

# ◆ Part III ◆

Major Policies Related to Immigration Control  
Administration in FY 2013

## Chapter 1. Outline of the Amendment of the Immigration Control and Refugee Recognition Act

The Act for Partial Amendment of the Immigration Control and Refugee Recognition Act was passed and enacted on June 11, 2014 at the 186th session of the Diet and was promulgated on June 18, 2014 (Act No. 74 of 2014). An outline of which is as given below.

### ① Promotion of the Acceptance of Foreign Professionals with Highly-Specialized Skills

In May 2012, a points-based system of preferential immigration treatment for highly-skilled foreign professionals was introduced for foreign nationals possessing advanced skills and qualities, with the expectation that they will be able to contribute to Japan's economic growth, and we are currently promoting the acceptance of such highly-skilled foreign professionals (see Chapter III for further details).

Amid such circumstances, the "Japan Revitalization Strategy" approved by the Cabinet on June 14, 2013 included the text, "Realization of easier entrance into Japan for the highly-skilled and talented foreign nationals is expected to contribute to the growth of the Japanese economy. To this end, reconsider the income standards used for the points-based preferential immigration treatment for highly-skilled foreign professionals and reduce the time that foreign nationals are required to reside in Japan before receiving permanent resident status (from 5 years to 3 years). Start the new system within the year."

Based on the Japan Revitalization Strategy, the current amendment established a new status of residence to be applied to such highly-skilled foreign professionals in order to further promote the acceptance of foreign human resources with highly-specialized skills. Specifically, a new status of residence - "Highly Skilled Professional (i)", was established for those highly-skilled professionals who have been given preferential immigration treatment and currently possess the status of residence of "Designated Activities" and their legal position was also clarified, and moreover, a new status of residence - "Highly Skilled Professional (ii)" was established for those foreign nationals who have been residing in Japan for a certain period (currently envisaged to be about three years) with the aforementioned status of residence of "Highly Skilled Professional (i)" and this status of residence will have an indefinite period of stay with a substantial easing of the restrictions on activities.

Similar to the status of residence of "Permanent Resident", although the status of residence of "Highly Skilled Professional (ii)" has no restrictions on the period of stay and cannot be granted at the time of landing, it differs from "Permanent Resident" which has no restrictions on activities, because "Highly Skilled Professional (ii)" requires engaging in activities as a highly-skilled professional. As a result, if a foreign national residing with the status of residence of "Highly Skilled Professional (ii)" does not engage in the activities as a highly-skilled foreign professional for an ongoing period of six months or more, this may become grounds for revocation of the status of residence, and there are certain requirements which are not imposed on the status of residence of "Permanent Resident" such as the organization of affiliation (workplace, etc.) not being required to give a notification to the Minister of Justice. On the other hand, "Highly Skilled Professional (ii)" is given preferential immigration treatment which is not accorded to "Permanent Resident" such as allowing parents or domestic staff to accompany the highly-skilled foreign professional.

This provision will enter into effect from April 1, 2015.

## **② Facilitation of the Entry Procedures Relating to Foreign Passengers on Cruise Ships**

The following measures are to be taken based on the decision to further accelerate and facilitate the entry procedures at the time of cruise ships calling at a Japanese port given in the “Action Program towards the Realization of Japan as a Tourism-Oriented Country” compiled by the Ministerial Conference on the Promotion of Japan as a Tourism-Oriented Country in June 2013 and the aforementioned Japan Revitalization Strategy.

### **(1) Establishment of a New Special Landing Permission (Landing Permission for Cruise Ship Tourists)**

In recent years, interest has been growing in tourist cruise ships which set sail overseas and call at a port of entry in Japan. With regard to these kinds of cruise ships, landing examinations may have to be conducted for several thousand passengers on board one ship, which requires a considerable amount of time. Therefore, the passengers of the cruise ships, as well as the local public entities and travel agencies have asked that the time required for examination be reduced as much as possible in order to ensure time for the passengers to be able to do some sightseeing.

Even in the past, measures were taken to accelerate the examinations such as utilizing the system of permission for landing at a port of call and waiving the usual requirement of having a facial photograph taken, but this permission limited movement to the ship route, restricted the landing time to 72 hours and did not necessarily apply to all cruise ships.

Therefore, this latest amendment established a new form of special landing permission - landing permission for cruise ship tourists, eased the limitation restricting movement to the ship route and increased the period of landing to a maximum of 30 days for foreign passengers of cruise ships. However, the cruise ships to which this special landing permission applies are those ships designated by the Minister of Justice having taken into account whether the cruise ship has been properly confirming the identities of the passengers and other circumstances.

### **(2) Expansion of the Scope of Foreign Nationals Eligible for Special Re-entry Permission**

When a foreign national, who entered Japan by aircraft and was granted the status of residence of “Temporary Visitor”, boards a cruise ship whose starting point is a port of entry in Japan, goes on to call at a port of entry outside of Japan and then returns to call at a port of entry in Japan again, under the current system, the foreign national is required to undergo the same kind of landing examination as when he or she first landed in Japan at the time of the cruise ship returning to the port of call in Japan. Therefore, in order to facilitate the examination procedures for such foreign nationals when they land once again in Japan onboard a cruise ship, if the foreign national expresses their intent to re-enter Japan in advance and departs from Japan on such cruise ship, he or she is, in principle, deemed to have been received re-entry permission.

These provisions are to enter into effect on January 1, 2015.

### ③ Facilitation of the Immigration Procedures Relating to Certain Temporary Visitors

Measures have been taken since November 2007 to enable Japanese nationals and foreign nationals satisfying certain requirements (in possession of re-entry permission, etc.) to undergo the immigration procedures using the automated gates without having to undergo an examination by an immigration inspector at a regular examination booth as long as they follow the prescribed registration procedures beforehand. The aim of these measures is to further promote smooth and strict entry examinations.

In recent years, as a result of the public and private sectors working together towards the realization of a tourism-oriented country, the number of foreign nationals entering Japan in 2013 topped 10 million for the first time ever, and this number is expected to increase even more in the future gearing up to the Olympic and Paralympic games to be held in Tokyo in 2020, and therefore there is an urgent need to ensure simple and fast immigration procedures for those foreign nationals who pose little risk of causing problems.

In view of such circumstances, the scope of foreign nationals who are eligible to use the automated gates is to be expanded to cover certain temporary visitors, who are deemed to pose little risk of causing problems, in order to ensure smooth and fast immigration examinations for such foreign nationals and to facilitate the immigration procedures as a whole. The foreign nationals engaging in activities with the status of residence of “Temporary Visitor”, who will be eligible to use the automated gates, are those foreign nationals who have a past record of having visited Japan a number of times, have undergone an examination having provided their fingerprints and other personal identification information in advance and have registered to use the gates having been deemed to pose little risk of causing problems. Such foreign nationals will not be required to receive a seal for verification of landing and will be able to use the automated gates, and a system will be established where the Trusted Traveler Program Card will be issued to the foreign national as a means to prove landing permission in place of the seal for verification of landing.

This provision is to enter into effect on a date specified by a Cabinet Order within a period not exceeding two years and six months from the date of promulgation.

### ④ Others

#### (1) Development of a status of a residence

##### A. Amendment Relating to the Status of Residence of “Investor/Business Manager”

In order to facilitate the acceptance of foreign nationals engaging in activities relating to the management and supervision of a company, the activities of management and supervision in a Japanese company will be added to the status of residence of “Investor/Business Manager”, which is currently limited to management and supervision in a foreign company, and the two will be merged under the name of “Business Manager”. This provision is to enter into effect on April 1, 2015.

##### B. Consolidation of the Status of Residence of “Engineer” and “Specialist in Humanities/ International Services”

In order to respond flexibly to the needs of companies related to the acceptance of foreign nationals in professional and technical fields, the division of the statuses of residence based on differences in the field of the knowledge required for the work (humanities/sciences) was abolished, and a new comprehensive status of residence “Engineer/ Specialist in Humanities/ International Services” is to be established. This provision is to enter into effect on April 1, 2015.

### C. Amendment relating to the Status of Residence of “Student”

In order to promote younger age groups engaging in international exchanges in the field of education, activities to enable children to receive education in elementary schools and junior high schools were added. This provision is to enter into effect on January 1, 2015.

## **(2) Amendment Enabling the Acquisition of Passenger Name Records (PNR)**

In order to conduct more effective entry examinations for foreign nationals entering Japan who are expected to increase substantially owing to the measures aimed at the realization of a tourism-oriented country, a provision was established enabling requests to be made to the airline companies for the provision of passenger name records. This provision is to enter into force on January 1, 2015.

