

Basic Plan for Immigration Control

4th edition

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<provisional translation>



Ministry of Justice
Japan

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I Formulating the Basic Plan for Immigration Control (4th edition)

The Basic Plan for Immigration Control provides for the matters required for the guidelines on the control of the entry and residence of foreign nationals and other necessary matters relating to other policies wherein the Minister of Justice also clarifies state of entry and residence of foreign nationals, for ensuring and facilitating fair and proper performance of immigration control administration. The initial Basic Plan for Immigration Control was first formulated in 1992, while the second and the third Basic Plan for Immigration Control were formulated in 2000 and 2005 respectively.

The objective of immigration control administration is to ensure the equitable control of the entry and departure of all persons. Expanding on this point, the essence of immigration control administration is, on the one hand, to proceed with the appropriate and smooth acceptance of foreign nationals and, on the other hand, to prevent the entry and stay of foreign nationals who pose a threat to the security of Japan such as terrorists and criminals, thereby contributing to the vitalization of Japanese society and the development of healthy internationalization while contributing to ensuring that the lives of citizens are kept safe and secure. In order to achieve such objectives, concrete strategies are needed to respond appropriately to the state of the entry and residence of foreign nationals in Japan and to the changes in social circumstances affecting immigration control administration, and taking a look at the situation after the formulation of the Third Basic Plan for Immigration Control, the following changes have been noted.

The first point is the changes in social conditions both at home and abroad. Currently in Japan, as a result of the rapid pace of the falling birthrate and aging, we are facing an era of a serious population decline where the total population, particularly the working-age population, is decreasing and furthermore, after the large fluctuations in the economy following the so-called bubble economy, from the latter half of 2008, we subsequently started suffering from a serious economic recession owing to the global financial crisis. In such a situation, maintaining the vitality of society in Japan while planning sustainable development is an important task, and in recent years, it has also become important to incorporate into Japan the vitality of the Asian countries which are growing rapidly. At the same time, problems such as the unemployment or precarious employment of foreign residents, most conspicuously apparent in the case of "nikkeijin" (foreign national with Japanese ethnic origin) are also emerging.

The second point is the changes in the circumstances pertaining to illegal foreign residents. Owing to the stringent border measures taken by the Immigration Bureau in recent years and the implementation of other measures against illegal immigration, the number of illegal foreign residents in Japan has been steadily decreasing, but there are still a considerable number of illegal foreign residents in the country and furthermore, efficient detection has become difficult to implement due to the fact that the work locations

of the foreign nationals are becoming more sparse and widespread. Moreover, concerns are growing over increasing instances of illegal stay under the guise of legal residency, in which foreign nationals fraudulently get residence permits on the grounds such as being spouses or students, and the prevention at the border of foreign nationals who pose a threat to the security of our country such as terrorists and criminals continues to be an issue.

The third point is the introduction of a new system of residence management. Since the foreign population in Japan is growing annually and moreover, with their activities becoming more diversified and with a growing trend of foreign nationals settling down in Japan, the actual circumstances of residence of such foreign nationals cannot be sufficiently monitored under the current system, causing obstacles from the perspective of ensuring appropriate residence management. Since such issues must be dealt with, an act to amend the Immigration Control and Refugee Recognition Act (hereinafter referred to as the “Immigration Control Act”) and other acts whose contents included a major overhaul of the residence management system was enacted at the 171st Ordinary Session of the Diet. The amendment act is due to be enforced within three years after the date of promulgation, and the new system in accordance with the new amendment act is to be appropriately operated as the basis for future immigration control administration, and while carrying out equitable residency management, it is expected that the new system will contribute to the creation of a society where Japanese nationals and foreign nationals will be able to live together harmoniously.

The fourth point is the issue of refugees. In recent years, the number of applications for recognition of refugee status in Japan has been increasing rapidly, and since correspondingly the time for the period of examination of the applications is becoming more prolonged, it is required to stabilize the legal status of those who are to be recognized as refugees.

Thus, in facing the various problems caused by the structural population decline in the medium and long-term and the fluctuating economic conditions and business environment as well as the various problems caused by the increase, in line with the developments of globalization, in the number of foreign residents, it is deemed necessary that the government work in unity to construct strategies, and accordingly the immigration control administration is also required to fulfill its role in protecting public safety and security, in contributing to the maintenance and improvement of the vitality of Japanese society and the lives of the citizens and in contributing to the realization of a society where Japanese nationals and foreign nationals are able to live together harmoniously.

Therefore, in this plan, with a time span for the next five years is being envisaged, and from the perspective of contributing to the realization of “a vibrant, prosperous society”, “a safe and secure society” and “a harmonious society coexisting with foreign nationals”, the basic policies for the initiatives of immigration control administration are to be established as follows.

- At the very threshold of an era of a serious population decline, from the perspective of maintaining the vitality of our society as well as supporting sustainable development and incorporating the vitality of the Asian region into Japan, the immigration control administration will promote the policy of actively accepting foreign nationals.
- In order to maintain social order and to protect public security, assured prevention at the border of terrorists and criminals who attempt to enter the country and, in addition to the aggressive implementation of measures targeting illegal foreign residents already making up large numbers in the country and instances of illegal stay under the guise of legal residency which are apparently gaining momentum to increase, at the time handling each cases with due consideration of the specific situations of the suspects.
- As responses to the increase in the number of foreign residents in Japan and the diversification of activities, appropriate operation of the new system of residence management to be introduced for the purpose of accurately monitoring the domiciles and residence of foreign nationals living in Japan and, in addition to appropriate residence management utilizing information, the provision of information which is necessary in facilitating the implementation of the administrative services offered by the local authorities and in striving for enhanced convenience for foreign nationals.
- As a member of the international community, the immigration control administration will promote appropriate and prompt protection of refugees.



The Circumstances Affecting the Entry and Residence of Foreign Nationals



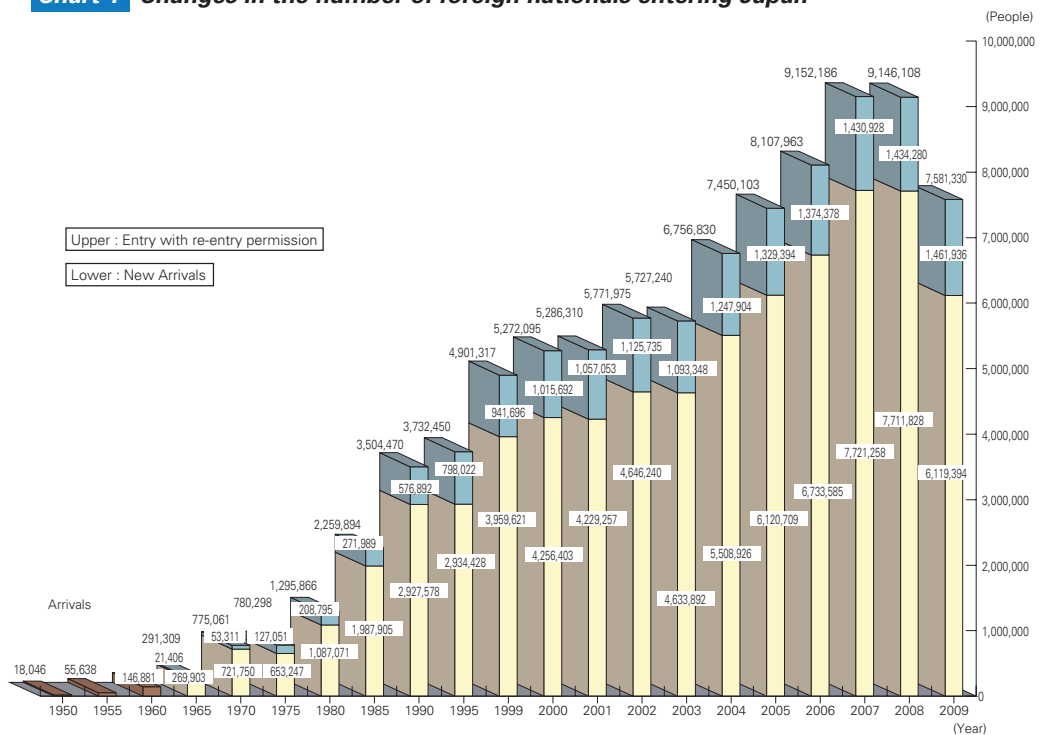
The State of Foreign Nationals Entering and Residing Legitimately in Japan

(1) The Overall Situation

The small number of approximately 18,000 foreign nationals entering Japan (including persons re-entering) in 1950, which is when statistics on immigration control were first collected, passed the one million mark in 1978 and maintained a growth trend. In 2007, after reaching a record high of about 9.15 million, the number leveled off in 2008 due to the effects of the global recession and moreover, in 2009 decreased by 17.1% when compared to the previous year to approximately 7.58 million people (*Chart 1*).

Looking at a breakdown of the number of foreign nationals newly entering calculated by subtracting the number of foreign nationals re-entering from the number of foreign nationals entering, every year although the foreign nationals who hold the status of residence of “Temporary Visitor” such as tourists and business persons account for more than 90% of the total, and furthermore, the number of foreign nationals newly entering from the Republic of Korea and other Asian countries accounts for around 70% of the total number, from the viewpoint of actualizing a tourism-oriented country, there is a need to continue the promotion of international exchange with other countries starting with the Asian region.

