

2022

Immigration Control and Residency Management



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Immigration Services Agency of Japan

Introduction

Publication of the 2022 Immigration Control and Residency Management

In this age of globalization, the Immigration Services Agency (ISA), Ministry of Justice (MOJ) 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. To this end, it is necessary to make sure that we implement sophisticated immigration examinations through the use of state-of-the-art technology, etc. and ensure compatibility between smooth entry examinations and strict immigration control at a more advanced level. In addition, we are also responsible for protecting the safety and interests of the public through the deportation of unwelcome foreign nationals, who threaten Japan's safety and security, in accordance with the laws and regulations. Furthermore, the ISA has a major role to play in developing refugee recognition procedures and swiftly and reliably protecting those who seek asylum. In addition, since the MOJ is now in charge of planning, drafting and general coordination relating to improving the environment for the acceptance of foreign nationals (Cabinet decision of July 24, 2018), along with efforts aimed at promoting the smooth and proper acceptance of foreign human resources, the Ministry is also responsible for promoting the development of an environment aimed at realizing a harmonious society of coexistence with foreign nationals.

The "Immigration Control", first published in 1959, has now reached its 28th edition. On December 8, 2018, the "Act for Partial Amendment of the Immigration Control and Refugee Recognition Act and the Act for Establishment of the Ministry of Justice" (hereinafter referred to as "Act to Amend the Immigration Control Act and Other Related Laws") was approved at the 197th session (extraordinary session) of the National Diet, which clearly stated that along with immigration, another duty of the MOJ would be fair management of the "residence of foreign nationals" and accordingly, the name of the report was changed to "Immigration Control and Residency Management" from 2019. It 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 to respond it properly. In line with the rapid changes, the "Immigration Control" has annually been published primarily summarizing the trends of immigration control administration over a twelve-month period since 2004.

This 2022 edition of "Immigration Control and Residency Management" gives an overview of the work of the ISA, looking at the changes in work over the five years from 2017 to 2021, and summarizing the situation and measures surrounding recent immigration control and residency management administration, with a focus on trends in FY 2021. This includes explaining the response to evacuees from Ukraine and COVID-19, acceptance of foreign personnel, operation status of the Specified Skilled Worker Program, operation status of the Technical Intern Training Program, revision of Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals, decision of the Roadmap for Realizing a Society of Harmonious Coexistence with Foreign Nationals, efforts related to support for residence, efforts to resolve the problems of long-term deportation evasion and detention, and the operation status of the refugee recognition system.

Finally, we hope that through this 2022 Immigration Control and Residency Management immigration control and residency management administration will prove to be beneficial and easy to understand.

November 2022

KIKUCHI Hiroshi

Commissioner of the Immigration Services Agency of Japan

Points of the 2022 Immigration Control and Residency Management

Organization of the 2022 Immigration Control and Residency Management

- The 2022 Immigration Control and Residency Management 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 2020 based on the statistics over the five-year period from 2017 to 2021.
- Part II describes the major immigration control and residency management policies (implemented during FY 2021 as well as some of the measures for FY 2022).
- Data Section describes a summary of the operations, etc. of the Immigration Services Agency (ISA).

Part I

Immigration Control and Residency Management in Recent Years

- **Number of Foreign Nationals Entering Japan**
 - The number of foreign nationals who entered Japan in 2021 (including those who re-entered Japan) was 353,119, and the number of foreign nationals who newly entered Japan, excluding those who re-entered, was 151,726 (a decrease of 95.8% 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 2,760,635 as of the end of 2021.
 - In addition, the percentage of foreign residents to the total population of Japan was 2.2%, a decrease of 0.09 points compared to the number at the end of the previous year.
- **Number of Foreign Nationals Overstaying Their Authorized Period of Stay**
 - As of January 1, 2022, the number of foreign nationals overstaying their authorized period of stay was 66,759, a decrease of 16,109 (19.4%) compared to January 1 of the previous year.

Part II

Major Policies Related to Immigration Control and Residency Management Administration

- **Response to Evacuees from Ukraine**
 - Acceptance of evacuees from Ukraine

Following the Russian invasion of Ukraine, the Prime Minister of Japan announced the acceptance of evacuees from Ukraine, and with the “Ukrainian Evacuees Countermeasures Liaison and Coordination Panel” chaired by the Chief Cabinet Secretary, acting as a control tower, the government promoted acceptance of evacuees from Ukraine into Japan. For those who find it difficult to secure a means of travel on their own, ISA has provided travel assistance in the form of securing seats on commercial flights.

