

## ◆ Part II ◆

Major Policies Related to Immigration Control  
Administration

## Chapter 1. Formulation of the Basic Plan for Immigration Control (5th Edition)

Towards the realization of proper and smooth immigration control administration, the Minister of Justice shall formulate the Basic Plan for Immigration Control, which aims to clarify the situation of foreign nationals who enter and reside in Japan, and to stipulate the guidelines for management of entry and residence of foreign nationals and other necessary matters concerning related measures.

The Basic Plan for Immigration Control (5th Edition) was formulated on September 15, 2015. Its aim is to present fundamental concepts for immigration control administration measures both at home and abroad and provide proper responses. This said measures include smooth acceptance of foreign nationals vitalizing the Japanese economy and society, activation of a national debate on the acceptance of foreign nationals in light of the aging population and the declining birthrate, efforts towards the establishment of a new system of technical intern training, contributing to the realization of symbiotic society co-existing with foreign nationals through proper operation of the residence management system, efforts towards the realization of a tourism-oriented country, promotion of border measures towards the realization of a safe and secure society and countermeasures against illegal residents, and promotion of prompt and appropriate asylum for refugees. In order to develop the plan, the Immigration Bureau held discussions with the relevant administrative organs, referring to the report of the 6th Immigration Policy Discussion Panel, a private consultative group for the Minister of Justice and the opinions submitted through the Public Comment, etc.

The Basic Plan for Immigration Control was first formulated in 1992, and subsequently the second edition, the third edition and the fourth edition were formulated in 2000, 2005 and 2010, respectively.

### Section 1 ◆ Considerations Regarding Formulation of the Basic Plan for Immigration Control (5th Edition)

#### ① Immigration Policy Discussion Panel

##### (1) Outline of the Immigration Policy Discussion Panel

The Immigration Policy Discussion Panel, convened several times since November 1990, is a forum allowing the Minister of Justice to hear the views of experts from various circles on the topic of immigration control administration, including the formulation of policies on immigration control. The Minister of Justice formulates the “Basic Plan for Immigration Control”, which serves as the basis for guidelines on the control of the entry and residence of foreign nationals, referring to the discussions of this Immigration Policy Discussion Panel.

The first meeting of the 6th Immigration Policy Discussion Panel was convened on March 7, 2013, with the aim of hearing the views of experts from a broad perspective on the various issues in the Basic Plan for Immigration Control (4th Edition) which were listed as requiring future consideration.

Subsequently, the discussion panel held discussions that extended over 17 meetings on such topics as the acceptance of foreign nationals who vitalize the Japanese economy and society, the acceptance of foreign nationals in a society with a declining population, the promotion of the acceptance of foreign students, revision of the system of technical intern training, measures aimed at the realization of a symbiotic society co-existing with foreign nationals, measures for the realization of a tourism-oriented country, measures to reduce the number of illegal residents, and the system of refugee recognition, and

on December 26, 2014, compiled the report of the 6th Immigration Policy Discussion Panel titled, “The future Direction of Japan’s Immigration Control Administration”.

Chart 19 Outline of the report of the “6th Immigration Policy Discussion Panel”

<p><b>1. Acceptance of Foreign Nationals Vitalizing the Economy and Society</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● The basic policy of the government on the acceptance of foreign workers is to proactively accept foreign nationals in professional and technical fields.</li> <li>● There is demand for the acceptance of foreign workers in fields, which were previously not open to acceptance, such as the field of nursing care.</li> <li>● A points-based system for highly-skilled professionals was introduced in 2012, and the status of residence of “Highly-Skilled Professional” was newly established in April 2015.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● The policy of proactively accepting foreign nationals in professional and technical fields should be maintained.</li> <li>● The development of a status of residence should be promoted to enable foreign nationals, who have graduated from an institute of higher education in Japan and who have acquired the qualification of a care worker, to work in Japan.</li> <li>● With regard to the points-based system for highly-skilled professionals, as well as conducting effective publicity measures from the user’s perspective, there is a need for government-wide efforts to improve their living environment and other conditions.</li> </ul>	<p><b>5. Efforts towards the realization of a society co-existing with foreign nationals</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● With regard to the acceptance of foreign nationals, there is a need to promote the dual measures of immigration control administration and the realization of a harmonious society co-existing with foreign nationals.</li> <li>● Through two-way transmission and receipt of information between the Ministry of Justice and the municipal governments, it is possible for the municipal governments to provide extensive administrative services.</li> <li>● Even after the passing of two years since the abolition of the alien registration system, there still exist continuing requests for disclosure of the alien registration card.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● While referring to the efforts of the local governments, there is a need to proactively make efforts towards a co-existing society through measures vis-à-vis the foreign nationals both as a country and as ordinary citizens, and in order to achieve this, a study is required in terms of consideration for the rights of the foreign nationals and social burdens.</li> <li>● Based on the fact that there is the possibility that it will become difficult in the future to prove the family relationships of foreign nationals, a study is required on possible measures including the administrative costs in managing more than the current amount of information and the burden on the foreign nationals.</li> </ul>
<p><b>2. Study on the acceptance of foreign nationals in a society with a declining population</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● Japan has reached a society of a fully-fledged population decline.</li> <li>● While abiding by the principle of the participation of the potential domestic labor force in the labor market, it is necessary to constantly review specific contents, etc. in order to promote the acceptance of foreign nationals in professional and technical fields.</li> <li>● The acceptance of foreign nationals requires a comprehensive study taking into account the impacts on industries, social security, education, the labor market, security and other aspects.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● First it is necessary to work on improving the birthrate and utilizing women, young people and the elderly in the labor market.</li> <li>● A study should be conducted from a broad perspective with regard to fields that may be evaluated anew as being professional and technical fields.</li> <li>● A study from a broad perspective is required on the acceptance of foreign nationals in non-professional and non-technical fields and although the Discussion Panel did not reach a conclusion on this topic, a government-wide study should be started at the earliest opportunity on the acceptance of foreign nationals in non-professional and non-technical fields (the Panel was divided with both positive and cautious opinions).</li> </ul>	<p><b>6. Efforts towards the realization of a tourism-oriented country</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● The number of foreign nationals visiting Japan surpassed 10 million people for the first time in 2013.</li> <li>● In the future, efforts are needed to further expedite and facilitate the immigration procedures toward the realization of a tourism-oriented country.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● Smooth implementation required for use of the automated gates for “trusted travelers” and for the system of “landing permission for passenger ship tourists” targeting foreign passengers of cruise ships, which were incorporated into the amendment of the Immigration Control Act in 2014.</li> <li>● Based on the trial runs of the facial recognition technology, a study needs to be conducted as soon as possible on the implementation of facial recognition technology in the departure and return examinations of Japanese nationals.</li> </ul>
<p><b>3. Promotion of the acceptance of international students</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● In recent years, the number of foreign students being accepted is on the rise, and the government also formulated the “300,000 International Students Plan”, which aims to accept 300,000 foreign students by 2020.</li> <li>● In the future, in order to achieve the further acceptance of foreign students, employment support for students after their graduation is one of the important issues to consider.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● It is necessary for the relevant ministries and agencies to work together on a wide range of measures with a long-term perspective ranging from measures to secure international students, improvements to the living environment, learning support and employment support after graduation.</li> <li>● The Ministry of Justice should also continue with efforts with a view to promoting the proper and smooth acceptance of foreign students.</li> </ul>	<p><b>7. Efforts to reduce the number of illegal residents</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● The number of foreign nationals illegally staying beyond their authorized period of stay has been greatly reduced through such measures as the implementation of strict immigration examinations and the promotion of exposure.</li> <li>● In addition to the fact that it is becoming more difficult to expose those foreign nationals illegally staying beyond their authorized period of stay owing to them spreading out in smaller groups around the country, there are hidden cases of disguised residence where foreign nationals acquire a status of residence through illegal means.</li> <li>● There has been a significant increase in the number of foreign nationals who are kept in detention for a prolonged period and foreign nationals out on provisional release.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● It is important to prevent the presence of foreign nationals staying illegally beyond their authorized period of stay through the implementation of strict entry examinations, and it is necessary to promote countermeasures against illegal residents and impostor residents.</li> <li>● It is necessary to further reinforce the border measures through strengthening cooperation with the relevant organizations and by implementing examinations onboard the vessels.</li> <li>● Further efforts should be proactively promoted aimed at early deportation such as through the utilization of chartered flights.</li> <li>● It is also important to implement measures which encourage the appearance of illegal residents.</li> </ul>
<p><b>4. Revision of the system of technical intern training</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● On the premise of optimization of operations, a revision is required for the entire system of technical intern training including expansion of the system.</li> <li>● The results of the study on the direction of the revision was reported by the Sub-Panel for Discussion on the System of the Acceptance of Foreign Nationals in June 2014, and at present, discussions are being held on specific measures by the Joint Experts Discussion Panel of the Ministry of Justice and the Ministry of Health, Labour and Welfare.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● Measures to promote the reliable acquisition and transfer of skills, etc., follow-ups after return home, optimization of the supervision by the supervising organizations, strengthening of the monitoring system by the public agencies, optimization of the organizations sending the trainees, and strengthening of responses to handle human rights violations against the technical intern trainees are all required.</li> <li>● In addition, it is appropriate to promote the expansion of the system, such as extension of the training period and an increase in the quota of trainees to be accepted. Furthermore, an increase in the applicable occupations is also necessary.</li> </ul>	<p><b>8. Study of the system of refugee recognition</b></p> <p><b>&lt;Current situation/background&gt;</b></p> <ul style="list-style-type: none"> <li>● Criticism has been expressed that the number of foreign nationals recognized as refugees in Japan is low when compared to the number of applications and the number of refugees recognized in other countries.</li> <li>● In recent years, one major cause of pressure on the system has been the proliferation in the number of applications, and among these applications, there are those which attempt to abuse the system aiming to work in Japan.</li> <li>● There is concern that the increase in the number of applications will hinder prompt asylum for genuine refugees, and resolving this problem has become a pressing issue.</li> </ul> <p><b>&lt;Points to consider, etc.&gt;</b></p> <ul style="list-style-type: none"> <li>● These persons who are truly in need of asylum should be clearly distinguished from those who are not eligible, and the cases should be processed properly and quickly according to the contents of each case.</li> <li>● Based on the trends of the international community, a study should be promoted to provide accurate asylum to those who should be given asylum.</li> <li>● Applications for which there is clearly no refugee eligibility, applications which are re-submitted making the same claims and applications which are attempting to avoid deportation should be suppressed.</li> </ul>

## (2) Sub-Panel for Discussions on the System of the Acceptance of Foreign Nationals

With regard to revising the system of technical intern training, a supplementary resolution was added by the Committee on Judicial Affairs of both the House of Representatives and the House of Councillors at the time of the amendment of the Immigration Control Act in 2009 when the revision to the current system of technical intern training was implemented, which stated that a comprehensive consideration would be conducted on fundamental revision of the direction of the system of technical intern training.

With respect to operation of the system, criticism was expressed that the system was not being thoroughly operated at all times in line with the original intent and purpose of the system, which is to make an international contribution through the transfer of skills, etc., as was shown by the existence of some supervising organizations and organizations implementing the technical intern training which, not understanding the intent of the system, were conducting improper acceptance.

Meanwhile, from the viewpoint of expanding the system of technical intern training, a vast revision of the entire system was required in relation to extending the training period and increasing the fixed quota of technical intern trainees to be accepted owing to the many requests received from the related industries.