Chart 1 Changes in the number of foreign nationals entering Japan



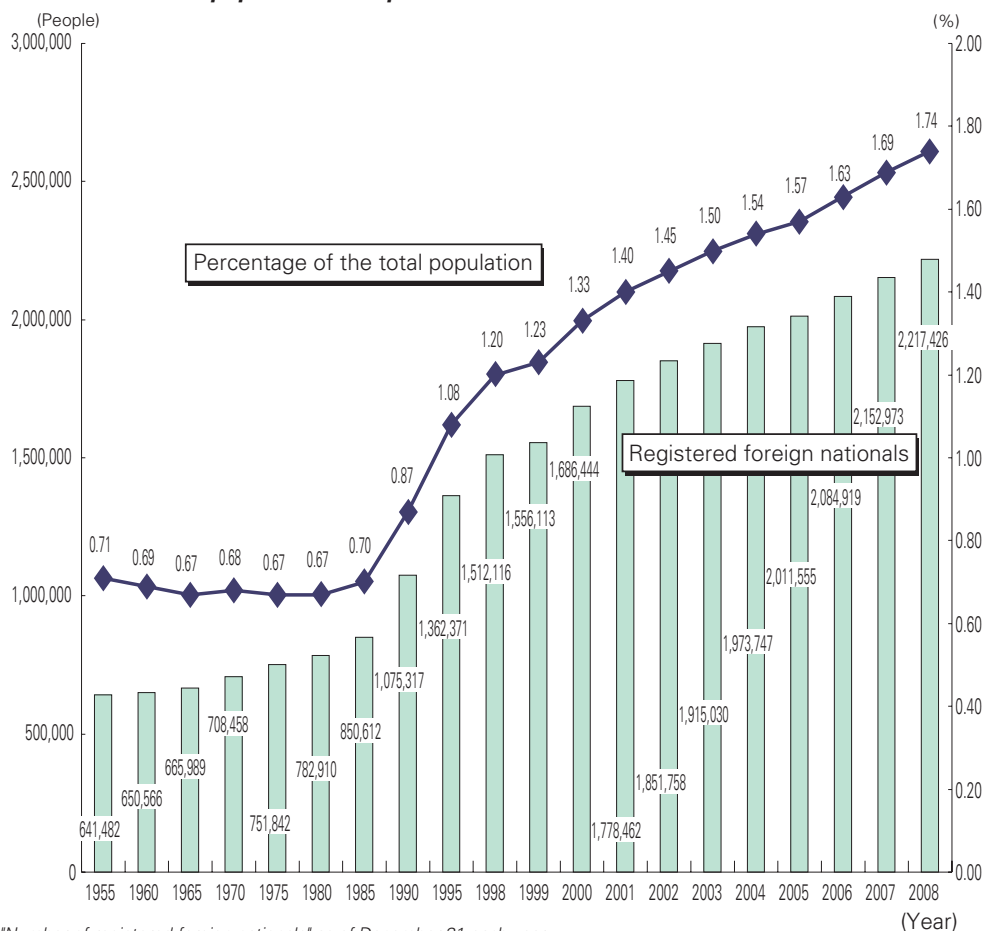
*There are no separate categories for arrivals in 1950, 1955, and 1960.

Next, taking a look at the number of registered foreign residents in order to determine the state of foreign nationals residing in Japan, the number of registered foreign residents fluctuated between the late 500,000s to mid 600,000s shortly after World War II up until 1965, and special permanent residents comprised mainly of Korean Nationals accounted for nearly 90% of such number. Following such period, although the number of special permanent residents began to decline, the number of foreign nationals newly coming to Japan for a variety of purposes has been increasing, and moreover, of these foreign nationals, since the number of foreign nationals living in Japan for a medium to long term has been increasing, the total number of foreign nationals living in Japan has been increasing year by year with the number of registered foreign residents at the end of 2008 reaching a record high of 2.22 million, and with the percentage standing at 1.74% of the total population of Japan, this also shows a new record (*Chart 2*).

Also, while on the one hand, the number of special permanent residents is seeing a decline, reflecting the situation of the increase in the number of foreign nationals newly coming to Japan, the number of registered foreign residents with the nationality (place of origin) of China exceeded that of Korea for the very first time at the end of 2007.

In the future, Japan intends to actively promote the acceptance of foreign nationals, and it is expected that the number of foreign nationals residing in Japan will increase as a result of the trend of the accepted foreign nationals settling down in Japan.

Chart 2 Changes in the number of registered foreign nationals and the percentage of the total population of Japan



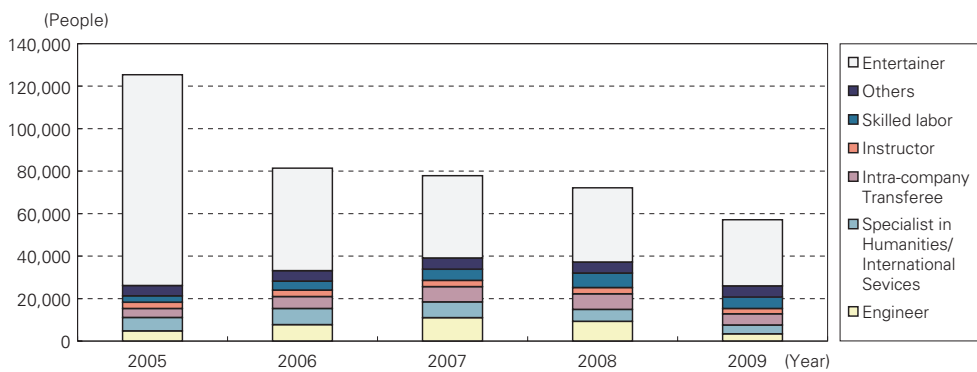
*1 "Number of registered foreign nationals" as of December 31 each year.

*2 The "percentage of the total population of Japan" is calculated based on the population as of October 1 every year taken from the "Population Estimates" and the "Population Census" of the Statistics Bureau, Ministry of Internal Affairs and Communications.

(2) Foreign Nationals with the Purpose of Work

Taking a look at the situation of foreign nationals newly entering with a status of residence which has the purpose of work (excluding the statuses of “Diplomat” and “Official”, the same shall apply hereinafter), the number of foreign nationals has been seeing a downtrend following a significant decline of 35.1% in 2006 compared with the previous year. This decline is greatly due to the fact that the number of foreign nationals newly entering with the status of residence of “Entertainer” decreased significantly following a review of the landing permission criteria pertaining to the status of residence of “Entertainer”, which was conducted as part of the measures against trafficking in persons in 2005 and 2006. Looking at the situation of foreign nationals newly entering with a status of residence for other kinds of work, there was an upward trend until 2007 but this began to decline in 2008 owing to the global recession, and in 2009, decreased by 30.2% compared to the previous year, down to 25,923 foreign nationals. In particular, the status of residence of “Engineer” has been seeing a large decline implying that the setbacks of the recession from late 2008 have had a significant impact on the acceptance of foreign nationals newly entering especially in this sector ([Chart 3](#)).

Chart 3 Changes in the number of new arrivals by the status of residence for work (except Diplomat and Official)



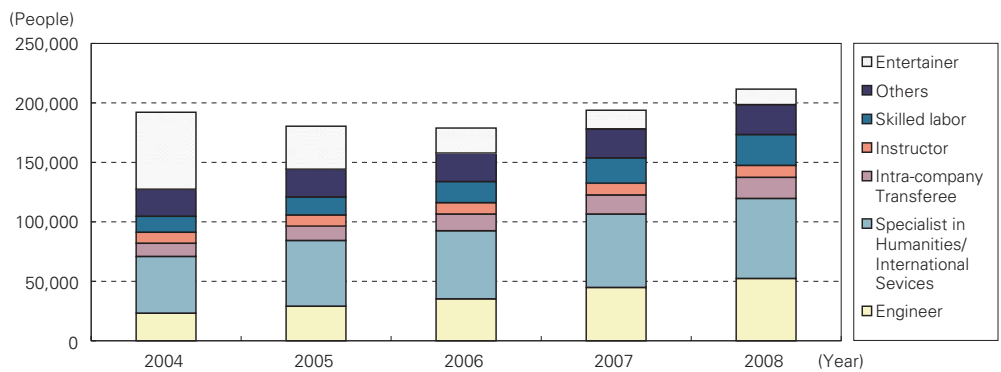
	2005	2006	2007	2008	2009
Engineer	4,718	7,715	10,959	9,212	3,363
Specialist in Humanities/ International Services	6,366	7,614	7,426	5,690	4,167
Intra-company Transferee	4,184	5,564	7,170	7,307	5,245
Instructor	2,954	3,070	2,951	2,930	2,499
Skilled labor	3,059	4,239	5,315	6,799	5,384
Others	4,807	4,930	5,199	5,217	5,265
Subtotal	26,088	33,132	39,020	37,155	25,923
Entertainer	99,342	48,249	38,855	34,994	31,170
Total	125,430	81,381	77,875	72,149	57,093

Next, looking at the situation of the number of registered foreign nationals with a status of residence for work, as with the foreign nationals newly entering, the number of registered foreign nationals with the status of residence of “Entertainer” has been decreasing since 2005 but the number of registered foreign nationals with the purpose

of some other work has been consistently increasing in recent years and was 198,504 at the end of 2008. Of these, looking at those foreign employees corresponding to the status of residence of “Engineer”, “Specialist in Humanities/International Services” and “Intra-Company Transferee”, the percentages for these three categories out of the total number of registered foreign nationals with the purpose of work, excluding “Entertainer”, stood at 26.3%, 33.9% and 9.0% respectively at the end of 2008, and these three statuses of residence made up approximately 70% with the percentage increasing year by year.

This is owing to the fact that various efforts are being made by the government to increase the acceptance of foreign students, and in the midst of an increase in the number of foreign students entering and residing in Japan, a considerable number of foreign students, who have graduated from colleges or other schools, are being employed by Japanese corporations and businesses and are being allowed to change to these statuses of residence each year, and moreover, such foreign nationals residing with such statuses of residence are staying for a longer period of time and are becoming increasingly more settled (**Chart 4**).

