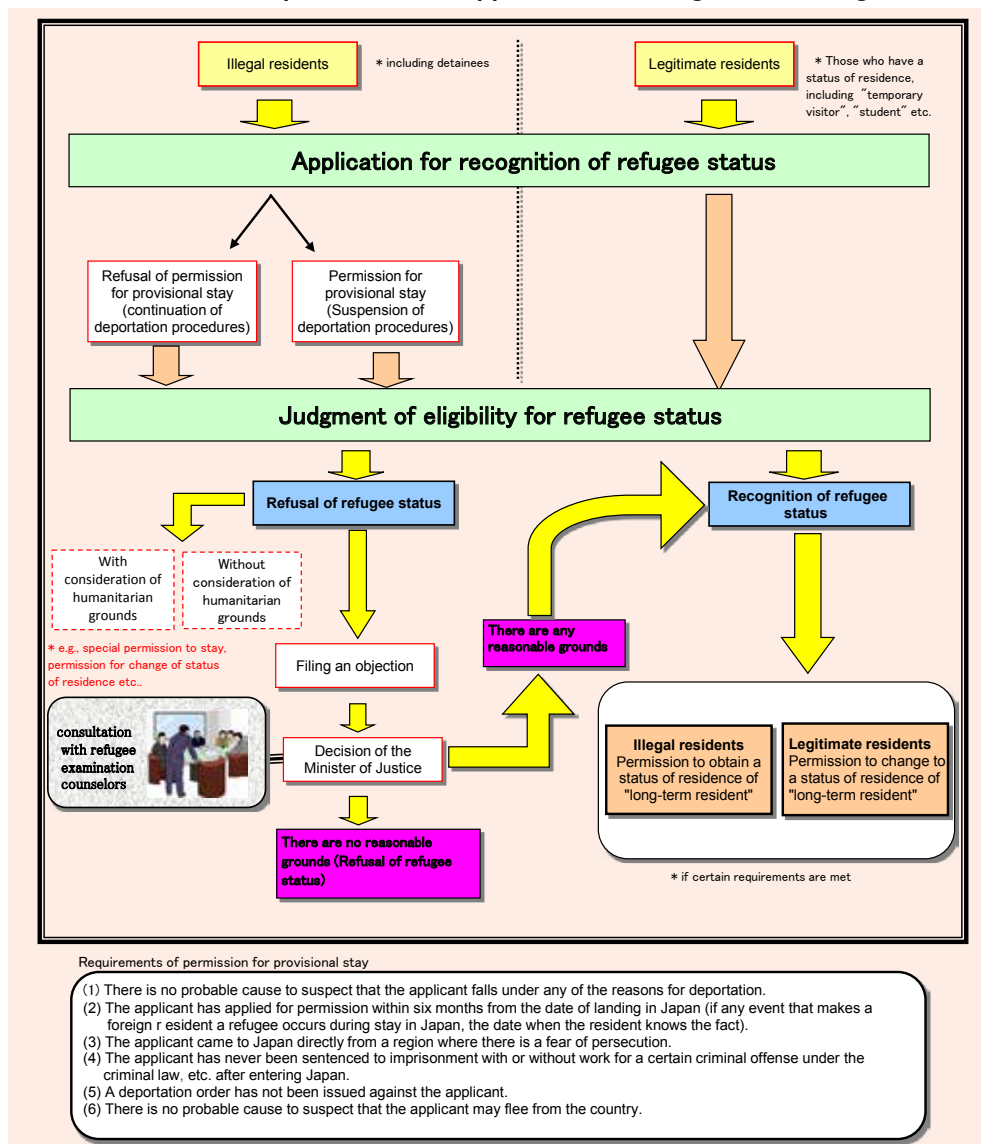
of refugee status within six months of landing in Japan (Article 61-2-2, paragraph (1) of the Immigration Control Act). Even if the foreign national does not satisfy the requirements, the Minister of Justice may grant special permission to stay if there are any grounds to grant special permission to stay (Article 61-2-2, paragraph (2) of the Immigration Control Act).

A foreign national who has been recognized as a refugee may receive a refugee travel document as one of the effects under the Immigration Control Act (Article 61-2-12 of the Immigration Control Act), and some of the requirements to obtain permission for permanent residence will be eased (Article 61-2-11 of the Immigration Control Act).