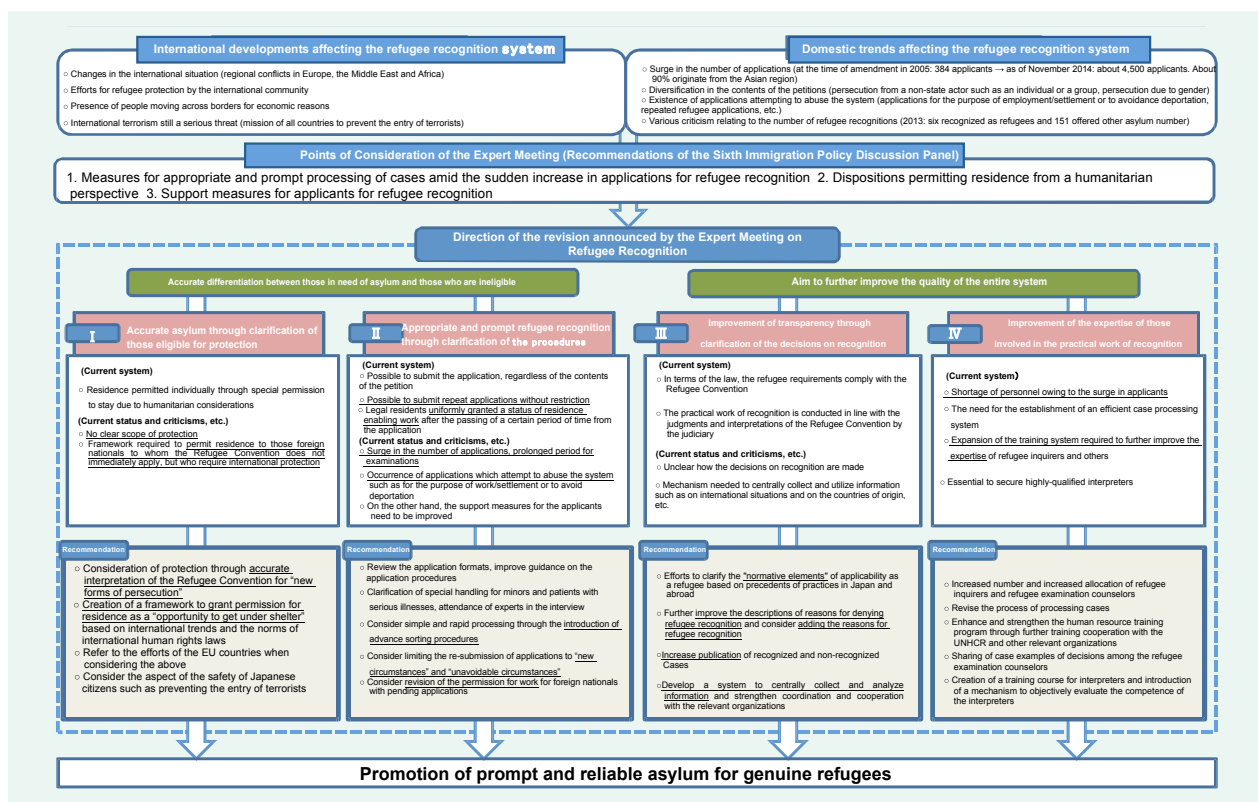
Under such circumstances, since there was a need to consider the direction of the revision of the system at the earliest possible opportunity, a Sub-Panel for Discussions on the System of the

Acceptance of Foreign Nationals was convened under the 6th Immigration Policy Discussion Panel, and as result of the discussions held over a total of eight meetings from November 2013 to May 2014, the “Results of the Study on the Direction of the Revision of the System of Technical Intern Training (Report)” was compiled and submitted to the Minister of Justice in June 2014. The report outlined eight areas: (i) the reliable acquisition and transfer of skills, (ii) optimization of supervision by the supervising organizations, (iii) strengthening of the system of monitoring of the supervising organizations and implementing organizations by a public agency, (iv) strengthening of responses to acts of human rights infringement against the technical intern trainees, (v) strengthening of the effectiveness of the regulations vis-à-vis the dispatching organizations, (vi) extension of the technical intern training period (or re-training of skills), (vii) revision of the fixed quota for acceptance, and (viii) expansion of the scope of subject occupations.

### (3) Expert Meeting on the Refugee Recognition System

At the Expert Meeting on the Refugee Recognition System convened under the 6th Immigration Policy Discussion Panel, a total of 19 meetings were held for a period of over a year with the first one held in November 2013, and as a result of the discussions on revising the refugee recognition system such as on measures to promptly and properly process the cases as well as a model of dispositions permitting residence from a humanitarian perspective, the “Results of the Study on the Direction of the Revision of the Refugee Recognition System (Report)” was compiled and submitted to the Minister of Justice in December 2014 in order to promote prompt and reliable asylum for genuine refugees. The report outlined measures relating to four areas: (i) correct asylum through clarification of the subjects eligible for protection, (ii) prompt and proper refugee recognition through clarification of the procedures, (iii) improvement of transparency through clarification of the decisions on recognition, and (iv) improvement of the expertise of those involved in the practical work of recognition.

Chart 20 Outline of the “Results of the Study on the Direction of the Revision of the Refugee Recognition System (Report)”



## ② The Joint Experts Discussion Panel of the Ministry of Justice and the Ministry of Health, Labour and Welfare Relating to Revision of the System of Technical Intern Training

With regard to revising the system of technical intern training, the “Results of the Study on the Direction of the Revision of the System of Technical Intern Training (Report)” was compiled by the Sub-Panel for Discussion on the System of the Acceptance of Foreign Nationals under the 6th Immigration Policy Discussion Panel, which indicated the basic direction for revision of the system (see 1 (2) above). In addition, the “Japan Revitalization Strategy (Revised in 2014)” approved by the Cabinet in the same month aimed to fundamentally revise the framework of supervision and management of the system of technical intern training with the transition to the new system to be achieved in FY 2015, and moreover, a policy was indicated to take the necessary institutional measures aimed at enforcement in the same fiscal year with regard to extension of the training period, expansion of the fixed quota for acceptance and other matters.

The Ministry of Justice and the Ministry of Health, Labour and Welfare established a Joint Experts Discussion Panel of the Ministry of Justice and the Ministry of Health, Labour and Welfare relating to revision of the system of technical intern training, composed of academics and experts from the relevant organizations (economic organizations and labor organizations) in order to study specific measures by seeking a wide range of opinions from various circles towards revising the system, in November 2014. The discussion panel held discussions over a total of four meetings convened up to January 2015 and compiled a report in the same month on specific measures for revision of the system relating to seven areas: (i) ensuring the acquisition and transfer of skills, etc., (ii) optimization of the supervising organizations and implementing organizations, (iii) prevention and countermeasures against human rights infringements, etc., (iv) optimization of the dispatching organizations, (v) extension of the technical intern training period or re-training, (vi) revision of the fixed quota for acceptance, and (vii) expansion of the scope of subject occupations.

Based on the above, the Ministry of Justice and the Ministry of Health, Labour and Welfare drafted the “Bill on the Proper Implementation of Technical Intern Training for Foreign Nationals and Protection of the Technical Intern Trainees” (see Section 3 of Chapter 2 below) with the aim of transitioning to the new system within FY2015, and submitted it on March 6, 2015 to the 189th session of the Diet.

**Chart 21 Points of the report of the “Joint Experts Discussion Panel of the Ministry of Justice and the Ministry of Health, Labour and Welfare relating to revision of the system of technical intern training (January 30, 2015)”**

Purpose	
<ul style="list-style-type: none"> <li>○ With regard to revising the system of technical intern training, the “Results of the Study on the Direction of the Revision of the System of Technical Intern Training (Report)” were compiled in June 2014 by the Sub-Panel for Discussion on the System of the Acceptance of Foreign Nationals under the Sixth Immigration Policy Discussion Panel, which indicated the basic direction for revision of the system to be taken by the government.</li> <li>○ This Discussion Panel, on the premise of strengthening the system of supervision and management so as to secure the acquisition and transfer of skills, etc. in line with the intent and purpose of the system, and moreover, to guarantee the rights of the technical intern trainees, considered the following issues (points of revision) in order to give shape to the policy of expanding the program for reputable accepting organizations.</li> </ul>	
Revision Points	Contents of the Revisions
Securing the acquisition/transfer of skills, etc.	<ul style="list-style-type: none"> <li>- Promote skills assessments at each stage of the training (mandatory sitting of a skills evaluation test on completion of technical intern training (ii) and (iii))</li> <li>- Promote follow-ups and skills demonstration after the trainees return home (implementation through the cooperation of the sending countries and institutions, supervising organizations to secure skills transfer by using the follow-up results)</li> <li>- Visualization of acquisition skills (creation of a global job card (tentative name) template), promotion of overseas transfer of the skills evaluation system</li> </ul>
Optimization of the supervising organizations and the training implementing organizations	<ul style="list-style-type: none"> <li>- Optimization and governance reinforcement of the supervising organizations and the training implementing organizations (permit system for supervising organizations, introduction of a notification system for the training implementing organizations, requirement of the implementation of outside directors or outside audits)</li> <li>- Creation of a new organization for management and operation of the system provided for by law (to conduct onsite inspections of the organizations accepting the technical intern trainees and to collect reports, and to implement work relating to instruction and supervision)</li> <li>- Develop a system to punish improper supervising organizations, etc. and to publish their names</li> <li>- Strengthen efforts and cooperation by the relevant organizations (establishment of a regional skills training council composed of the relevant administrative agencies such as the central government and the local governments)</li> </ul>
Prevention of human rights violations, etc. and countermeasures	<ul style="list-style-type: none"> <li>- Develop a contact point at the new organization for management and operation of the system for trainees to submit reports and statements (prohibition of disadvantageous treatment towards trainees submitting statements, provision of temporary shelters for the trainees)</li> <li>- Improve support for the trainees to change the training site, opportunity to choose the training site when transferring to technical intern training (iii)</li> <li>- Optimization of treatment such as the wages of the technical intern trainees (accountability of the organization implementing the technical intern training with regard to meeting the requirement of paying wages equivalent to the amount a Japanese national would receive), promotion of educational activities related to the relevant laws and regulations, etc.</li> </ul>
Optimization of the organizations sending the trainees	<ul style="list-style-type: none"> <li>- Make government (authorities) arrangements with the countries wishing to send technical intern trainees (certification, investigation, supervision and management of the organizations sending the trainees by the countries sending the trainees in order to optimize the organizations)</li> <li>- Keep track of policy needs and the fields/occupations requiring the transfer of skills, etc. in line with the expansion of the industries of the countries sending the trainees</li> <li>- Mandatory checking of the contracts between the sending organizations and the technical intern trainees to be conducted by the supervising organizations and training implementing organizations</li> </ul>
Extension of the training period or retraining	<ul style="list-style-type: none"> <li>- Set the requirements for reputable supervising organizations, training implementing organizations and technical intern trainees (consultation system, the pass rate of the skills evaluation test, system of instruction, etc.)</li> <li>- Allow extension of the training period and retraining to reputable supervising organizations, training implementing organizations and trustworthy trainees</li> <li>- Reduce the training period (Japanese language part) in cases of passing the Japanese-Language Proficiency Test, promote measures for coexistence with the local community</li> </ul>
Revision of the permitted quota of trainees to be accepted	<ul style="list-style-type: none"> <li>- Increase the permitted quota of trainees to be accepted in the case of reputable supervising organizations and training implementing organizations (to about double the current number)</li> <li>- Proportionate number of trainees to the number of full-time staff (“up to three trainees for an organization with up to 50 employees” changed to “three trainees for up to 30 employees, four trainees for 31-40 employees, five trainees for 41-50 employees”)</li> </ul>
Expansion of the applicable occupations, etc.	<ul style="list-style-type: none"> <li>- Respond to diverse needs (training for multiple jobs)</li> <li>- Optimization and flexibility in the skills evaluation tests (additional occupations based on the industry characteristics of each region, use of in-house tests in acceptance managed by individual enterprises)</li> <li>- Appropriate handling based on the study results of the Study Group on the Acceptance of Foreign Nursing Staff with regard to additional occupations in the field of long-term nursing care</li> </ul>

## Section 2 ◆ Basic Principles of the Basic Plan for Immigration Control (5th Edition)

In Japan, there has been a rapid progression in the aging of the population and the declining birthrate, which has already led to a reduced working-age population as well as a decline in the total population. On the other hand, there has been a surge in recent years in the number of foreign nationals visiting Japan with expectations of a further increase in the number of foreign nationals visiting Japan in anticipation of the Tokyo Olympic and Paralympic Games to be held in 2020.

