

I Introduction — Social changes and immigration control

The number of foreigners entering and living in Japan has increased and the relationship between the Japanese people and foreigners has become closer, resulting in foreigners having a greater influence on Japanese society.

As a result, it has become difficult to realize proper administration of immigration control by simply determining whether or not to permit foreigners to enter and stay in Japan one by one. It has now become necessary to formulate and implement comprehensive and systematic measures. Moreover, as a result of the increased awareness of foreigners in Japan, the numerical increase of foreigners and the expansion of their activities, the immigration control administration is increasingly calling for ways the Japanese people should live with foreigners in harmony.

In response to such requirements, the revised Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951, amended in 1989, hereinafter to be referred to as the Immigration Control Act) stipulates that the Minister of Justice shall establish a "Basic Plan for Immigration Control" to set forth immigration control guidelines and other measures, after clarifying the situation of foreigners entering and residing in Japan (Article 61-9 of the Immigration Control Act). The Basic Plan is designed to establish Japan's basic guidelines on immigration control and to increase the transparency of administration by clearly presenting these guidelines at home and abroad and by implementing measures in line with the guidelines.

In the Basic Plan for Immigration Control, (stipulated in 1992 and hereinafter to be called "1st Basic Plan for Immigration Control"), the main objectives were "the promotion of smooth exchanges of personnel" and "measures against illegal foreign workers." This was based on the idea that the immigration control administration should be the one that contributes to the sound development of the Japanese society and international cooperation through "smooth acceptance of foreigners" and "rejection of unfavorable foreigners." The above is the very mission of immigration control, and the Basic Plan for Immigration Control will keep this basic direction unchanged from the 1st Basic Plan for Immigration Control. However, specific measures, especially those on which emphases should be placed, would be reexamined to reflect the needs of the society.

The Japanese society is now witnessing a rapid progress in internationalization and globalization brought about by the progress of telecommunications, transportation, and the liberalization of economic systems. Japan should seek prosperity and stability of people's livelihood in a society more open to the international community. It is therefore necessary for Japan not only to create an environment for smooth exchanges of personnel but also to conduct smooth and proper immigration control to meet the

need for flexible use of manpower in response, in particular, to changes in industrial structure and corporate behavior.

Moreover, with the population rapidly aging with less childbirth, and with the total population expected to begin decreasing in the 2000s, Japan is faced with the task of coping with the decreasing workforce and finding measures to cope with it. Faced with decline in population that is forecasted to have far-reaching impacts on society, it is necessary for Japan to first accept it as a part of the social maturity process and cope with the situation by securing a workforce within the country by increasing per-capita and societal productivity. Some people would say that Japan should maintain its affluence by replenishing the declining population and workforce with foreigners.

However, if you trace back the history of Japanese society and give thought to the Japanese people's perception of society, culture and their sensitivity, it would not be realistic to suddenly introduce a large number of foreign labor. Rather, it is necessary for Japan to aim at maintaining the vitality of the socio-economy and enhancing tangible and intangible affluence of social life by accepting foreigners in a way that would cause little friction with society. We should solve the problems step by step; the scope of acceptance (In which fields do we like to accept foreigners?), the conditions (What experience or background should foreigners have in order for Japanese people to live together with them in harmony?), and the treatment (What social-life environment can we offer to the foreigners once they are accepted?). To this end, it is necessary to study how society should be in order to get ready for the advent of the era of declining population beforehand. The Basic Policy this time will underscore this point.

Meanwhile, the progress of globalization in the international community calls for a stronger system to ensure safety in various fields of the society. In fact, the internationalization of the Japanese society and facilitation of the acceptance of foreigners should be promoted only on conditions that social safety and order would be maintained. The fact of the matter is that there are about 270,000 foreigners confirmed to be residing in Japan illegally and, if those who smuggled themselves into Japan were included, the number would be much greater. And recently, "smuggling of human beings" has become shrewd and organized as international criminal syndicates have become increasingly active behind the scenes. Crimes committed by foreigners in Japan have become serious. They are posing grave problems to the safety of the Japanese society. In the Basic Plan this time, we intend to present much tougher and more effective measures to cope with these problems.

Through these measures, the immigration control administration will promote the acceptance of foreigners who meet the social needs, based on the respect of human rights, while at the same time maintaining safety and social order. It must contribute to the creation of an ideal society and achieve a society where the Japanese people and foreigners can coexist comfortably.

While thinking about the rapid changes now emerging in various aspects and of various uncertainties involved, we have worked out the Basic Plan, taking the next five years in our perspective.

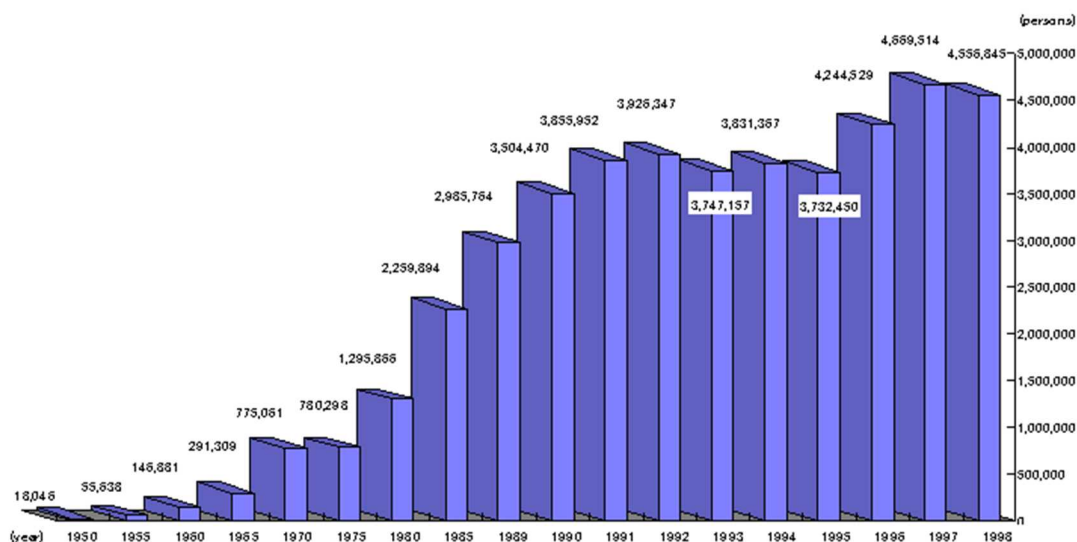
II Salient points concerning foreigners' entry and stay

Although various changes and trends can be recognized with regard to foreigners' entry and stay, the phenomena that have drawn social attention lately, or that have considerable impacts on the society, are the following.

1. Overall increase in the number of entry and stay of foreigners and main trends in status of residence

In tandem with the progress in the reconstruction of the war-devastated Japan, active international exchanges and the establishment and development of international air routes, the number of foreigners entering Japan has been on the increase almost uninterruptedly from only about 18,000 in 1950 to 1 million in 1978, to 2 million in 1984, and to over 3 million in 1990. (See Figure 1)

Figure 1 Changes in the number of foreigners entering Japan



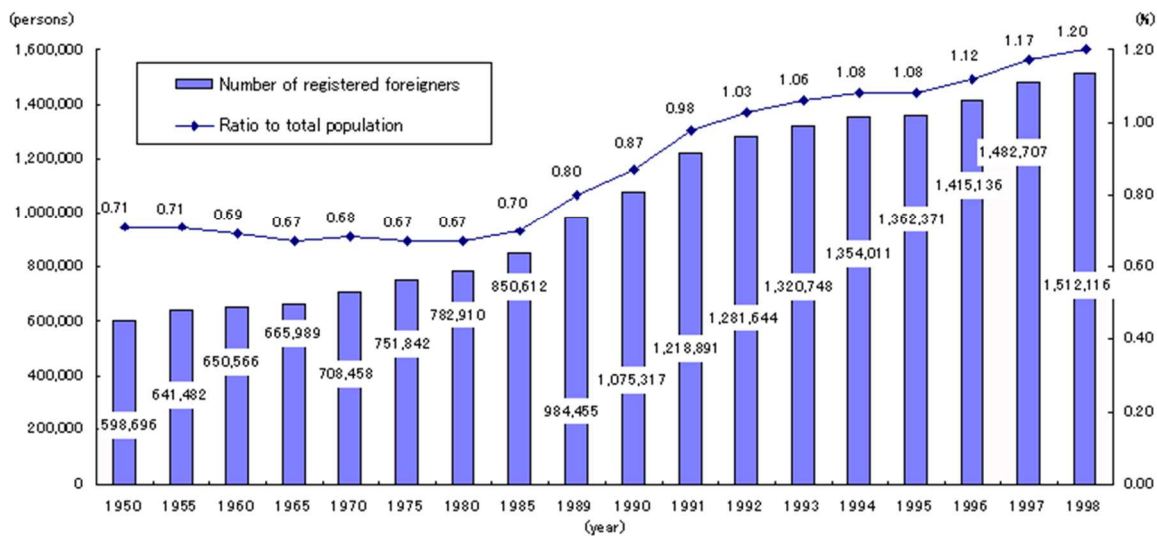
The number of entrants declined in 1995 due to such incidents as the yen's appreciation against other currencies, the Great Hanshin Earthquake and the sarin nerve gas incident. But the number again increased in 1996 to top 4 million and hit an all-time high of 4,669,514 the following year. The number fell slightly in 1998 but still stood at above 4.5 million. The steady increase is one of the phenomena symbolizing the progress in globalization.