3 Filing of an Objection

If the foreign national has an objection to the disposition, such as denial of recognition of refugee status or revocation of recognition of refugee status, he or she may file an objection with the Minister of Justice (Article 61-2-9, paragraph (1) of the Immigration Control Act). Under the amended Immigration Control Act, when making a decision on an objection, the Minister of Justice shall consult with refugee examination counselors who have been appointed from persons who have an academic background in law or international current affairs (Article 61-2-9, paragraph (3) of the Immigration Control Act). (Chart 5)

Chart 5: Patterns and procedures for application for recognition of refugee status



④ Landing Permission for Temporary Refuge

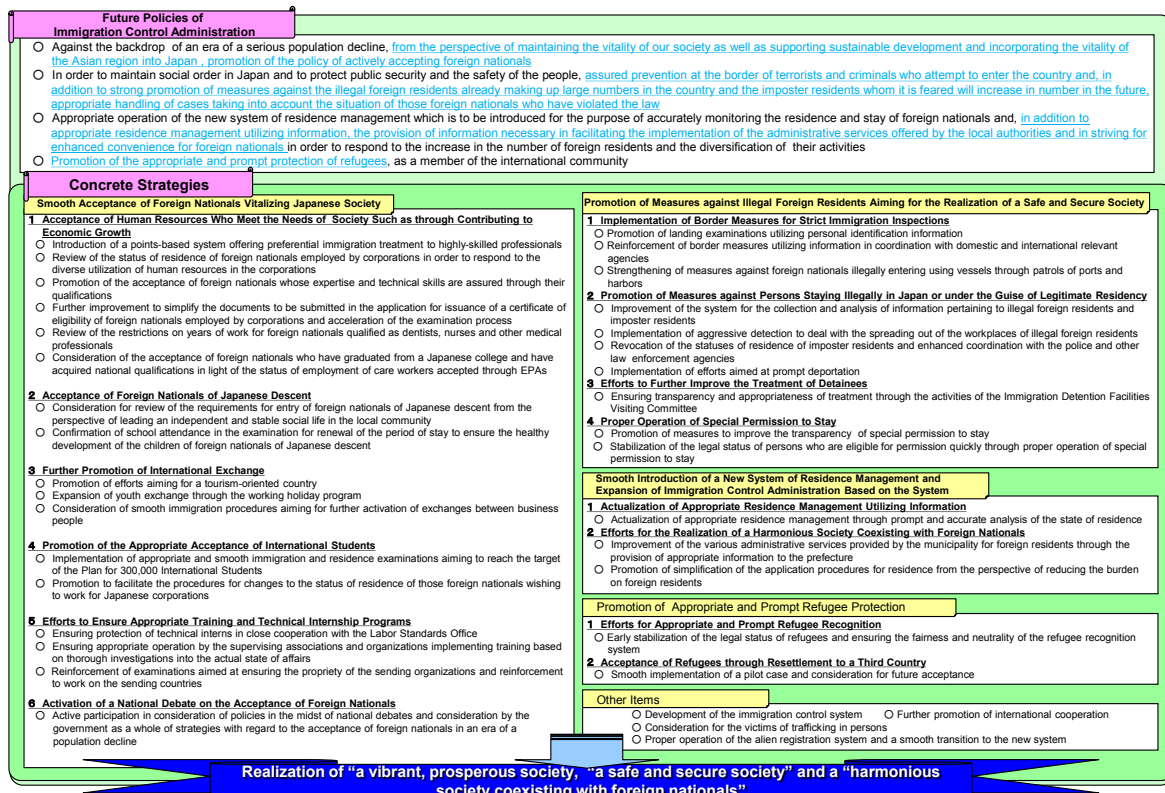
Landing permission for temporary refuge, prescribed as one of the types of special landing permission granted to foreign nationals (Article 18-2 of the Immigration Control Act), will be granted by an immigration inspector if a foreign national aboard a vessel or aircraft has fled from a territory where his or her life, body or physical freedom is likely to be endangered for the reasons prescribed in the Refugee Convention and other reasons equivalent thereto, and it is appropriate for permission for temporary landing to be granted to such foreign national. The period for landing is determined as a period not exceeding six months (Article 18-2, paragraph (4) of the Immigration Control Act; Article 18, paragraph (5) of the Ordinance for Enforcement of the Immigration Control Act).