On one hand, with respect to the international situation, the Asian countries are expected for the time being to continue to see a high level of economic growth while, on the other hand, conflicts and terrorism continue to occur in many parts of the world.

Under such circumstances, in order for Japan to once again be able to achieve economic growth, the Japanese government has been working on various measures such as structural reform through deregulation and innovation promotion while incorporating the growth of the Asian countries. In addition, since one of the biggest attractions of our country is its safety, we have been proactively working on various issues with the aim of becoming the world’s safest country.

In particular, with regard to the increase in foreign nationals visiting Japan due to the 2020 Tokyo Olympic Games and Paralympic Games, there are expectations of the Immigration Bureau to contribute greatly to the success of the Games through smooth immigration procedures and measures to safeguard safety.

In the operations of immigration control administration, we are required to respond appropriately and quickly to such changes in domestic and international situations.



Therefore, we have prescribed the basic policies for the measures in future immigration control administration in this Basic Plan as follows, and will continue to develop the necessary measures.

- Proactive acceptance of foreign nationals vitalizing the Japanese economy and society,
- Building of a new system of technical intern training from the perspective of further promoting international contributions to the developing countries, etc.,
- Contributing to the realization of a symbiotic society co-existing with foreign nationals who have been accepted into Japan,
- Contributing to the realization of a tourism-oriented country through fast and smooth implementation of immigration procedures for foreign nationals visiting Japan,
- Reinforcement of strict but appropriate immigration examinations and countermeasures against illegal residents, etc. in order to realize a safe and secure society,
- Promotion of appropriate and prompt asylum for refugee in light of Japan's standing as a member of the international community with regard to the issue of refugees.

### **Section 3 ◆ Major Challenges of the Basic Plan for Immigration Control (5th Edition)**

The Basic Plan for Immigration Control (5th Edition) comprises the two parts of “Circumstances Affecting the Entry and Residence of Foreign Nationals” and the “Major Challenges of the Immigration Control Administration and Future Policies”, and the latter part sets the following measures envisaging a period of the next five years pursuant to the basic policies described in the previous section.

#### **① Smooth Acceptance of Foreign Nationals Vitalizing the Japanese Economy and Society**

##### **(1) Acceptance of Human Resources Contributing to Economic Growth**

###### **A. Promotion of the Acceptance of Foreign Nationals in Professional and Technical Fields in Response to Changes in the Economy and Society**

We will develop immigration control administration to be flexibly, while taking into account the impacts on Japan's labor market, industries and people's lives and considering a broad range of views so as to proceed with the acceptance of human resources, who contribute to economic growth in areas which are evaluated to be professional or technical fields, even with regard to foreign nationals who do not come under the current statuses of residence or landing permission criteria, by revising the statuses of residence and landing permission criteria.

In addition, from the perspective of promoting the acceptance of foreign nationals in professional and technical fields, while taking into account the impact on the employment of Japanese nationals, consideration will be given to whether or not a particular area can be evaluated to be a professional or technical field with regard to foreign students who have graduated from a Japanese institute of higher education such as a university and have acquired a national qualification requiring a certain level of expertise.

**B. Promotion of the Acceptance of Highly-Skilled Foreign Nationals**

Proactively work on effective publicity measures to encourage more highly-skilled professionals to use the points-based system for highly-skilled professionals (see chapter 3).

**C. Acceptance of Foreign Nationals in Fields in Urgent Need of Human Resources**

Smooth and appropriate acceptance of foreign nationals in the construction sector, etc. through emergency time-limited measures in coordination with the related ministries and agencies.

**(2) Promotion of the Appropriate Acceptance of Foreign Students**

In the future, in collaboration with the educational institutions, as well as thoroughly ensuring proper residence management, we will be continuing with our efforts for smooth and appropriate acceptance of foreign students and employment support in order to ensure that the employment of foreign students goes even more smoothly in Japan.

**② Call for a National Debate on the Acceptance of Foreign Nationals in Light of the Declining Birthrate and Aging Population**

The future acceptance of foreign nationals, including the acceptance of foreign nationals in areas not evaluated to be professional or technical fields requires understanding of the systems and circumstances of other countries and proactively listening to the voice of the people as well as studies by the entire government, and the immigration control administration also intends to proactively participate in these studies.

**③ Efforts Toward the Establishment of a New System of Technical Intern Training****(1) Measures to Optimize the System of Technical Intern Training**

Revisions will be carried out with regard to the supervising organizations and implementing organizations in the direction of performing a results assessment through such means as making the sitting of a skills evaluation exam mandatory on completing the technical intern training.

Moreover, in order to strengthen the auditing system of the supervising organizations vis-à-vis the implementing organizations, new measures will be taken such as requiring the implementation of outside directors or outside auditors. In addition, a new organization to operate and supervise the system will be established to complement the role of the government agencies, which will have a basis in laws and regulations, and a system will be built enabling the government to consistently perform rigorous guidance and supervision.

Further, with regard to human rights protection of the technical intern trainees, responses to acts of human rights infringement against the technical intern trainees will be reinforced such as through developing a system enabling the technical intern trainees to report misconduct by the implementing organizations or the supervising organizations, and the establishment of new penalty provisions vis-à-vis supervising organizations/implementing organizations which have committed acts of human rights infringement, etc.

Moreover, another aim is optimization at the stage of the dispatching countries, for example, making arrangements with the government (authorities) of the dispatching country in order to exclude inappropriate dispatching organizations.



## **(2) Revisions Relating to Expansion of the System Based on the Original Purpose of the System**

As well as carrying out optimization of (1) above, a revision will be made, taking into account the framework for acceptance, etc., in the direction of permitting extension of the training period or re-training for technical intern trainees who are undergoing training at trustworthy supervising organizations/implementing organizations deemed to have been conducting proper acceptance. In addition, a revision will be made in the direction of permitting an increase in the fixed quota of technical intern trainees to be accepted to trustworthy accepting organizations. Moreover, based on the intent of the system to make an international contribution through the transfer of skills, etc. to the developing countries, etc., the subject occupations will be expanded in a form in line with the needs of the dispatching countries and the actual situation of Japan's industries.

## **④ Contributing to a Symbiotic Society Co-existing with Foreign Nationals Through Accurate Operation of the Residency Management System, etc.**

### **(1) Accurate Operation of the Residency Management System and Revision of the System**

Information coordination with the municipal governments is of great importance not only to ensure smooth implementation of the administration of residents in the municipalities, but also from the perspective of realizing a symbiotic society where Japanese people and foreign nationals can co-exist, and therefore, we will be continuing with its proper operation and striving to further strengthen cooperation with the municipal governments toward the realization of a symbiotic society living together with foreign nationals.

### **(2) Efforts Toward the Realization of a Symbiotic Society Co-existing with Foreign Nationals**

We will continue to participate in future efforts to realize a symbiotic society co-existing with foreign nationals so as to simultaneously promote immigration control administration and measures for the realization of a society of co-existence.

## **⑤ Efforts to Realize a Tourism-Oriented Country**

### **(1) Expansion of Use of the Automated Gates**

With regard to the automated gates, efforts will be made to implement more effective publicity measures and to increase the number of users, and moreover, to work on smooth and effective operation of the gates in order to appropriately handle the increase in users.

In addition, in accordance with the Act on Partial Amendment of the Immigration Control and Refugee Recognition Act (Act No. 74 of 2014), of the foreign nationals newly entering Japan who are not currently eligible to use the automated gates, foreign nationals who have been recognized as “trusted travelers” will be included in those eligible to use the automated gates, and in the future, measures will be proactively implemented towards smooth and effective operation of the system.

Moreover, with regard to the introduction of automated gates utilizing facial recognition technology in the departure and return examinations for Japanese nationals, a trial run was conducted in August 2014, and outside experts evaluated the utilization of facial recognition technology in the departure and return examinations of Japanese nationals in November of the same year as having “sufficient possibility” and also pointed out issues (\*) requiring resolution towards its implementation. In introducing the facial recognition gates, we will be conducting a study as soon as possible bearing in mind these issues while referring to the efforts of other countries.

## **(2) Facilitation of Immigration Examination Procedures Pertaining to Foreign Visitors on Cruise Ships**

Measures will be taken to work on smooth operation of the system of landing permission for cruise ship tourists (see Chapter 2, Section 1, 2 (1)), and proactive consideration will be given to measures to conduct onboard examinations within vessels of foreign nationality on the high seas in order to accelerate and facilitate the entry examinations for foreign passengers of cruise ships.

## **(3) Other Efforts Contributing to the Realization of a Tourism-Oriented Country**

As well as continuing to implement the flexible assignment of immigration inspectors, consideration is being given such as to permitting foreign crew members who have been granted “Landing Permission for Crew Members” multiple times to be eligible to undergo examinations using the automated gates, and to permitting foreign residents to electronically submit their entry and departure record card (ED card) when using the automated gates. Moreover, in cooperation with relevant ministries and agencies, studies are being conducted on specific eligibility and implementation methods, etc. towards the implementation of pre-clearance where the passengers coming to Japan by aircraft will be checked in advance at the airport of the place of departure.

## **⑥ Promotion of Countermeasures at the Port of Entry toward the Realization of a Safe and Secure Society and Countermeasures, etc. Against Illegal Residents**

### **(1) Implementation of Strict Immigration Examinations and Other Countermeasures at the Port of Entry for the Purpose of Preventing the Entry of Terrorists and Other Suspect Persons**

#### **A. Promotion of Landing Examinations Utilizing Personal Identification Information**

Reliably prevent the entry of terrorists and other suspect persons at the border through the implementation of stricter landing examinations which utilize personal identification information.

In addition, consideration will be given to the operation of new technology such as whether or not the facial images of terrorists and other suspect persons may be utilized in the countermeasures at the port of entry.

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(\*) Issues to study towards utilization of facial recognition technology  
 (i) Elimination of factors incorrectly rejecting the individual  
 (ii) Countermeasures against persons intending to abuse the system  
 (iii) Improvement of the usability of the automated gates

## **B. Reinforcement of Countermeasures at the Port of Entry Utilizing Information in Cooperation with the Relevant Organizations**

Reliably identify terrorists, affiliated persons and illegal entrants before they enter Japan and prevent their entry and by analyzing the trends relating to persons who pose problems in terms of immigration control, through the use of passenger name record (PNR), and conduct smooth and prompt landing examinations for those foreign nationals without problems.

In addition, utilizing the Stolen and Lost Travel Documents database of the International Criminal Police Organization (ICPO), continue reliably preventing the entry of terrorists and other suspect persons using lost or stolen passports at the border.

## **C. Reinforcement of Countermeasures against Illegal Entrants Using Vessels, etc.**

By using mobile teams composed of immigration control officers, we are able to proactively implement border measures such as the detection of stowaways through patrols conducted at the seaports and coastal areas, and we will endeavor in the future to maintain the security of Japan while strengthening cooperation with the Japan Coast Guard, police, customs and other relevant organizations.

Furthermore, immigration control officers currently board the patrol boats of the Japan Coast Guard in order to prevent illegal landing on the Senkaku Islands, and we will continue with our activities to protect the territorial sovereignty of Japan in the future with the cooperation of the relevant organizations.

In addition, patrol activities are being carried out in the direct transit areas of the major airports which have a direct transit area such as Narita Airport, and we will continue with surveillance and exposure of suspicious persons.

# **(2) Promotion of Countermeasures Against Foreign Nationals Illegally Residing or Posing as Legitimate Residents in Japan**

## **A. Implementation of Proactive Detection**

We will continue to accurately keep track of the origins of the illegal residents from a variety of information and will strive to implement effective detection.