Incidentally, the number of Japanese leaving Japan in 1998 was 15,806,218, leaving a huge "net export" of Japanese.

Of the foreigners entering Japan, those for a temporary visit, such as sightseeing, account for more than 90% every year. The rest stay over a medium to long term period, or to "live in Japan," as it were,

stands at the 200,000 level. According to statistics on the number of registered foreigners (this includes some of the illegal foreign residents and temporary visitors), the number of foreigners who are “living in Japan” hit a record high of 1,512,116 at the end of 1998, about 2.4 times more than 639,358 posted in 1947, when the alien registration system began. The 1998 figure translates into about 1.2% of the total population of Japan, which stood at about 126.48 million (the estimate published in “Monthly report on Japan statistics” by the Statistics Bureau of the Management and Coordination Agency) in the same year. (See Figure 2)

Figure 2 Changes in the number of registered foreigners and its ratio to total population of Japan



The breakdown of registered foreigners shows that those who are special permanent residents, or mainly of Korean Peninsular origin, account for about 35% of the total, the largest number at 533,396. The ratio of special permanent residents stood at nearly 90% between shortly after the War and the late 1950s. The ratio has declined to less than 40% as a result of an increase in the number of foreigners who came to Japan with various purposes (so-called new comers). This vividly shows changes in situations surrounding foreign residents in Japan.

While fully aware that the situation differs greatly from one country to another, the comparison of the ratio of resident foreigners to total population shows that it is about 19% in Switzerland, about 9% in Germany, about 4% in Britain (all in 1997), and about 5% in the U.S. (in 1990). The ratio in Japan is not high at all among advanced countries. (See Table 1)

Table 1 Foreign population and labour force in major OECD countries

	Foreign population				Foreign labour force			
	Thousands		% of total population		Thousands		% of total labour force	
	1987	1997	1987	1997	1987	1997	1987	1997
Austria	326	733	4.3	9.1	158	326	5.4	9.9
Belgium	863	903	8.7	8.9	270	333	6.8	7.9
Denmark	136	250	2.7	4.7	63	88	2.1	3.1
Finland	18	81	0.4	1.6		19		0.8
Germany	4,241	7,366	6.9	9.0	1,866	2,522	6.9	9.1
Ireland	77	114	2.2	3.1	33	52	2.5	3.4
Japan	884	1,483	0.7	1.2		107		0.2
Luxembourg	103	148	26.8	34.9	64	125	37.6	55.1
The Netherlands	592	678	4.0	4.4	176	208	3.0	2.9
Norway	124	158	2.9	3.6	49	60	2.3	2.8
Portugal	95	175	1.0	1.8	46	88	1.0	1.8
Spain	335	610	0.9	1.5	58	176	0.4	1.1
Sweden	401	522	4.8	6.0	215	220	4.9	5.2
Switzerland	979	1,341	14.9	19.0	588	693	16.6	17.5
Britain	1,839	2,066	3.2	3.6	815	949	3.3	3.6
The U.S.	11,770		4.7		11,565		9.4	

*In the column of foreign population for 1987, the figure for Portugal is that of 1988 and the figure for the U.S. is that of 1990. In the same column for 1997, the figure for Denmark is that of 1997.

In the column of foreign labour force for 1987, the figure for Belgium is for 1986, the figure for Norway is for 1988, the figure for Portugal is for 1988, the figure for Spain is for 1988 and the figure for the U.S. is for 1990. In the same column for 1997, the figure for Denmark is that of 1996.

The figures for the foreign labour force in Japan are the number of foreigners who are under the status of residence for employment.

In the U.S., the figure for the foreign population is the number of the foreign-born population, and the figure for the foreign labour force is the number of the foreign-born labour force. (Compiled from OECD "TRENDS IN INTERNATIONAL MIGRATION 1999 EDITION")

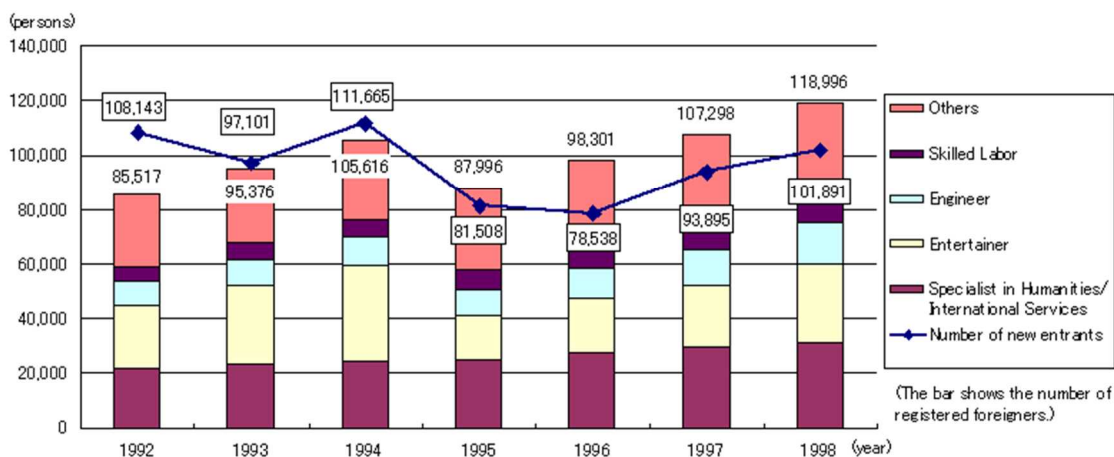
(1) Changes in the foreigners' entry and stay for the purpose of work

There are several angles to look at regarding the changes in the so-called "foreign workers" among foreigners entering and residing in Japan.

The current immigration control system is based on the "Status of Residence," which is classified in accordance with activities to be engaged by foreigners entering and living in Japan and with their status. The number of foreigners entering Japan in 1998 with a status of residence authorized to engage in

work (the status of residence in the Annexed Table I-1 and I-2 of the Immigration Control Act, but excluding "Diplomat" and "Official") was 101,891, accounting for about 3% of the new entrants in the year. The number of registered foreigners with a status of residence authorized to engage in work stood at 118,996 at the end of 1998, accounting for about 8% of the total number of registered foreigners. (See Figure 3)

Figure 3 Changes in the number of registered foreigners and new entrants under the status of residence for employment



However, the ratio of "foreigners who are authorized to work" would be much bigger if one adds foreigners permitted to engage in work under "Spouse or Child of Japanese National" and "Permanent Resident" (most of them are Japanese descendants), whose scope of activities is not limited. You can also add those who are taking advantage of working holiday system, and students with special permissions to engage in activities other than those permitted under the previously granted status of residence.

Moreover, as will be described later, since many of the illegal residents, whose number is estimated to be at least about 270,000, and other foreigners residing in Japan illegally after illegal entry or illegal landing are believed to be illegal workers, the actual number of "foreigners who are working" is much larger. We can view them as "foreign workers."

It is difficult to get the exact numbers of "foreigners who can work" and "foreigners who are working." However, a general survey of foreign residents in the category of "foreigners who can work" leads us to believe that the number of such foreigners is increasing despite the recent sluggish movement of the Japanese economy.

In particular, the number of foreigners' entry and stay in Japan with a status of residence of "Engineer," "Specialist in Humanities/International Services" or "Intra-Company Transferee," most of them being those employed by business corporations, began to increase in 1997. A breakdown by nationality of foreigners being employed by business corporations shows that those from the U.S. are the largest in number in each category of the status of residence. However, the increases in the number

of those from China and India are conspicuous and this gives us some idea of the needs of corporations in Japan. The number of foreigners, including those with other categories of status of residence, has been increasing on the whole with temporary ups and downs. This indicates that the framework that has been set up by the current administration to accept foreigners having technology, skill or knowledge is being made good use of.

(2) A steady increase in the number of trainees and firmly established training and technical internship program

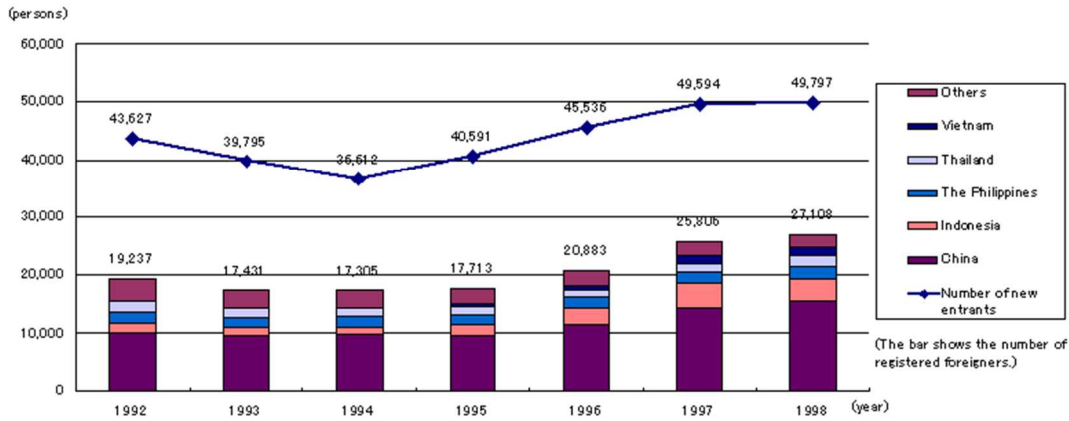
The needs to accept foreigners into Japan for training purposes first arose around the 1960s, when the Japanese economy became internationalized and many corporations began setting up operation bases abroad. Such Japanese corporations began inviting employees of their local subsidiaries or related companies to Japan, hoping that they will acquire relevant skills and technology effectively and that, after returning home, they will play key roles at their companies by using skills and technology acquired in Japan.