- Support for evacuees from Ukraine

For evacuees from Ukraine accepted in Japan, the ISA, in cooperation with relevant ministries and agencies, as well as local governments as needed, provided the necessary support for evacuees from Ukraine to stay in Japan with peace of mind, such as by flexibly handling their status of residence and issuing of “certificates of being Evacuees from Ukraine.”

● Response to COVID-19

- Countermeasures at the port of entry

The ISA is taking countermeasures at ports of entry, such as refusing entry to Japan, for foreign nationals who have stayed in areas where there are a high number of COVID-19 cases. This is done by handling them as foreign nationals who fall under Article 5, Paragraph (1), item (xiv) of the Immigration Control Act, except when there are special circumstances.

- Procedures for residence

The ISA took measures such as allowing foreign nationals whose circumstances were making it difficult to return to their home country due to the COVID-19 pandemic to change their status of residence to “Designated Activities”, which allowed them to work. Related measures included allowing foreign nationals whose status of residence did not enable them to work to engage in activities other than those permitted under their status of residence, so that they could maintain their livelihood in Japan.

The ISA granted the status of residence “Designated Activities”, which allowed foreign nationals to work in specific industrial fields under certain conditions, in order to enable the continued employment in Japan of technical intern trainees who could no longer continue their technical intern trainings, international students whose preliminary offer of employment was cancelled, former technical intern trainees who had completed their technical intern trainings but could not return to their home country, and other foreign nationals in similar circumstances.

In light of the status of COVID-19 infections in Japan and overseas, and the increasing number of foreigners leaving Japan, the ISA has reviewed these measures as of May 31, 2022 and are encouraging them to return to their home countries.

- Strengthening the ISA’s information provision and consultation systems

The ISA posts information about various government ministries and agencies on “A Daily Life Support Portal for Foreign Nationals”. Extraordinary measures were also taken and operated to grant subsidies to one-stop consulting counters established by local governments. The FRESC Help Desk has been started, which can offer a free multilingual telephone consultation service to foreign nationals experiencing difficulties with daily life due to the COVID-19 pandemic, as means of strengthening the ISA’s consultation and support system. In October 2021, the ISA set up the FRESC vaccination reservation counter, which provided support for vaccination reservations.

- Countermeasures against COVID-19 at immigration facilities

Government policies such as the handling of close contacts of new mutant strains are undergoing successive review. In order to flexibly respond to these changes, the 5th Immigration Facilities Task Force for COVID-19 Countermeasures, chaired by the Parliamentary Vice-Minister of Justice, was held on February 10, 2022, and the ISA issued the 5th edition of the Manual for measures against COVID-19 infection Immigration Facilities.

● Response to the Case of the Death of a Detainee at the Nagoya Regional Immigration Services Bureau

· Establishment of project team

The ISA Reform Project Team was established to steadily implement improvement measures indicated in the Investigation Report on the Case of the Death of a Detainee at the Nagoya Regional Immigration Services Bureau.

· Staff Awareness Reform

In order to change the awareness of the ISA's staff, the ISA listened to the opinions of all staff, exchanged opinions between ISA staff and on-site staff, and heard opinions from external experts, in order to plan the "Mission and Principles of ISA Staff".

· Strengthening the ISA's medical system

The "Advisory Panel on Enhancing the Medical System at ISA Detention Facilities", consisting of external experts, was held on February 28, 2022. They compiled proposals to enhance the ISA's medical system at detention facilities, such as enhancing the internal medical system and building and enhancing a system of cooperation with external medical institutions.

· Efforts for other improvement measures

The ISA has made work reforms, such as making organizational and operational reforms at the Nagoya Regional Immigration Services Bureau, ordering the use of interpreters to more accurately grasp the physical condition of detainees, making emergency response manuals for when emergency response cases occur, and making new operating guidelines related to judgment of provisional release of sick detainees.

● Specified Skilled Worker Program

· As of the end of June 2022, the number of foreign nationals with the status of residence of Specified Skilled Worker was 87,472 (preliminary figure).