## **B. Reinforcement of Countermeasures Against Foreign Nationals Posing as Legitimate Residents**

Measures will be taken to compile and closely analyze the information in the notifications made to the Immigration Bureau by the mid to long-term residents and their affiliated organizations and the information in the notifications on the status of employment of the foreign nationals provided by the relevant organizations, and while proactively exercising the authority pertaining to investigations into the facts and exploring new methods of investigation, we will continue to keep track of the information relating to mid to long-term residents.

## **C. Reinforcement of Coordination with the Police and Other Law Enforcement Agencies**

Cooperation with the police and other law enforcement agencies is essential in immigration control administration, and we will continue to maintain cooperative relations in the future. In the event of a criminal act being suspected in the course of an investigation by the Immigration Bureau, we will continue to deal strictly with the case by such means as proactively filing an accusation or report with

the police and other law enforcement agencies.

#### **D. Implementation of Appropriate Treatment of Detainees and Prompt Deportation**

The Immigration Bureau will continue to focus on improving the environment in which the detainees are placed and strive to improve the treatment of the detainees. Meanwhile, we will be promoting measures with regard to so-called deportation evaders who refuse to comply with deportation such as further proactive utilization of mass deportations using chartered flights, and we will be working to reliably reduce their numbers. In addition, we will be considering measures to implement effective deportation of detainees whom we have not been able to deport even though a considerable amount of time has passed following the issuance of a deportation order.

### **(3) Reinforcement of the Intelligence-Gathering Functions of Immigration Control**

As well as collecting a wide range of information from relevant organizations in and outside Japan that is deemed to be beneficial for the purpose of equitable immigration control, we will be reinforcing the intelligence-gathering functions of the Immigration Bureau by training officers to develop advanced information-utilization capabilities and by analyzing information already possessed by the Immigration Bureau and newly-collected information taking a multifaceted approach.

In addition, since information-sharing among the relevant organizations and effective utilization of the information provided by the relevant organizations is crucial, we will continue to strengthen our cooperation with the relevant organizations in the future.

### **(4) Appropriate Operation of Special Permission to Stay in Japan**

In the future, we will be working on appropriate operation of “Special Permission to Stay in Japan”, and will also be considering revision, where necessary, with regard to the “Guidelines on Special Permission to Stay in Japan” formulated and published by the Immigration Bureau in order to further improve the transparency and fairness of the “Special Permission to Stay in Japan”.

## **⑦ Promotion of Appropriate and Prompt Refugee Protection**

### **(1) Efforts, etc. for the Purpose of Appropriate and Prompt Refugee Recognition**

With regard to so-called “new forms of persecution”, in order to be able to offer protection through more accurate interpretation of the applicability of the Refugee Convention to refugees, we will be taking measures which contribute to clarifying the subjects of protection by such means as building a framework for such purpose, and will also be considering measures to suppress applications based on abuse or misunderstanding of the system.

In addition, we will be improving and strengthening the system of collection and analysis of basic materials relating to the country of origin of the applicant and to international affairs, working on improving and strengthening our training in cooperation with the UNHCR and other relevant organizations, and will be aiming to further improve the quality of the examinations.

Through these initiatives, we will be able to promptly and reliably offer asylum to those persons truly in need of asylum.

## **(2) Acceptance of Refugees Through Resettlement**

Japan accepted 18 families comprising 86 people of Myanmar refugee from Thai refugee camps from FY 2010 to FY 2014, and from FY 2015, we will be accepting, under certain conditions, Myanmar refugees who are temporarily staying in Malaysia, and since it is also possible for those Myanmar refugees who have been accepted by Japan from Thailand to invite their relatives to live with them, we will be continuing in the future to proceed with smooth acceptance.

Chart 22 Outline of the “Basic Plan for Immigration Control (5th Edition)”

法務省  
Ministry of Justice

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The Policies of Specific Measures

<div>1. Smooth acceptance of foreign nationals vitalizing the Japanese economy and society</div> <div><ul style="list-style-type: none"><li>- Revise the statuses of residence and landing permission criteria, and promote the acceptance of foreign nationals in areas which may be deemed to be professional or technical fields (same as the current policy)</li><li>- Implement effective public relations to facilitate the acceptance of highly-skilled foreign nationals</li><li>- Implement appropriate acceptance in areas urgently requiring workers such as the construction sector</li><li>- Observe and verify the operational status of the frameworks on the premise that the ministries with jurisdiction over the work will be involved</li><li>- Continue efforts for appropriate and smooth acceptance of foreign students and employment support for such foreign students</li></ul></div>	<div>5. Efforts to realize a tourism-oriented country</div> <div><ul style="list-style-type: none"><li>- Strive to increase the number of users of the automated gates through effective public relations as well as smooth operation of the system</li><li>- Promote measures toward the smooth and effective operation of the system targeting "trusted travelers" as automated gate users</li><li>- Promptly consider the introduction of automated gates for Japanese nationals utilizing facial recognition technology</li><li>- Implement smooth immigration examination procedures for cruise ship passengers</li><li>- Consider pre-clearance at foreign airports to check the passengers of aircraft in advance</li></ul></div>
<div>2. Call for a national debate on the acceptance of foreign nationals in light of the declining birthrate and aging population</div> <div><ul style="list-style-type: none"><li>- Efforts required to improve the birth rate, improve productivity and to utilize potential labor forces</li><li>- Approach of an era to genuinely consider the future of the acceptance of foreign nationals</li><li>- In line with the changes in the Japanese economy and society, study acceptance in cases where new areas needing human resources may be deemed to be professional and technical fields</li><li>- Consideration by the entire government (unbiased conclusion) of the acceptance of foreign nationals in areas which are not judged to be professional or technical fields, taking into account a wide range of perspectives such as economic impacts, social costs, industrial structures, appropriate mechanisms, environmental developments and security, while also gaining a national consensus</li><li>- To this end, gain an understanding of the systems of other countries and actively listen to the views of the general public</li></ul></div>	<div>6. Promotion of border measures toward the realization of a safe and secure society and countermeasures, etc. against illegal residents</div> <div><div>1) Countermeasures at the port of entry to reliably prevent the entry of terrorists and other suspect persons into Japan<ul style="list-style-type: none"><li>- Promote landing examinations that utilize personal identification information and consider the use of new technologies such as countermeasures at the port of entry using facial photos</li><li>- Reinforce the functions of intelligence (information gathering and analysis) relating to immigration control such as effective use of information, including passenger name record (PNR)</li><li>- Reinforce measures against illegal entrants who use vessels, etc. through the proactive implementation of patrols at seaports and in the coastal areas</li></ul></div><div>2) Promotion of countermeasures against illegal residents and imposter residents in Japan<ul style="list-style-type: none"><li>- Implement crackdowns against illegal residents, etc. with the coordination of the police and other law enforcement agencies and strengthen measures against imposter residents through inquiry into the fact using acquired information</li><li>- Proper treatment of detainees and implementation of rapid deportation</li></ul></div></div>
<div>3. Efforts toward the establishment of a new system of technical intern training</div> <div><div>1) Measures for optimization<ul style="list-style-type: none"><li>- Implement effective measures through mandatory sitting of a skills evaluation test at the time of completing the training, etc.</li><li>- Strengthen the audit system through the introduction of external directors or external auditors</li><li>- Establish organizations for management and operation, which have a basis in law, and which complement the role of the government agencies</li><li>- Strengthen responses such as providing penalties in law to be imposed against organizations and institutions which commit human rights violations, etc.</li><li>- Optimization at the stage of the sending countries such as making intergovernmental arrangements with the governments of the dispatching countries</li></ul></div><div>2) Expansion of the system<ul style="list-style-type: none"><li>- Extend the training period for trainees of trustworthy organizations and institutions</li><li>- Increase the permitted quota of trainees to be accepted by trustworthy organizations and institutions</li><li>- Expand the scope of subject occupations in line with the needs, etc. on the side of the dispatching country</li></ul></div></div>	<div>7. Promotion of appropriate and prompt refugee protection</div> <div><div>1) Efforts to offer prompt and reliable asylum to persons truly in need of asylum<ul style="list-style-type: none"><li>- Build a mechanism to offer protection pertaining to "new forms of persecution"</li><li>- Consider clarifying eligibility for permission for residence as an "opportunity to get under shelter" in light of international trends and the norms of international human rights laws</li><li>- Clarify the decisions on recognition and improve the transparency of the system</li><li>- Strengthen the examination system and infrastructure, and enhance the system of collection and analysis of information such as information on the countries of origin</li><li>- Develop professional human resources by enhancing and strengthening training in collaboration with the UNHCR, etc.</li><li>- Process swiftly the applications, etc. which clearly do not meet the definition of refugees under the Refugee Convention, while ensuring opportunities for the applicants to fully respond with their application</li><li>- Consider a framework to establish certain conditions with regard to permission for work while the applicant is in the process of applying for refugee recognition</li><li>- Continue to consider the measures concerning about the re-submission of applications, which attempt to abuse the system, in terms of both the legal system and on the operational side</li></ul></div><div>2) Promote the smooth acceptance of refugees through resettlement</div></div>
<div>4. Contributing to a symbiotic society co-existing with foreign nationals through accurate operation of the residency management system, etc.</div> <div><ul style="list-style-type: none"><li>- Properly operate information coordination with the local governments and further reinforcement of cooperation</li><li>- Important to take measures for co-existence when accepting foreign nationals, and to actively participate in the efforts toward the realization of a symbiotic society</li></ul></div>	<div>8. Other items</div> <div>Develop the immigration control system, further promote international cooperation, pay thoughtful attention to the victims of trafficking in persons</div>



## Article: “Japan Revitalization Strategy” and Immigration Control Administration

Of the three arrows of the “Abenomics” which is the economic policy of the Abe administration, as the third arrow following “Bold monetary policy” and “Flexible fiscal policy”, “Growth Strategy” aiming for economic growth through deregulation, etc. was approved by the Cabinet on June 14, 2013, as the “Japan Revitalization Strategy”. Subsequently, the “Japan Revitalization Strategy (Revised in 2014)” was approved by the Cabinet on June 24, 2014 in order to aim for sustained economic growth and a further rotating of a positive economic cycle through the three arrows.

The “Japan Revitalization Strategy (Revised in 2014)” gave the following measures as those directly related to immigration control administration:

- (i) Fundamentally review the system of technical intern training;
- (ii) Improve the environment for acceptance of highly-skilled foreign professionals;
- (iii) Utilize foreign human resources for the construction and shipbuilding;
- (iv) Acceptance to Japan of employees from overseas subsidiaries of Japanese industry manufacturers;
- (v) Enable foreign students who have obtained national nursing qualifications by learning at Japanese schools to work in the field of nursing care;
- (vi) Deliberations regarding approaches to the acceptance of foreign human resources in the medium to long-term;
- (vii) Accept foreign housekeeping support workers in National Strategic Special Zones;
- (viii) A new mechanism for acceptance of entrepreneurs and diverse foreign nationals in the National Strategic Special Zones;
- (ix) Ease the visa issuance requirements, establish a system that allows for long-term stays for foreign nationals, accelerate and facilitate the immigration procedures.

In addition, the enhancement of initiative to promote the acceptance of highly-skilled foreign professionals, the promotion of active participation of foreign human resources in the “professional and technical fields” including IT and tourism and “Aggressively” improving the tourism environment to accept foreign visitors in advance pursuant to the 2015 Action Program toward the Realization of Japan as a Tourism-Oriented Country (approved at a meeting of the Ministerial Council on the Promotion of Japan as a Tourism-Oriented Country on June 5, 2015), were incorporated into the “Japan Revitalization Strategy (Revised in 2015)” approved by the Cabinet on June 30, 2015.