## **(3) Development of Provisions Relating to the Investigative Authority of the Immigration Officers**

### A. Establishment of a Provision on Investigations Pertaining to Re-entry Permission

In accordance with the amendment of the Immigration Control Act in 2009 (enforced in July 2012), the period of validity of the re-entry permission was extended, and in addition, the scope of foreign nationals subject to revocation of such re-entry permission was expanded, resulting in an increase in the number of cases requiring investigation, and therefore, provisions were established enabling immigration inspectors to exercise their investigative authority in dispositions on re-entry permission and on its revocation.

### B. Establishment of a Provision on Inquiries Relating to the Execution of Written Deportation Orders

Owing to the prolonged time required for deportation due to the increase in the number of foreign nationals attempting to avoid deportation and the number of foreign nationals being granted provisional release, the number of cases requiring inquiries to be made to public or private organizations has increased, and therefore, provisions were established on inquiries to be made by immigration control officers during the period covering the time of a written deportation order being issued to the time of deportation.

These provisions relating to investigative authority are to enter into effect on the date of promulgation.

## Chapter 2. Smooth and Strict Implementation of Immigration Examination at the Port of Entry

In order to contribute to the realization of a tourism-oriented country, it is important on the one hand to strive to implement smooth examinations for the majority of foreign nationals, who come to Japan without causing any problems, but in order to realize a society where Japanese nationals and foreign nationals can live together harmoniously, it is also necessary to implement strict entry examinations and reliably prevent the entry of foreign nationals whose objective is terrorism, illegal work or other illegal activities. In anticipation of the expected increase in the number of foreign nationals visiting Japan in the future, recommendations were made to rationalize the immigration examinations through such means as conducting examinations using automated gates with regard to those travelers newly entering Japan who may be trusted (trusted travelers) in the “Results of the Study Relating to the Role of Immigration Control Administration in an Era of 25 Million Foreign Visitors Coming to Japan” (hereinafter referred to as “Study Results”) reported to the Minister of Justice by the Immigration Policy Discussion Panel, a private advisory group of the Minister of Justice on May 20, 2013, based on which the Immigration Bureau has been working to reconcile the seemingly conflicting goals of stricter yet smoother examinations through the implementation of stricter or less strict examinations depending on the case.

### Section 1 ◆ Efforts to Promote a Tourism-Oriented Country

#### ① Efforts to Reduce the Waiting Time for Examination

Currently, the entire Japanese government is working together on measures for the realization of Japan as a tourism-oriented country, and as in the past, the Immigration Bureau has been striving to facilitate even smoother landing procedures at each of the airports and seaports. The Immigration Bureau took such measures as introducing secondary examinations (secondary screening) in FY 2005, and establishing an examination support team at Chitose Tomakomai Branch Office and Haneda Airport Branch Office (currently Haneda Airport District Immigration Office) in FY 2006 and at Fukuoka Regional Immigration Bureau in FY 2009, and a framework has been formed to provide more efficient support for examinations conducted by the regional airports.

Furthermore, in order to prevent stopping and confusion in the crowded examination areas and to achieve smoother examinations using the limited capacity of the examination areas to the fullest extent possible, measures are being implemented to reduce the waiting time such as stationing interpreters and examination booth concierges in the examination areas, who guide passengers to empty booths, provide assistance and check the details written in the ED cards, provide guidance and help with the procedures for the biometric information devices (\*), as well as ensuring flexible use of the examination booths for Japanese nationals and the examination booths for foreign nationals.

#### ② Automated Gates

Japanese nationals and foreign nationals satisfying certain requirements (in possession of re-entry permission, etc.), who have registered in advance as users of the automated gates, are able to undergo the immigration procedures by using the automated gates and do not have to undergo the usual examination by the immigration inspector at the immigration examination booth, and in this way, smooth but strict

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(\*) Device to collect biometric information (fingerprints and facial photographs) from foreign visitors aged 16 or older, except for certain individuals, under the Immigration Control Act.



examinations are being further promoted. Following the installation of the automated gates at Narita Airport in November 2007, automated gates were installed at Chubu Airport and Kansai Airport in September 2009 and were additionally installed at Haneda Airport in October 2010, and by the end of 2013, 40 automated gates had been installed throughout the country.

In addition, a test trial of facial recognition technology was conducted in 2012, and the abovementioned “Study Results” reported that although it would be difficult to immediately start the implementation of automated gates using face recognition only, it is advisable to keep a close eye on technological developments, continue with studies on their use and implement them at an early date. With this in mind, test trials of facial recognition technology were carried out in the examinations for the departure and return of Japanese nationals at Narita Airport and Haneda Airport from August 4 to September 5, 2014 for the purpose of collecting data such as on the accuracy of verification depending on differences in the environment and conditions at the time of the photograph of the passenger being taken, and 23,000 Japanese nationals cooperated by taking part in the trial. In the future, a study will be carried out with regard to introducing facial recognition technology in Japan based on the opinions of experts and using the status of implementation of facial recognition technology in other countries as reference.



**Automated gates**

User registration of automated gates was started at the Tokyo Regional Immigration Bureau and the Narita Airport District Immigration Office in November 2007, followed by the Nagoya Regional Immigration Bureau, the Chubu Airport District Immigration Office, the Osaka Regional Immigration Bureau and the Kansai Airport District Immigration Office in September 2009, and the Haneda Airport District Immigration Office of the Tokyo Regional Immigration Bureau in October 2010.

Moreover, in order to promote user registration of the automated gates in 2013, as well as increasing the number of devices for user registration and posting information in airport facilities and in-flight magazines through the cooperation of the airport operating companies and airline companies, the Immigration Bureau has been working to improve its administrative services with regard to those persons wishing to register for use of the automated gates through such means as sending immigration officers to the prefectural passport offices in order to enable mobile on-the-spot user registration.

### **③ Response to Cruise Ship Passengers**

In recent years, the number of cruise ships calling at ports in Japan have increased and they are getting much larger in size. In response to requests from the municipalities hosting the cruise ships at their ports, for prompt processing of post-arrival procedures to enable passengers to fully enjoy sightseeing and other activities within the limited time the ship stays at the port, the Immigration Bureau has been conducting prompt examinations onboard ship, while securing strict examinations, since June 2012. These efforts include preparation for onboard examinations for large-sized cruise ships, adoption of a new method of examination utilizing arrival permits at the port of call, utilization of examination devices for which the systems have been modified, and the dispatch of help personnel for examinations across Japan.

#### **④ Infrastructure Improvement for Terminals Exclusively Used for LCCs**

In order to strengthen airport functionality to meet the increasing demands in recent years for international flights in the metropolitan areas, an LCC exclusive terminal is being built at Narita Airport and services are due to commence from the spring of 2015.

As a result, a structure is being developed to enable the implementation of fast and smooth immigration examinations through the establishment in 2014 of three departments responsible for the work of immigration examinations and one department responsible for coordination and liaison with the airline companies and for the work of supervising each of the examination departments, and the measure of posting an additional 83 officers.

#### **⑤ Responses to the Action Program towards the Realization of Japan as a Tourism-Oriented Country**

In order to promote the measures being implemented by the entire government to achieve a tourism-oriented country, a Ministerial Council on the Promotion of Japan as a Tourism-Oriented Country comprising all of the members of the Cabinet was launched on March 26, 2013, and in the Action Program for the Realization of a Tourism-Oriented Country approved by the Council on June 11, 2013, the target was set of attracting 10 million foreign visitors to Japan in the same year, and this target of 10 million visitors was achieved on December 20, 2013 (released by the Japan National Tourism Organization). In the 2014 Action Program for the Realization of a Tourism-Oriented Country revised on June 17, 2014, the target was set at the high number of 20 million foreign travelers coming to Japan by 2020, and therefore, efforts have been made to develop the CIQ (customs, immigration and quarantine) structure and reduce the maximum waiting time required for the entry examinations at the airport to less than 20 minutes by FY 2016, and moreover, to be able to implement a system in FY 2015 enabling affluent foreign nationals to stay in Japan for the purpose of sightseeing for a maximum of one year.

