

# IMMIGRATION CONTROL 2016



**Immigration Bureau, Ministry of Justice, JAPAN**

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# Immigration Control

**Japan**

Immigration Bureau, Ministry of Justice

# Introduction

## Publication of the 2016 Immigration Control Report

In this age of globalization, the Immigration Bureau, Ministry of Justice plays a vital role in both promoting sound international exchange by enabling foreign nationals visiting Japan for diverse reasons from various countries and regions to smoothly enter and stay in Japan and differentiating between which foreign nationals should and which foreign nationals should not be permitted to enter and stay in Japan so as to maintain the law and order of Japanese society. The Immigration Bureau is also responsible for deporting, pursuant to laws and regulations, those foreign nationals already in the country who are unwelcome in terms of protecting the safety and interests of Japanese citizens. Moreover, another major role played by the Immigration Bureau is that of developing the procedures for refugee recognition and making determinations as to whether a foreign national seeking asylum in Japan should be recognized as a refugee.

The immigration report entitled “Immigration Control”, first published in 1959, has now reached its 22th edition. “Immigration Control” was a publication which only summarized the trends in immigration control administration over a five-year period until 2003. However, given the accelerated pace of changes in the conditions affecting Japan’s immigration control policies, immigration control administration has had to incorporate various new measures so as to be able to respond properly. In line with the rapid changes, starting 2004, the “Immigration Control” report has been published annually mainly summarizing the trends in immigration control administration over a twelve-month period.

The 2016 Immigration Control Report gives a brief description of the operations of the Immigration Bureau and, while looking back over the changes in the operations which took place over the past five years from 2011 to 2015, gives a summary of the recent circumstances and policies of immigration control administration, focusing mainly on the actions taken in FY 2015, such as the bill for partial amendment of the Immigration Control and Refugee Recognition Act, revision of the system of technical intern training, acceptance of foreign human resources, the efforts toward the achievement of a tourism-oriented country, and the measures taken for stringent prevention of the entry of possible terrorists at the port of entry.

Finally, we hope through this report that immigration control administration will prove to be beneficial and easy to understand.

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# Points of the 2016 Immigration Control Report

## ■ Organization of the 2016 Immigration Control Report

- This report consists of three parts: Immigration Control in Recent Years (Part I), Major Policies Related to Immigration Control Administration (Part II), and Data Section.
- Part I describes the immigration operations conducted during 2015 based on the statistics over the five-year period from 2011 to 2015.
- Part II describes the major immigration control policies (implemented during FY 2015 as well as some of the measures for FY 2016).
- Data Section describes summary of the operations, etc. of the Immigration Bureau.

## ■ Part I Immigration Control in Recent Years

- Number of Foreign Nationals Entering Japan

The number of foreign nationals who entered Japan in 2015 (including those who re-entered Japan) was 19,688,247, and the number of foreign nationals newly entering Japan, excluding those who had re-entered, was 17,796,147 (an increase of 43.6% over the previous year).

- Number of Foreign Residents

The number of foreign residents combining the number of mid to long-term residents with the number of special permanent residents was 2,232,189 as of the end of 2015.

In addition, the percentage of foreign residents to the total population of Japan was 1.76%, an increase of 0.09 points compared to the number at the end of 2014.

- Number of Foreign Nationals Overstaying Their Authorized Period of Stay

The number of foreign nationals illegally overstaying their authorized period of stay as of January 1, 2016 was 62,818, which was an increase for the second year running.

## ■ Part II Major Policies Related to Immigration Control Administration

- Outline of the Bill for Amendment of the Immigration Control and Refugee Recognition Act

The Bill for Partial Amendment of the Immigration Control and Refugee Recognition Act was submitted to the 189th session of the Diet on March 6, 2015, but it was not passed at either the session or the 190th session of the Diet, and therefore is subject to continued deliberations. The outline is as given below.

- A new status of residence of "Nursing Care" will be established to enable foreign students graduated from 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.
- A penalty which is equivalent to the current penalty for illegal entry or illegal landing will be imposed on the foreign national who obtained landing permission or permission to change the status of residence, etc. through deception or other wrongful means, and a penalty will also be established against those who facilitate the execution of this act for the purpose of profit, furthermore, the associated grounds for deportation and the grounds for revocation of the status of residence will be also revised.
- The amendment will make it possible to revoke the status of residence of the suspect immediately in the case where the suspect resides engaging in or attempting to engage in order activities without engaging in the original activities even when three months that is the period requirement of the current provision to revoke the

status of residence have not yet elapsed, and moreover a new provision is to be established so that 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.