Later, in response to requests from industrial circles, the government promoted the expansion and development of the training system conducive to the development of human resources in developing countries not only for the benefit of individual corporations but also from the standpoint of broader international contribution. And the status of residence of "Trainee" and its criteria have been clarified by the Ministry Ordinance that sets the criteria for the revised Immigration Control Act, which went into effect in June 1990, and Article 7-1-2 of the Immigration Control and Refugee Recognition Act (hereinafter to be referred to as "Criteria Ordinance").

In 1993, a technical internship program was established for those foreigners who had acquired a certain level of technology through training so that they can conclude employment contracts with the organization (company, etc.) where they had their training and can put their acquired skill or technology to use and in April 1997, the period of stay for such foreigners was extended.

The number of new entrants into Japan with "Trainee" status of residence was 49,797 in 1998. The number had been falling until 1994 but turned upward thereafter, showing the trend to expand the acceptance of trainees among corporations. (See Figure 4)

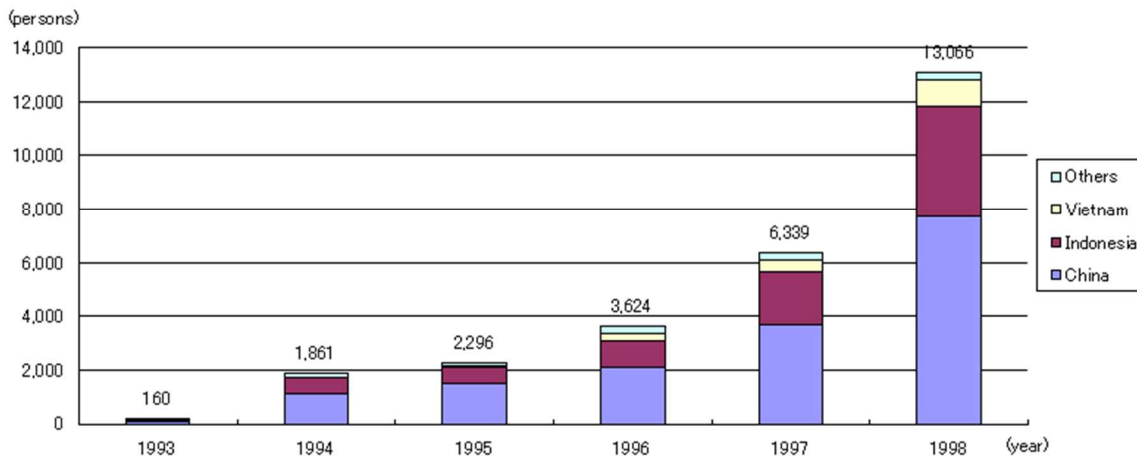
Figure 4 Changes in the number of registered foreigners as classified by nationality (region of origin) and changes in the number of new entrants under the status of residence of "Trainee"



A breakdown of the new entrants by region shows that about 90% come from Asia and, by nationality, China leads the pack with 22,372, or about 47% of the total, followed by, in order, Indonesia, the Philippines, Thailand, and Vietnam.

Meanwhile, the number of technical interns has been increasing steadily since the establishment of the technical internship program in 1993. In 1998, a total of 13,066 trainees changed their status to technical internship, indicating the program has been firmly established in Japan. (See Figure 5)

Figure 5 Changes in the number of shift of trainees to technical internship program by nationality



(3) Acceptance situation of college and pre-college students and measures for appropriate acceptance

Acceptance of foreign students to Japan has been promoted actively as a basic policy of the government, particularly since 1983, when the "100,000 Foreign Student Program" was decided.

From the standpoint of immigration control administration, the Ministry of Justice has been striving for active international exchanges of academics and culture through orderly acceptance of college and pre-college students to Japan. The revised Immigration Control Act, which went into effect in 1990, has established a "College Student" status of residence for those who will receive education at universities, colleges or advanced vocational schools (specialized courses at "senshugakko") and a "Pre-college Student" status of residence for those who will receive education at high schools or vocational schools ("kakushugakko") and their criteria have been clarified.

In 1998, the number of new entrants with "College Student" status of residence was 13,478 and that with "Pre-college Student" status of residence was 14,540. (See Figure 6 and Figure 7). A breakdown of "College Student" entrants by nationality shows that China accounted for 4,522, or about 34% of the total, followed by the Republic of Korea and the U.S. and that of "Pre-college Student" entrants shows that China accounted for 6,518, or about 45% of the total, followed by the Republic of Korea and Taiwan.

Figure 6 Changes in the number of new entrants as classified by nationality (region of origin) and changes in the number of registered foreigners under the status of residence of "College Student"

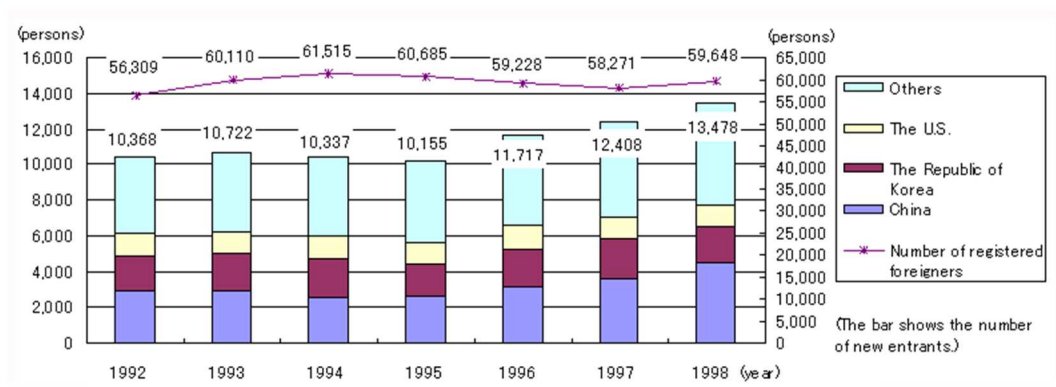
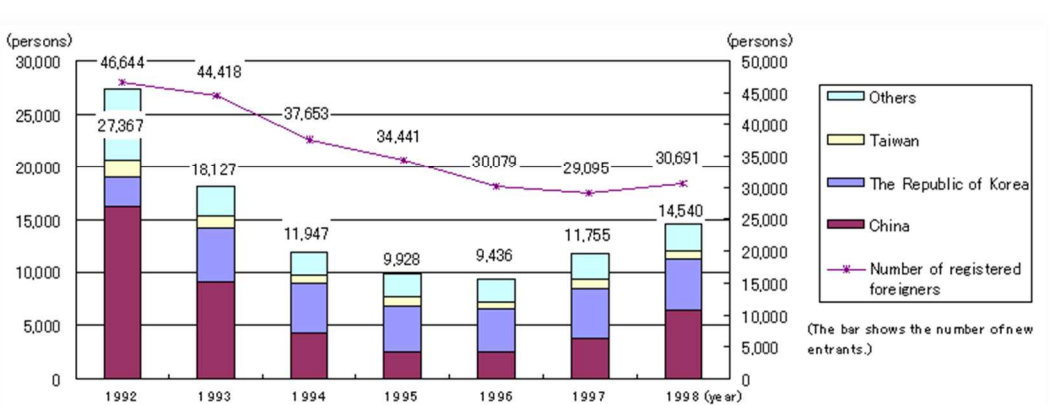


Figure 7 Changes in the number of new entrants as classified by nationality (region of origin) and changes in the number of registered foreigners under the status of residence of "Pre-college Student"



The number of new "College Student" entrants has remained at about 10,000 since it first exceeded 10,000 in 1992. But the number of new "Pre-college Student" entrants decreased by nearly 10,000 to 18,127 in 1993 from 27,367 the previous year and the number continued declining until it turned higher in 1997. In 1998, the number stood at 14,540. The sharp decline in the number of new "Pre-college Student" entrants was mainly due to the stricter immigration inspection implemented to properly cope with a sharp rise in the number of entrants to receive education at Japanese language schools with the purpose of engaging in work. The rises from 1997 onward can be attributed in part to the improvement of management on the part of Japanese language schools.

The number of registered foreigners with "Pre-college Student" status of residence kept declining until 1997. This can be attributed to the deportation of illegal residents who, as was described above, were working illegally under the disguise of student and who were included in the number of registered foreigners.

An increasing number of foreign students choose to get employed in Japan after graduating from university, etc. In this connection, about 2,500 people get their change in the status of residence to, for example, "Engineer" or "Specialist in Humanities/International Services," etc. every year. This phenomenon reflects Japanese corporations' expectation that foreigners, who are well versed in

Japanese customs and Japanese way of thinking and who have connections abroad, will play important roles amid the ongoing internationalization of economic activities.