Chart 4 Changes in the number of registered foreign nationals by the status of residence for work (except Diplomat and Official)



	2004	2005	2006	2007	2008
Engineer	23,210	29,044	35,135	44,684	52,273
Specialist in Humanities/International Services	47,682	55,276	57,323	61,763	67,291
Intra-company Transferee	10,993	11,977	14,014	16,111	17,798
Instructor	9,393	9,449	9,511	9,832	10,070
Skilled labor	13,373	15,112	17,869	21,261	25,863
Others	22,731	23,231	23,867	24,406	25,209
Subtotal	127,382	144,089	157,719	178,057	198,504
Entertainer	64,742	36,376	21,062	15,728	13,031
Total	192,124	180,465	178,781	193,785	211,535

Further, in the midst of a declining birthrate and the aging of our society, there has been active debate concerning the acceptance of foreign nationals in the field of medical services and nursing care, but the number of registered foreign nationals with the status of residence of “Medical Services” relating to foreign national doctors and nurses currently allowed acceptance was 199 at the end of 2008 and, although it has been increasing in recent years, still only accounts for the very low percentage of 0.1% of the total number of

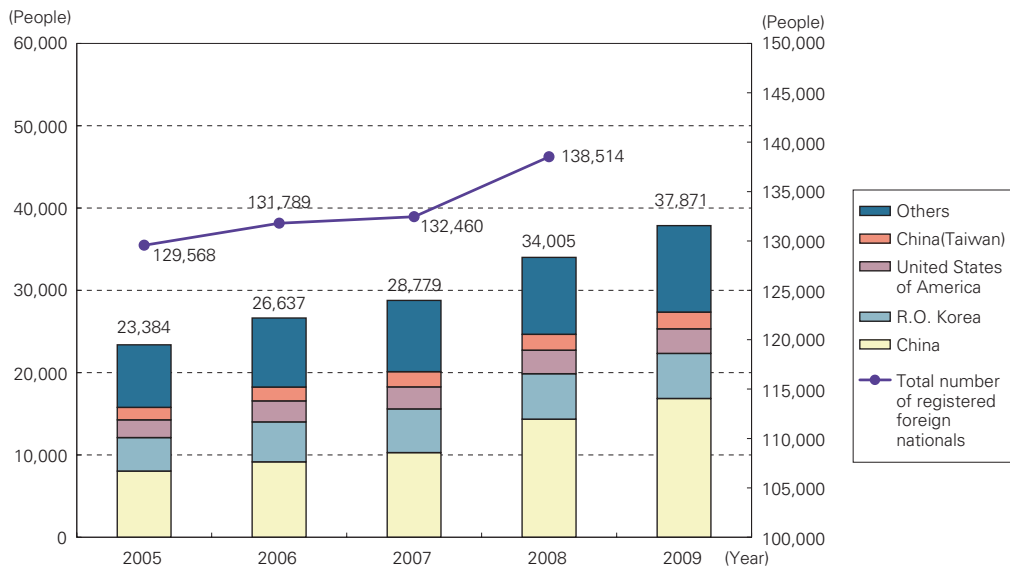
registered foreign nationals with a status of residence for the purpose of work. Moreover, with regard to the status of residence of “Medical Services”, since one of the requirements is that the foreign national has to acquire a Japanese national qualification, most involve changes from the status of residence of “College Student” and therefore the number of such foreign nationals newly entering is very low.

(3) Foreign Nationals with the Purpose of Study

With respect to the state of foreign nationals with a status of residence with the purpose of study in Japan, since Japan has recently been promoting measures to actively accept foreign students, the number of foreign nationals newly entering and the number of registered foreign nationals with the status of residence of “College Student” and “Pre-college Student” has been steadily increasing but, owing to the effects of the global recession, the number of foreign nationals newly entering with the status of residence of “Trainee” has been declining.

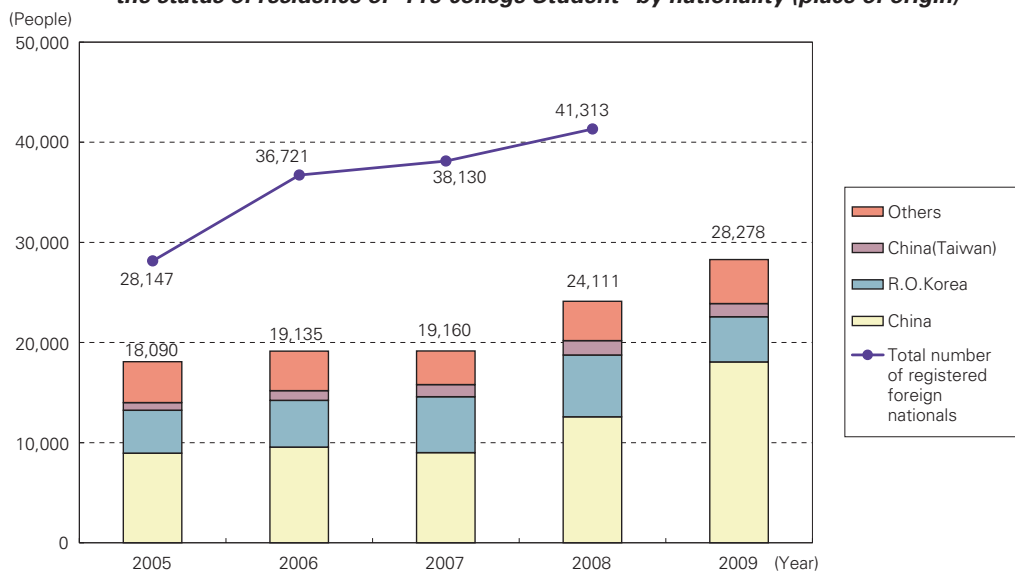
First, examining the number of foreign nationals newly entering with the status of residence of “College Student”, a record high was reached in 2009 of 37,871 foreign nationals and, taking a look by nationality (place of origin), China made up the largest number with 16,839 nationals (44.5%), followed by the Republic of Korea with 5,487 nationals (14.5%), the United States with 2,988 nationals (7.9%) and others. In addition, looking at the number of registered foreign nationals, a record was reached at the end of 2008 of 138,514 registered foreign nationals and, taking a look by nationality (place of origin), China made up the largest number with 88,812 nationals (64.1%) followed by Korea with 19,441 nationals (14.0%), Viet nam with 3,202 nationals (2.3%) and others ([Chart 5](#)).

Chart 5 Changes in the number of new arrivals and registered foreign nationals with the status of residence of “College Student” by nationality (place of origin)



Examining the number of foreign nationals newly entering with the status of residence of “Pre-college Student”, a record high was reached in 2009 of 28,278 foreign nationals and, taking a look by nationality (place of origin) the largest number was China with 18,053 nationals (63.8%), followed by the Republic of Korea with 4,516 nationals (16.0%), China (Taiwan) with 1,311 nationals (4.6%) and others. Also, looking at the number of registered foreign nationals, the number was 41,313 at the end of 2008, and taking a look by nationality (place of origin) the largest number was China with 25,043 nationals (60.6%) followed by Korea with 10,286 nationals (24.9%), Thailand with 769 nationals (1.9%) and others (**Chart 6**).

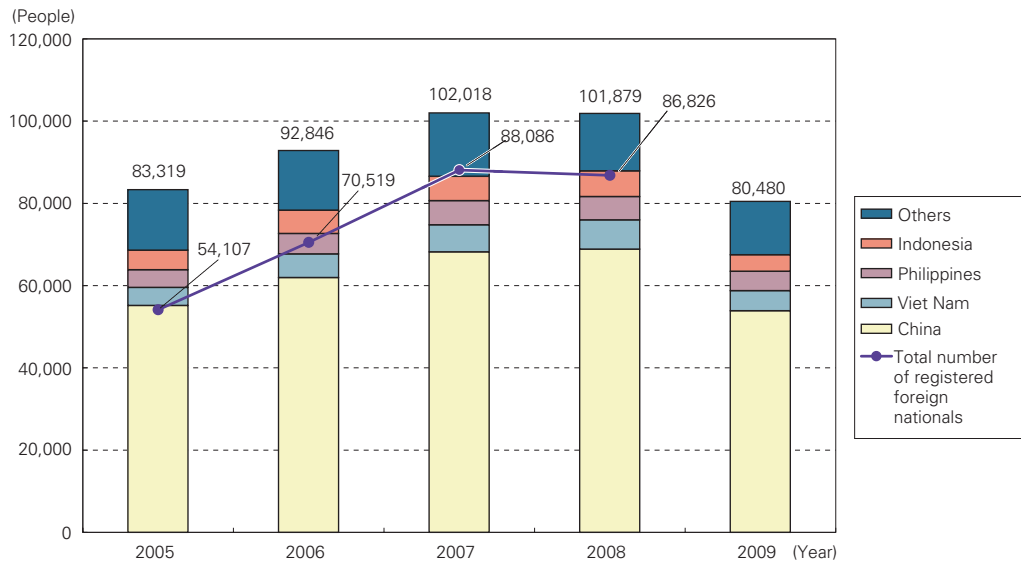
Chart 6 Changes in the number of new arrivals and registered foreign nationals with the status of residence of “Pre-college Student” by nationality (place of origin)



The acceptance of foreign students in Japan has thus been progressing steadily but further efforts are still needed in order to reach the government target of acceptance of 300,000 foreign students.

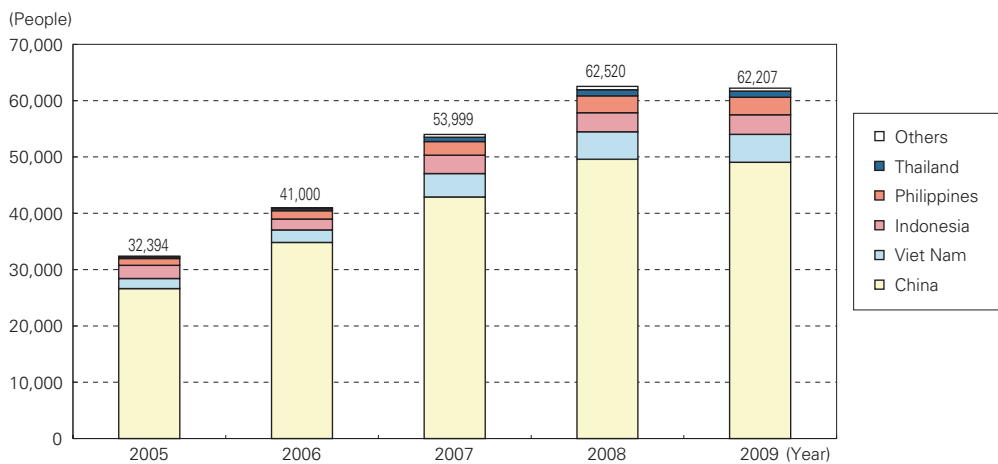
Next, examining the situation of foreign nationals with the status of residence of “Trainee”, the number of foreign nationals newly entering reached a record high in 2007, but decreased from 2008 due to the global recession and in 2009 declined by 21.0% compared to the previous year to 80,480 foreign nationals and taking a look by nationality (place of origin), China accounted for 66.9% of the total with 53,876 nationals followed by Viet nam with 4,890 nationals (6.1%), the Philippines with 4,726 nationals (5.9%) and others. Additionally, the number of registered foreign nationals also reached a record high in 2007 but at the end of 2008 had decreased slightly from the previous year to 86,826 foreign nationals and, taking a look by nationality (place of origin) China accounted for 75.7% with 65,716 nationals followed by Viet nam with 6,763 nationals (7.8%), Indonesia with 5,085 nationals (5.9%) and others (**Chart 7**).