From the start of the system until the end of June 2022, there were 20,404 cases of issuance of Certificates of Eligibility pertaining to Specified Skilled Worker, 87,265 cases of permission being granted for change of the status of residence, and 7,129 cases of registration to registered support organizations (all preliminary figures). In April 2022, for the first time, permission was granted to change the status of residence to "Specified Skilled Worker (ii)" in the Construction industry field.

· The ISA, in cooperation with the relevant ministries and agencies, has promoted the implementation of exams in Japan and abroad. Due to these efforts, since the start of the program until the end of June, 2022, exams in all of the fields have been implemented in Japan and in 11 foreign countries.

The number of foreign nationals who have passed the proficiency test has increased favorably since the start of the program, totaling 98,305 (preliminary figure) as of the end of June, 2022.

· As of the end of June, 2022, Memorandums of Cooperation have been entered into with 14 countries and in accordance with these Memorandums of Cooperation, the ISA shares information and exchange opinions with the respective governments as necessary, and strive to address any issues that are considered to require action in order to achieve the appropriate operation of the Specified Skilled Worker system.

· The government's basic policy was partially changed by integrating the three manufacturing fields into the Machine parts and tooling / Industrial machinery / Electric, electronics and

information industries field (Cabinet decision of April 26, 2022).

- **Decision of the Roadmap for Realizing a Society of Harmonious Coexistence with Foreign Nationals**
 - “Roadmap for Realizing a Society of Harmonious Coexistence with Foreign Nationals” (hereinafter referred to as “Roadmap”) was decided at the “Ministerial Conference on Acceptance and Coexistence with Foreign Nationals” (hereinafter referred to as “Ministerial Conference”) held on June 14, 2022.
 - The Roadmap was made in response to the submission (November 29, 2021) of the written opinion of the “Advisory Panel of Experts for the Realization of Society of Harmonious Coexistence with Foreign Nationals” to the Minister of Justice, co-chair of the Ministerial Conference. Based on the opinion, it presents three visions of a Society of Harmonious Coexistence that Japan should aim to become, as well as medium- to long-term issues (four key points) that should be addressed to realize such a society, and specific measures for doing so.

- **Revision of Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals**
 - The Japanese government has been making efforts to create communities where foreign nationals are able to live comfortably based on the “Comprehensive Measures for ‘Foreign Nationals as Residents’” compiled in 2006, and now based on the establishment of the new statuses of residence of “Specified Skilled Worker (i)” and “Specified Skilled Worker (ii)” (implemented in April 2019) from the perspective of more strongly and comprehensively promoting the measures for acceptance and coexistence of foreign nationals, the government compiled the “Comprehensive Measures for Acceptance and Coexistence of Foreign Nationals” (hereinafter referred to as “Comprehensive Measures”) at the Ministerial Conference in December 2018, which have been revised four times since then.
 - In the most recent revision of the comprehensive measures (approved by the Ministerial Conference on June 14, 2022), in addition to further enhancing the acceptance environment for foreigners who have been accepted, the Comprehensive Measures indicate roadmap measures to be implemented on a single fiscal year basis, based on the Roadmap. The Comprehensive Measures also indicate measures the government should take to realize a Society of Harmonious Coexistence, although are not necessarily incorporated in the Roadmap because they are not necessarily measures that should be taken in the medium to long-term basis.

- **Measures against Illegal and Imposter Foreign Residents in Japan, etc.**
 - 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 twenty-two years, and the number has increased for six consecutive years since then, reaching approximately 83,000 in 2020.

After that, the number decreased again in 2021, and although the number of foreign nationals overstaying their authorized period of stay has decreased to about 67,000 as of January 1, 2022, many still remain. Therefore, the ISA is striving to further reduce the number of illegal foreign residents by continuing to strengthen the detection of them, strengthening collection and analysis of information related to them, and promoting voluntary appearances.
 - “Imposter residents” are foreign nationals residing in Japan having illegally received entry or residence permission as though they came 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, studies or employment, etc., or they may not necessarily have concealed the purpose of their activities from the onset but are working illegally in jobs prohibited by their current status of residence. The ISA is striving to find and reduce such “imposter residents” by strengthening collection and analysis of information.