### **Section 2 ◆ Strengthened Countermeasures at the Port of Entry**

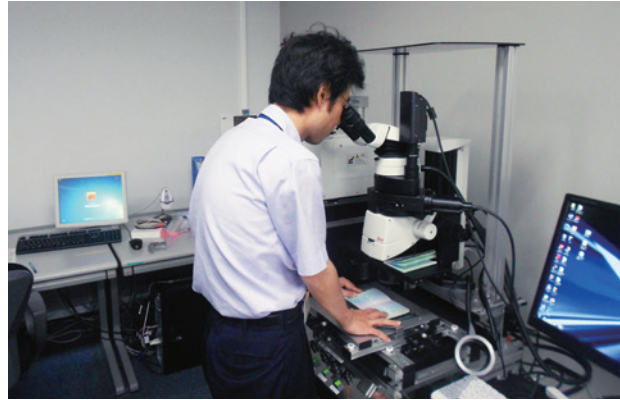
#### **① Implementation of Immigration Examinations through the Use of Biometric Information**

Since November 20, 2007, foreign nationals who intend to enter Japan have been required to submit their biometric information (fingerprints and a facial photograph). This enables us to accurately and promptly confirm that the applicant for the verification for landing is the same as the passport holder, and to check the applicant against the blacklist maintained by the Immigration Bureau. In addition, it has become possible to stringently detect those who have previously been deported and again try to enter the country illegally using forged passports or the passports of other people by checking their data against the data on fingerprints and facial photographs of those who departed under a departure order or who were deported in the past retained by the Immigration Bureau. During the period from the commencement of the entry (landing) examination using biometric information to the end of March 2014, the total number of people who were issued with a deportation order or were ordered to depart at a port through the use of biometric information reached around 4,600.





**Immigration examination through the use of biometric information**



**Countermeasures against the counterfeiting or alteration of documents**

On the other hand, there have been many cases of foreign nationals who attempt to enter Japan illegally using fake fingerprints created by causing direct injury to their fingers or by having plastic surgery, or using forged or illegally obtained passports, in order to avoid detection of their departure under a departure order or deportation in the past. If such a case of a foreign national using fake fingerprints occurs, the Immigration Bureau is not only responsible for implementing the deportation procedures, but is obligated to hand them over to the criminal procedures which have stricter punishments. Therefore, the Immigration Bureau files a report or accusation of illegal entry with the investigative authorities, and strives to detect fake fingerprints by upgrading the examination devices.

## ② Use of ICPO's Database on Lost and Stolen Passports

The introduction and operation of a system to enable the utilization of ICPO's database on lost and stolen passports at the time of the entry examinations as a measure to prevent terrorism was decided in the Action Plan for the Prevention of Terrorism (decision of the Headquarters for the Promotion of Measures against Transnational Organized Crime and Other Relative Issues and International Terrorism on December 10, 2004), and examinations have been conducted since August 2009 utilizing ICPO's lost and stolen passports database search system.

The Immigration Bureau seeks to detect illegal entry cases by terrorists and those contemplating illegal conduct through the misuse of lost or stolen passports, by utilizing the abovementioned database.

## ③ Immigration Examination through the Use of APIS

The Immigration Bureau is working to track international terrorists, etc., and collect information related to them in close cooperation with the relevant agencies to prevent them from entering Japan and committing terrorist acts. In the process of entry (landing) examinations, the Immigration Bureau is trying to detect terrorists, etc., by unfailingly checking foreign nationals against a blacklist based on such information.

Since February 1, 2007, all vessels and aircraft calling at a port in Japan have been required to submit, in advance, a list of crew members and passengers which contains their personal identification data. Since February 21, 2010, it has become possible to receive advance passenger information about aircraft calling at an airport through the Air-NACCS (Nippon Automated Cargo and Port Consolidated System) operated by the Nippon Automated Cargo And Port Consolidated System, Inc., and a new air cargo advance passenger information system (APIS) was launched.

## Article: Activities of the Mobile Teams

As a result of the introduction of immigration examinations utilizing biometric information in November 2007, there is the fear that those who were deported from Japan would attempt to illegally enter Japan using vessels in order to avoid entry examination, and further that the number of such illegal entrants would increase.

There is no denying that terrorists may be included in such illegal entrants. In order to deal rigorously with such situations, the Regional Immigration Bureaus in Tokyo, Osaka and Fukuoka set up mobile teams consisting of immigration control officers (Kita-Nihon Mobile Team, Tokyo Wangan/Chiba Mobile Team, Tokyo Wangan/Yokohama Mobile Team, Kobe Mobile Team, and Nishi-Nihon Mobile Team) to strengthen countermeasures at the ports of entry. These mobile teams gather, analyze and share information on illegal foreign nationals entering and departing from Japan and conduct various joint drills, while reinforcing their cooperation with the related ministries and agencies. These mobile teams conduct patrols at the seaports and coastal areas under their jurisdictions and search onboard ships in port, as well as conducting investigations and detection of suspects, related suspects and brokers in connection with illegal immigration issues.



Scene from a joint drill by a related organization



Detection on a smuggling boat

## Article: Patrol Activities in the Transit Areas

Transit areas are special areas made available in international airports, consisting of areas through which those who enter the country by airplane move until they reach the entry examination site, and places where those who are making airplane connections can stay before they go onboard. In fact, there have been some cases of illegal entry into a third country misusing the transit areas in Japanese major airports.

There is the concern that there are some groups which facilitate terrorists disguised as tourists or victims of trafficking in persons enter a third country.

Accordingly, in combination with strict landing examinations utilizing biometric information, officers in charge of patrol in the transit areas of Narita Airport and other major airports with transit areas monitor and detect suspicious individuals (We have been reinforcing our efforts through organizational patrols by immigration control officers since 2006.).



Scene from patrol activity

**Article: At the front line of immigration control administration (voice of an officer in charge of fingerprint identification)  
(Fingerprint Identification Unit, Narita Airport District Immigration Office, Tokyo Regional Immigration Bureau: Akiko Shigeta)**

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Entry examinations utilizing personal identification information started in accordance with the amended Immigration Control Act enforced on November 20, 2007 for the purpose of realizing equitable but strict immigration control, and foreign nationals (except for foreign nationals under the age of 16 and foreign nationals such as special permanent residents who are exempt from this obligation) are required to provide facial images and the fingerprints of both index fingers.

The team in charge of fingerprint analysis to which I belong carries out the work of analyzing the personal identification information collected at all of the airports and seaports around the country 24 hours a day, 365 days of the year, and we strive to prevent those persons who try to conceal their past history of illegal residence by such means as falsifying their name or date of birth, and attempt to re-enter Japan; as well as centrally take on the work of making and answering inquiries relating to personal identification information from the regional immigration bureaus or outside organizations such as the police, and also contribute to crime investigations both in Japan and abroad.



Fingerprints possess the characteristics of being unique and permanent throughout one's life, and the chances of finding a fingerprint where the points that appear on the ridgelines forming the fingerprint match 12 points of another fingerprint are less than one in 100 billion people. We officers in charge of fingerprint analysis, utilize these characteristics to compare with the naked eye the fingerprints acquired at the time of the landing application with the fingerprints on a fingerprint blacklist which have been flagged by the personal identification information system (J-BIS), and manually carry out the work of analysis.

The functions of J-BIS have been strengthened over the years, but there are still a substantial number of foreign nationals who attempt to illegally enter Japan using various means. One of our important duties is to call on the immigration inspectors who are conducting the examinations in the landing booths at the airports and seaports in Japan to properly acquire personal identification information, and to provide training on how to identify fingerprints where the fingers have been deliberately injured or surgically altered.

Although our duties are conducted in the glamorous setting of an airport, we remain behind the scenes and conduct our day-to-day operations together with the immigration inspectors who conduct the landing examinations at the frontlines and the immigration control officers who uncover violators of the Immigration Control Act in order to maintain the security of Japan.

## Chapter 3. Review of Points-Based Preferential Immigration Treatment for Highly-Skilled Foreign Professionals

### Section 1 ◆ Outline of the System

In order to promote the acceptance of foreign nationals with advanced abilities and qualities (highly-skilled professionals), the points-based preferential treatment for highly-skilled professionals provides three categories of activities, namely, “advanced academic research activities”, “advanced specialized/technical activities” and “advanced business and management activities”, with points being awarded according to the characteristics of the particular category for such items as “academic background”, “professional career” and “annual salary”. When a foreign national satisfies the criteria by acquiring a prescribed total of points, he or she will be recognized as a “highly-skilled foreign professional” and granted the status of residence of “Designated Activities”.

Foreign nationals who are recognized as highly-skilled professionals may receive the following preferential treatment in immigration procedures.

(1) Permission for multiple purposes of activities

Normally, foreign nationals are not allowed to conduct activities beyond the scope permitted under their status of residence. However, highly-skilled professionals may engage in multiple activities covering multiple statuses of residence.