Chart 7 Changes in the number of new arrivals and registered foreign nationals with the status of residence of "Trainee" by nationality (place of origin)



Also, examining the transfer from trainees to technical interns, the number of transfers has been increasing every year but the number of foreign nationals newly entering with the status of residence of "Trainee" has seen a decline and in 2009 decreased slightly to 62,207 foreign nationals compared to the previous year and, taking a look by nationality (place of origin) China accounted for 78.8% of the total with 49,032 nationals, followed by Viet nam with 4,972 nationals (10.1%), Indonesia with 3,467 nationals (7.1%) and others (Chart 8).

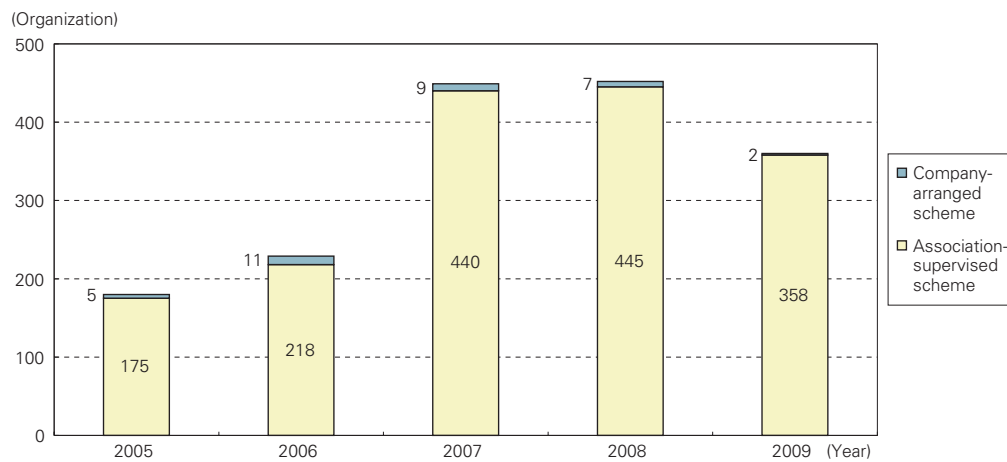
Chart 8 Changes in the number of foreign nationals who switch to the Technical Internship Program by nationality (place of origin)



Moreover, with regard to the training and technical internship programs, in recent years the purpose of the scheme has not been properly understood and therefore the number of cases of improper acceptance such as with trainees and technical interns being treated like low-wage workers, has been on the increase, and in cases where misconduct is deemed to have been committed, in accordance with the provisions of the ordinances

of the Ministry of Justice, the Immigration Bureau orders the organization concerned to suspend the acceptance of trainees and technical interns for a period of three years. The number of organizations deemed to have committed such misconduct was 180 in 2005, reached a record high of 452 organizations in 2008 and declined to 360 organizations in 2009 owing to such factors as a decline in the number of newly entering foreign nationals with the status of residence of “Trainee” but still remains at a high level. With respect to 2009, looking at the breakdown by type of acceptance, the number of organizations accepting through company-arranged scheme was two and the number of organizations accepting through association-supervised scheme was 358 organizations (*Chart 9*).

Chart 9 Changes in the number of organizations subject to a finding of misconduct by type of acceptance arrangement



(4) Foreign Nationals Entering or Residing on the Basis of Their Status or Position

With respect to the state of foreign nationals entering or residing on the basis of their status or position, first taking a look at the statuses of residence of “Spouse or Child of Japanese National” and “Long-Term Resident” (*Chart 10, 11*), the number of newly entering foreign nationals for both have been seeing a downward trend, and especially in 2009, “Spouse or Child of Japanese National” declined by 25.2% compared with the previous year to 14,951 foreign nationals while the status of residence of “Long-Term Resident” also declined significantly by 50.6% to 9,946 foreign nationals and, taking a look at the breakdown by nationality (place of origin), Brazil and other South American countries saw the biggest decline which reflects a state where the effects of the recession have had a significant impact on the entry of South American nationals of Japanese descent. However, looking at the number of registered foreign nationals, both statuses of residence declined slightly after reaching a peak in 2006 but have remained virtually unchanged, while the number of newly entering foreign nationals has continued to decline suggesting that foreign nationals with these statuses of residence are increasingly settling down in Japan.

Chart 10 Changes in the number of new arrivals and registered foreign nationals with the status of residence of “Spouse or Child of Japanese National” by nationality (place of origin)

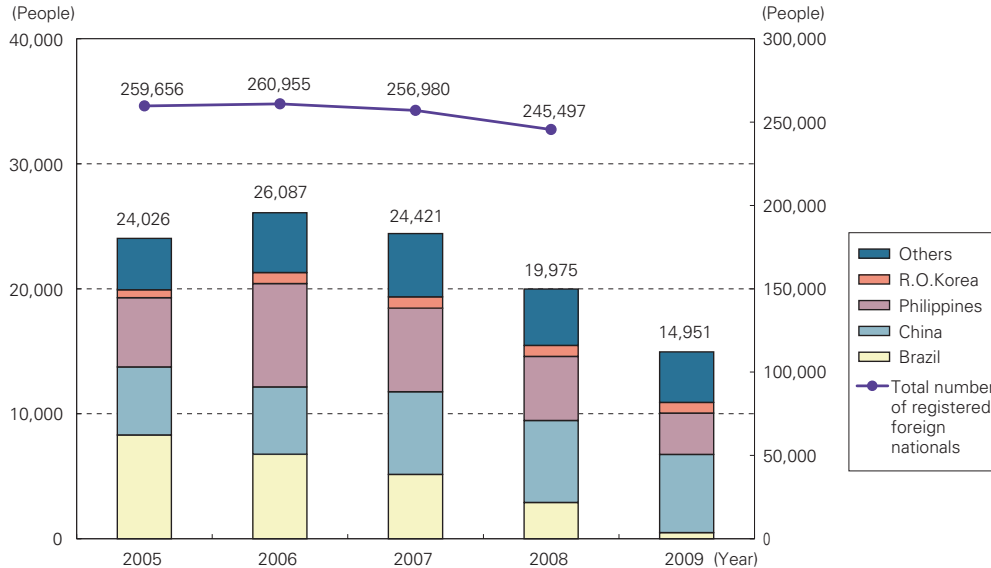
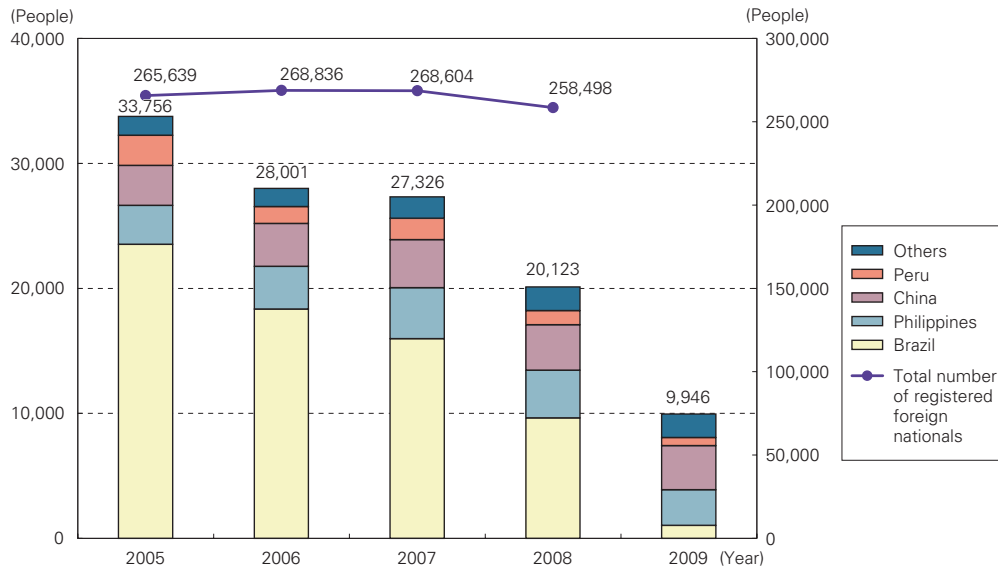
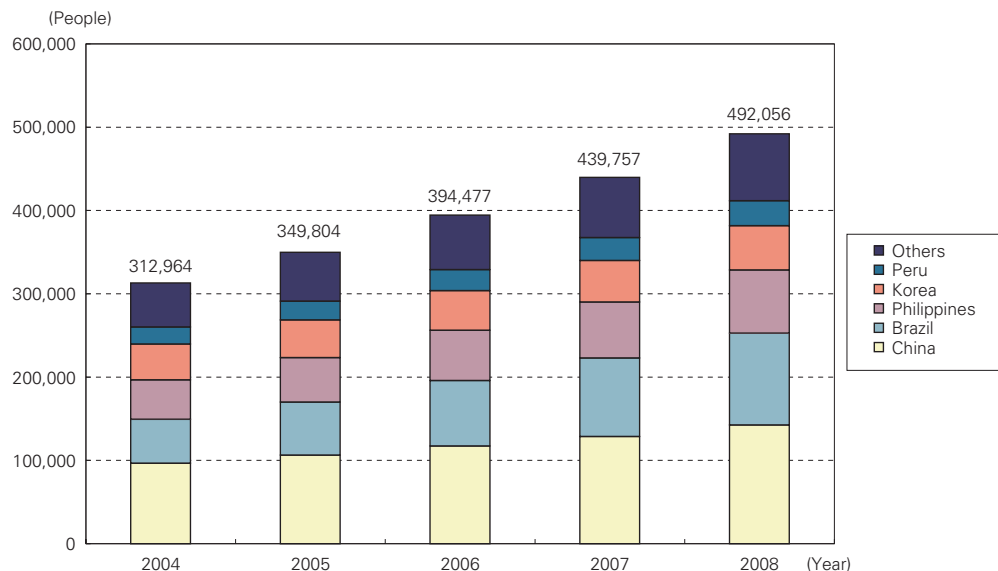


Chart 11 Changes in the number of new arrivals and registered foreign nationals with the status of residence of "Long-Term Resident" by nationality (place of origin)



If a foreign national, who meets the prescribed requirements such as having resided in Japan for a certain number of years, wishes to become a permanent resident, it is possible for the foreign resident to change to the status of residence of "Permanent Resident", and at the end of 2008, the number of registered foreign nationals with the status of residence of "Permanent Resident" reached a record high of 492,056 persons (**Chart 12**). This number has consistently seen dramatic increases in recent years in line with the increase in the number of foreign nationals residing for the long term in Japan and, aside from the special permanent residents who have special historical circumstances, indicates a steady increase in the number of foreign nationals settling in Japan and acquiring permission for permanent residence. It is expected in the future that along with the trend of foreign nationals residing in Japan settling down, the number of foreign nationals wishing to change to "Permanent Resident" will continue to increase.