- When a detainee is 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 ISA actively utilizes provisional release, and makes efforts to ensure the implementation of more suitable deportation procedures.
- The ISA is working to further improve the treatment of detainees, such as by strengthening the medical system, based on the opinions of the “Immigration Detention Facilities Visiting Committee” and the improvement measures listed in the “Case of the Death of a Detainee at the Nagoya Regional Immigration Services Bureau Investigation Report”.
- The problem of deportation evasion and long-term detention has become an urgent issue to be resolved as soon as possible in immigration control and residency management administration. As such, the results of deliberations in the “Expert Committee on Detention and Deportation” established under the 7th Immigration Policy Discussions Panel were summarized as the report “Proposals to Solve the Issues of Deportation Evasion and Long-Term Detention” and submitted to the Minister of Justice.
- Based on this report, with the dual purposes of making deportation procedures more appropriate and effective and resolving the problems such as deportation evasion and long-term detention, the Bill for the Partial Amendment of the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, inter alia, those who have lost Japanese Nationality pursuant to the Treaty of Peace with Japan was submitted to the 204th Diet.
- Although the bill was not enacted, the ISA recognizes the fact that the problem of deportation evasion and long-term detention is an urgent issue that must be resolved as soon as possible in immigration control and residency management administration, and will continue to work on this issue.

● Promotion of Appropriate Refugee Protection

- It is necessary to improve the transparency of Japan’s refugee recognition system, and respond to the recent rapid increase in the number of applicants for refugee recognition and the diversification of the content of complaints.
- Therefore, in close cooperation with relevant organizations such as UNHCR (the office of the United Nations High Commissioner for Refugees), the ISA is working to further optimize operation of the refugee recognition system based on three pillars: (1) clarifying normative elements on the eligibility for refugee status, (2) improving the capacity of refugee inquirers, and (3) enriching the content of country of origin information. In July 2021, a Memorandum of Cooperation (MOC) was exchanged with UNHCR to accelerate these efforts.
- In recent years, there have been a considerable number of applications abusing or misusing the system, which are thought to be aimed at getting to work in Japan. As a result of the rapid increase in the number of applicants for refugee recognition in Japan caused by this, the processing period for the refugee recognition procedures has been prolonged, leading to problems in promptly protecting refugees.

- Therefore, with regard to the many refugee recognition applications abusing or misusing the refugee recognition system from legal residents, from January 15, 2018, the operation of the system was further revised mainly to (1) set a sorting period after the application is received, and the sorting results are reflected in the measures on the status of residence, (2) give further consideration to applicants whose applicability as a refugee is deemed to be high under the Refugee Convention, and (3) respond more strictly than before to applications abusing or misusing the system.
 - As a result of these efforts, the number of applicants for refugee recognition, which had increased rapidly in recent years, has instead decreased significantly since 2018. Meanwhile, the number of applicants recognized as refugees has increased compared to before making the above revision. A certain degree of effectiveness has been achieved with efforts to curb applications which attempt to abuse or misuse the system, and to ensure prompt protection of refugees are recognized. Since there are still a considerable number of applications abusing or misusing the system, the ISA will conduct considerations from the aspects of both the legal system and operation, aiming at a fundamental solution to the problem.
- **Responses to International Society and International Situations**
- The ISA has been involved in negotiations to conclude EPAs with various countries, and actively responds to bilateral and multilateral frameworks for exchanging information and opinions, and improving cooperative relationships.
 - The Immigrations Services Agency has explored new methods of international exchange while working to strengthen cooperative relationships, such as by exchanging opinions online with Australian immigration authority, and participating in online opinion exchanges held by the Japan-Taiwan Exchange Association and the Taiwan-Japan Relations Association.
 - The 1st Tokyo Immigration Forum, organized by the Ministry of Justice and the ISA of Japan, was held on March 2 and 3, 2022, with the participation of representatives from immigration authorities of 18 countries and regions. At the meeting, participants shared information and exchanged opinions frankly and actively on issues faced by immigration authorities from various countries and regions, including efforts to prevent the influx of COVID-19 infection and reopen the border at the same time, and the technologies using for border control, and agreed on that the next Forum would be held in Tokyo in FY 2022.

2022 Immigration Control and Residency Management Report

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