(2) Grant of the “five years” period of stay

A period of stay is usually set for each status of residence, and a decision is made depending on the state of residence and details of the activities of the foreign national, but highly-skilled foreign professionals are, in principle, granted the maximum period of stay available under the law of five years.

(3) Easing of the requirements for permanent residence in line with the number of years of residence history in Japan

In order to obtain permission for permanent residence, foreign nationals need to have stayed in Japan for at least 10 years, in principle. However those who have continuously conducted activities as highly-skilled professionals for five years are eligible to apply for permission for permanent residence.

(4) Preferential processing of immigration and residence procedures

For highly-skilled professionals, pre-entry examination procedures and status of residence examination procedures will be preferentially processed within 10 business days and within 5 business days, respectively, after the application has been received by immigration authorities.

(5) Work permission for the spouse of the highly-skilled foreign professional

When foreign nationals staying in Japan with the status of residence of “Spouse” intend to engage in activities falling under such categories as “Instructor”, “Engineer” and “Specialist in Humanities/ International Services”, they usually need to satisfy certain requirements, such as academic background and professional career, and further obtain the relevant status of residence. However, the spouse of highly-skilled professionals may be allowed to engage in these activities with their status of residence as the spouse of a highly-skilled professional, without satisfying the requirements of academic background and/or professional career.



- (6) Permission for the parent(s) to accompany the highly-skilled foreign professional to Japan under certain conditions

In principle, foreign nationals who stay in Japan for employment are not allowed to bring their parents into the country as foreign residents. However parents of highly-skilled professionals or their spouses are allowed to enter and stay in Japan for the purpose of assisting highly-skilled professionals such as looking after the children, who are under 7 years of age, of the highly-skilled professionals or their spouses (\*1).

- (7) Permission for domestic workers to accompany the highly-skilled foreign professional to Japan under certain conditions

Normally, only some of the foreign nationals who stay in Japan with the status of residence “Investor/Business Manager” or “Legal/Accounting Services” are allowed to bring domestic workers. However, under the highly-skilled professionals system, they will be allowed to bring domestic workers whom they had hired in their home countries or to newly hire domestic workers from outside Japan on condition that they have children under 13 years of age (\*2).

## Section 2 ◆ Background and Developments of Revision of the Criteria for Recognition

In April 2013, the “Sub-panel for Discussion on the System for the Acceptance of Foreign Nationals” was established under the 6th Immigration Policy Discussion Panel (hereinafter referred to as “Immigration Policy Discussion Panel”), a private advisory group for the Minister of Justice in order to discuss the points system for highly-skilled foreign professionals, and intensive discussions took place on the direction of the revision among the members from the relevant ministries and agencies, the business community and labor world. In May 2013 the Immigration Policy Discussion Panel submitted to the Minister of Justice a report entitled “Results of the Discussions to Review the System of Points-Based Preferential Immigration Treatment for Highly-Skilled Foreign Professionals”.

The report indicated the direction of five points of revision: (1) revision pertaining to the annual income requirement, (2) revision relating to the scope of remuneration, (3) revision pertaining to bonus points, (4) revision on easing the criteria for permanent residence pertaining to history of residence, and (5) revision of the criteria to enable the foreign national to be accompanied by his or her parents or domestic staff.

Also, in the “Japan Revitalization Strategy” (decided by the Cabinet on June 14, 2013), the preferential treatment for highly-skilled professionals was reviewed and it was decided that a new system would be started within the end of the year.

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(\*1) Certain requirements must be met by the highly-skilled foreign professional in order for him or her to be accompanied by his or her parent(s) such as the annual household income of the highly-skilled foreign professional being at least 8 million yen and the parent(s) living together with the highly-skilled foreign professional.

(\*2) When highly-skilled foreign professionals intend to hire domestic worker, they need to satisfy certain conditions, separately from the point evaluation process, such as that the annual household income of the highly-skilled foreign professional must be 10 million yen or more. In cases of bringing over domestic workers whom they had hired in their home country, they must have employed the same domestic worker for at least one year in their home country.

## Section 3 ◆ Outline of the Revisions

Based on the report of the Immigration Policy Discussion Panel and the “Japan Revitalization Strategy”, a Ministry of Justice public notice was amended on December 17, 2013 for the purpose of revising the recognition criteria and preferential treatment measures for highly-skilled foreign professionals (enforced on December 24, 2013).

Specifically, the recognition criteria were revised as follows: (1) abolishment of the minimum annual income for advanced academic research activities, and lowering of the minimum annual income to 3 million yen for advanced specialized/technical activities and advanced business management activities; (2) inclusion of remuneration other than that received from the organization of affiliation in Japan in the calculation of the annual income; (3) increase in the number of points for the item of research achievements in the category of advanced academic research activities (for one research achievement: 15 points → 20 points and for two or more research achievements: 15 points → 25 points); (4) increase in the number of points for the item of Japanese language proficiency (10 points → 15 points); (5) increase in the number of points for the item of acquisition of a degree from a Japanese institute of higher learning (5 points → 10 points); (6) additional points for certain specialist degrees, foreign qualifications or awards, etc.; (7) additional points enabling small and medium-sized business enterprises to utilize the system; and (8) eligibility of foreign nationals intending to reside in Japan for less than one year under the points-based system.

The system of preferential treatment was revised as follows: (1) lowering of the annual income requirement to enable the highly-skilled foreign national's parents to accompany him or her (10 million yen → 8 million yen); (2) highly-skilled foreign national's parents permitted to accompany the highly-skilled foreign professional in cases of pregnancy; (3) revision of the age requirement for children in order to permit the highly-skilled foreign professional's parents to accompany him or her (under three years of age → under seven years of age); (4) abolishment of the requirement of biological children in order to permit the highly-skilled foreign professional's parents to accompany the highly-skilled foreign professional for the purpose of helping with raising an adopted child; (5) abolishment of the requirement of biological parents in order to permit the highly-skilled foreign professional's adoptive parents to accompany him or her; (6) lowering of the annual income requirement in order to permit domestic staff to accompany the highly-skilled foreign professional (15 million yen → 10 million yen); and (7) inclusion of the annual income of the spouse and annual income from an organization other than the organization of affiliation in Japan in the annual income requirement to enable the parents or domestic staff to accompany the highly-skilled foreign professional.

## Section 4 ◆ Publicity Measures

It is important to proactively conduct publicity measures and to promote the use of the points-based system for highly-skilled foreign professionals in order to have as many highly-skilled foreign professionals utilize the system as possible. Therefore, the Immigration Bureau has been conducting the following kinds of publicity measures.

- (1) A special “Points-Based System for Highly-Skilled Foreign Professionals” page was created for the Immigration Bureau's website on which easily-comprehensible explanations on the system can be found in Japanese and English. In addition, with the cooperation of the related organizations, information has also been sent out in the e-magazines of related organizations.
- (2) A leaflet showing at a glance how the points are calculated was prepared and distributed to the foreign embassies in Japan and the Japanese embassies abroad.



- (3) In cooperation with the relevant ministries and agencies, officers were sent to the conferences of companies, universities and other organizations, which are likely to be the ones accepting the highly-skilled foreign professionals, to give an explanation of the system.

The Immigration Bureau intends to continue with its endeavors to enhance its publicity measures relating to the system for highly-skilled foreign professionals with the cooperation of the relevant ministries and agencies.

## Section 5 ◆ Establishment of a New Status of Residence

A bill for partial amendment of the Immigration Control Act was submitted to the 186th session of the Diet in order to promote the acceptance of highly-skilled foreign professionals and this bill was approved and enacted in June 2014. This bill had as its contents the establishment of a new status of residence named “Highly Skilled Professional (i)”, which was established for those foreign nationals with advanced and specialized skills who are currently being granted the status of residence of “Designated Activities” as well as the establishment of a new status of residence named “Highly Skilled Professional (ii)”, which substantially eases the restrictions on activities and grants an unlimited period of stay, to be granted to highly-skilled foreign professionals, who have resided in Japan for a certain period with the status of residence of “Highly Skilled Professional (i)”.

## Chapter 4. Measures against Illegal or Imposter Foreign Residents in Japan

### Section 1 ◆ Implementation of Measures against Illegal Foreign Residents

#### ① Past Efforts to Reduce the Number of Illegal Foreign Residents

Based on the “Five-Year to Halve the Number of Illegal Foreign Residents” launched in 2004, each regional immigration bureau has actively promoted various measures, including strict implementation of landing/residence examinations, proactive public relations activities regarding illegal employment, strengthened detection by detection officer units, etc., wider application of custody transfer in accordance with Article 65 of the Immigration Control Act, and the encouragement of the appearances of illegal foreign residents under the departure order system. As a result, the number of illegal foreign residents, which was about 250,000 at the start of the plan, decreased to about 130,000 as of January 2009, and its goal was almost accomplished.