Chart 12 Changes in the number of registered foreign nationals with the status of residence of "Permanent Resident" by nationality (place of origin)



In addition, with regard to foreign nationals of Japanese descent especially from South America who have been accepted on the basis of being descendants of Japanese nationals, such foreign nationals are entering and residing with such statuses of residence as “Spouse or Child of Japanese National”, “Long-Term Resident” and “Permanent Resident” and, taking a look at the number of registered foreign nationals with these statuses of residence at the end of 2008 by nationality (place of origin), 305,717 people came from Brazil and 54,223 from Peru, together accounting for 16.2% of the total number of registered foreign nationals. Those of Japanese descent have been in a difficult position due to the recent recession, and one challenge facing us has been acceptance of such foreign nationals so that they will be able to live a stable life in Japanese society while also having them fulfill their obligations as a member of the local community.

2 Foreign Nationals Entering Illegally or Residing Illegally in Japan

(1) Landing Examinations Utilizing Personal Identification Information

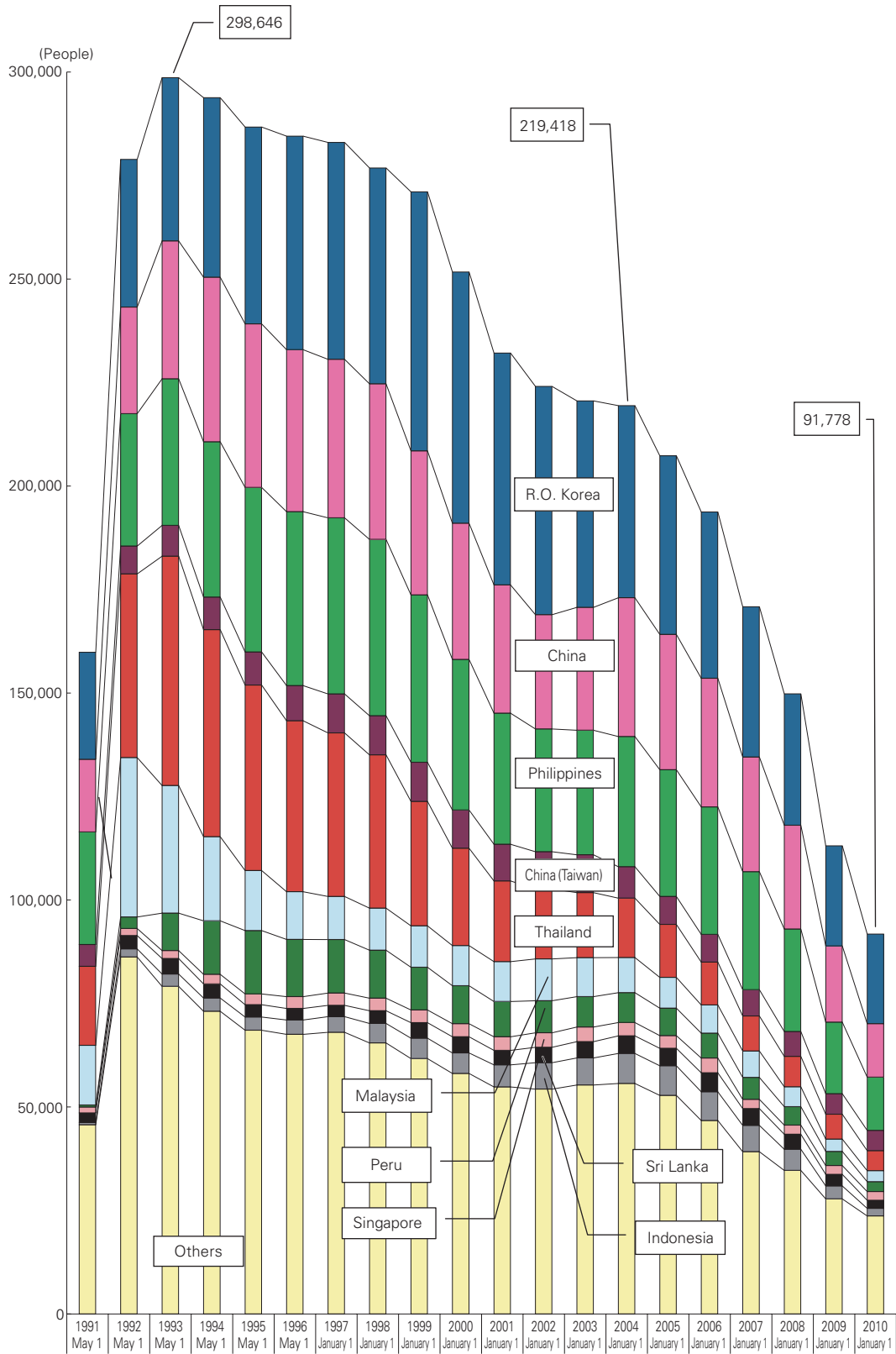
For the purpose of preventive measures against terrorism and illegal immigrants, landing examinations utilizing personal identification information were introduced in November 2007 making it mandatory for all foreign nationals (excluding special permanent residents) to provide their fingerprints and facial images at the time of the application for landing. Through the introduction of this system, the number of persons who were ordered to leave and who underwent the deportation procedures was 128 in 2007 (only after November), 807 persons in 2008 and 617 persons in 2009 and this has had a great effect in the prevention of foreign nationals who attempt to enter illegally using a forged or altered passport despite having a past history of deportation from Japan.

However, cases have also occurred where foreign nationals have attempted to bypass the landing examination which utilizes the personal identification information by using altered fingerprints and therefore accurate responses are required to handle such cases.

(2) The Status of Illegal Foreign Residents

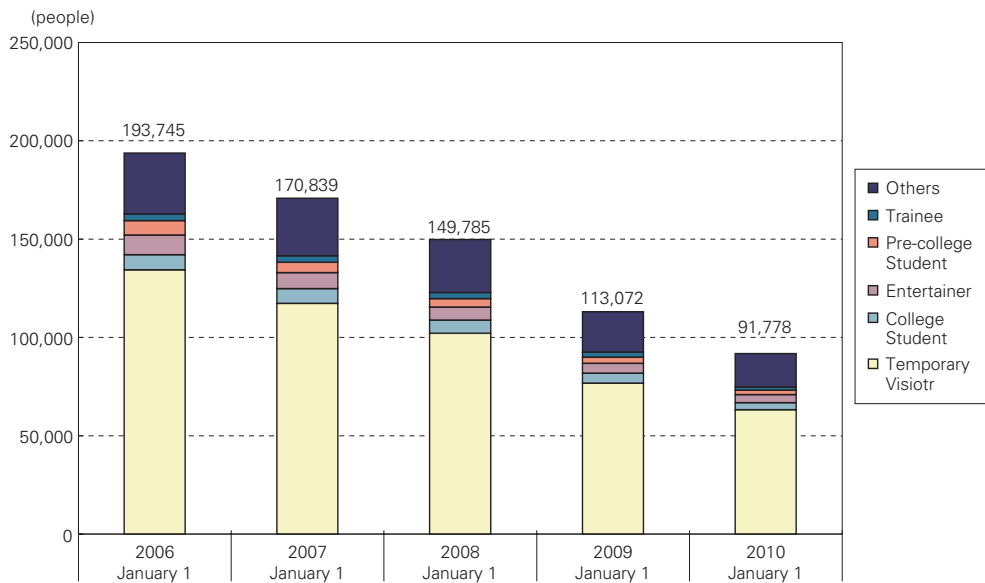
According to the computerized statistics of the Immigration Bureau, it is estimated that the number of people illegally overstaying reached a peak of approximately 300,000 foreign nationals at the time of May 1, 1993 and has since been declining. In particular, after 2004, as a result of the implementation of comprehensive measures against illegal foreign residents based on “The Plan to Halve the Number of Illegal Foreign Residents within Five Years”, the number stood at approximately 92,000 at the time of January 1, 2010 and has since been declining consistently. Taking a look at this number by nationality (place of origin), the Republic of Korea accounted for 23.6% of the total with 21,660, followed by China with 12,933 nationals (14.1%), the Philippines with 12,842 nationals (14.0%) and others (*Chart 13*).

Chart 13 Changes in the estimated number of foreign nationals overstaying by nationality (place of origin)



In addition, looking at the statuses of residence just before illegally overstaying, the status of residence of “Temporary Visitor” for 63,169 foreign nationals (68.8%) accounted for the most ([Chart 14](#)).