## Chapter 2. Outline of the Amendment of the Immigration Control and Refugee Recognition Act

### Section 1 ◆ Enactment and Enforcement of the Act for Partial Amendment of the Immigration Control and Refugee Recognition Act (Act No. 74 of 2014)

On June 11, 2014, the Act for Partial Amendment of the Immigration Control and Refugee Recognition Act (Act No. 74 of 2014, hereinafter referred to as “2014 Amendment Act”) was enacted at the 186th session of the Diet and was promulgated on 18th of the same month.

The outline of the 2014 Amendment Act was already given in the 2014 edition of this report, but the items of the amendments will be cited once again as follows.

#### ① Promotion of the Acceptance of Foreign Professionals with Highly-Specialized Skills (enforced on April 1, 2015)

A new status of residence - “Highly Skilled Professional (i)”, was established for those highly-skilled professionals who had been granted the status of residence of “Designated Activities” and given preferential immigration treatment, and moreover, a new status of residence - “Highly Skilled Professional (ii)” which the period of stay is indefinite, was established for those foreign nationals who will have been residing in Japan for three years or more with the aforementioned status of residence of “Highly Skilled Professional (i)” (see Chapter 3).

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

##### (1) Establishment of a New Special Landing Permission (enforced on January 1, 2015)

In response to recent expansion of cruise ship tourism, a new form of special landing permission - landing permission for cruise ship tourists, was established to allow foreign passengers of cruise ships designated by the Minister of Justice (hereinafter referred to as “designated passenger ship”), shuttling between Japan and outside of Japan to land in Japan for a maximum of 30 days.

##### (2) Expansion of the Scope of Foreign Nationals Eligible for Special Re-entry Permission (enforced on January 1, 2015)

When a “Temporary Visitor” enters Japan by aircraft and then wishes to board a designated passenger ship which makes a round trip between a port in Japan and a foreign port, the foreign national is, in principle, deemed to have received a re-entry permission, provided that he or she expresses their intent to re-enter Japan in advance of boarding on the ship.

### ③ Facilitation of the Immigration Procedures Relating to Certain Temporary Visitors (enforced by December 2016)

Among foreign nationals wishing to enter Japan as a “Temporary Visitor”, those who are registered as a “Trusted Traveler” who satisfies requirements of having a past record of visit to Japan for more than designated times; being pre-examined by providing fingerprints and other personal identification information; and being deemed to pose little risk of causing problems to immigration control will not be required a seal for verification of landing and be able to use the automated gates by using the Trusted Traveler Program Card to be issued as a means to prove landing permission in place of the seal for verification of landing.

### ④ Others

#### (1) Development of Status of Residence

##### A. Amendment Relating to the Status of Residence of “Investor/Business Manager” (enforced on April 1, 2015)

With regard to the status of residence of “Investor/Business Manager” which had been previously limited to businesses with investment from abroad, the investment requirement was abolished and the name was changed to “Business Manager”, and in addition, the requirement for the size of the business was clarified through an amendment of the Ordinance on Criteria.

Moreover, at such time, in response to the “Revision of the Regulations on Company Registration at the Time of a Foreign National without an Address in Japan Establishing a Subsidiary, etc. of a Foreign Company” in the Regulatory Reform Implementation Plan (approved by the Cabinet on June 24, 2014), the Ordinance for Enforcement of the Immigration Control Act was amended to revise the regulations pertaining to the documents to be submitted by the applicant, etc. for landing permission, in order to allow entrepreneurs who have not completed their company registration to acquire the status of residence of “Business Manager” at the time of application, and as well as a period of stay of “four months” was established in order to handle such persons with incomplete registration.

##### B. Consolidation of the Status of Residence of “Engineer” and “Specialist in Humanities/International Services” (enforced on April 1, 2015)

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” was established.

##### C. Amendment Relating to the Status of Residence of “Student” (enforced on January 1, 2015)

In order to promote younger age groups engaging in international exchanges in school education, activities to enable foreign children to receive education in elementary schools and junior high schools were added to the range of activities of the status of residence of “Student”.

#### (2) Amendment Enabling the Acquisition of Passenger Name Record (PNR) (enforced on January 1, 2015)

In order to conduct more effective entry examinations for foreign nationals entering Japan, a provision was established enabling immigration inspectors to request the airline companies to provide

passenger name record.

### **(3) Development of Provisions Relating to the Investigative Authority of the Immigration Officers (enforced on June 18, 2014)**

Provisions on enabling immigration inspectors to exercise their investigative authority regarding re-entry permission and immigration control officers to inquiry relating to the execution of written deportation orders were established.

## **Section 2 ◆ Submission of the 2015 Act for Partial Amendment of the Immigration Control Act (Bill for Partial Amendment of the Immigration Control and Refugee Recognition Act)**

### **① Outline**

In order to establish a new status of residence pertaining to foreign nationals qualified as a certified care worker to realize the acceptance of foreign nationals engaging in nursing care, and as a countermeasure against imposter residents, to establish a penalty to be imposed against those who received landing permission, etc. through deception or other wrongful means, and expand the grounds for revocation of statuses of residence, the Bill for Partial Amendment of the Immigration Control and Refugee Recognition Act which incorporated such measures was submitted to the 189th session of the Diet on March 6, 2015. The outline of this bill is as follows.

### **② Establishment of the New Status of Residence of “Nursing Care”**

Foreign students studying in Japan cannot engage in nursing care in Japan even if they have graduated from a Japanese institute of higher education and have acquired the designated national qualification of a certified care worker, etc. except in permitted cases under the framework of an Economic Partnership Agreement (EPA) with Indonesia, the Philippines or Vietnam.

However, because of the progressively aging population, there is great demand for high-quality nursing care, and therefore, both the “Japan Revitalization Strategy (Revised in 2014)” (approved by the Cabinet on June 24, 2014) and the recommendations of the 6th Immigration Policy Discussions Panel called for a system enabling foreign students who have graduated from a Japanese institute of higher education and who have acquired the qualification of a certified care worker to be allowed to work in Japan.

On the basis of such requests, in order to accept foreign nationals engaging in the work of nursing care, the bill includes the provisions to establish a new status of residence of “Nursing Care” to enable foreign students graduated from a Japanese institute of higher education designated as a certified care worker training facility and acquired the qualification of a certified care worker to engage in the work of nursing care or instructions on nursing care as a certified care worker based on a contract with a Japanese nursing care facility, etc.

### **③ Strengthening of Countermeasures Against Imposter Residents**

While the number of foreign nationals illegally staying beyond their authorized period of stay has been decreasing because of the strengthening of border measures and the promotion of exposure, a problem of so-called imposter residents who illegally acquire a status of residence and reside in Japan by disguising their status or activities through filing a false declaration or false documents exists, and the “Strategy to Establish ‘Japan as the World’s Safest Country’” (approved by the Cabinet on December 10, 2014) also

referred to proactively working on the promotion of countermeasures against imposter residents.

In light of this, a penalty will be established to punish imposter residents, and measures will be taken to expand the grounds for revocation of the status of residence.

Specifically, while previously there was no penalty with regard to persons who obtained landing permission or permission to change the status of residence, etc. through deception or other wrongful means, a penalty will be imposed on the foreign national, through this amendment, which is equivalent to the current penalty for illegal entry or illegal landing, and a penalty will also be established against those persons who facilitate the execution of this act for the purpose of profit, while the associated grounds for deportation and the grounds for revocation of the status of residence will be also revised.

In addition, with regard to the system of revocation of the status of residence, while previously revocation of the status of residence was possible only in cases where the foreign national had not engaged continuously for three months or more in the activities corresponding to the status of residence that had been granted, through this amendment, in such cases as a technical intern trainee who has left the training location without permission in accordance with the solicitation of a broker, it will be possible to immediately revoke the status of residence even before the elapse of three months in the case where the suspect resides engaging in or attempting to engage in other activities without engaging in the original activities, because it is deemed inappropriate that the suspect retains the status of residence. Moreover, if there are reasonable grounds to believe that foreign nationals whose status of residence has been revoked for the reasons mentioned above will flee, it will be possible to immediately switch to the deportation procedures, without setting a grace period for departure, in order to prevent such foreign nationals from concealing their whereabouts and remaining illegally in Japan.

Moreover, immigration control officers in addition to immigration inspectors will be able to conduct inquiry into the facts relating to revocation of the status of residence.

### **Section 3 ◆ Submission of the Bill on Proper Implementation of Technical Intern Training for Foreign Nationals and Protection of the Technical Intern Trainees**

With regard to the system of technical intern training, as described in Chapter 1, Section 1, 1 (2), amid circumstances requiring a vast review of the entire system, a basic direction of institutional revision was indicated in June 2014 in the “Results of the Study on the Direction of the Revision of the System of Technical Intern Training (Report)” compiled by the Sub-Panel for Discussion on the System of the Acceptance of Foreign Nationals, and the “Japanese Revitalization Strategy (Revised in 2014)” (approved by the Cabinet on June 24, 2014) set out “optimization of the system to ensure thorough understanding of the intent, which is the aim of making an international contribution, and fundamental revision of the system of technical intern training for foreign nationals such as expansion of the target occupations, extension of the training period, expansion of the fixed quota for acceptance and other matters, and submission of the necessary bill” with “the aim of transition to the new system within FY 2015”.

Therefore, the Ministry of Justice and the Ministry of Health, Labour and Welfare studied specific measures for revision of the system, and submitted a “Bill on Proper Implementation of Technical Intern Training for Foreign Nationals and Protection of the Technical Intern Trainees” to the 189th session of the Diet on March 6, 2015 after hearing the views of the labor and management organizations, academics and other experts at the Joint Experts Discussion Panel of the Ministry of Justice and the Ministry of Health, Labour and Welfare established in November 2014. The outline of this bill is as follows.



## ① Measures for Optimization of the System

### (1) Strengthening of the System of Supervision and Management

In order to enable the technical intern training to be implemented in line with the intent of the system, which is the promotion of international cooperation through the transfer of skills, etc. to the developing countries, etc., a system of certification of the technical intern training plans, which the implementer of the technical intern training prepares a plan for respective trainees describing the goals and contents of the technical intern training as well as other matters such as the treatment of the trainee and then receives certification from the competent Minister, is to be introduced, furthermore, provisions will be laid down to the effect of the competent Minister being able to issue an order for improvement or to render a disposition on revocation of certification where there is a problem in implementation or acceptance. Moreover, a framework is to be developed to check whether or not the skills, etc. are being appropriately acquired in line with the intent of the system, through an objective skills assessment which examines whether or not each trainee have passed a public skill evaluation exam which is included in their individual technical intern training program as their goals to be achieved, depending on the stage of the training.

Moreover, with regard to the supervising organizations, in order to exclude unsuitable organizations in advance, a permission system is to be introduced, and a provision is established to the effect that if a problem arises after the permission has been granted, the competent Minister may issue an order for improvement or a disposition on revocation, etc. of permission.

In addition, in order to ensure the effectiveness of these mechanisms, provisions are to be laid down vis-à-vis the implementers of the technical intern training and the supervising organizations for the collection of reports to the competent Minister, the authority to conduct on-site inspections and prescribed penalties for procedural violations.

### (2) Protection of the Technical Intern Trainees

As well as provisions for prohibition of such acts by an implementer of the technical intern training or a supervising organization as those taking away the passports or residence cards of the trainees or those unduly restricting freedom in the private life of the technical intern trainees, and penalties for such acts, provisions will also be established for prohibition and penalties pertaining to the supervising organizations with regard to acts forcing the technical intern trainees to undergo training and acts imposing fines; penalties for which are provided for by the Labor Standards Law, but which cannot be enforced against the supervising organizations due to the fact that the supervising organizations are not in a relationship of labor and management vis-à-vis the trainees.

In addition, a provision is to be established enabling technical intern trainees to file a report to the competent Minister in cases where the implementer of the technical intern training or the supervising organization commits an act of violation, and disadvantageous treatment owing to having made the report will be prohibited through a penalty.