Based on the “Action Plan 2008 for the Realization of a Society Resistant to Crime” aiming to “create a society that generates no illegal foreign residents under the new residency management system”, the Immigration Bureau has continued efforts to further reduce the number of foreign nationals illegally staying beyond their authorized period of stay, which decreased to approximately 59,000 as of January 1, 2014.

#### ② Efforts to Further Reduce the Number of Illegal Foreign Residents

The Immigration Bureau recognizes that the number of illegal foreign residents in Japan has steadily decreased due to past efforts. However, it is estimated that there are still approximately 59,000 foreign nationals staying beyond their authorized period of stay in hiding somewhere in the country, so the Immigration Bureau is making the following efforts to further reduce the number of illegal foreign residents.

##### (1) Strengthened Detection

The Immigration Bureau has established “special detection officer units” that are to engage full-time in detecting offenders in violation of the Immigration Act in the Tokyo Regional Immigration Bureau (six units), Nagoya Regional Immigration Bureau (two units), Osaka Regional Immigration Bureau (two units) and Yokohama District Immigration Office (one unit), which are located in large city areas where there are many offenders. In addition, the Immigration Bureau has continued efforts to reinforce the ability to detect illegal foreign residents, and is promoting joint detection by strengthening cooperation with the local police authorities.

It has become obvious that illegal foreign residents tend to exist in smaller groups and have spread out in wider areas, and the number of those who are detected at a single site has been on the decline over the years. Given this, the Immigration Bureau seeks to gather and analyze various pieces of information on foreign nationals staying beyond their authorized period of stay, and makes efforts to promote effective and efficient detection by rebuilding the composition of the immigration control officers.

## (2) Preparation of an Environment Facilitating Voluntary Appearance

The Immigration Bureau introduced a departure order system as a measure to encourage illegal foreign residents existing in various parts of the country to appear at the immigration office voluntarily, and took other measures, including a revision of the “Guidelines on Special Permission to Stay in Japan” (\*1) and publication of such cases, as well as public relations activities to encourage voluntary appearance at an immigration office.

Unlike the deportation procedures, the departure order system is a system under which foreign nationals illegally staying beyond their authorized period of stay who satisfy certain requirements, such as having appeared at the immigration office voluntarily to swiftly leave Japan, are allowed to depart from Japan in accordance with simplified procedures without detention (see Part I, Chapter 2, Section 5, subsection 5). During 2013, a total of 2,479 foreign nationals left Japan under this system.

Meanwhile, the “Guidelines on Special Permission to Stay in Japan” which were approved and announced in 2006 were revised in July 2009 in order to increase the transparency of the operations. The revised guidelines show that if an illegal foreign resident appears at the immigration office voluntarily, this is considered a positive factor in the judgment on adjustment of their legal status.

The Immigration Bureau is also taking measures to further publicize the system and the revised guidelines on special permission to stay in Japan by conducting active public relations activities for the departure order system, improving the environment for voluntary appearances, and aiming to encourage illegal foreign residents to voluntarily appear at the immigration office (\*2).

## Section 2 ◆ Implementation of Measures against Imposter Foreign Residents

### ① Countermeasures against Imposter Foreign Residents, etc.

The term “imposter foreign resident” refers to foreign nationals who falsify their status of residence and their purpose of stay in the form of fake marriages, fake study, fake employment, etc., and illegally receive permission to stay by forging or illegally altering documents or using fraudulent documents; and engage in illegal work pretending to be bona fide legal residents as they are staying in the country with a legitimate status of residence. The implementation of countermeasures against illegal foreign residents together with countermeasures against foreign nationals staying beyond their authorized period of stay forms one of the principal tasks in immigration control administration. Since “imposter foreign residents” appear superficially to be “legal residents”, it is difficult to accurately identify their actual situations, and there are concerns that this number will increase as a means of planning entry and residence in Japan.

The existence of imposter foreign residents abusing the status of residence system cannot be overlooked, and moreover, has the potential to destabilize the foundation of Japan’s immigration control administration, and therefore, the Immigration Bureau is striving to strengthen its countermeasures. The

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(\*1) In order to ensure further improvement of the transparency and equity of the special permission to stay, the Immigration Bureau formulated and published the “Guidelines on Special Permission to Stay in Japan”. These guidelines articulate what elements are considered positive elements and what are considered negative elements in determining whether special permission to stay should be granted or not, and present what points are considered in determining whether special permission to stay should be granted or not.

(\*2) Examples of public relations activities:

- (1) During the “Campaign for Measures against Illegal Foreign Workers” held every June, public relations for the prevention of illegal employment are conducted.
- (2) A page for “Procedures for Voluntary Appearance at the Immigration Office” was created on the websites of the Ministry of Justice and the Immigration Bureau in order to give clear explanations of the benefits of a voluntary appearance at an immigration office, and the procedures after the appearance, both to those who wish to return to their home countries and those who wish to continue staying in Japan.

Immigration Bureau makes efforts to strictly respond to foreign nationals falling under the grounds of deportation, by revoking their status of residence and then enforcing the deportation procedures against them.

## **② Crackdowns on Imposter Foreign Residents, etc.**

### **(1) Reinforcement of the Collection and Analysis of Information**

In order to promote measures against imposter foreign residents, it is very important to carry out further effective crackdowns by uncovering such residents based on the collection and analysis of information.

For this reason, as well as continuously and accurately collecting and investigating information submitted by the foreign nationals and their organizations, the Immigration Bureau utilizes and reinforces the analysis of information received from the general public on foreign nationals staying beyond their authorized period of stay, information received through information exchange with the police and other ministries and agencies, and information provided by the Ministry of Health, Labour and Welfare on notifications of the employment of foreign nationals in order to be able to effectively find and expose imposter foreign residents, and to strictly deal with them.

### **(2) Strengthened Detection of Foreign Nationals Engaged in Unauthorized Activities/Strict Handling of Foreign Nationals Falling under the Grounds for Revocation of the Status of Residence**

When a foreign national residing in Japan with a status of residence that has restrictions on the activities which may be engaged in, is found to be engaged solely in work which does not fall under the scope of activities of the status of residence previously granted at the time of entry, he or she becomes subject to the grounds for deportation. The Immigration Bureau is engaged in proactively exposing such foreign nationals.

In addition, the Immigration Bureau has been making efforts to reinforce crackdowns through such means as having immigration control officers and immigration inspectors cooperate to conduct investigations into the actual situation of foreign nationals and if a foreign national is found to fall under the grounds for revocation of the status of residence, his or her status of residence will be revoked and he or she may become subject to the deportation procedures.

## **③ Strict Treatment of Brokers Aiding Foreign Nationals in Illegal Residence and Imposter Residence**

Article 24 of the Immigration Control Act provides that anyone coming under any of the following grounds for deportation will be deported: a person who has prepared or otherwise provided forged or false documents for the purpose of having another foreign national illegally acquire permission; a person who has had another foreign national engage in illegal work; a person who possesses forged residence cards for the purpose of using them; and a person who has forged or otherwise provided residence cards. In close cooperation with the police and other related authorities, the Immigration Bureau takes stringent actions by proactively detecting brokers and other offenders involved in aiding foreign nationals illegally staying beyond their authorized period of stay and imposter foreign residents pursuant to the provisions of this Article and other provisions.

## Section 3 ◆ Efforts for Further Appropriate Treatment

### ① Efforts for Further Appropriate Treatment of Detainees

Based on an agreement reached with the Japan Federation of Bar Associations (JFBA) in September 2010, the Immigration Bureau started discussions with the JFBA on better measures about treatment of foreign nationals held in the detention centers, and will continue to hold such discussions in the future. To date, the Immigration Bureau has already implemented measures together with the JFBA such as having attorneys provide legal consultations to the detainees, while some bar associations have been providing regular consultations over the phone or in person to detainees in the detention centers.

With regard to foreign nationals detained in a detention center to whom a deportation order has been issued but who cannot be deported for an extended period of time, regardless of applications for provisional release the Director of the Immigration Detention Center or the supervising immigration inspector of the Regional Immigration Bureau periodically checks and reviews the necessity and reasons for provisional release, and, through flexible application of the provisional release system, endeavors to ensure that foreign nationals are not detained for a long period of time.