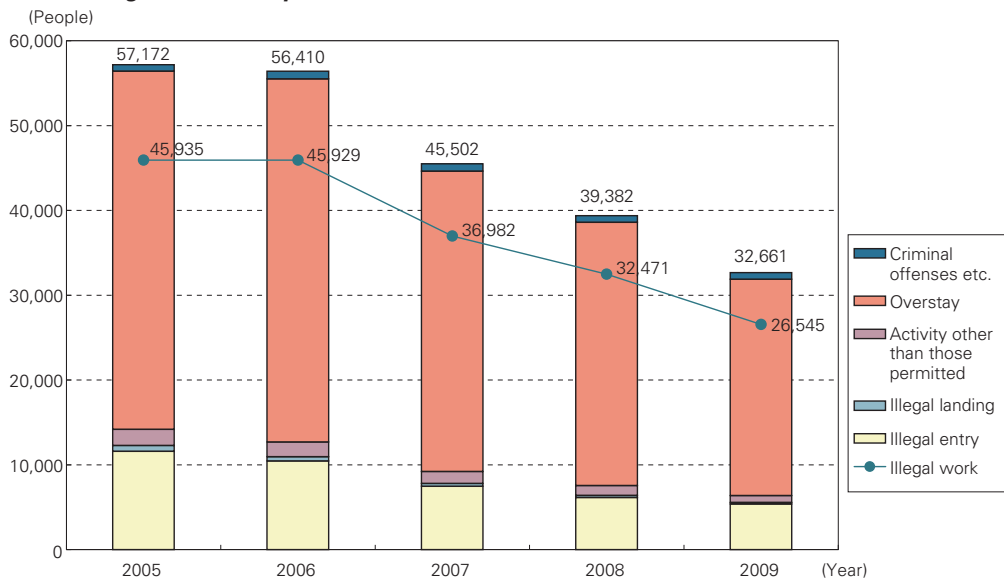
Chart 14 Changes in the statuses of residence just before overstaying the authorized period of stay



Furthermore, the number of foreign nationals who are hiding, having entered illegally by being smuggled into the country, is thought to be between 13,000 and 22,000, and if this number is added to the number of foreign nationals illegally overstaying, it is estimated that the number of illegal foreign residents in Japan is around 110,000.

Next, the number of violators of the Immigration Control Act against whom deportation procedures were carried out by the Immigration Bureau declined to 32,661 in 2009, down 17.1% when compared to the previous year corresponding to the decrease in the number of persons illegally overstaying. Taking a look at this by nationality (place of origin) the largest number came from China with 9,522 nationals accounting for 29.2% of the total followed by the Philippines, the Republic of Korea, Thailand and Indonesia and the total for these five countries made up 71.3% of the total. In addition, taking a look at the reason for the deportation procedures, the number of foreign nationals illegally overstaying was 25,503 in 2009 making up 78.1% of the total and the number of foreign nationals illegally entering was 5,373 making up 16.5% of the total (**Chart 15**).

Chart 15 Changes in the number of cases of violation of the Immigration Control Act by grounds for deportation

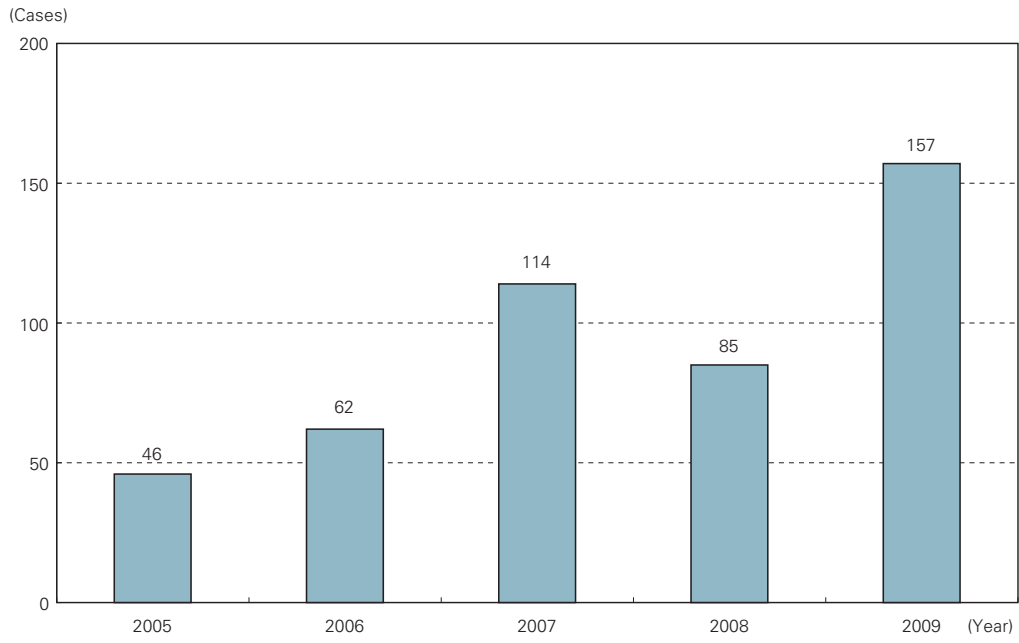


Moreover, out of the foreign nationals against whom the deportation procedures were carried out in 2009, the number of persons determined to have been working illegally was 26,545 persons comprising 81.3% of the total number of violators of the Immigration Control Act and therefore most of the illegal foreign residents were working illegally. Looking at the percentage of work locations by prefecture, Tokyo ranked as number one accounting for 17.4% of the total but this was half of the number when compared with the 36.2% of 2005. On the other hand, looking at other regions; for example, Aichi prefecture, the percentage was 7.4% in 2005 but rose to 14.8% in 2009 and the percentage in Kanagawa prefecture was 9.7% in 2005 and rose to 13.3% in 2009 reflecting the fact that the work locations of illegal foreign residents is spreading to other regions outside of Tokyo.

(3) Revocation of the Statuses of Residence of False Residents

Of the foreign nationals residing in Japan, there are a number of false residents, in other words, foreign nationals who have obtained landing permission by falsifying their status or activities such as through fake marriages or fake study, and have been working illegally without performing the activities corresponding to their status of residence; and in order to deal strictly with such persons, a system for the revocation of statuses of residence was established through the amendment of the Immigration Control Act in 2004. Looking at the state of status of residence revocations pursuant to the system which was enforced from December 2004, the number was 46 in 2005 but increased to 157 in 2009 (**Chart 16**). Concerns exist that, in the future, the number of false residents under the guise of legitimate residency will increase in the face of the strict border measures and detection on illegal foreign residents.

Chart 16 Changes in the number of revocations of statuses of residence

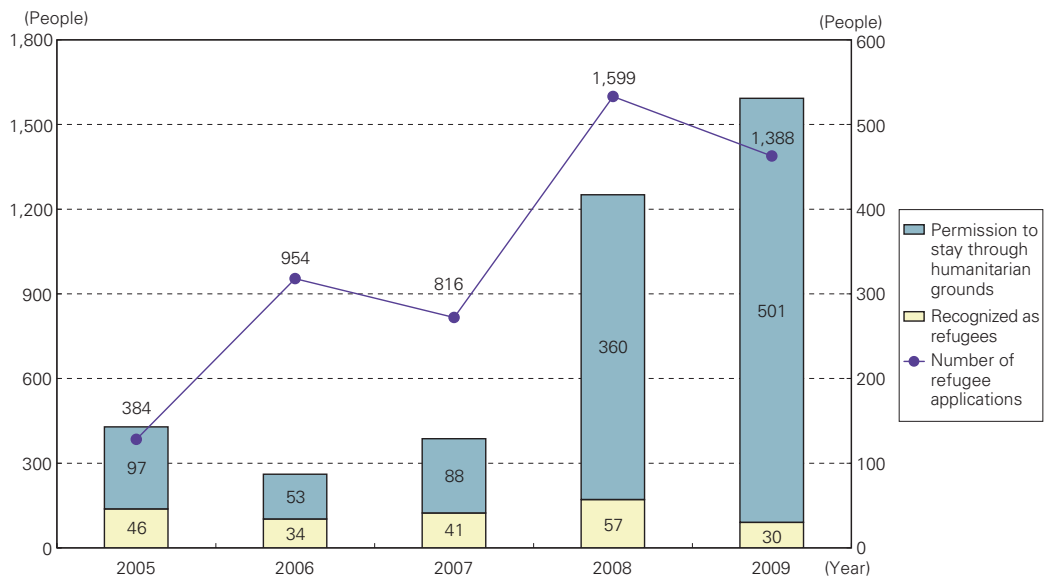


3 Refugee Recognition Applications

The number of foreign nationals applying for recognition of refugee status has been increasing considerably in recent years, and while there were only 384 applicants in 2005, it reached 1,599 in 2008, which was the highest number in the past, and in 2009 as well, a high level of 1,388 applicants was maintained. Moreover, the number of foreign nationals who were recognized as refugees in recent years has been moving between 30 to 50, and was 30 in 2009.

If an applicant, who is not recognized as refugees, is unable to return to his/her home country due to situational problems in his/her country or has some other special reason requiring that his/her stay in Japan, special permission to stay in Japan may be granted when humanitarian consideration is necessary, taking the situation into consideration on a case-by-case basis. In 2009, 501 applicants were allowed to stay in Japan, which was the largest number in the past (*Chart 17*).

Chart 17 Changes in the number of Convention refugee applicants and protected refugees





Key Issues of the Immigration Control Administration and Future Policies



Smooth Acceptance of Foreign Nationals Vitalizing Japanese Society

The immigration control administration has been responding to the developments in the internationalization and globalization of Japan and has been endeavoring to achieve the smooth acceptance of foreign nationals, who are needed in Japanese society, such as foreign nationals in Professional or technical fields, and has accordingly been striving for stability and prosperity in people's lives and the healthy development of the internationalization of Japanese society.

Today, against the backdrop of a serious decline in the population as a result of the declining birthrate and the aging of our society, we are faced with the challenge of maintaining the vitality of Japanese society and, in the midst of the dramatic economic growth of the countries in the Asian region, in terms of incorporating the vitality of the region into Japan, it is required that the acceptance of foreign nationals who are needed by Japanese society is carried out even more proactively.

Therefore, with regard to the strategies to strongly attract foreign nationals who will be able to revitalize Japanese society such as highly-qualified human resources, foreign students and tourists of foreign countries starting with the Asian countries, while paying due attention to the impact that such acceptance will have on industries, people's lives and the security of Japan, we will be taking the following measures in coordination with the strategies in other administrative areas for the preparation of an environment for the acceptance of such foreign nationals.

(1) Acceptance of Human Resources Who Meet the Needs of Society Such as through Contributing to Economic Growth

(a) Introduction of a Preferential System Utilizing Points-Based System for Highly-Qualified Human Resources

From the perspective of contributing to the vitalization of the Japanese economy and society, when it comes to accepting foreign nationals for the purpose of work in Japan, we will be conducting proactive acceptance of those foreign nationals who possess specialized knowledge, technology or skills (hereinafter referred to as "foreign nationals in professional or technical fields"), but even of these foreign nationals, since it is expected that highly-qualified human resources who possess particularly high-level knowledge and skills will contribute greatly to the creation of a new vitality in the Japanese economy and society and to the strengthening of international competitiveness, it is necessary to strongly promote the acceptance of such highly-qualified human resources, who vitalize Japanese society in this manner, in order for

Japan to be able to achieve sustained economic growth amid the serious decline in the population owing to the declining birthrate and the ageing of society.