(4) Increase in the number of entry of Japanese descendants and increase in the number of foreigners having close ties with the Japanese society

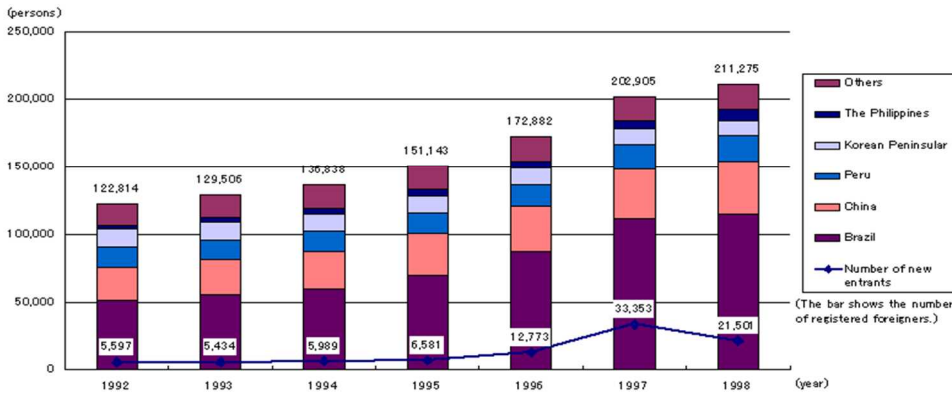
Of late, a sharp increase in the number of entry of so-called Japanese descendants has become a big social phenomenon. Most of them are entering or residing under the status of residence of "Spouse or Child of Japanese National" or "Long Term Resident." They are being accepted in view of their "ties with the Japanese society" and "their blood relatives with the Japanese society." The "Long Term Resident" status of residence was created in the revised Immigration Control Act that came into effect in 1990. However, the Immigration Control Act does not impose restrictions on activities of foreigners with "Long Term Resident" status of residence. This prompted a large number of Japanese descendants, mainly from South America, to come to Japan accompanied by their family members for the purpose of getting employed without planning to stay for a long term or permanently.

The number of entrants in "Spouse or Child of Japanese National" status of residence has been increasing. This trend proves a rise in the number of international marriages, as well as a rise in the number of entry of Japanese descendants. In 1998, however, the figure fell about 22% from a year earlier to 24,572. In reality, however, there are a considerable number of cases in which foreigners, who got married with Japanese after entry into Japan, change the status of residence to "Spouse or Child of Japanese National." At the end of 1998, the number of registered foreign residents under the status of "Spouse or Child of Japanese National" stood at 264,844 and accounted for about 17.5% of the total number of registered foreigners.

Meanwhile, the number of new entrants under the "Long Term Resident" status of residence stood at 21,501 in 1998, with those from Brazil accounting for about 58%, or 12,543, followed by China, Peru, and the Philippines. The number of new "Long Term Resident" entrants had been in a mild upward trend until 1995, but it surged the following two years, posting a 1.9-fold increase over a year earlier to 12,773 in 1996 and about 2.6-fold increase to 33,353 in 1997, before falling about 38% to 21,501 in 1998. The rise in the number of Brazilian entrants from 1996 onward can be attributed to a temporary effect of the September 1996 change in immigration procedures, which made it possible for Japanese descendants to have a visa issued if they make applications at the Japanese Consulate General in Sao Paulo.

The number of registered foreigners under the "Long Term Resident" status of residence has continued to increase, standing at 211,275 as of the end of 1998. The number of Brazilian came to 115,536, accounting for about 55% of the total, followed by China and Peru in that order. (See Figure 8)

Figure 8 Changes in the number of registered foreigners as classified by nationality and the number of new entrants under the "Long Term Resident" status of residence



The number of foreigners having "Permanent Resident" status stood at 93,364 at the end of 1998, twice as much than five years ago. This indicates a steady increase in recent years of "new comer" foreigners having settled in Japan and obtained permanent resident status.

As seen above, many of the foreigners residing in Japan under the status of "Spouse or Child of Japanese National" or "Long Term Resident" appear to have no intention of living in Japan for a long time or permanently. Still, the number of foreigners having "ties with the Japanese society" has been on rising trend and an increasing number are living for a longer term.

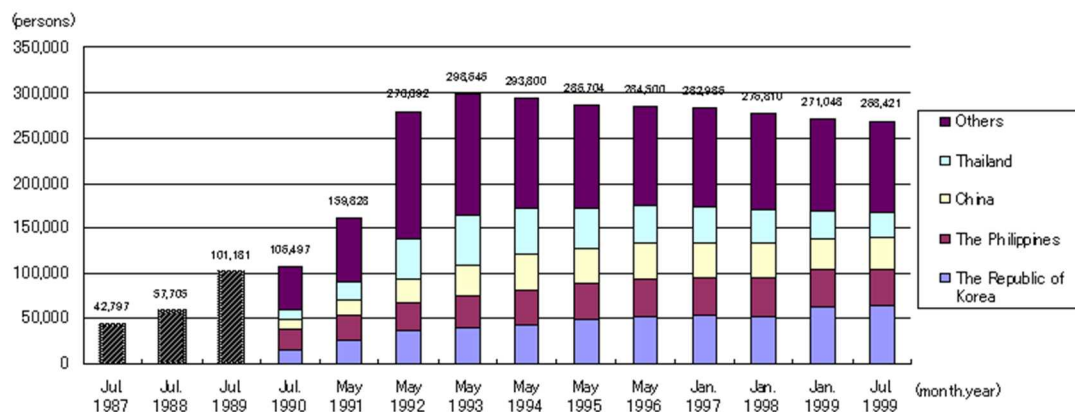
2. Trends and problems involved with the Immigration Control Act violators

The number of illegal residents in Japan totaled 268,421 as of July 1, 1999, according to an estimate made by the Immigration Bureau. This represented a decrease of 2,627 (about 1%) from 271,048 as of January 1, 1999, when the previous survey was conducted, and a decrease of 30,225 (about 10.1%) from the all-time high of 298,646 recorded May 1, 1993. This can be partly attributed to the sluggish movement of the Japanese economy in recent years, and also suggests that measures to crack down on illegal foreign workers implemented by the Immigration Bureau in cooperation with other organizations have taken show some effect. Such measures put a brake on the attempts of foreigners to enter and reside in Japan, disguising themselves as tourists, etc. for the purpose of getting employed illegally. Meanwhile, the number of cases is increasing, in which foreigners smuggle themselves into Japan in a group by boat for the purpose of illegally getting employed. The present situation and problems related to illegal residents and other violators of the Immigration Control Act are as follows.

(1) Changes in the number of violators of the Immigration Control Act

Of the total number of illegal residents as of July 1, 1999, the Republic of Korea accounted for the largest number with 63,848, or about 24% of the total, followed by the Philippines, China, Thailand and Peru. Conspicuous in these figures is the decline in the number of illegal residents from Thailand and Malaysia, which accounted for large parts when the number of such residents hit an all-time high on May 1, 1993, and the sharp increase from the Republic of Korea. (See Figure 9)

Figure 9 Changes in the number of illegal foreign residents by nationality



* Nationality-by-nationality figures for the period between July 1987 and July 1989 are not available.

The number of illegal residents whose status of residence was a "Temporary Visitor" at the time of entry was 200,388 and accounted for about 75% of the total, or three out of every four illegal residents entered Japan by disguising themselves as tourists, etc. The ratio of illegal residents who entered through a "Temporary Visitor" status to the total illegal residents has been consistently declining from about 84% as of May 1, 1992. In its place, the number of foreigners entering Japan by disguising themselves as regular visitors through the status other than "Temporary Visitor," such as "Entertainer," has also been on the rise.

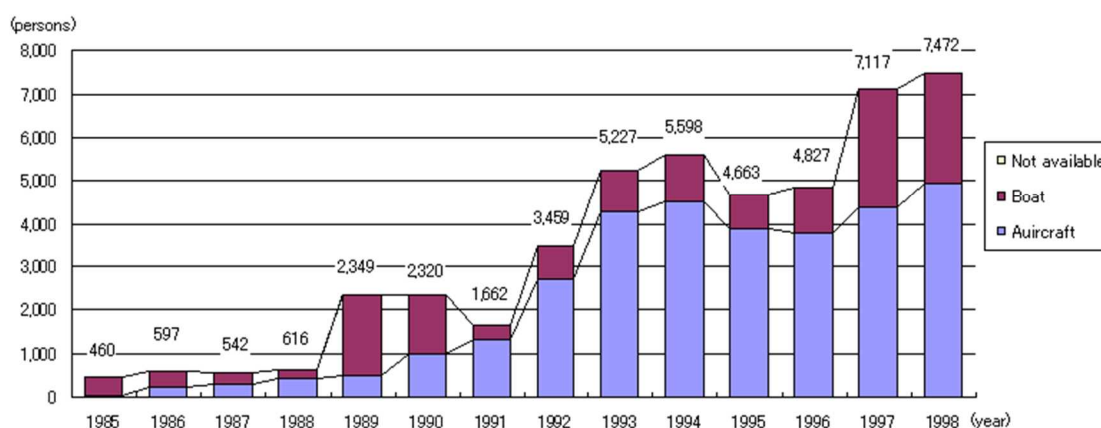
Special landing permissions such as Permission for Landing at Port of Call and Permission for Crew Members are systems designed to permit foreigners to land temporarily after going through a simple procedure. But there are cases of misuse, such as overstaying after obtaining permission. Moreover, some foreigners, who entered Japan with a regular status of residence, are engaged in activities other than those permitted under the status of residence, leading us to suspect that there are many foreigners illegally working by repeating entry and stay through the status of "Temporary Visitor."