### (3) Establishment of Organization on Technical Intern Training

In order to ensure consistent supervision and management of the system of technical intern training which extends over the jurisdiction of both the Ministry of Justice and the Ministry of Health, Labour and Welfare, an organization on technical intern training will be newly established as an authorized corporation under the jurisdiction of both ministries, and it is to perform the administrative affairs relating to certification of the technical intern training plans and permission for the supervising



organizations, on-site inspections for the implementers of the technical intern training and supervising organizations, and advice and assistance for the technical intern trainees.

## ② Measures for Expansion of the System

The technical intern training thus far has been divided into the two stages of Technical Intern Training (i) (one year) and Technical Intern Training (ii) (two years), but Technical Intern Training (iii) (two years), which is the third stage of the technical intern training will be added, and technical intern trainees who will have reached the goal of completion of the technical intern training (ii) will be able to proceed to (iii) on the premise that the technical intern training will be implemented by a trustworthy implementer of the technical intern training or supervising organization, enabling the technical intern training to be implemented for a maximum total of five years.

### Article: Emergency Time-Limited Measures in the Fields of Construction and Shipbuilding

In order to deal with the increased acceleration of reconstruction projects and the temporary increased demands for construction owing to the development of facilities related to the 2020 Tokyo Olympic and Paralympic Games, a decision was made by the Ministerial Committee to Consider Emergency Measures for the Use of Foreign Workers in the Construction Field (April 4, 2014) to permit for the time being as an emergency measure, foreign nationals who have completed their technical intern training in the construction field to engage in construction work in Japan with the status of residence of “Designated Activities” under a special supervision framework for, in principle, a maximum period of two years (three years in the case of a person who has returned to their home country for a period of one year or more following the completion of their technical intern training), on the basis that utmost efforts have been made to secure human resources in Japan.

In response to this, the “Public Notice on Projects for Acceptance of Foreign Construction Workers” (Public Notice of the Ministry of Land, Infrastructure, Transport and Tourism) providing the specific contents of measures was announced in August 2014, and the administrative affairs for the certification of trustworthy supervising organizations, etc. commenced in January 2015, and foreign construction workers eligible under these measures have been accepted from April of the same year.

In addition, with regard to the shipping industry where there is a large two-way flow of human resources to and from the construction industry, the “Japanese Revitalization Strategy” (Revised in 2014) stated that emergency time-limited measures similar to those of the construction industry should be taken, and therefore, the “Public Notice on Projects for Acceptance of Foreign Shipbuilding Workers” (Public Notice of the Ministry of Land, Infrastructure, Transport and Tourism) providing the specific contents of measures was announced in December 2014, and the administrative affairs of the certification of trustworthy supervising organizations, etc. commenced in January 2015, and foreign construction workers eligible under the measures have been accepted from April of the same year.

It should be noted that these projects for acceptance are a temporary measure until FY 2020.

## Chapter 3. Promotion of the Acceptance of Highly-Skilled Foreign Nationals

### Section 1 ◆ Outline of Points-Based Preferential Treatment for Highly-Skilled Professionals

Japan introduced preferential immigration treatment based on a points' system for highly-skilled professionals (hereinafter referred to as "points-based system for highly-skilled professionals") in May 2012, and has since been promoting the acceptance of highly-skilled foreign nationals. The points-based system for highly-skilled professionals is aimed at foreign nationals who have advanced capabilities and qualities that are expected to contribute to Japan's economic growth, and divides the contents of the activities of the highly-skilled professionals into the three categories of "advanced academic research activities", "advanced specialized/technical activities" and "advanced business management activities", and according to the characteristic features of each category, points are awarded for each item, such as "academic background", "professional career" and "annual salary", and if the total number reaches 70 points, such foreign national is recognized as a "highly-skilled foreign national" and becomes eligible for preferential immigration treatment.

Following the introduction of the system, a recommendation was made by the 6th Immigration Policy Discussions Panel to the Minister of Justice to revise the points-based system for highly-skilled professionals in May 2013, and even in the "Japan Revitalization Strategy" approved by the Cabinet on June 14 of the same year, a goal was set out to revise the system and to start the new system within the same year. Based on these, the Immigration Bureau amended the Ministry of Justice public notice on December 17 of the same year with the aim of revising the criteria for recognition pertaining to highly-skilled professionals and revising the preferential treatment.

In order to further promote the acceptance of foreign human resources who possess a high degree of professional competence, the new statuses of residence of "Highly Skilled Professional (i)" and "Highly Skilled Professional (ii)" were established through the 2014 Amendment Act for those highly-skilled professionals who had previously been granted the status of residence of "Designated Activities".

### Section 2 ◆ Establishment, etc. of New Statuses of Residence

#### ① Outline

The new statuses of residence of "Highly Skilled Professional (i)" and "Highly Skilled Professional (ii)" established through the 2014 Amendment Act are both limited to those foreign nationals who meet the criteria prescribed by an Ordinance of the Ministry of Justice, and in response, the Ordinance to Provide for the Criteria in the Right-Hand Column Corresponding to "Highly Skilled Professionals as Specified in Appended Table I (2) of the Immigration Control and Refugee Recognition Act (Ministerial Ordinance No. 37 of 2014) was enacted and the criteria were set. With regard to "Highly-Skilled Professional (i)", the criteria for the points-based system for highly-skilled professionals operated previously through the status of residence "Designated Activities" are to be followed, and the total number of points set for each of the categories of academic background, "professional career" and "annual salary" must reach 70 points or more. In addition, with regard to "Highly-Skilled Professional (ii)", the total number of points must be 70 points or more as with "Highly-Skilled Professional (i)", and moreover, the

requirement was set that the foreign national must have been residing in Japan for three years or more with the status of residence of “Highly Skilled Professional (i)” and to have engaged in the activities for that status, to have demonstrated good behavior and to be deemed to suit Japan’s interests.

## ② Preferential Treatment

### (1) Highly Skilled Professional (i)

- A. Grant of the “five years” period of stay
- B. Permission for multiple purposes of activities
- C. Permission for the spouse of the highly-skilled professional to work (\*1)
- D. Permission for the parent(s) to accompany the highly-skilled professional to Japan under certain conditions (\*2)
- E. Easing of requirements for permanent residence
- F. Permission for a domestic worker to accompany the highly-skilled professional to Japan under certain conditions (\*3)
- G. Preferential processing of entry and residence procedures

### (2) Highly Skilled Professional (ii)

- A. In conjunction with the activities of “Highly Skilled Professional (i)”, permitted to engage in almost all of statuses of residence based on employment
- B. Granted an indefinite period of stay
- C. Eligible for the preferential treatment of the abovementioned (1) from C. to F.

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 similar to the status of residence of “Permanent Resident”, it differs from the status of residence of “Permanent Resident” which has no restrictions on activities, because the status of residence of “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 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 requirement to give a notification on the organization of affiliation (workplace, etc.) to the Minister of Justice. On the other hand, the status of residence of “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 professional.

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(\*1) In cases of activities coming under the statuses of residence of “Instructor”, “Engineer/Specialist in Humanities/International Services” etc., it is possible to work with the status of residence of a spouse of a highly-skilled professional even without meeting certain criteria relating to academic background or professional career.

(\*2) In cases where there is a child under the age of 7 or where the highly-skilled professional or his spouse is pregnant.

(\*3) In cases where the spouse is unable to engage in the day-to-day household chores owing to having a child under the age of 13, an illness or other factors.

### Section 3 ◆ Situation of Acceptance

After the start of the system in May 2012, the cumulative number of cases of recognition up until the end of 2013 was a low number of 845, but the number of new cases of recognition has increased significantly following the institutional reforms made in December of the same year. The “Japan Revitalization Strategy” sets a goal of recognition of 5,000 highly-skilled professionals by the end of 2017, and 3,675 foreign nationals have been recognized as highly-skilled professionals since the start of the system until the end of July 2015.

### 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 professionals in order to have as many highly-skilled foreign nationals utilize the system as possible. Therefore, the Immigration Bureau has been conducting the following kinds of publicity measures.

- (i) A special “Points-based System for Highly-Skilled 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 (Japanese: [http://www.immi-moj.go.jp/newimmiact\\_3/index.html](http://www.immi-moj.go.jp/newimmiact_3/index.html), English: [http://www.immi-moj.go.jp/newimmiact\\_3/en/index.html](http://www.immi-moj.go.jp/newimmiact_3/en/index.html))

In addition, with the cooperation of the relevant organizations, in addition to distributing information through the e-mail magazines of each organization, we have asked that banners of specially prepared webpage be attached to the websites of the relevant ministries and agencies.

- (ii) 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.
- (iii) 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 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 professionals with the cooperation of the relevant ministries and agencies.

## Chapter 4. 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 entry 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.

The number of foreign nationals entering Japan in 2014 reached approximately 14 million and it is expected that this number will continue to increase in the future, but since acts of terrorism are taking place in many parts of the world and Japanese nationals have been held captive and murdered, the Immigration Bureau has been working to reconcile the seemingly conflicting goals of stricter yet smoother examinations through the implementation of strict and smooth examinations depending on the case.

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

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

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 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

(\*) 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.



FY 2014, 70 automated gates had been installed throughout the country.

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.



**Automated gates**

### ③ Response to Cruise Ship Passengers

In recent years, the number of cruise ships calling at ports in Japan has 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, 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 permission for landing at a port of call, utilization of examination devices for which the systems have been modified, and the dispatch of help personnel for examinations across Japan.

Landing permission for cruise ship tourists for allowing the foreign passengers of cruise ships designated by the Minister of Justice to land through the simplified procedures has been operated since January 1, 2015.



**Cruise ship examinations**



## ④ Measures to Enable the Longer Stays of Wealthy Foreign Nationals

At present, it is possible for foreign nationals who visit Japan for the purpose of sightseeing and recreation to enter Japan with the status of residence of “Temporary Visitor” but, in principle, the maximum length of stay with this status of residence is 90 days. However, efforts are in progress for Japan to become a receptacle for the longer stays of foreign nationals such as for the purpose of investments in the construction of condominiums by foreign investors in recent years and scheduled openings of luxury villa-type accommodations suitable for the longer stays of foreign nationals, and the “Japan Revitalization Strategy (Revised in 2014)” also referred to the establishment of a system enabling longer stays for the purpose of sightseeing targeting wealthy foreign nationals. In response, the Immigration Bureau has made it possible for foreign nationals who meet the following requirements to stay in Japan with the status of residence of “Designated Activities” for a maximum of one year for the purpose of sightseeing or recreation since June 23, 2015.

- (i) Foreign nationals of countries/regions to which Japan accords visa exemption measures vis-à-vis those who intend to enter with the status of residence of “Temporary Visitor” (provided, however, that this excludes countries for which these measures have been suspended and countries for which measures to encourage visa acquisition are being taken)(\*)
- (ii) Foreign nationals 18 years of age or above (except for accompanying spouses)
- (iii) Savings of 30 million yen and over (possible to aggregate the savings of husband and wife)
- (vi) Subscription to medical insurance

## 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 the Immigration Bureau 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 Japan illegally using forged passports or the passports of other people by checking their information 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 2015, 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 5,400.



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

On the other hand, there have been many

(\*) In the case of entry through this system, it is necessary to obtain the visa for the status of residence of “Designated Activities” in advance.

cases of foreign nationals who attempted to enter Japan illegally using fake fingerprints created by causing direct injury to their fingers or by having plastic surgery, or using forged 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 strictly deals with them such as 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 Examinations Through the Use of APIS and PNR

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 aircrafts 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 advance passenger information system (APIS) was launched.

In addition, as well as handling the significant increase in the number of foreign nationals corresponding to the implementation of various measures aimed at the realization of a tourism-oriented country, we will be collecting new information which is useful in terms of immigration control in order to prevent entry of terrorists and other foreign nationals who pose problems in terms of immigration control at the border, and in accordance with the 2014 Amendment Act, it has become possible since January 1, 2015 for immigration inspectors to request the airline companies to provide a PNR report. We will be striving to prevent the entry at the border of terrorists and other foreign nationals who pose a problem in terms of immigration control and to achieve smooth and prompt landing examinations for problem-free foreign nationals through the utilization of the PNRs.