- Immigration control officers in addition to immigration inspectors are able to conduct inquiry into the facts relating to revocation of the status of residence.

#### ○ Revision of the System of Technical Intern Training

The “Bill on Proper Implementation of Technical Intern Training for Foreign Nationals and Protection of the Technical Intern Trainees” was submitted to the 189th session of the Diet on March 6, 2015, but it was not passed at either the session or the 190th session of the Diet, and therefore is subject to continued deliberations. The outline is as given below.

- Provisions are laid down for a system of certification of the technical intern training plan created for each technical intern trainee, the criteria for certification such as the conducting of an evaluation on the acquisition of skills, etc. by the technical intern trainee and the grounds for disqualification of the certification, as well as provisions for the collection of reports, orders for improvement, revocation of certification, and other matters.
- In addition to establishing a permission system for the supervising organizations and the criteria for permission and the grounds for disqualification of the permission, provisions are laid down for the collection of reports, orders for improvement, revocation of the permission, and other matters.
- Provisions are established to prohibit acts of human rights infringement against the technical intern trainees, to prescribe penalties for such acts, and to enable the trainee to file a report with the competent Minister in the event of the implementer of the technical intern training or the supervising organization committing an act of infringement as well as a provision on penalties with regard to rendering disadvantageous treatment as a result of the trainee filing the report.
- Organization on technical intern training is newly established as an authorized corporation, and this organization 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.
- The act enables the acceptance of technical intern trainees of technical intern training (iii) (implementation of the 4th and 5th year of the technical intern training) limited to trustworthy implementers of technical intern training and supervising organizations.

#### ○ Promotion of the Acceptance of Highly-Skilled Foreign Nationals

- The points-based preferential immigration treatment for highly-skilled professionals classifies the activities of the highly-skilled foreign nationals into the three categories of “advanced academic research activities”, “advanced specialized/technical activities” and “advanced business management activities” with a certain number of points being awarded for such items as “academic background”, “professional career” and “annual salary” according to the characteristics of each category. Foreign nationals whose total number of points exceeds a certain number of points are recognized as “highly-skilled foreign nationals”, thereby according them preferential immigration treatment.
- In order to further promote the acceptance of highly-skilled professionals, the new statuses of residence of “Highly-Skilled Professional (i)” and “Highly-Skilled Professional (ii)” were established through an amendment of the Immigration Control Act in 2014 for those highly-skilled professionals who had previously been granted the status of residence of “Designated Activities” (enforced on April 1, 2015).

#### ○ Acceptance of Foreign Nationals in the National Strategic Special Zones

- The “Bill for Partial Amendment of the Act on National Strategic Special Zones and the Act on Special Zones

for Structural Reform”, which was passed at the 189th session of the Diet, stipulated the “Project for Facilitation of Acceptance of Foreign Entrepreneurs in the National Strategic Special Zones” and the “Project to Accept Foreigners Conducting Housekeeping Services in the National Strategic Special Zones” as special measures, and these measures came into effect on September 1, 2015.

○ **Smooth and Strict Implementation of Immigration Examinations at the Port of Entry**

- Government-wide efforts are currently underway in Japan toward achieving a tourism-oriented country, and the Immigration Bureau has been further promoting smoother immigration examinations by installing and increasing the number of automated gates and streamlining the immigration examinations for cruise ship passengers through such measures as operation of the system of landing permission for cruise ship tourists.
- The Trusted Traveler Program, which was introduced through an amendment of the Immigration Control Act in 2014, expands the scope of foreign nationals eligible to use the automated gates through to include foreign nationals with the status of residence of “Temporary Visitor”, who fulfill certain criteria and who have been registered having been certified to be a “trusted traveler”, and operation of the expanded scope will commence through an amendment of the Immigration Control Act in November 2016.
- Consideration is currently being given towards introducing facial recognition technology in the departure and return confirmation procedures for Japanese nationals in order to streamline and facilitate the departure and return confirmation procedures for Japanese nationals and in order to be able to reassign the capacity of immigration inspectors made available through such measure to the immigration examinations for foreign nationals. To introduce this measure in FY 2018, the Immigration Bureau conducts research studies in FY 2016 pertaining to the installation of facial recognition gates.
- Devices (dubbed Bio Carts) to acquire personal identification information (fingerprints and a facial photograph) in advance, making use of the waiting time for the landing examinations, were introduced in October 2016 at Kansai, Takamatsu and Naha airports where we expected they were effective to further reduce the waiting time for the landing examinations, and the use of these devices is scheduled to be expanded in the future.
- The Immigration Bureau will continue to implement strict immigration examinations utilizing personal identification information, ICPO’s database of stolen and lost travel documents and APIS as well as other information in order to be able to reliably prevent the entry of terrorists and other suspected persons posing as tourists, etc. at the border. In addition, the 2014 amendment of the Immigration Control Act has enabled the Immigration Bureau since January 1, 2015 to request the airline companies to provide reports on the passenger name records (PNR), and moreover from January 1, 2016, it has become possible to electronically receive the PNRs via NAACS. Also, we have been strengthening our border measures through such means as having mobile teams composed of immigration control officers conduct patrols at the seaports and coastal areas and searches onboard ships.
- “The Center of Collection and Analysis of Intelligence”, which was established in the Immigration Bureau of the Ministry of Justice on October 1, 2015, has reinforced its intelligence functions relating immigration control by the collection and analysis of information.
- The Immigration Bureau has implemented the cross-checking of the facial photographs provided by foreign nationals at the time of landing examination at airports and seaports across the country against the facial images of terrorists and other related persons, etc. kept by the Immigration Bureau since October 2016.