Among new trend in recent years is a sharp rise, particularly since late 1996, in the number of illegal entrants such as stowaways in a group from neighboring countries like China. Since these foreigners entering illegally into Japan do not go through regular immigration procedures, it is difficult to grasp the actual situation of illegal immigration. However, the number of illegal entrants who were deported by the Immigration Bureau shows that the number of such entrants is on the increase and that they tend to

stay longer. The number was relatively small in the mid-1980s, averaging 500 a year. But it began to later increase and stood at 7,472 in 1998 (See Figure 10) and the period of illegal stay became longer. This apparently reflects a rise in the number of groups smuggled by boat and entry by use of elaborately forged passports prepared by transnational criminal organizations for the purpose of getting employed in Japan. This trend could be due to the difficulties for such foreigners to enter Japan through regular landing procedures as a result of a series of measures carried out by the Immigration Bureau, such as strict immigration examination and a temporary suspension of visa exemption measures. With regard to group smuggling, the existence of transnational criminal organizations has become a global problem. Such criminal organizations are engaged in the business of illegally sending people to foreign countries for profit. Their operations have become vicious and shrewd. For example, they have conjured up a close communication system between the sending side and the receiving side to make sure to get payment for smuggling commissions, set up hidden rooms in boats used for smuggling and transfer illegal entrants on ocean fishing boats.

Cases of illegal entry or landing of foreigners aboard airplanes is also increasing. Brokers for forged passports, etc. are also involved in many of these cases.

Figure 10 Changes in the number of illegal entrants by boat or by aircraft



* The number not available is one each in 1987, 1989, and 1990, and two in 1988.

With regard to smuggling brokers, the revised Immigration Control Act of 1997 has established a clause to punish such an act and smuggling is strictly dealt with. But the flow of illegal immigrants into Japan is still continuing.

(2) Characteristics of incidents of Immigration Control Act violation

A Period of stay of illegal workers are getting longer and the number per workplace is getting smaller and spreading to the country

More than 80% of the violators of the Immigration Control Act who were deported were engaged in illegal work and the period of their illegal work has become longer. Several reasons can be cited. Illegal workers have spread to various localities and the number of illegal workers at one workplace has decreased. Therefore the effective crackdown of illegal workers has become difficult, also due to a change in the environment surrounding control, such as a decrease in the amount of information, communicated to the authorities since it is not any more so peculiar to see foreigners in the communities as a result of the increase of foreigners and illegal residents in the Japanese society. It has also become difficult to land in Japan due to stricter landing examinations and it has become difficult to earn a pre-determined amount of money over a short period of time due to smaller income caused by the recession, therefore illegal workers extend the period of stay in Japan to continue illegal work as longer as possible.

B Increase of vicious, shrewd incidents involving organized brokers

The Immigration Bureau has been striving to decrease illegal residents by strengthening landing examinations and positively apprehending illegal entry. However, there has been an increase in the number of incidents such as cases of illegal entry involving the so-called Snake Head, a group of brokers which serves as mediator to smuggle Chinese nationals into Japan. Cases involving brokers of forged visas and Certificate(s) of Alien Registration, cases of disguised Japanese descendants, etc. have increased and the *modi operandi* have become increasingly vicious and shrewd.

(3) Various problems caused by illegal residents

Since most of the illegal residents are engaged in illegal work, it is threatening to undermine the basis of the Status of Residence System, the pillar of Japan's immigration control administration. Moreover, due to the current severe employment situation, such illegal workers sometimes infringe on Japanese workers' employment opportunity in some industries. Some point out that employers of low-wage earning illegal workers are in an advantageous position over employers of legal workers and that the existence of illegal workers are hampering fair economic competition.

The number of foreigners arrested for criminal offenses (penal offenses, special penal offenses) is on the rise and its adverse impact on safety and order of the Japanese society is expanding. About 60% of the foreigners arrested are those who entered or landed in Japan illegally or those illegally overstaying the authorized period of stay in Japan. Some illegal residents have formed groups bound by blood and through a shared territorial bond to commit organized, heinous crimes, causing frictions with local communities.

There are also cases of human rights violation of foreigners. For example, some illegal workers are exploited by job brokers who charge an exorbitant amount of money for finding jobs for them and some

foreigners cannot get worker's compensation or necessary medical treatment due to uncooperative attitude, etc. of the employers.

In addition to the problem of human rights, unpaid medical bills by illegal residents are a serious problem for the employers, medical institutions and local governmental bodies.

III Major Issues and Guidelines on the Immigration Control Administration Service

Under the recent situation described in the part II above regarding the entry and status of residence of foreigners in Japan, the Immigration Bureau which manages the immigration service has tried to make sure of the domestic and international societal trend and has taken efficient and effective measures for smooth and proper immigration control administration.

The fundamental immigration control administration policy is to properly realize both (1) smooth acceptance of foreigners and (2) removal of unfavorable foreigners; however, toward the beginning of 21st century, more accurate comprehension of societal, domestic and international needs is required.

Critical issues to be studied for realization include (1) smooth acceptance of foreigners in response to new domestic and international societal needs, (2) realistic and effective measures against illegal foreigners in order to further secure safety of the society and (3) further deregulation including streamlining of procedures and formulation of international cooperation systems. It is also necessary to reconfirm that human rights of foreigners shall be well taken into consideration upon executing such service.

The followings are the directions and concrete measures the immigration control administration should take for respective issues.

1. Realization of smooth acceptance of foreigners in response to internationalization and societal needs

The world has become more internationalized and has entered into an era of globalization, and Japan is faced with the need to achieving stability and prosperity of the life of people while further opening the economy.

In the age of changing industrial structure and business activities, and with the importance of mutual international understanding through exchanges in various societal fields and spheres, the smoother acceptance of foreigners who shall contribute to Japan's international development in the international society shall be further requested.

However, this does not mean short-circuited acceptance of immigrants or a huge number of foreigners, but rather acceptance of foreigners corresponding to the societal needs, through active utilization of presently available systems, smooth enough not causing friction or unease in a society.

With a medium to a long-term perspective, it is necessary to continue discussing the desired future society and to create consensus of issues such as the scope of acceptance of foreigners necessary in realizing such a society and treatment of accepted foreigners.

The followings are the major issues Japan should cope with in order to realize smooth acceptance of foreigners in the future.

(1) Smooth acceptance of foreign workers needed by the Japanese society

A Current Situation

Under the 1st Basic Plan for Immigration Control, the conditions for landing permission of foreigners with intention to work were to be reviewed according to needs and changes of the Japanese society while acceptance of the so-called simple labor was to be carefully examined. In general such policy enabled mostly stable system management, and a few necessary reviews were made.

The major review included abolition of five years as the limit of the maximum period of stay of "intra-company transferee," rearrangement of the fields subject to "skilled labor," and review of the status of residence of an "entertainer" to adjust the service. Particularly, abolition of the limit of maximum period of stay of "intra-company transferee," requested by foreign governments which wished their peoples to take active roles in business, was reviewed as a part of the Deregulation Promotion Plan.

Besides, fierce competition with foreign countries in the global economy and a highly specialized domestic industrial structure created needs to secure people with a more advanced specialized ability. The trend of deregulation on economic activities created diversified business activities, which require more flexible utilization of human resources. APEC has activated smooth international transfer of people engaged in business and engineering. Anyhow, we are entering the age where the goods, finance, information knowledge, people and enterprises will move in a global scale.

B Guidelines

The immigration control administration is requested to make a framework for smoother acceptance of foreigners who satisfy the needs described above while maintaining safety and order of our society. For example, both foreign and domestic companies have made a request regarding the conditions for the status of residence of "investor/business manager" and for the business activity in the form of a long-term business trip.

Thus, it is necessary to deploy an immigration control policy based on the needs of the economic community while maintaining social order including labor market, managing and coordinating to secure fairness. Expansion of acceptance of foreign labor in specialized and technical fields shall be positively studied including smoother international transfer of those engaged in international businesses in the

fields especially eager for such promotion, both domestic and foreign, while securing the condition and environment for acceptance of those people in Japan. As telecommunication development is largely contributing to development of other industries, the immigration control administration shall also contribute to positive securing and exchange of human resources in such fields.

Through these measures, not only can we secure technically highly advanced human resources but also realize activation of the society including cultural aspects through diversified economic activities, expansion of choice through interchanges with foreign countries, and moreover, promotion of international cooperation through the exchange of engineers in the Asia Pacific region.

In concrete, in order to execute more positive acceptance of engineers and skilled workers, the conditions regarding the requested status of residence such as the number of years of experience and the kinds of occupations shall be reviewed. In case when a specific need is recognized and it is deemed appropriate to grant the acceptance of work not qualified under the present status of residence, rearrangements of status of residence shall be studied so that foreign engineers and skilled workers shall not adversely affect the labor market or social life of Japanese nationals and that such foreigners may act with more mobility.