Furthermore, while taking into consideration the circumstances of individual facilities, the hours of open treatment has been extended and the hours for detained foreign nationals to engage in outdoor activities or to take a bath have been increased to the greatest extent permissible in terms of security. In addition, with the cooperation of the JFBA, periodical medical checks by visiting psychiatrists commenced in June 2011 at the Higashi-Nihon Immigration Center and in February 2012 at the Nishi-Nihon Immigration Center. The Immigration Bureau has therefore been making efforts to accord proper treatment to the detainees with due consideration being given to their human rights.

### ② Activities and Duties of the Immigration Detention Facilities Visiting Committee

The Immigration Detention Facilities Visiting Committee was established for the purpose of securing transparency in security treatment and of improving the management of the immigration detention facilities. Currently there are two committees, one in the Tokyo Regional Immigration Bureau, and another in the Osaka Regional Immigration Bureau. Each committee takes charge of immigration centers and departure waiting facilities in 25 locations (as at the end of June 2014) spread across Japan. Each committee inspects the facilities, meets with and interviews detainees, checks the opinions and proposals posted by detainees in the proposal boxes, and holds meetings. Based on this information, the committee expresses an opinion to the Director of the Immigration Detention Center or the Director of the Regional Immigration Bureau (hereinafter referred to collectively as “directors”).

Over the course of one year from July 2012 to June 2013, 12 inspections and 103 interviews took place in the facilities throughout Japan, and 57 opinions were given to the Directors. On receiving the opinions from the committees, the Directors promptly consider them, and endeavor to take measures where possible.

Committee members, who are selected from people who have a reputable character, possess deep insight and are committed to improving the operations of the immigration detention centers, are appointed as part-time officers by the Minister of Justice. A maximum of no more than ten members may be appointed for each committee from experts from diverse fields, such as academic experts, legal experts, medical experts, NGO workers, the staff of international organizations, and representatives of the local community.

In addition, a summary of the opinions given by the committees and the measures taken by the Directors based on those opinions are published each year pursuant to the provisions of the Immigration Control Act.

### Article: At the front line of immigration control administration (voice of an immigration control officer in the Detention Department) (Detention Department, Osaka Regional Immigration Bureau: Yoko Tsuji)

As a female detention officer of a facility housing foreign nationals who are undergoing the deportation procedures, I work a 24-hour shift dealing with the foreign nationals who are being detained there while maintaining safety and order within the facility.

Detention during the deportation procedures is intended to enable smooth handling of all of the hearings concerning the procedures to secure the custody of the foreign national. However, in recent years, there are an increasing number of foreign nationals whose detention periods are becoming longer owing to the foreign nationals instituting litigation after the disposition of deportation has been finalized and seeking revocation of the disposition in the hopes of residing in Japan.

We try to give the detainees as much freedom as possible in the detention centers within the limits of ensuring security, endeavor to respect the various manners and customs of each country and region, and pay attention so that the detainees are able to remain healthy in mind and body.

However, since each of the detainees have their own worries, and foreign nationals with different customs are living together in one place, all kinds of friction is created which builds up stress and can lead to the development of trouble.

In order to prevent such trouble, we detention officers have to ensure the foreign nationals abide by the rules, but we also strive to alleviate their stress by making time to talk to them while on duty and listen to them during the individual interviews.

In addition, when I talk to the detainees, while bearing in mind my position as a detention officer, I strive to help keep the detainees' emotional state stable by making most of my sensibilities as a woman, paying attention to detail and paying attention at all times to the actions and expressions of the individual detainee.

Working 24-hour shifts sometimes takes a physical toll, but I take pride in the fact that our work plays a role in maintaining the security of our country, and I hope to continue cooperating in the future with my senior and junior colleagues in the fulfillment of my duties.





## Article: The Strategy to Make “Japan - the Safest Country in the World”

In September 2013, Tokyo was selected as the host city for the 2020 Olympic and Paralympic Games. This will be the second time for the Summer Olympic Games to be held in Japan since 1964.

The excellent safety of our country was a major advantage in our city being selected as the host city, and with this in mind, the central government formulated “The Strategy to Make ‘Japan - the Safest Country in the World’” (Cabinet decision of December 10, 2013) in order to be able to make “Japan the safest country in the world” where the general public can feel that this is a country where they can live safely and with peace of mind and where visitors from countries all around the world will also be able to share the excitement of the Olympic and Paralympic Games safely and with peace of mind.

The same strategy also included the following measures in order to further consolidate the excellent security of our country:

1. Build a safe world-class cyber space.
2. Terrorism measures/counter intelligence, etc. bearing in mind the G8 Summit, the Olympics and other international conferences.
3. Promote measures to counter recidivism to prevent re-offending.
4. Deal with organized crimes that threaten society.
5. Ensure safety and security to support an energized society.
6. Measures to counter illegal residence for the realization of a society where Japanese nationals and foreign nationals are able to live together with peace of mind.
7. Strengthen the security base to build “Japan - the safest country in the world”.

Based on this strategy, the Immigration Bureau has been working proactively on countermeasures at the border and measures to counter illegal residents in order to build a safe and secure society.

## Chapter 5. Promotion of Prompt and Appropriate Refugee Protection

### Section 1 ◆ Promotion of Prompt and Appropriate Processing of Applications

In July 2010, in order to stabilize as quickly as possible the legal status of those foreign nationals who ought to be recognized as refugees, the Immigration Bureau set six months as the standard time for the processing of one refugee application and aimed to achieve by the end of March 2011 the processing of all applications, in principle, within this timeframe. In addition, the Immigration Bureau made the decision to announce on a quarterly basis the average processing (examination) time for refugee applications on the Ministry of Justice website.

The average time required for the processing (examination) of an application was within six months for every quarter of FY 2013.

In addition, following a proposal received from the Japan Federation of Bar Associations (JFBA) to establish a data center for information on the countries of origin of the refugees and to provide better materials to enable applicants to be able to browse and use them, the Immigration Bureau has been posting information concerning the countries of origin of the refugees and international affairs (specifically, Japanese translations of reports of the United Kingdom Home Office and the United States Department of State) on the Ministry of Justice website since November 2010, and endeavors to collect and prepare basic materials for information on the countries of origin.

Furthermore, we have been conducting enhanced training with the cooperation of the UNHCR for the purpose of training refugee inquirers with advanced knowledge and research capabilities. As well as the usual refugee inquirer training, we have also been implementing additional training on an ongoing basis such as a three-day practical training program using case studies since 2010 under the direction of the UNHCR, short-term officer dispatch to the UNHCR regional offices since 2011, and sending officers to participate in training at the International Institute of Humanitarian Law in Sanremo, Italy since 2012.

### Section 2 ◆ Acceptance of Refugees through Resettlement

Resettlement is intended to transfer and resettle refugees, who have been evacuated from their countries of origins and who are temporarily taking shelter in a refugee camp in a neighboring country or some other place, to another country which agrees to accept such refugees from the countries where they were originally offered protection. Resettlement is deemed to be one of the permanent solutions for refugee problems, as well as “voluntary repatriation” and “resettlement in the first countries of asylum”.

The UNHCR encourages each country to accept refugees based on resettlement from the standpoint of having the international community properly share its duties in relation to refugee problems.

In the past Japan took measures to support the resettlement of those recognized as Indochinese refugees and other refugees, but in order to deal with the various problems relating to refugees in the Asian region, Cabinet approval was given to the introduction of a system of resettlement (“Implementation of a Pilot Project for the Admission of Refugees through Resettlement”) on December 16, 2008.

The Cabinet approval and the “Specific Measures for Implementation of a Pilot Project for the Admission of Refugees through Resettlement” (decision of the Liaison and Coordination Council for Refugee

Issues on December 19, 2008) prescribed that the relevant ministries and agencies would accept approximately 30 Myanmarese refugees every year from refugee camps in Thailand, as a pilot project starting from FY 2010 and would support their resettlement through inter-ministry and agency cooperation. It was also stated that the pilot project would, in the future, be reviewed from various angles, and that based on the review, further consideration would be given to a future system of acceptance (After that, targeted camps were expanded.). The first group of five families comprising 27 family members came to Japan in FY 2010, four families comprising 18 family members came in FY 2011, and four families comprising 18 family members came in 2013 (three families comprising 16 family members were scheduled to come to Japan in FY 2012, but all of the families withdrew their request before coming to Japan).

Based on the results of the Advisory Council on Resettlement held under the auspices of the Liaison and Coordination Council for Refugee Issues from March 2012 to December 2013, Japan's future policy on resettlement was approved by the Cabinet on January 24, 2014, and in accordance with the contents of this Cabinet Agreement and the "Specific Measures for the Admission of Refugees through Resettlement" (decision of the Liaison and Coordination Council for Refugee Issues of January 24, 2014), Myanmarese refugees who are staying temporarily in Malaysia are to be eligible for acceptance from FY 2015 onwards.