## ④ Patrol Activities at Airports and Seaports

In fact, there have been some cases of illegal entry into a third country misusing the transit areas (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 Japanese major airports.

Accordingly, the immigration control officers monitor and detect suspicious individuals by reinforced organizational patrols, in the transit areas of Narita Airport and other major airports .

In addition, there is a concern that illegal entry cases using vessels to smuggle those who have been deported from Japan in order to avoid entry examination utilizing biometric information, 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.



**Joint drill**



**Detection on a smuggling boat**



**Patrol activity**

## Article: The Importance of Immigration Control as Measures Against Terrorism

The situation of terrorism affecting Japan is becoming increasingly more severe as seen through the terrorist incident regarding the murder of Japanese in Syria in January 2015 and the terrorist shooting attacks in Tunisia that occurred in March of the same year.

With regard to measures against terrorism, it is extremely important to prevent terrorism in advance, and immigration control plays an important role in preventing the entry of terrorists at the border.

The Immigration Bureau has been implementing measures against terrorism through such means as using personal identification information, the ICPO Stolen and Lost Travel Documents database, and entry examinations utilizing API, but in light of recent events, we will be reinforcing even stronger counter-terrorism measures. To this end, the “Reinforcement of Measures against Terrorism in Response to the Terrorist Incident Regarding the Murder of Japanese” decided on May 29, 2015 by the Headquarters for Promotion of Measures against Transnational Organization Crime and Other Relative Issues and International Terrorism incorporated the strengthening of the immigration control structure through the development of the personnel and infrastructure, the strengthening of the collection and analysis of border information and the strengthening of activities for warnings, surveillance and crackdowns at the airports and seaports.

In FY 2015, a structure to ensure both the promotion of a tourism-oriented country and strict border measures was secured by increasing the number of immigration inspectors by 227, and in October of the same year, “The Center of Collection and Analysis of Intelligence” was established in order to enhance the intelligence-gathering functions related to immigration control. The center, accumulating the necessary information from national and international relevant agencies, conducts high level analysis of the information and provides it to the Regional Immigration Bureaus in order to prevent terrorists, etc. from entering Japan.

The role of immigration control will be further developed in order to prepare thoroughly for measures against terrorism in anticipation of the Summit to be held in 2016 and the 2020 Tokyo Olympic and Paralympic Games.



## Article: At the Front Line of Immigration Control Administration (voice of a document examination office staff) (Document Examination office, Kansai Airport District Immigration Office, Osaka Regional Immigration Bureau: Kenta Matsumori )

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The Document Examination Office to which I belong examines passports whose authenticity is suspect, which have been discovered in the immigration examinations mainly at the airport.

Forged or altered passports often appear in scenes in movies and novels, and in actuality, forged or altered passports are found in Japanese airports and our airport is no exception. Our office conducts a variety of work including the examination of passports in order to prevent entry at the border of foreign nationals who are unwelcome in Japan and who attempt to illegally enter Japan for an unlawful purpose such as a crime or illegal employment.



In order to gain an insight into whether or not a passport has been forged or altered, it is important for us not only to make full use of various specialized equipment and to enhance our forensic technology every day so as not to miss even the slightest trace, but to keep track of what forgery prevention measures are being taken for the passports of all of the countries.

Owing to their importance, various measures are used in passports much like with currency bills so as to ensure that they cannot be forged, and the measures being taken differ depending on the country and, even with passports from the same country, in most cases, new forgery prevention measures will be taken when issuing new passports. Therefore, one of the important duties of our office is to collect and analyze information on forged and altered passports found all around the world and on the latest forgery prevention measures, and to provide this information to our officers all around Japan with the cooperation of the relevant organizations in and outside of Japan.

In this way, document examination is work which requires steady dedication in collecting and analyzing information, but we believe that the quiet repetition of our work leads to preventing illegal entrants at the border.

In the future, I intend to ensure that I do not neglect my efforts, and I hope to contribute in a small way to maintaining the security of Japan by devoting myself every day to accurately identifying forged and altered passports and preventing people who are unwelcome in Japan in advance.

## Chapter 5. 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 special detection officer units (see subsection 2(1) below), 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”, as the Immigration Bureau has continued efforts to further reduce the number of foreign nationals illegally staying, consequently the number of foreign nationals overstaying their authorized period of stay was decreased to approximately 59,000 as of January 1, 2014.

However, the number of foreign nationals illegally staying beyond their authorized period of stay reached approximately 60,000 as of January 1, 2015, which was an increase for the first time in 22 years.

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

A steady decrease of the number of illegal foreign residents in Japan is recognized a result of past efforts. However, it is estimated that there are still approximately 60,000 foreign nationals staying beyond their authorized period of stay in hiding somewhere in the country.

Owing to the variety of measures being taken by the entire government aimed at the realization of a tourism-oriented country, it is expected that there will be a further increase in the intake of foreign nationals in the future, and in response to this, since it is very likely that the number of foreign nationals staying illegally beyond their authorized period of stay will further increase, we will work to maintain a commensurate framework to deal with these illegal residents, strengthen the following measures and work on further reducing the number of illegal 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 illegal foreign residents, the Immigration Bureau has reinforced 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.

The departure order system is a system where, unlike with the deportation procedures, foreign nationals staying illegally beyond their authorized period of stay, who meet certain criteria such as appearing in person to make a declaration in order to depart from Japan, are able to depart through simple procedures without being taken into custody (see Part 1, Section 5, 5 below), and 2,592 foreign nationals were issued with a departure order based on this system in FY 2014.

Meanwhile, the “Guidelines on Special Permission to Stay in Japan” which was approved and announced in 2006 was revised in July 2009 in order to increase the transparency of the operations. The revised guideline shows 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 departure order system and the revised guideline on special permission to stay in Japan by conducting active public relations activities, 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.

“Imposter residents” are foreign nationals who are residing in Japan having illegally received entry or landing permission as though they come under one of the statuses of residence having disguised their identity or activities such as by using forged or altered documents or false documents under the cover of a fake marriage, fake studies or fake employment, etc., or they may not necessarily have concealed the purpose of their activities from the onset but are currently engaged in illegal work which is far removed from their status of residence, and therefore, taking measures against imposter residents is

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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”. The guideline articulates 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 (<http://www.moj.go.jp/content/000048156.pdf>).

(\*2) Examples of public relations activities:

- (i) During the “Campaign for Measures against Illegal Foreign Workers” held every June, public relations for the prevention of illegal employment are conducted.
- (ii) 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 (<http://www.moj.go.jp/content/000052868.pdf>).

also an important task in terms of immigration control administration along with measures against illegal residents. “Imposter residents” appear on the surface to be legal residents, which makes it difficult to accurately ascertain their situation, but their increase in numbers is a cause for concern since they substantively orchestrate illegal 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 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.

In addition, in recent years, there are a significant number of cases where foreign nationals use forged or altered residence cards or who abuse the applications for refugee recognition, and since these methods are becoming more malicious and sophisticated, the Immigration Bureau closely collaborate with the police and other related organizations, and in malicious cases, the Immigration Bureau proactively seek criminal punishment and deal strictly with such persons, and also strive to work on measures to uncover the situation of these cases.

## **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 illegally staying, 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) Strict Handling Through Reinforced Exposure and Proactive Application of Law**

In order to work on proactive exposure of imposter residents, if as a result of an investigation, a foreign national who is residing with a status of residence which has restrictions on the contents of the activities in Japan is discovered to be engaging solely in work activities which do not belong to the status of residence that was granted, deportation procedures will be proactively executed against such foreign national as a violator engaging in unauthorized activities.

In addition, even if a foreign national does not fall under the grounds for deportation, 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 he or she 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 and imposter foreign residents pursuant to the provisions of this article and other provisions.

#### Article: Measures Against Illegal Residents and Imposter Residents

The Japanese government stated in the “Japanese Revitalization Strategy” (Revised in 2014) that it would “aim for a goal of more than 30 million foreign visitors coming to Japan in 2030”. Since the number of foreign nationals entering Japan in 2014 reached approximately 14 million, and the “Strategy” indicates as our goals that we are aiming to further continue in the future with strategic measures such as the easing of visa requirements and are also aiming for a higher goal, it is apparent that the number of foreign nationals entering and residing in Japan will increase significantly.

Along with the increase in the number of foreign nationals visiting Japan, since it is very likely that there will be an increase in the number of foreign nationals illegally residing in Japan, the measures against illegal residents and imposter residents are one of the specific approaches given in the “Creative Strategy to ‘Make Japan the World’s Safety Country’”. In addition, the measures against illegal residents and imposter residents are of increasing importance in order to further consolidate the sound security of Japan in anticipation of the 2020 Tokyo Olympic and Paralympic Games.

Under such circumstances, the Immigration Bureau is committed to strongly promoting comprehensive measures against illegal residents and imposter residents through close cooperation with the related organizations.

## Article: At the Front Line of Immigration Control Administration (voice of an officer of the inquiry into the facts) (Fourth Investigation Department, Tokyo Regional Immigration Bureau: Yumiko Sasaki)

The amended Immigration Control Act was enacted on July 9, 2012, through which a new residency management system for mid to long-term residents was introduced, while the Fourth Investigation Department of the Tokyo Regional Immigration Bureau was established in May 2013 as the only department dedicated full-time to investigating the facts relating to the items of notification of the mid to long-term residents provided for in Article 19-19 of the Immigration Control Act.

Through the “Project to Halve the Number of Illegal Foreign Residents” implemented from 2004, the number of foreign nationals staying illegally beyond their authorized period of stay which at the outset of the project stood at approximately 220,000 foreign nationals saw a significant reduction to approximately 60,000 as of the time of January 1, 2015, but on the other hand, a serious problem is the existence of a considerable number of so-called imposter residents who have illegally received permission for residence, etc. through the use of false documents, etc., and therefore the methods can be said to have become more malicious and sophisticated.

The inquiry into the facts in accordance with Article 19-19 of the Immigration Control Act is a provision laid down for the implementation of investigations relating to the items of notification to the Minister of Justice and is intended to keep the information on mid to long-term residents accurate and up-to-date, and as a result of pursuing false items relating to the contents of notifications discovered in the field during the investigation process, numerous cases of imposter residents have been discovered. I feel in my day-to-day work that clarifying the situation of residence of imposter residents, who have been discovered during the inquiry into the facts, and taking appropriate measures in line with the cases is the role strongly expected of the fact-finding officers of inquiry into the facts as the intent of the provision of Article 19-19 of the Immigration Control Act.

I was assigned to the Fourth Investigation Department in April 2014, and this year will be my second. Initially, I felt as an immigration control officer that unlike with the investigations of violations,



that there would be many constraints of law since an inquiry into the facts does not allow for compulsory investigations, but when we were able to achieve results through steady investigations using originality and ingenuity, I realized that I was able to play a role in achieving fair residence management. Going forward, I hope to continue engaging in inquiry into the facts while further sharpening the senses that I have cultivated in my previous work.

## 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, in order to realize more proper treatment to the detainees with due consideration being given to their human rights, while taking into consideration the circumstances of individual facilities, the hours of open treatment, outdoor activities and taking a bath have been extended to the greatest extent permissible in terms of security and, periodical medical checks by visiting psychiatrists commenced in June 2011 at the Higashi-Nihon Immigration Center.

### 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 March 2015) spread across Japan according to its district. 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 the result of these activities, 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 2013 to June 2014, 16 inspections and 66 interviews took place in the facilities throughout Japan, and 86 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, Higashi-Nihon Immigration Center: Yuki Tachiyama)**

I am currently responsible for the work of the treatment of detainees at the Higashi Nihon Immigration Center. This center is a facility housing foreign nationals for whom deportation has been decided as a result of violating the laws of Japan.