Furthermore, since labor shortage is feared to happen due to future population decrease with a medium to a long term perspective, some opinionated that acceptance of foreign workers should be studied now in the fields, including nursing of aged people, which needs shall grow in an aging society.

As for these fields, human resources evaluated as specialized and technical shall be positively accepted as before and the right and wrong of acceptance shall be studied after societal needs shall be made sure. Consideration shall be taken so that entry and status of residence of foreigners providing labor shall not create problems in our society and that technological and skilled labor shall be paid the proper price. Care shall be taken for the needs of engineers and skilled workers in their home countries as well. The kinds of occupations, which fall under the present status of residence, will be reviewed. The way of acceptance which can correctly control the number of entrants with mobility will be studied while consideration is taken to the consequences it may bring to the Japanese industries and people's life and other circumstances.

(2) Proper and smooth promotion and further enrichment of trainee system and technical internship program

A Current situation

Under the 1st Basic Plan for Immigration Control, the technical internship program was established in 1993 for those who had acquired skills and techniques of a certain level through training. This system

allows trainees who have completed training to better such skills and techniques and to bring home more advanced ones acquired by being employed by the same companies or organizations where they were trained. The aim is to effectively transfer skills and techniques by dual “training,” a learning opportunity, and “technical training,” in the employed relation; which is a much heralded system with the gist of contribution to the world through effective technology transfer by accepting trainees.

At the start of the technical internship program, the period of stay under the said system was within two years including the training period. However, the parties concerned in developing countries criticized the period of “within two years” as not sufficient to acquire skills and techniques of expected levels. The kinds of occupations coordinated with the evaluation grade equivalent to Skill License Grade Basic 1 had been the objects of this program as the achievable skill level within a two-year stay including training, but in response to the request, the kinds of occupations coordinated with the evaluation grade equivalent to Skill License Grade 3, a much advanced skill level, became the objects with extension of the period of stay from within two years to within three years including training, which was implemented in April 1997. Transfer from training to technical internship is based upon the assessment in conforming of the evaluation system of public-service corporation, etc., which manage license and qualifying examinations. Japan International Training Cooperation Organization (JITCO) authorizes the said assessment and the status of residence changes from “trainee” to “designated activities.”

The number of skills and techniques subject to technical internship program increased from seventeen at the start of the system to fifty-five as of February 2000, a result of coordination of public evaluation systems along with consideration to the needs of sender countries. Nearly thirty thousand trainees have been transferred to technical internship and have acquired advanced skills and techniques, so far. While the system grew, various problems have become manifest including disappearance or runaway of trainees/technical interns and mental health problems. A background cause of such problems lies in a fact that respective purposes of “training,” a learning activity, and of “technical internship,” learning and acquiring of skills and techniques in an employed relation, are neither well understood by receiving organizations, companies, trainees, technical interns nor by sender organizations.

In order to cope with these problems, “a guideline on the control of entry and status of residence of trainees and technical interns” was made in February 1999, with which the administration is giving guidance and educating the parties concerned.

On the other hand, although the number of occupations for technical internship is gradually increasing, a problem of skill trainee system has been pointed out that it cannot sufficiently respond to the needs of trainees and receiving organizations for learning and acquiring advanced skills and techniques, due to the fact that the number of occupations transferable to technical internship is limited to fifty five.

B Guidelines

One of the basic objectives of the immigration control administration has been contribution to the international community through acceptance of foreigners. In the future, in order to achieve such an objective more effectively, coordination of domestic environment for easier acceptance of trainees and technical interns is required. The trainee system and technical internship program were established and have been managed with much expectation from many sectors as described above, but further enrichment of the systems is expected in order to better the effect of technology transfer as a contribution to the international community. The receiving organizations are also looking forward to such systems because training of trainees, for instance, may lead to development of an international businesses and to revitalization of the business activities. These trainee system and technical internship program, being appreciated and widely accepted, shall be further enriched through good planning.

First, it is necessary to solve the arising problems and to improve the situation, by giving guidance based on the "Guideline" described above to receiving organizations so as not to produce any more missing persons. It is also necessary to review the systems and improve them along with the thorough execution of proper and smooth system management.

In concrete, measures shall be taken to simplify the present procedures to facilitate the training and technical internship programs, securing the proper management.

It should be made known thoroughly that the objective of the trainee system and technical internship program is to learn and acquire advanced, practical skills and techniques under the employed relation with receiving companies or organizations after trainees are transferred to the technical internship program, being assessed that they have mastered basic skills and techniques through training and evaluated as eligible for advanced training. In order to achieve this goal, trainee system is required to be better organized in order to give full training for basic skills and techniques, and both training system and technical internship program need to be examined further in collaboration with the ministries concerned so that both training and technical internship can be executed in the most effective manner to offer an opportunity for the acquirement of advanced skills and techniques.

The number of occupations subject to technical internship have gradually increased and yet there are requests to further expand the kinds of occupations such as agriculture, marine products processing industry and hotel management. A smooth and speedy method shall be studied in teamwork with the ministries concerned to cope with requests of trainees and receiving organizations for further advanced skills and techniques acquirement. Along with reviewing of such system, coordination of legal base by law amendment, etc. shall be studied with the ministries concerned including making new independent status of residence because technical internship has already taken root. Guidance to receiving organization and collaboration with sender organizations shall be reinforced in order to prevent over-stayers or illegal workers, to be produced.

In so doing, along with the government's direct initiative, arrangements shall be made so that JITCO which plays a core role in management of technical internship program can function better.

The trainee system and technical internship program have taken root and have developed to the present level. With the understanding of both domestic and foreign sectors concerned, the goal is set to make such systems take their respective roles corresponding to their needs.

(3) Promotion of academic, cultural, youth exchange and positive acceptance of college students and pre-college students

A Current situation

Under the 1st Basic Plan for Immigration Control, the policy was made to review the ministry ordinance for entry conditions to make sure that pre-college students learning Japanese language should act in accordance with the rightful gist of their status of residence. In 1994, "The Condition of Status of Residence of Pre-college Students Learning Japanese Language in Japan and the Future Acceptance Policy" was made to cope with education facilities which have problems and to effect proper acceptance of pre-college students by conducting a careful examination of the appreciations on the applicants' intention to learn Japanese language and their basic ability.

In the first place, there was a strong request for promotion of international academic exchange and youth exchange. While the status of residence has been properly managed, the bottom line was the expansion of their acceptance. To respond to such societal request, following measures have been taken in the recent years:

First, the period of stay of the status of residence of "pre-college students" was changed from "six months" to "one year" in April, 1997 since problems regarding pre-college students had been solved and in order to alleviate applicants' financial burden.

Employment of foreigners who had completed specialized courses of study at advanced vocational schools ("senshugakko") was not permitted in principle, but a title of "senmonshi (Vocational specialists)" was created in January 1995, which was given to those who completed the courses of advanced vocational schools which satisfy certain prerequisites, thus creating a clear and firm status of vocational schools as educational organizations of vocational training. This opened a way to permit them to be transferred to a status of residence for employment.

As for going on to universities and colleges after attending vocational schools, previously the only cases that were admitted were those pertaining to the subject matter to be majored in at universities and colleges, and which had due relevance with the subject matter learned at vocational schools were, but it was revised so that no question shall be asked about the relevance, enabling students to renew the period of stay to study further.

Moreover, a period of "two years" was added in the status of residence of "college student" in the 1999 review of the period of stay for the students' convenience sake.

B Guidelines

Academic, cultural and youth exchange are useful for creation of mutual understanding and cooperative consciousness in the international community. Many youth exchange programs support the exchange of human resources that shall shoulder the international exchange in the next generation. They should be promoted with foresight. Foreign youths who understand our country are potentially a great advantage for Japan's future development in the international community.

It is desirable that more positive acceptance of college students and pre-college students into our country shall be promoted, since they are expected to play active roles in the future in our country as well as in their home countries. It is necessary to further advance our attitude of "accepting college students" to "attracting good college students" from many countries and regions of the world by some measures.

In concrete, measures shall be taken in cooperation with organizations in charge of other administrative fields to facilitate acceptance of college students, pre-college students and researchers. In addition, exchange through sports events, entertainment events and working holiday system shall be supported. Various international sports competitions such as the FIFA World Cup cosponsored by Japan and the Republic of Korea in 2002. Immigration control administration shall contribute through the support of smooth comings and goings and the appropriate prevention of entry of problematic persons.

Acceptance of college students is considered as "intellectual contribution to the international community." Positive acceptance of college students and pre-college students many of whom shall go on to be college students shall be made in collaboration with the ministries concerned through the improvement of the way of acceptance and through the coordination of educational environment, so that foreign students who are eager to study in Japan can study to their heart's content.

One such measure shall be to have educational organizations make direct contact with students to grasp their proper status of residence and give guidance in order to facilitate both the stay of students and the proper control of their status of residence.

Furthermore, in order to make learning in our country more attractive to foreign students, support shall be given by the immigration control administration for the choice after completion of academic learning including employment. That is, the change of status of residence of college students upon employment shall be positively approved in appropriate cases. Since these college students are foreigners who are knowledgeable about Japanese social custom and practices, they are expected to lead a smooth social life and to play a major role in the industrial world, etc. once they completed academic training and engage in research, business, or other activities.