The Immigration Bureau is mainly in charge of the selection process for the acceptance of refugees and conducts interviews by sending officers out to the field, but with the cooperation of the related organizations, we intend to continue in the future with our efforts for the acceptance of refugees through resettlement.

### Section 3 ◆ Promotion of Collaboration with NGOs

With regard to refugee-related administration, it is necessary to identify specific points which need to be improved through discussions with individuals involved in the promotion of refugee protection incorporating the standpoint of the private sector and legal experts, and to work to achieve better measures in collaboration with and cooperation from citizens' groups.

Therefore on February 10, 2012, the Immigration Bureau concluded a three-party agreement and exchanged a memorandum on cooperation with the Forum for Refugees Japan, which is a network of NGOs and groups supporting refugees, and the JFBA, agreeing to hold discussions to identify the refugee-related administrative matters that the Immigration Bureau is responsible for which need improving, including procedures for recognizing refugee status, and to exchange information on the provision of housing, with the assistance of refugee support groups, for refugees awaiting the results of their application for recognition of refugee status.

Currently, based on this memorandum, the Immigration Bureau is considering a future ideal direction for specific cooperation.

## Chapter 6. Responses to International Society and International Situations

### Section 1 ◆ Treaties and International Conventions

#### ① Major Actions for Negotiations for the Conclusion of EPAs with other Countries

The Economic Partnership Agreements (EPAs) are agreements which aim to promote liberalization and facilitation of trade between signatory nations, as well as the coordination of policies, relaxation of regulations, and cooperation in various economic areas, including tariffs, trade in services, investment, intellectual property, and personal exchanges. The Immigration Bureau has been actively involved in negotiations for the conclusion of EPAs with various countries: Singapore (effective date: November 2002), Mexico (April 2005), Malaysia (July 2006), Chile (September 2007), Thailand (November 2007), Indonesia (July 2008), the Philippines (December 2008), Switzerland (September 2009), Viet Nam (October 2009), India (August 2011), and Peru (March 2012); and has been responsible for the part in the negotiations in relation to the “movement of natural persons”.

As of April 2014, the Immigration Bureau has mainly been involved in negotiations for the conclusion of EPAs, with Mongolia, Canada, Colombia and the EU.

#### ② Acceptance of Nurse and Care Worker Candidates Based on an EPA

From the point of view of strengthening bilateral cooperation in economic activities, Japan commenced the acceptance of nurse and care worker candidates, who aim to acquire Japanese national nursing qualifications or national care worker qualifications, from Indonesia in FY 2008 and the Philippines in FY 2009. The number of foreign nationals accepted as nurse and care worker candidates based on an EPA up until FY 2013 was 1,048 from Indonesia and 821 from the Philippines.

In addition, based on an exchange of notes between Japan and Viet Nam completed in April 2012 relating to the entry and temporary stay of nurse and care worker candidates, the acceptance of nurse and care worker candidates from Viet Nam commenced in FY 2014.

#### ③ Reports and Examinations in Accordance with Human Rights Treaties

Japan is a signatory to various treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). With regard to government reports on the status of the implementation of those treaties, the Immigration Bureau is involved in the drafting of reports, review of the government reports, and follow-up thereof from the perspective of immigration control administration.

## Section 2 ◆ International Conferences

### ① G8 Rome/Lyon Group Migration Experts Sub-Group Meeting

The Migration Experts Sub-Group Meeting, one of the sub groups of the G8 Rome/Lyon Group, which is a working experts' group to discuss measures against international terrorism and transnational organized crime at the G8 level, is discussing measures that the G8 members should take cooperatively in the area of illegal immigration and the forgery or alteration of documents.

In 2013, two meetings were held in the U.K., and officials from the Immigration Bureau attended the meetings to exchange information and opinions with their counterparts in other countries.

### ② Other International Conferences

In addition to the international meetings mentioned above, the Immigration Bureau sends officials to attend discussion meetings on bilateral economic partnerships, counter-terrorism measures and consular services, etc., with the aim of clearly explaining Japan's position and actively building cooperative relations with other countries. The Immigration Bureau also sends officials to participate in meetings intended for information sharing and opinion exchange, such as the International Air Transport Association (IATA)/Control Authorities Working Group (CAWG).

## Article: Outline of the 12th ASEM Conference of the Directors-General of Immigration and Management of Migratory Flows (held in Tokyo)

The ASEM Conference of the Directors-General of Immigration and Management of Migratory Flows is a conference where the persons responsible for migration problems in each of the Asian and European countries come together and discuss the issues of immigration control, and this conference has been held every year since 2002.

In 2013, the 12th ASEM Conference was hosted by the Immigration Bureau in Tokyo on October 9 and October 10 for a period of two days with the participation of 13 countries from Asia, 14 countries from Europe and one organization (with an additional two international organizations attending as observers).

Sadakazu Tanigaki, then Minister of Justice gave a welcome speech at the Conference and Kazuo Sakakibara, then Director-General of the Immigration Bureau acted as chair. The main theme was set as “Migration Policy as a Strategy for Economic Growth” and the discussions focused mostly on the acceptance of highly-skilled foreign professionals (incentives to attract highly-skilled migrants, the challenges in implementation of policy for the acceptance of highly-skilled migrants, and evaluation methods for the policy of accepting highly-skilled migrants, etc.), the acceptance of unskilled labor (the challenges in implementation of policy for the acceptance of low-skilled workers, cooperation from the migrant-receiving country and the migrant-sending country, and prevention of illegal residence, etc.) and dispatch of the migrants of one’s own country (effects of measures taken prior to the departure of the migrants by the migrant-sending country, methods of securing employment for one’s own citizens in the migrant-receiving country, and socio-economic benefits gained by the migrant-sending country).



As outcomes of the Conference, the Chairman’s Statement, included the following contents:

- (1) Confirmed that the international movement of people (migration) and policies for migration management are important as a strategy for economic growth amid a declining labour force.
- (2) Noted that the following matters are important:
  - Strengthening cooperation on migrants between the migrant-sending country and the migrant-receiving country
  - Protecting the legitimate rights and interests of the migrants.
  - Strengthening of the inter-ministerial cooperation mechanisms in order to improve migration management.
- (3) Confirmed the creation of an ASEM Migration Contact Points List, and its utilization to share information on migration issues.



## Chapter 7. Improvement of Public Relations Activities and Public Services

### Section 1 ◆ Promotion of Public Relations Activities

Recognizing that public relations and enlightenment activities both in Japan and abroad play a major role in the smooth implementation of immigration control administration, the Immigration Bureau has been further promoting more active public relations activities than ever before.

The main public relations activities include releasing statistics concerning immigration control administration such as the number of those entering or departing from Japan, the number of foreign residents and the number of foreign nationals staying beyond their authorized period of stay, and posting and disseminating such information through the Ministry of Justice website. In addition, the Immigration Bureau publishes such information as data on the number of cases of special permission to stay in Japan and the standard processing time of the examinations of recognition of refugee status, in order to allow for a wide variety of people to be able to understand immigration control administration. In particular, with regard to publicity measures to promote the use of the automated gates (see Part III, Chapter 2, Section 1), since August 2013, as well as conducting publicity measures through the use of posters and leaflets in the airports with the cooperation of the airport operating companies and airlines, officers have been sent to the prefectural passport offices to allow passport holders to register on the spot for use of the automated gates, and posters that were created through a tie-up with the Disney movie “Planes” were put up nationwide with the cooperation of the local governments.

Moreover, for the purpose of preventing illegal work through the appropriate employment of foreign nationals, the Immigration Bureau holds an “Illegal Work Prevention Campaign” as part of the larger campaign for “Foreign Labor Problems Awareness Month” conducted by the government every June, so that the general public, companies hiring foreign nationals, and relevant organizations and governments in other countries will be able to better understand the issues and offer cooperation to the Immigration Bureau. In 2013, the Immigration Bureau conducted enlightenment activities for the prevention of illegal employment by distributing leaflets in cooperation with the relevant ministries and local authorities, etc.