○ **Measures Against Illegal and Imposter Foreign Residents in Japan**

- The number of foreign nationals overstaying their authorized period of stay had been steadily decreasing since 1993 owing to past measures that had been taken, but this trend saw an increase in 2015 for the first time in 22 years, and since it is estimated that there were about 63,000 foreign nationals overstaying their authorized period of stay in Japan as of January 1, 2016, which was an increase for two years running. Therefore, efforts are being

made to reduce the increasing number of illegal foreign residents through strengthened crackdowns, reinforced collection and analysis of information on illegal foreign residents, and the promotion of voluntary appearances.

- “Imposter residents” are foreign nationals who are residing in Japan having illegally received entry or residence 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. Therefore, the Immigration Bureau is striving to strengthen the detection of imposter foreign residents and to reinforce the collection and analysis of information.
- Based on an agreement with the Japan Federation of Bar Associations (JFBA) concluded in September 2010, the Immigration Bureau and the JFBA have arranged for legal consultations, etc. be provided by attorneys to the detainees.
- When a detainee has been issued with a deportation order, but there are no prospects for a deportation owing to circumstances preventing the deportation such as the fact that a detainee suffering from a disease or the institution of litigation, the Immigration Bureau actively utilizes provisional release, and makes efforts to ensure the implementation of more suitable deportation procedures.
- Based on the opinions given by the “Immigration Detention Facilities Visiting Committee”, the Immigration Bureau will continue to strive for greater transparency in security treatment and will endeavor to improve and enhance the operation of the immigration detention centers, etc.

#### ○ Promotion of Appropriate and Prompt Refugee Protection

- Based on the purport of the recommendations in the reports submitted in December 2014 by the “Sixth Immigration Policy Discussion Panel” which is the private consultative group for the Minister of Justice and the “Expert Meeting on the Refugee Recognition System”, the findings of the “Summary of the Revision of the Operation of the Refugee Recognition System” were compiled on September 15, 2015 for the purpose of (i) clarifying the persons eligible for protection, the decisions on recognition and the procedures, (ii) strengthening the system and infrastructure pertaining to refugee recognition administration, and (iii) appropriate handling of applications attempting to abuse or misuse the refugee recognition system, and measures are to be implemented respectively.
- A program to accept and support the resettlement of Myanmarese refugees who were staying in refugee camps in Thailand was launched in FY 2010 as a pilot project for the acceptance of refugees desiring resettlement, and as of FY 2014, 18 families comprising 86 family members have come to Japan.

Subsequently, in accordance with the contents of the “Implementation of the Acceptance of Refugees through Resettlement” (approved by the Cabinet on January 24, 2014) 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 temporarily staying in Malaysia came to be eligible for acceptance, and six families comprising 19 family members came to Japan in FY 2015.

#### ○ Responses to International Society and International Situations

- The number of nurse and certified care worker candidates accepted up until FY 2015 pursuant to an EPA was 1,513 from Indonesia, 1,297 from the Philippines, and 290 from Viet Nam.
- On April 28, 2015 an outline agreement was reached at the U.S.-Japan summit meeting on the implementation of a bilateral travel facilitation initiative pertaining to the U.S. Global Entry Program (GEP) and Japan Trusted Traveler Program (a Japanese new program making foreign nationals who have been identified as “trusted travelers” eligible to use the automated gates), and on October 20 in the same year, a Joint Statement was exchanged by the U.S. and Japanese authorities.



# 2016 Immigration Control Report

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