In order to promote the acceptance of such highly-qualified human resources who are highly sought after in the human resources competition for talent around the world, it is first extremely important to prepare an employment and working environment and social and living environment which is attractive to such highly-qualified human resources, and it is necessary for the entire government to work on the preparation of such. As well as these efforts, as a measure to promote the acceptance of highly-qualified human resources, the immigration control administration will give consideration to introducing preferential immigration control measures for highly-qualified human resources using a points-based system.

To expand on this system, in accordance with the characteristics of various fields, certain categories will be established such as “academic background”, “qualifications”, “professional background” and “research achievements” for those human resources whom Japan would like to strategically promote acceptance of as proffering innovative and highly-valued services; for example, 1) the human resources of the “academic research field” such as researchers, scientists and college professors, 2) the human resources of the “highly-professional and highly-technical field” possessing advanced qualifications, specialized knowledge and skills such as doctors and lawyers, and engineers in the information technology field, and 3) the human resources of the “management and supervision field” such as business owners and senior executives. Points shall be awarded for each of the categories and various preferential immigration control measures on guarantee for smooth entry into Japan and stable residence will be taken for those persons who have accumulated a certain number of points.

(b) Promotion of the Acceptance of Foreign Nationals in Professional or Technical Fields in Response to Changes in the Economy and Society

From the perspective of revitalization of the Japanese economy and society, we will also continue to actively accept foreign nationals who possess expertise or skills in various fields including such areas as the arts, sports and skills.

When, owing to economic and social changes in Japan, new needs arise for the acceptance of human resources in professional or technical fields, such needs will be carefully assessed and even if they do not come under the requirements for the current statuses of residence or landing permission, while taking into account the effects on the Japanese labor market, industries and lives of the people, acceptance will be promoted for those foreign nationals working in fields which are evaluated as professional or technical by such means as reviewing the requirements for the status of residence or landing permission.

Moreover, bearing in mind how diversely human resources are utilized in business corporations, in order to allow a broad range of activities for foreign employees in professional or technical fields of corporations, we will be considering such measures as reviewing the statuses of residence of “Specialist in Humanities/International

Services” and “Engineer” after having thoroughly assessed the actual work circumstances of the foreign employees.

Furthermore, we will continue to take measures to promote acceptance through mutual recognition with other countries of qualifications relating to information processing technology and, in addition, even in other areas, in cases where such expertise or technical skills are assured through the possession of national qualifications or the mutual recognition of qualifications, a review will be conducted such as easing the requirement of work experience.

In addition, from the perspective of supporting such business activities which are necessary in responding quickly to the changes in domestic and international economic conditions, we will be further strengthening measures to simplify the documents which are to be submitted in the application for issuance of a certificate of eligibility and other applications and to speed up the time taken for the screening examinations.

(c) Acceptance of Foreign Nationals Possessing Japanese National Qualifications in the Medical and Nursing Care Field

Against the backdrop of the rapidly declining birthrate and aging of society in Japan, in recent years, active debate has been taking place concerning the acceptance of foreign nationals in the medical and nursing care field.

At present, out of the foreign nationals residing in Japan with the status of residence of “Medical Services”, the number of years of work is restricted, in principle, in the case of dentists to within six years after acquiring a dentistry license, within seven years for nurses after acquiring a nursing license and within four years for public health nurses, birthing assistants and assistant nurses after acquiring a license. However, there has been criticism that there is no need to limit the number of years of work for such persons possessing such specialized national qualifications, and therefore, consideration is being given to revision with regard to the landing permission conditions pertaining to the years of work for dentists, nurses and other such medical professionals.

In addition, with regard to the acceptance of foreign nationals in the field of nursing care, at present, exceptional acceptance is being conducted based on the Economic Partnership Agreement (EPA) with Indonesia and the Philippines, and bearing in mind the employment status of the foreign care workers accepted through the Economic Partnership Agreement and the fact that this field is positioned as an important field for creation of employment for domestic human resources, we will be giving consideration to allowing the acceptance of those foreign nationals who have graduated from Japanese colleges or other schools and who have acquired certain national qualifications such as those of certified careworkers.

(2) Acceptance of Foreign Nationals of Japanese Descent

Focusing on the fact that the descendants of Japanese nationals have a special relationship with Japan, such foreign nationals of Japanese descent are accepted into the country, and in the past they supported the local economy by engaging in field work in the manufacturing sector where there was a labor shortage and, through their vitality, contributed to the development of the Japanese economy, and furthermore, brought a diverse culture and vitality to the local communities. On the other hand, however, the different cultural backgrounds, values and customs, combined with inadequate Japanese language skills caused, at the very least, some friction and conflict with the local communities. In particular, since the latter half of 2008, amid a rapidly worsening economic situation, the problems pertaining to the employment, housing and education of the children of foreign nationals of Japanese descent, who were working in unstable employment conditions such as being employed through dispatch or contract work, have been worsening.

The relevant ministries and agencies are working together to resolve the problems in various administrative fields such as the problems of the working conditions of employment and the problems concerning the education of the children of foreign nationals of Japanese descent, but it is also important that such foreign nationals fulfill their duties as a member of Japanese society while living a stable life in the Japanese community, and from such a perspective, the immigration control administration is giving consideration to reviewing the requirements for the entry and residence of those foreign nationals of Japanese descent who wish to enter or reside in Japan, paying particular attention to ensuring that this does not place an excess burden on the foreign nationals of Japanese descent already residing in Japan.

In addition, in order to ensure the healthy development of the children of foreign nationals of Japanese descent and to give them an opportunity to enhance their social status, it is important to at least ensure that school-age children receive primary and lower secondary education, and in cases where it is found in the examination for the renewal of the period of stay that school-age children are not attending school, we will be implementing measures to promote school attendance in coordination with other relevant organizations.

(3) Further Promotion of International Exchange

(a) Efforts to Achieve a Tourism-Oriented Country

The actualization of a tourism-oriented country has significance in realizing a prosperous life for Japanese people by revitalizing the local economy, expanding employment opportunities, manifesting the economic benefits of related industries and increasing international mutual understanding, and therefore the Japanese government as a whole has been working to expand the acceptance of foreign tourists such as by formulating the Basic Plan for Promotion of a Tourism Nation (Cabinet decision, June 29, 2007) and the “New Growth Strategy (Basic Policy)”

(Cabinet decision, December 30, 2009) which aims to increase the number of foreign visitors to Japan to 25 million visitors by 2020 and to increase the number to 30 million sometime in the future.

The immigration inspection at the airport, which is the first experience of Japan for foreign travelers, has a significant impact on the impression that foreign travelers receive of Japan. Therefore, in the immigration inspection, while properly excluding those persons who intend to stay illegally, it is important to allow smooth entry of genuine travelers so that they will receive a good impression of our country. As one of the efforts to further reduce the waiting time for inspections in airports which has a great influence on the impression of travelers, we have been striving to improve administrative services by effectively utilizing the Advance Passenger Information System (APIS), implementing “secondary examination” in the immigration inspection where suspect travelers are examined separately in another room so that the inspection of the other travelers is not delayed, steadily implementing flexible assignment of immigration inspectors and displaying the waiting time for inspections.

In addition, as well as dispatching immigration inspectors to local airports in order to respond to the increase in international scheduled flights and international charter flights, so that the passengers of large cruise ships, which stay in port for only a short time, can make the most of their sightseeing, on-board inspections are carried out where advance inspections are actively carried out before arrival at the port by having immigration inspectors board the ships in advance.

Furthermore, with regard to the automatic gates which make immigration procedures much smoother through having Japanese nationals and foreign nationals who possess re-entry permits register their information in advance, we are planning to further expand use by going directly to private corporations and registering those persons who wish to be registered.

(b) Expansion of Youth Exchange through the Working Holiday Program

In promoting international exchanges with foreign countries, the exchange of young people, who are responsible for the future development of their country, is particularly important; and recognizing that we will be able to enhance our standing in the international community, by spreading our country’s treasured culture to the world and by fostering and increasing interest in and love of Japan, for the purpose of further expanding the exchange of young people responsible for the future of the country, we will be giving consideration to expanding the scope of countries eligible for the working holiday program in cooperation with the Ministry of Foreign Affairs, while paying careful attention to potential abuse of the system and, in addition, we will be promoting the use of the internship scheme where the students of foreign colleges are able to participate in the internship scheme conducted by Japanese companies as work experience.

(c) Further Activation of Exchanges between Business People

In addition to deepening exchanges with countries in the Asia Pacific region and

incorporating the vitality of the economic growth of these countries into Japan, an important issue for Japan is to contribute to the development of the overall region, and therefore there is a need to continue implementing measures to intensify personnel exchanges with people of countries in the region.

(4) Promotion of the Appropriate Acceptance of Foreign Students

The acceptance of foreign college and pre-college students (hereinafter collectively referred to as “foreign students”) is significant in strengthening international goodwill, deepening mutual understanding and friendly relations through the formation of human networks, contributing internationally to human resource development and creating an international environment for university and school campuses and, in addition, since the acceptance of foreign students is also significant as the acceptance of human resources who will be responsible for the economic activities of Japan, in order to expand such, the “Plan for 300,000 Foreign Students” was established as a target for the government, and the entire government has been working on measures for its actualization.

Aiming to actualize the plan, the immigration control administration has been coordinating with educational institutions and has been thoroughly ensuring appropriate management of foreign residents, and moreover, has greatly simplified the documents to be submitted in the application by those colleges and other schools which are deemed to be properly managing student enrollment and ensuring that students are not overstaying or working illegally and, in addition, with regard to foreign students who wish to work in Japan utilizing the specialized knowledge and Japanese language skills acquired at Japanese colleges and other schools, since they are significant as human resources responsible for the economic activities of Japan, we have been promoting the proper and smooth acceptance of such foreign students by such means as further facilitating the procedures for changes to their status of residence.

(5) Efforts to Ensure Appropriate Training and Technical Internship Programs

The training and technical internship programs are intended to contribute internationally in supporting the training of the human resources of the developing countries, and while the scheme is being steadily utilized mainly by small and medium-size business enterprises, the problem of trainees and technical interns essentially being treated like low-wage workers has become evident especially in cases of acceptance through association-supervised scheme, and measures to ensure appropriate usage of the scheme have become a pressing need.