The internship program in which foreign students experience working in companies or organizations in Japan, shall be positively supported so that they have opportunities to experience and understand Japanese business culture, etc.

(4) Facilitation for foreigners staying in Japan for a long time

A Current situation

The number of foreigners who entered into or have status of residence in Japan with deep connection with the Japanese society have increased. Many foreigners stay for a long period of time as members of Japanese community under the status of “permanent resident,” “spouse or child of Japanese national” or “long-term resident” or under some other status of residence. It has become increasingly important to pay attention to such foreigners so that they can lead a stable life in Japan.

One of the measures executed with such consideration is the treatment of a foreigner who wishes to stay in Japan with the child with Japanese nationality born to the said person caring and rearing the child by oneself. The said person shall be authorized to reside in Japan as a “long-term resident” in principle under certain prerequisites from July, 1996.

In the review of the period of stay conducted from October 1999, revision was made to extend the period of stay with the perspective to further stabilize foreigners’ stay in Japan. The period of stay was changed, for instance, from the present “one year” to “three years” in twenty-one status of residence out of twenty-seven status of residence.

A foreign national shall acquire the most stable legal status with the grant of “permanent resident.” This grant is handled in a more relaxed manner now more than ever.

B Guidelines

If our community is going to accept foreigners as necessary human resources as discussed in the sections (1) and (3) above, we should make the effort to create a society where Japanese nationals and foreigners can live together smoothly by providing stable status, good living environment and support for fixation.

For this purpose, management of status of residence of “permanent resident” or “long-term resident” shall be studied so that foreigners who are indispensable members of our society may stay in Japan with a more stable status.

Furthermore, construction of comprehensive administration, not fragmentary parts of individual administrative fields, for foreigners is required in the future.

For instance, the second and third generations of South American nationals of Japanese descent who have kept entering into Japan since 1990 up to this moment have made a big impact on every aspect of local communities and schools. The government as a whole must study the scope of acceptance of long term residents and the way of comprehensive coordination of various administrative measures after the acceptance.

From the viewpoint of provision of administrative service to foreigners, foreigners who are members and residents comprising the Japanese society must receive the same living support as Japanese nationals and their human rights must be essentially protected. A resident shall have connection in all kinds of fields. Now, it is required for us and the ministries concerned to construct a cooperative relationship with local public organizations or NGOs, which have the closest connection with residents. Then, as a trial case, consultation desk could be set up at the information desk of the Immigration Bureau where procedures for entry and stay in Japan would be guided to receive other administrative questions as well. The questions asked would be reported to the administrative organizations concerned. Construction of such cooperation system shall be studied further.

2. Realistic and effective measures against illegal foreigners

One of the major roles of immigration control administration is the maintenance of safety and order of our society through securing proper entry and status of residence of foreigners. If smoother acceptance of foreigners is intended as described in the section 1 above, it is even more necessary to coordinate the acceptance system by improving the present condition of illegal entry and illegal residence. Many illegal foreigners engage in illegal work. Leaving illegal workers alone shall mean that their employers do not comply with the Japanese labor related law and order; thus inducing human rights problems.

Therefore, the immigration control administration shall cope with this problem with full force now more than ever. At the same time a realistic solution must be sought. The followings are such major issues and concrete measures.

(1) Enforcement of strong and effective measures against illegal foreigners

A Current situation

The guiding principle under the 1st Basic Plan for Immigration Control was prevention of entry of foreigners who intended to engage in illegal work and prevention of fixation of illegal foreign workers by decreasing their number in a steady pace. The following measures were taken according to the plan.

Since 1993, an effort has been made to establish a strict landing examination enabled by improved examination technology against forged documents, reinforcement of apprehension operation, better fact

finding investigation, enlargement of immigration center facilities, coordination of escorted deportation and cooperative relationship with both domestic and foreign organizations concerned. Such measures are not only executed individually but also deployed as a comprehensive measure to discourage foreigners with intention of illegal work by making them “not feel like coming --- not allowed to come--- not permitted to enter--- not permitted to stay---deported” in collaboration with criminal judicature.

Reinforcement of apprehension operation in concrete includes reinforcement of mobile apprehension teams, installation of a team which specializes in complete investigation of complicated or pernicious cases and enforcement of concentrated apprehension in a large scale in the metropolitan area, such as Tokyo, by immigration control officers mobilized from around the country.

In addition to a new establishment of the offense of encouraging illegal work to control employers and brokers, a main pillar of the amendment of the Immigration Control Act in 1989, the offense of group smuggling was installed in the 1997 amendment of the said Act, responding to a series of smuggling cases by vessel which have taken place since the end of 1996. In the 1999 Immigration Control Act amendment, the offense of illegal stay was installed to strictly cope with illegal entrants who continue to stay illegally, and extension of the period of landing refusal from one year to five years against deported persons until they can reenter Japan. Such legal measures have been repeatedly adopted in order to cope strictly with illegal residents.

B Guidelines

The order of Japanese immigration control is maintained with the status of residence system at the basis. Therefore, its most important goal is to decrease the number of persons violating the Immigration Control Act so that foreigners who actually stay in Japan without valid status of residence shall be strictly removed.

The number of illegal residents tends to have decreased in the recent years, however, the number still remains quite large and illegal working period tends to get longer. Moreover, there is a phenomenon specific to this age of a drastic increase of illegal entrants through group smuggling by vessel with intention of illegal work who remain in Japan. Their illegal stay not only prevents execution of proper immigration control but also affects Japanese society, economy and security. Under such circumstances, the offense of illegal stay was newly made by the amendment of the said Act, and a system to cope with the reference from investigation organizations twenty four hours in real time is under construction regarding immigration record and registration of foreigners. We will carefully watch the effects of such measures while comprehensive measures against illegal workers shall be deployed through the organic connection of positive apprehension operation, strict entry examination, correct grasp of status of residence and positive education activities.

Another goal is to realize more effective control with a limited number of staff. The basic policy of the fully worked out administration includes study of an effective system of deportation procedure,

information control using high technology and its full usage, reinforcement of cooperation with domestic investigation organizations, etc., to cope with cases in which international crime organizations are involved and construction of framework for international cooperation and its promotion.

In executing these series of deportation procedure, justice and failures taken as basic principles, an effort shall be made to further enhance not only the coordination of environment but also the mind of the staff concerned so that they shall treat foreigners with considerate approach attentive to their human rights.

a. Information management and technology renovation

Regarding information management field, it is necessary to grasp correct actual facts by acquiring and managing immigration information of foreigners much faster than before in order to be able to deploy comprehensive measures from before the entry to after the departure more effectively than before. Today, it is essential for all administration to collect various information immediately with high technology and to effectively utilize them. It is even more important for immigration control administration, which bear the role of protecting the safety and order of Japanese society. However, the reality is that the grasp of such information is not always given in real time. The coordination of necessary system shall be carried out both in the hardware and software, including the use of machine-readable passports and visas.

It is also necessary to improve the examination technology of forged documents to which technology renovation may contribute a lot. The forgery technology has drastically improved to a highly sophisticated level. Expansion of sophisticated technology department and effective information exchange with foreign countries shall be made. Training course and manuals for the immigration officers and immigration security officers shall be well prepared to enhance their overall examination technology level.

b. Reinforcement of apprehension

Regarding apprehension field, it is noted that violators of the Immigration Control Act have gone into small groups in dispersed locations in an unprecedented scale and they are shifting from long term stay to fixation. They have spread to a wide area and have become pernicious and skillful and some cases have become organized. To cope with such situation, apprehensive operations in a wide area shall be deployed with professional knowledge, technology and mobility. And pernicious cases in which law breaking brokerage organizations are involved, complicated and difficult cases commonly observed nationwide and long term illegal residents shall be apprehended pointedly and positively. For such purpose, information shall be unified at the national level regarding pernicious cases and the system shall be coordinated in order to collect information on brokers and others connected with such violators and to effectively utilize it.

In order to decrease the number of violators of the Immigration Control Act, it is indispensable to correctly grasp the staying situation of foreigners, to remove them from Japan with promotion of positive apprehension, to reinforce and enrich preventive measures so as to prevent illegal employment to take place. Education activities toward employers shall be executed according to local circumstances by placing staff to work for prevention of violation.

c. Utilization of immigration centers and quick deportation

Coordination of accommodation facilities and effective usage is indispensable for execution of smooth deportation procedures. Detention facilities of the Tokyo Regional Immigration Bureau, etc. shall be enlarged and three immigration centers shall be effectively and efficiently utilized in order to coordinate the back up system for decreasing the number of violators of the Immigration Control Act. In addition, in order to promote positive apprehension, accommodation facilities shall be secured and in order to execute quick deportation, closer connection shall be reinforced with foreign government establishments in Japan, for instance, to have quick acquisition of passports to go home assured.

d. Establishment of cooperation framework with domestic and international organizations concerned, etc.

Domestically, connection with National Police Agency, Ministry of Labor, Maritime Safety Agency (coast guard) and other organizations concerned shall be reinforced. A new information receiving system shall be constructed including utilization of local area network and Internet, to take effective preventive measures against violation of the Immigration Control Act. Regarding the cooperation with organization concerned, more effective apprehension and cooperation system shall be constructed by making a system to closely exchange information and to take a joint action if needed. In order to apply strictly penal regulations such as offense of illegal residence, offense of group smuggling and offense of encouraging illegal work, the immigration control administration shall take an active role in such cooperation.