If you say detention center, the image that is conjured up is usually that of a prison or a detention center of a penal institution, but at this detention center, the detainees are allowed as much freedom as possible within the extent that there are no obstacles in terms of security. For example, the doors of the rooms are open, and the detainees are given time to spend as they please in certain areas, and they can also exercise in the outdoor grounds, take showers, do laundry, watch television, smoke, make phone calls to people outside and purchase goods.

There are many detainees who refuse to return to their countries even though deportation has been decided for them, and moreover, since there are many people of a wide variety of nationalities and from different ethnic groups, there are often problems arising from differences in lifestyles or values.

As officers in charge of the work of treatment, we are expected to maintain security and order in the detention facilities, but rather than unilaterally imposing rules on the detainees, we feel that it is important to pay consideration to relieving the stress brought about by the detention. Therefore, when treating the detainees, we proactively talk to them on a daily basis, sometimes giving them advice about their worries, and by diligently observing the movements of the detainees, we strive to keep tabs on their feelings so as not to miss any signs of small changes.

On the other hand, if there are any acts of violation or acts of abuse towards other detainees, we must suppress these acts taking a firm stance.

Properly carrying out the treatment of detainees in this way requires cooperation between the persons in charge, and it is particularly important to maintain constant contact and to ask for advice from our senior colleagues.

The work of treatment is work where the results are hard to see, but I believe that it is an important process leading up to when the deportee is deported, and therefore I hope to work together with my supervisors and colleagues to carry out proper treatment.





## Section 4 ◆ Promotion of the Deportation of Deportees

### ① Implementation of Safe and Reliable Deportation of Deportation Evaders

Recently, there is the problem of an increasing number of foreign nationals who have been issued with a deportation order but who attempt to evade deportation (deportation evaders) because of work in Japan or other reasons.

The Immigration Bureau tries to convince these deportation evaders to return to their country of their own volition, but if they still attempt to evade deportation, they will ultimately be deported on a regular flight accompanied by escort officers based on the provisions of law or mass deportation may be implemented using chartered flights for the purpose of safer and more secure deportation.

In addition, some foreign nationals who attempt to evade deportation are often anxious about their lives after return, and with regard to foreign nationals who are deemed to require humanitarian consideration, programs are implemented for voluntary return and reintegration support with the cooperation of the Japan office of the International Organization for Migration (IOM).

### ② Implementation of Mass Deportation Using Chartered Flights

Although we endeavor to repeatedly convince deportation evaders to return to their country of their own volition, if they still attempt to evade deportation, they will ultimately be deported on a regular flight accompanied by escort officers based on the provisions of law.

However, deportation using a regular flight can cause a disturbance, for example, the deportee might start shouting in the cabin, and there are cases where the deportation cannot be implemented owing to the decision of the captain to deny boarding, or alternatively, even if the detainee is able to board the aircraft, there is the situation that a tremendous burden may be imposed on the private airlines, such as the detainee bothering other ordinary passengers.

Therefore, from 2013, we have been implementing mass deportations using chartered flights where safe and reliable deportation can be carried out without boarding being denied by the captain, and a total of 153 people from four countries have been deported in this manner by the end of FY 2014.

### ③ Promotion of the Use of IOM Repatriation Programs

On the other hand, there are some foreign nationals whose deportation has been decided who attempt to evade deportation despite wanting to return to their home country because of fears about life after return.

Of these persons, with regard to foreign nationals who are deemed to require humanitarian consideration, programs are implemented for voluntary return and reintegration support with the cooperation of the IOM Japan office. This program aims to dispel anxiety after return home and to encourage the voluntary return of the deportees through reintegration support after return home.

So far, a number of families and individuals have returned home through application of this program, and are receiving living and employment support after their return home from the respective local IOM office.

The Immigration Bureau intends to continue with implementation of these programs with the cooperation of the IOM, and to facilitate the voluntary return home of the deportees and reintegration in their home country.

## Chapter 6. Promotion of Appropriate and Prompt Refugee Protection

### Section 1 ◆ Promotion of Appropriate and Prompt 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.

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, the Immigration Bureau has 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, the Immigration Bureau has also been implementing additional training on an ongoing basis such as a three-day practical training program using case studies since FY 2010 under the direction of the UNHCR, short-term officer dispatch to the UNHCR regional offices since FY 2011, and sending officers to participate in training at the International Institute of Humanitarian Law in Sanremo, Italy since FY 2012.

Further, since there has been a rapid increase in the number of applications (see Part 1, Chapter 6, Section 1) in recent years, measures are being taken to revise the system of refugee recognition aiming for more appropriate and prompt processing of cases. Discussions were held by the Expert Meeting on the Refugee Recognition System established under the 6th Immigration Policy Discussion Panel on revision of the refugee recognition system for more than a year from FY 2013, and a report compiling the results of the discussions was submitted to the Minister of Justice in December 2014. In the future, pursuant to the Basic Plan for Immigration Control (5th Edition) which was formulated based on the contents of the report, in order to ensure prompt and reliable asylum for refugees, revisions of the system of refugee recognition will be proactively carried out so as to clearly distinguish between those who are in genuine need of asylum and those who are not, and measures will be taken to ensure appropriate and prompt processing of cases corresponding to the contents of the case as well as measures to improve the quality of the examinations (see Part 1, Section 3, Subsection 7).

### 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 Indochinese refugees and those recognized as 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, four families comprising 18 family members came in 2013, and five families comprising 23 family members came in FY 2014 (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, which is mainly in charge of the selection process for the acceptance of refugees and conducts interviews by sending officers out to the field, with the cooperation of the related organizations, intends to continue in the future with 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.

In accordance with the three-party discussions based on this memorandum, during the period of

April 2012 and March 2014, the Immigration Bureau implemented a “pilot project”. Under the project, the Immigration Bureau requested Forum for Refugees Japan to secure a residence for foreign nationals claiming to be a refugee at Narita Airport for whom securing a residence was difficult and Landing Permission for Temporary Refuge or Permission for Provisional Stay was granted to foreign nationals for whom acceptance was possible.

Currently consideration is being given among the three parties on the possibility of continuing with measures similar to this project or of expanding this project.

## Chapter 7. 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), Chile (September 2007), Thailand (November 2007), Indonesia (July 2008), the Philippines (December 2008), Switzerland (September 2009), Viet Nam (October 2009), India (August 2011), Peru (March 2012), and Australia (January 2015); and has been responsible for the part in the negotiations in relation to the “movement of natural persons”.

As of April 2015, the Immigration Bureau has mainly been involved in negotiations for the conclusion of EPAs with Canada, Colombia and the EU, etc.

#### ② Acceptance of Nurse and Certified Care Worker Candidates Based on EPAs

From the point of view of strengthening bilateral cooperation in economic activities, Japan commenced the acceptance of nurse and certified care worker candidates, who aim to acquire Japanese national nursing qualifications or national certified care worker qualifications, from Indonesia in FY 2008, the Philippines in FY 2009, and Viet Nam in FY 2014. The number of foreign nationals accepted as nurse and certified care worker candidates based on an EPA up until FY 2014 was 1,235 from Indonesia, 1,004 from the Philippines, and 138 from Viet Nam.

#### 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.



## ④ Responses to the Bilateral Travel Facilitation Initiative

“The U.S.-Japan Joint Statement: The United States and Japan: Shaping the Future of the Asia-Pacific and Beyond” (Annex: Leaders Statement on Japan-US Bilateral Exchanges) dated April 25, 2014 referred to Japan’s participation in the U.S. Global Entry Program (GEP), and the Immigration Bureau also believes that the GEP will contribute to expedite immigration procedures for both countries and has been vigorously advancing consideration for participation in the program, and an outline agreement was reached on April 28, 2015 at the Japan-U.S. summit meeting on the implementation of a bilateral travel facilitation initiative pertaining to GEP and Trusted Traveler Program (a new Japanese program (see Chapter 2, Section 1, 3 above) making foreign nationals who have been identified as “trusted travelers” eligible to use the automated gates.).

## Section 2 ◆ International Conferences

### ① G7/8 Rome-Lyon Group Migration Experts Sub-Group Meeting

The Migration Experts Sub-Group Meeting, one of the sub groups of the G7/8 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 G7/8 members should take cooperatively in the area of illegal immigration and the forgery or alteration of documents.

In FY 2014, two meetings were held in Germany, and the Immigration Bureau staff 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 meetings on promotion of measures against trafficking in persons and consular services, etc., to express Japan’s position actively and build cooperative relations with other countries. The Immigration Bureau also sends officials to participate in multinational meetings, such as the International Air Transport Association (IATA)/Control Authorities Working Group (CAWG) for the purpose of information sharing and exchanging opinions.

## Chapter 8. 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 promotion of public relations activities are provision of information including the circumstances concerning immigration control administration, new systems or policies, and changes of procedures.

In terms of immigration control administration, statistics concerning immigration control administration such as the number those entering or departing from Japan, the number of foreign residents and the number of foreign nationals staying beyond their authorized period of stay are released and posted on the website of the Ministry of Justice. In addition, the Immigration Bureau publishes such information as data on the case examples of special permission to stay in Japan and the standard processing time of the examinations of recognition of refugee status, in order to make immigration control administration understood by a wide variety of people.

Moreover, efforts are being made to publicize information by posting information on promotion of use of the automated gates and the points-based system for highly-skilled professionals and information on the necessary procedures to switch to the residence card or special permanent resident certificate on the websites of the Ministry of Justice and the Immigration Bureau, and by distributing posters and leaflets.

In addition, 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 2014, 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.



**Promotion  
of the automated gates**



**Illegal Work Prevention  
Campaign**



**Leaflet for 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, etc. 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

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 between Japan and their countries in lifestyle, manners, customs and language. For the purpose of providing consultation and information services to such foreign nationals, the immigration information centers offer advice on the various procedures related to entry, the statuses of residence and the items to be entered in the application forms on entry and residence for foreign nationals and persons interested.

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 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. 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 addition, in order to improve the provision of information to foreign nationals, from 2005 onwards, translations are provided in English, Chinese, Korean, Portuguese and Spanish, and the Immigration Bureau has been striving to enhance convenience for foreign nationals by gradually improving the contents.

### ④ Measures Related to Switching Over from the Certificate of Alien Registration to the Residence Card or Special Permanent Resident Certificate

Pursuant to the provisions of Article 15 and Article 28 of the Supplementary Provisions of the Act to Amend the Immigration Control Act and other related laws, the expiry date of the valid period of the certificate of alien registration deemed to be the residence card or special permanent resident certificate held by all of the permanent residents and a number of special permanent residents was July 8, 2015, and information to publicize the valid period and to encourage a switch over to the residence card or special permanent resident certificate was posted on the Immigration Bureau website and through posters put up at the counters of the municipal governments and regional immigration bureaus, while individual notifications were sent out by post between September 2014 and March 2015 to those permanent residents and special permanent residents who were required to submit an application for the switch.

In addition, individual notifications have been continuously sent out by post to those permanent residents and special permanent residents for whom the expiry date of the valid period of their residence card or special permanent resident certificate (including certificate of alien registration treated as such certificate) is set to expire on or after July 9, 2015.



## Chapter 9. Policy for the Achievement of a Symbiotic Society Co-existing with Foreign Nationals

### Section 1 ◆ Participation in the Meeting on Cities with Large Populations of Foreign Nationals

The Meeting on Cities with Large Populations of Foreign Nationals consists of the local governments of cities where a large population of foreign residents, including foreign nationals of Japanese descent, 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 proactively took part in the meeting.

At the 2014 Tokyo Meeting on Cities with Large Populations of Foreign Nationals, the State Minister of Justice participated in a debate with the heads of the member cities of the Meeting on Cities with Large Populations of Foreign Nationals on the topic of “Multicultural policies in an era of Japan’s population decline”. This meeting was also attended by officers from the relevant ministries and agencies and the Immigration Bureau, who held an exchange of views with the Meeting on Cities with Large Populations of Foreign Nationals.

### 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 1988 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.