Section 7 ◆ Basic Plan for Immigration Control

Reflecting the substantial increase in the number of foreign nationals entering Japan and the growing diversification of their activities, the entry and residence in Japan of foreign nationals is more than ever having a large impact on the lives of the Japanese people and on the economy. It is therefore necessary to conduct a comprehensive analysis of the status of entry and residence of foreign nationals in Japan and the manner in which foreign nationals affect the lives of Japanese people and the economy, and moreover stipulate the basic concept based on which the guidelines and policies on the control over the entry and residence of foreign nationals should be formulated in coordination with the government authorities concerned.

To this end, the Minister of Justice formulates and publishes the Basic Plan for Immigration Control on which the policies on the entry and residence of foreign nationals are to be based under the Immigration Control Act in consultation with the heads of the relevant administrative organs, fully reflecting the views and opinions received from various sectors. The first Basic Plan for Immigration Control was formulated in 1992, followed by the second, third and fourth Basic Plan for Immigration Control formulated in 2000, 2005 and 2010, respectively. (Chart 6)

Chart 6: Outline of the Basic Plan for Immigration Control (4th edition)



Background: The History of Immigration Control Administration

Japan first began to handle foreign nationals in accordance with the provisions of the commercial treaties concluded with Western countries between the end of the Edo Period and the early Meiji Era, and international customary laws. During that period, foreign nationals could freely enter Japan from the ports which were open, and those treaties and laws merely restricted their areas of residence or field of activities.

After World War I (1914-1918), Japan's immigration control entered a new period. In that period, stringent control systems that did not exist in the Meiji Era were established to handle foreign nationals visiting Japanese territories, which included reasons to prohibit landing, and restrictive measures through the passport and visa systems were incorporated. These control systems continued to apply as the Taisho Era moved to the Showa Era.

After the end of World War II, the sovereignty of Japan was placed under the control of the Supreme Commander of the Allied Powers, and the entry into and departure from Japan of foreign nationals were controlled under the Supreme Commander's direction and supervision. In the early times of the Occupation, of the immigration issues, greater focus was placed on the issue of repatriation, so-called "hikiage" (*). Subsequently, the entry restrictions were gradually eased in tandem with the easing of restrictions on the economic activities of foreign nationals.

In 1949, the Immigration Control Division was established in the General Administration Bureau of the Ministry of Foreign Affairs which formed the basis of the current-day immigration bureaus. In 1951, the Immigration Control Order, the original model of the current-day Immigration Control Act, was enacted. As the Treaty of Peace became effective on April 28, 1952, the right to permit entry was reverted to Japan by the Supreme Commander of the Allied Powers, and at the same time, large numbers of Japanese nationals lost their Japanese nationality. On the same day as the effectuation of the Treaty of Peace on April 28, 1952, the Alien Registration Act was enacted and came into force on April 27, 1955. During that period, the responsibilities of the immigration control administration were transferred to the Ministry of Justice from the "Immigration Control Agency," the external organization of the Ministry of Foreign Affairs, which was renamed the "Immigration Control Bureau."

Between 1975 and 1985 the means of international travel shifted from ships to aircraft as a result of the development of airplanes, especially with the commencement of jumbo jet flight services, and the number of foreign nationals visiting Japan saw a significant increase as Japan's international status was enhanced. During this period, Japan's measures included the acceptance of Indochinese refugees (in and after 1975), and the signing of the Convention relating to the Status of Refugees (1981).

Subsequently, an increase and diversification in the foreign nationals entering and departing from Japan and residing in Japan was seen propelling Japan's internationalization. On the other hand, new phenomena, such as an explosive increase in the number of foreign nationals illegally working in Japan, against the backdrop of a strong yen, were seen. Given these issues, the Immigration Control Act was amended in 1989 to reorganize the system of statuses of residence and new provisions pertaining to the Basic Plan for Immigration Control were established in order to secure administrative operations in accordance with proper guidelines. In 1991, the Special Act on Immigration Control was enacted to further stabilize the legal status of the foreign nationals and their descendants who

(*) Repatriation of Japanese nationals from abroad due to the end of World War II and the migration of foreign nationals from Japan.

had continued to reside in Japan since before the end of World War II and who had lost Japanese nationality when the Treaty of Peace with Japan took effect, under which the system for permission for special permanent residence was established.

As a result, the framework of the current immigration control administration was established. Moreover, the Alien Registration Act enacted on April 28, 1952 was abolished with the introduction of the new residence management system and the amendment to the residential basic book system in July 2012.