Internationally, in keeping the same pace with other domestic organizations concerned, a positive offer shall be made to the immigration control authorities of the countries concerned and related organizations to construct mutual cooperation framework and to exchange information and to promote joint operation.

(2) Treatment with consideration of the connection between illegal residents and Japanese society

As recognized in the 1st Basic Plan for Immigration Control, Japan does not adopt the Amnesty policy, which several other countries have tried to adopt against illegal residents. It uniformly legitimizes illegal residents under certain prerequisites, which is nothing but an exceptional measure to maintain law

and order to the end. Even if it is implemented with the condition of “this time only,” it induces inflow of illegal entrants and longer illegal residents with expectation for the next policy implementation. Instead of being an effective solution of the illegal stay problem, it has a big danger to aggravate the situation.

Therefore, Japan applies the deportation procedure to illegal residents, as provided for in the Immigration Control Act, according to which the Minister of Justice where the Minister finds grounds for giving such special permission. Many foreigners granted the special permit to stay have close relationship with Japanese nationals, etc. Actually, they are people who have established the foundation of living in Japan in various aspects. An example is a case when a foreign national is married to a Japanese national and when they construct the actual marriage. This applies to a foreigner, who has not committed any violation of laws other than the Immigration Control Act.

Upon judging the grant of this special permit to stay, Minister of Justice shall consider various aspects in each case comprehensively, such as the reason of application for the special permit to stay, the foreigner’s family condition, living condition, behavior and other circumstances, necessity of humanitarian consideration for the foreign national and influence to other illegal residents. The special permit is granted basically when the foreign national has a deep connection with the Japanese community and when there arises a serious problem especially from the humanitarian point of view, if the said foreigner is deported.

Basically the policy described in the above section (1) shall be applied in full force to quickly remove illegal residents including illegal foreigners. On the other hand, as for an illegal resident who is recognized to have a civil status or position with a Japanese national, a permanent resident or a special permanent resident and has close connection with the Japanese community, appropriate measures shall continue to be taken in individual cases with humanitarian consideration.

3. Other Major Issues

(1) Smoother human exchange to be realized by deregulation and improvement of system

A Current situation

With the understanding of the importance of Japanese contribution for more international cooperation and international exchange, the goal was set to continuously and positively cope with the request for facilitation of smooth human exchange under the 1st Basic Plan for Immigration Control. Moreover, in the atmosphere to promote further deregulation of the overall societal system, the stronger demand

was made for deregulation of the government administration as a whole including the immigration control, and concrete measures have been requested.

To meet such demand, coordination of examination system upon the opening of the Kansai International Airport in 1993, coordination of examination system to cope with international flights at local airports, review of examination method to process business quickly and correctly, and simplification of documents to be produced, expansion of application agent system, expansion of subject of visa exemption and multiple visa were done. In 1998, improvement of the system was made through the measures, such as the amendment of the Immigration Control Act in which Taiwan travel document was recognized legally effective passport. In the 1999 amendment of the Immigration Control Act, the effective period of reentry permission into Japan was extended from within maximum one year to within maximum three years. In October 1999, the reviewed measure of the period of stay was implemented, which resulted in a broad deregulation.

However, further coordination of system is also necessary in order to make proper immigration control in the condition that many international flights enter services at many local airports, and in order to offer sufficient administration service to foreign residents who reside all over the country.

B Guidelines

With the understanding of the situation described above, various measures shall be taken in order to promote smooth human exchange, while maintains the safety and order of our country. On such occasion, it is required for the immigration control administration to sincerely cope with various demands surrounding the overall administration such as deregulation, open information and administrative cost cutting.

In concrete, the possibility of system deregulation measures such as extension of effective period of reentry permission done in 1999 and extension of the period of stay shall be continuously studied. Promotion of computerization of various services such as utilization of machine-readable passport is an indispensable agenda.

The immigration control administration shall contribute to the smooth opening of the Chubu International Airport, a big project planned to start in 2005. In order to cope with international flights at local airports which is presently in progress, the required examination system shall be coordinated. Moreover, consolidation and reinforcement of function of branch offices shall be continuously promoted in order to keep effective and sound administration system.

As for the procedures concerning residence and status for foreigners who already reside in Japan, previously, cases with problems and cases without problems have been classified to enable a modulated examination. In the future the classification shall be further adjusted properly in order to enable a smooth and fair examination as a whole while enabling a thorough examination of cases with problems.

The administration shall be more transparent by making the examination guidelines open to the public as much as possible.

As for the demand for simplification and streamlining of procedures, application agent system in which a party concerned who has thorough knowledge of the procedure shall make various applications on behalf of a foreign national and preliminary check system in which an organization, etc., which has a thorough knowledge of the immigration control administration shall check the application documents beforehand shall be promoted. Possibility of mailing or electronic application shall also be studied. As a concrete example, measures for streamlining of landing procedure of crew of air and sea vessels shall be studied.

For the betterment of administration service, positive public relation activity is very important, offering the examination guidelines, described above and other related information. In addition to enrichment of information service desk, which is in progress, provision of information service through various media such as Internet shall be enriched and at the same time public hearing activity to hear opinions of Japanese nationals and foreigners about the immigration control administration shall be promoted.

The speed up of procedures by deregulation and coordination of examination system described above shall be conducive to stabilization of stay of foreigners and shall lead to improvement of human rights situation. Upon taking such procedures, staff shall be educated to enhance their mind on consideration of human rights of foreigners.

(2) Further promotion of international cooperation

A Current situation

Under the 1st Basic Plan for Immigration Control, international cooperation continued to be positively promoted with various foreign immigration control administration organizations, as a part of the measures against illegal workers, about the exchange of information regarding international movement of people engaged in illegal work. The information included the condition of overseas surplus labor affected by changes of international economic environment and the movement of overseas brokerage organizations.

Following this policy, concrete requests have been made especially to the governments of the countries, which have problems regarding movement of people across borders in order to, solve or alleviate the problems. International fora such as "Seminar on Immigration Control" have been sponsored in order to provide opportunities for exchange of information and opinions among the immigration control administration organizations of countries and regions, which have common problems of international organized crimes. With the idea that overall improvement of the immigration control

administration ability of each country in the Asia Pacific Region shall contribute to the realization of proper human exchange within the said region, seminars have been held with the purpose to transfer technology Japan has to developing countries including the examination technology of forged documents such as passports, and computer processing of immigration control information.

B Guidelines

Reflecting today's active and complicated international exchange, international cooperation among the immigration control administration authorities of each country is recognized as significant to solve problems in common and other related ones. Construction of cooperative relationship among the immigration control administrations is promoted either within the global framework (such as the United Nations, G8, etc.) or within Asia Pacific Region. Especially, making a framework of international cooperation (through elaboration of transnational organized crime treaty and related protocols, etc.) in order to effectively cope with the cases in which international organized crime is involved, such as group smuggling, illegal immigration brokerage, trafficking in women and children, is a critical and urgent task from the view point of human rights protection as well.

Japan shall promote as much international cooperation as possible, for instance, through information exchange, execution of joint operation and technology transfer among the immigration control authorities of the countries concerned. Japan shall also continuously give opportunities for "Seminar on Immigration Control," in order to construct a close communication system among countries concerned. In the future, Japan shall grope for measures to take a leading role to build an international network of immigration control administration, authorities.

It is necessary for Japan to continue to play an expected role in the international community, especially in the Asia Pacific Region through such endeavors.

(3) Proper management of Refugee Recognition system

A Current situation

Japan recognizes the provision of international protection of refugees, a major responsibility we should take in the international community entered into Convention Relating to the Status of Refugees (Convention No.21, 1981), the related protocol (Convention No.1, 1982) and has established a required system. The recent incessant changes of the international state of affairs have created regional conflicts and unstable domestic conditions in many countries. The number of applications for refugee recognition in Japan has been increasing and there are growing interests in society about the refugee recognition system.

Refugee recognition shall be made according to the Convention Relating to the Status of Refugees, based upon the definition of a refugee described in the said convention. There were 1,703 applications as of the end of 1998 from the start of the system, of which 227 were recognized and 1,090 were not recognized.

Japan takes a flexible stance so that in case where a foreign national has special circumstances such as the difficulty of going home due to situation in one's home country even if a person is not recognized as refugee, the said person is granted permission to stay even after the application of refugee is rejected. As of the end of 1998, total of 156 foreigners were granted permission to stay in Japan with such consideration.

B Guidelines

In the present fluid international situation, it could be predictable that influx of people looking for asylum might continue. Japan shall make the effort to accumulate information and to improve investigative skills so that in case when a refugee recognition application is produced, such procedure shall be taken speedily and properly. It is necessary to process cases with speed in order to stabilize quickly the status of a person who needs protection as a genuine refugee and to remove a cause to induce abuse of the refugee recognition system as well.

Furthermore, to a foreign national who was not recognized as a refugee but has special circumstances such as the difficulty of going home due to condition of one's home country, various circumstances shall be scrutinized to come up with proper solution for stay in Japan.