Scene of the publicity measures used to promote use of the automated gates 1



Scene of the publicity measures used to promote use of the automated gates 2



Scene from the Illegal Work Prevention Campaign

## Section 2 ◆ Improvement of Public Services

### ① Facilitating the Landing Examination Procedures

The Immigration Bureau has made efforts to facilitate the entry (landing) examinations at airports and seaports, but foreign nationals who visit Japan through airports have expressed dissatisfaction with the length of time they have to wait in line for the entry (landing) examinations. In response to these complaints, measures have been taken at the immigration counters at the major airports to resolve this problem, by assigning some of the immigration inspectors in charge of the departure and return procedures for Japanese nationals to the examination of foreign nationals, and transferring immigration inspectors between immigration counters depending on the degree of congestion. In addition, the expected waiting time for examination of foreign nationals is indicated and priority lanes for the elderly, the disabled and pregnant women have been established. Thus, the Immigration Bureau has made additional efforts to facilitate procedures and improve the quality of services.

In addition, the Immigration Bureau has made efforts for smoother entry (landing) examination procedures by shortening the waiting time, while sometimes asking airlines for cooperation in view of the real-time situation of each airport. Specifically, the Immigration Bureau adopts a fork line approach which allows arriving passengers to stand in a single line and to proceed one by one to the next available booth instead of having arriving passengers form a line for each inspection booth, increases the number of immigration inspectors when the airport becomes congested, stations interpreters and examination booth concierges, broadcasts a guidance video explaining the procedures for the provision of personal identification information, and displays an information board that illustrates the items to be entered in the embarkation and disembarkation card.



Indication of waiting time for examination



Priority lanes

### ② Information Services for Foreign Nationals

The Immigration Bureau has been promoting the “Comfortable Administrative Services Campaign” for the purpose of realizing a friendly and caring administration, but even so some applicants have asked for a reduction in the waiting time for examination and provision of more detailed and clearer guidance on the various procedures.

To meet such a demand, the regional immigration bureaus have been making continuous efforts to improve staff attitudes towards the provision of administrative services and their demeanor by holding seminars on demeanor and attitudes, and have been striving to improve the environment of the reception

counters and the various information services.

Furthermore, there are a large number of foreign nationals who are unfamiliar with the procedures relating to entry and residence as well as Japanese laws and social systems due to differences in lifestyle, manners, customs and language. For the purpose of providing consultation services and information to such foreign nationals, immigration information centers have been established. These centers provide information on the various procedures related to entry, the statuses of residence and the items to be entered in the application forms on entry and statuses of residence.

These information centers were established in the Sendai Regional Immigration Bureau, Tokyo Regional Immigration Bureau and its Yokohama District Immigration Office, the Nagoya Regional Immigration Bureau, Osaka Regional Immigration Bureau and its Kobe District Immigration Office, the Hiroshima Regional Immigration Bureau and Fukuoka Regional Immigration Bureau. They provide consultations on procedures for the entry and residence of foreign nationals in various languages, such as English, Korean, Chinese and Spanish. Counseling staff members have been assigned to the Sapporo Regional Immigration Bureau, Takamatsu Regional Immigration Bureau and the Naha District Immigration Office of Fukuoka Regional Immigration Bureau to provide the same services as the above information centers.

In addition to the above, in cooperation with local authorities where many foreign long-term residents are concentrated, one-stop consultation centers, which provide consultations and information on administrative procedures for entry and residence as well as on daily life, were established and have been operating in Hamamatsu City, Shizuoka Prefecture since April 2009, in Saitama City, Saitama Prefecture since August 2009 and in Shinjuku Ward, Tokyo since November 2009.



**Immigration Information Center**

### ③ Immigration Bureau Website

In March 2002, the Immigration Bureau established its own website separately from the website of the Ministry of Justice. Through this site (<http://www.immi-moj.go.jp>), the Immigration Bureau introduces questions and answers on the application procedures for entry and statuses of residence as well as the addresses, contacts and opening hours of the immigration offices for the convenience of applicants. In February 2004, the Immigration Bureau commenced the receipt by email of information on foreign nationals who may be staying illegally in Japan.

Moreover, to improve the information services for foreign nationals, the Immigration Bureau opened a website in English at the end of FY 2005, and multi-lingual websites in Chinese, Korean and Portuguese at the end of FY 2006 to make its website more user-friendly for foreign nationals.

## Chapter 8. Policy for the Achievement of a Symbiotic Society Co-existing with Foreign Nationals

### Section 1 ◆ Participation in the Foreign Crowding House City Meeting

The Foreign Crowding House City Meeting consists of the local governments of cities where a large population of foreign residents, foreign nationals of Japanese ancestry, mainly from South America known as “newcomers”, is concentrated and international exchange associations. The purpose of the council meetings is to exchange information relating to policies and the activities of foreign residents, and to proactively resolve the various associated problems arising in the area. The first meeting of the Council was held in May 2001, and officers from the Immigration Bureau took part in the meeting.

Officers from the Immigration Bureau and other relevant ministries participated in the Foreign Crowding House City Meeting/Nagahama 2013 held in October 2013, and gave a report on the situation following the implementation of the residency management system for mid to long-term residents, and exchanged information and opinions with the participants of the City Meeting.

### Section 2 ◆ Participation in Government-Wide Efforts (Council for Promotion of Measures for Long-Term Residents of Japanese Descent and Inter-ministerial Liaison Council for Foreign Worker Issues)

The Council for Promotion of Measures for Long-Term Residents of Japanese Descent with the Minister of State as Chair has been convened on a regular basis since March 2009 in order to promote measures to be taken by the government as a whole with regard to the policies relating to long-term residents of Japanese descent such as consideration of support for foreign nationals of Japanese descent who are faced with difficult circumstances such as a lack of employment, with the Immigration Bureau also taking part in the considerations. In March 2014, the “Promotion of Policies for Long-Term Residents of Japanese Descent” describing the policies of the government to be taken with regard to long-term residents of Japanese descent was compiled.

In addition, the Promotion Council for Long-Term Residents of Japanese Descent came to be held a number of times together with the Inter-ministerial Liaison Council for Foreign Worker Issues established in 1970 in order to study the various problems related to the acceptance of foreign nationals focusing on foreign workers, and therefore the Immigration Bureau has also been participating in the meetings of this liaison council.



## Chapter 9. Discussions on Future Immigration Control Administration

### Section 1 ◆ Outline of the Immigration Policy Discussion Panel

The Immigration Policy Discussion Panel, a private advisory group for the Minister of Justice, was established for the purpose of allowing the Minister to hear opinions from experts from various sectors on immigration control administration. The first Immigration Policy Discussion Panel was started in November 1990. Since then, the Immigration Bureau has held six Immigration Policy Discussion Panels. Based on the discussions of the panel, the Immigration Bureau formulated the Basic Plan for Immigration Control which serves as the basis for policies on control over the entry and residence in Japan of foreign nationals, and is scheduled to formulate the 5th Basic Plan for Immigration Control in 2015.

### Section 2 ◆ 6th Immigration Policy Discussion Panel

The 6th Immigration Policy Discussion Panel started on March 7, 2013 studied the issues of the 4th Basic Plan for Immigration Control which were: (1) immigration control policy in light of the status of operation following the implementation of the residency management system for mid to long-term residents, (2) promotion of the acceptance of foreign nationals in professional and technical fields, (3) the role of the policy of acceptance of foreign nationals in light of a society with a declining population and (4) the promotion of measures against illegal residents and imposter residents toward the realization of a safe and secure society.

In April 2013, the “Sub-panel for Discussion on the System for the Acceptance of Foreign Nationals” was established under the Immigration Policy Discussion Panel. The sub-panel held collective discussions to review the points-based system for highly-skilled professionals (see Chapter 3 above). On May 20, 2013, the third meeting of the Immigration Policy Discussion Panel finalized the report entitled “Results of the Discussions to Review the System of Points-Based Preferential Immigration Treatment for Highly-Skilled Foreign Professionals”, which was later submitted to the Minister of Justice.

On the same day of May 20, 2013, the third meeting of the Immigration Policy Discussion Panel finalized the report entitled “Results of the Discussions on the Future Direction of Immigration Control Administration in an Era of 25 Million Visitors Visiting Japan”, which was submitted on the same day to the Minister of Justice.

In addition, the “Sub-panel for Discussion on the System for the Acceptance of Foreign Nationals” has been holding discussions on the system of technical intern training since November 2013, and the “Results of the Study on the Revision of the System of Technical Intern Training (Report)” were compiled and submitted to the Minister of Justice in June 2014.

Moreover, the Expert Meeting on Refugee Recognition System was established under the Immigration Policy Discussion Panel in October 2013 in order to ask the opinions of experts and to use the opinions in future studies, and discussions have been taking place since November 2013 on measures for prompt and proper refugee recognition.



Scene from the meeting of the Immigration Policy Discussion Panel