In order to deal with this situation, through the amendment of the Immigration Control Act in 2009, measures were taken to reinforce protection of the trainees and technical interns but, based on the amendment and related newly legislated ministerial ordinances, the measures given below are to be further taken to ensure appropriate operation of the training and technical internship programs.

Moreover, since the complete overhaul of the scheme is closely related to the issue of the acceptance of foreign nationals who do not belong to professional and technical fields, in this regard, taking into account case examples from other countries and national consensus, consideration will also be given to solutions to the problem of foreign nationals who do not belong to professional and technical fields.

(a) Measures Pertaining to the Protection of Technical Interns

In the new scheme, practical trainees who were not previously recognized as workers will become eligible as “workers” under the Labor Standards Act, the Minimum Wages Act and other labor-related laws and regulations. In order for the amendments to be effective, we will be striving to protect technical interns through further close coordination with the Labor Standards Office and other related organizations.

(b) Strengthening Supervision by Associations and Strict Measures against Organizations Committing Misconduct

With regard to the new scheme, in cases of acceptance of technical interns through associations such as business cooperatives, supervision by the association is reinforced by having the association supervise the implementation of internship from the time of entry into the country up until the time of departure. Further, in addition to clear wording in the ministerial ordinances that inappropriate acceptance will be subject to the grounds for recognition of misconduct, the measures to be taken against misconduct will be strengthened such as extending the period of suspension of acceptance with regard to the supervising associations and organizations implementing technical internships, which have committed misconduct. As well as publicizing the aforementioned measures, through the use of thorough investigation into the actual state of affairs, we will be steadily monitoring and dealing with the associations which have failed in their supervisory duties and the organizations which have committed misconduct, and will endeavor to ensure the propriety of the supervisory associations and the organizations implementing the internship programs.

(c) Ensuring the Propriety of the Sending Organizations and Reinforcement of Efforts to Work on the Sending Countries

In addition to accurately ascertaining at the time of the immigration inspection whether or not the sending organization has been collecting illegal profits, we will be continuing in our efforts to strongly urge, through diplomatic channels, the governments of sending countries to ensure the propriety of the sending organizations and to carry out measures against brokers.

(6) Activation of a National Debate on the Acceptance of Foreign Nationals

According to the demographic statistics of the Ministry of Health, Labour and Welfare of 2008, the natural growth rate taking the difference between the number of births (1,091,156 births) and the number of deaths (1,142,407 deaths) was minus 51,251 people, and therefore the decline in the population is becoming extremely serious.

It is believed that the population decline will bring about various effects and issues for our society. Unless the decline in the labor force improves to become per capita labor productivity, it will negatively impact economic growth. Moreover, amidst the increases in medical and nursing care costs for the elderly, it is necessary to give consideration to various problems such as maintenance of the social security system, preparations to respond to the population decline in the public infrastructure of highways and railways and responses to the crisis state of underpopulated regions.

With regard to dealing with the population decline, in addition to working to improve the birth rate, it is important to work on measures such as utilizing the potential workforce of young people, women and elderly people in order to increase productivity. On the other hand, even with these measures, if difficulties or insufficiencies remain, while paying due consideration to the national consensus on issues relating to the daily lives of the people such as the impact on our industries, public safety and the labor market, there is a need to have wide-ranging debate on the future ideal image of Japan. Amidst the activation of national debates and consideration of the policies of the country as a whole, the immigration control administration will be actively participating in consideration of such policies with regard to the issues related to the future shape of Japan and the ideal image of Japanese society.

2 Promotion of Measures against Illegal Foreign Residents Aiming for the Realization of a Safe and Secure Society

While promoting measures for the appropriate and smooth acceptance of foreign nationals, in order to protect public security and the safety of the citizens, it is necessary to steadily prevent at the border the entry of such foreign nationals as those attempting to enter the country for the purpose of illegal employment and illegal activities, terrorists and stowaways, and where such persons are already residing in the country, to implement consistent and prompt deportation procedures.

On being set the target of “halving the number of illegal foreign residents within five years” which was established in the “Action Plan for the Actualization of a Society Resistant to Crime” decided at the Ministerial Meeting on Anti-Crime Measures in December 2003, the immigration control administration implemented various strategies between 2004 and 2008 in order to reduce the number of illegal foreign residents such as implementation of rigorous advance immigration inspections, implementation of rigorous landing examinations through the utilization of personal identification information (fingerprints and facial images) and the reinforcement of forged and altered document examination, enhanced detection through the assignment of full-time detection forces who are expert in carrying out detection and joint detection with the police, expansion of the detention centers and promotion of applications with voluntary appearances by illegal foreign residents through the creation of the departure order system; and as a result of implementing these measures, the number of foreign nationals illegally overstaying which stood at approximately 220,000 foreign nationals at the time of January 2004 was reduced to approximately 113,000 by January 2009 and by reducing the number of foreign nationals illegally overstaying by 48.5% over a five-year period, the target of halving the number has almost been achieved.

However, a considerable number of illegal foreign residents are continuing to hide in Japan and, in order to maintain the law and order of Japanese society and to proceed more actively with the appropriate acceptance of foreign nationals, the following measures will be taken to further reduce the number of illegal foreign residents through the promotion of measures against illegal residents such as measures at the border for strict immigration inspections and flexible detection, and in addition, with regard to recent concerns about the increase in the number of false residents working illegally in Japan under the guise of legitimate residency by falsifying their status or activities through fake marriages and fake study, we will be exposing the reality of the situation and reinforcing countermeasures. In addition, we will be appropriately handling cases taking into account the situation of those persons who have violated the law.

(1) Implementation of Border Measures for Strict Immigration Inspections

(a) Promotion of Landing Examinations Utilizing Personal Identification Information

Landing examinations utilizing personal identification information were introduced in November 2007 for the purpose of preventing terrorism and as a measure against illegal foreign residents, and such landing examinations are proving to be extremely effective in detecting cases of foreign nationals, who come under the grounds for landing refusal but attempt to enter the country by falsifying their identification items such as through the use of forged or altered passports, but recently, since a number of cases are emerging where confirmation of the identity of the foreign national is becoming more difficult due to such methods as deliberately inflicting injuries to the fingerprint areas, we will be continuing to use the latest technology and promoting further effective operation of the landing examinations in order to prevent terrorists and other dangerous persons from entering at the border.

(b) Reinforcement of Border Measures Utilizing Information in Coordination with Relevant Organizations

In coordination with the International Criminal Police Organization (ICPO) and others, a search system for information on the lost and stolen passports of each country was introduced in August 2009, and although it has become possible to exclude at the border those foreign nationals who attempt to illegally enter the country using a lost or stolen passport, we will continue to strengthen coordination with domestic and international agencies, and conduct strict landing examinations for those persons who attempt to stay illegally or stay under the guise of legitimate residency.

In particular, by strengthening coordination with the Ministry of Foreign Affairs which is responsible for conducting visa examinations, we will be promoting the utilization of information in the visa screening examinations and the landing examinations within the scope of the law.

(c) Strengthening of Measures against Foreign Nationals Illegally Entering Using Vessels

There are some concerns that, in connection with the stricter landing examinations being conducted at the airports through the introduction of landing examinations utilizing personal identification information, there will be an increase in the number of foreign nationals who attempt to illegally enter the country using vessels, so-called smuggling cases, and therefore while strengthening coordination with the relevant organizations such as the Japan Coast Guard, we will be actively conducting patrols of ports and harbors and inspections aboard vessels.

(2) Promotion of Measures against Persons Staying Illegally in Japan or under the Guise of Legitimate Residency

(a) Improvement of the System for Collection and Analysis of Information Pertaining to Illegal Foreign Residents and False Residents

In order to promote efficient and effective measures against illegal foreign residents and false residents, it is important to collect and analyze a greater amount of information on such foreign nationals and to enhance the accuracy of the collected information. Therefore, as well as striving to gather information with respect to illegal foreign residents and false residents, we will be preparing a structure to refer the acquired information and to analyze it from all angles and will be monitoring the actual circumstances such as the identification details of the illegal foreign residents and false residents, as well as identifying the workplaces of such persons.

Moreover, we intend to improve the identification capability of the regional immigration bureaus in detecting forged and altered documents and to elaborate on the cases of false residents which are becoming increasingly more complex and sophisticated.

In addition, since the information in the notification on the status of employment of foreign nationals provided by the Ministry of Health, Labour and Welfare is extremely useful in promoting measures against illegal foreign residents and false residents, we will be reinforcing cooperation with the Ministry of Health, Labour and Welfare in order to utilize such information even more effectively.

(b) Implementation of Aggressive Detection

As well as implementing concentrated detection in those regions where large numbers of illegal foreign residents are thought to be hiding, since the workplaces and places of residence of the illegal foreign residents foreign nationals are spreading out into surrounding regions outside of the urban areas, in order to respond to the smaller situations, we will be promoting flexible operation of detection teams such as joint detection between the district immigration bureaus to which detection teams are assigned and their adjacent district immigration bureaus.

In addition, we have been encouraging illegal foreign residents to appear voluntarily and have been preventing the emergence of new illegal workers through active implementation of public awareness activities to prevent illegal employment and the conducting of guidance patrols for business places.

(c) Revocation of the Statuses of Residence of False Residents

So-called false residents, who enter and reside in Japan falsifying their status or the objective of their activities in order to work illegally in Japan, ostensibly appear to possess a legitimate status of residence, and uncovering the actual situation is extremely difficult. For this reason, with regard to these types of cases, immigration control officers and immigration inspectors cooperate to collect and

analyze information and conduct investigations and, if through uncovering the actual situation, a foreign national is found to be pretending to be a legitimate resident, his or her status of residence will be revoked and he or she will undergo the deportation procedures.

(d) Reinforcement of Enhanced Coordination with the Police and Other Law Enforcement Agencies

We will be actively promoting effective and efficient detection with the cooperation of the police by enforcing the custody and detention of violators of the Immigration Control Act through joint detection or in accordance with Article 65 of the Immigration Control Act. Moreover, with regard to cases where foreign nationals are pretending to be legitimate residents, we will be striving to uncover such cases in coordination with the police and other law enforcement agencies through such methods as providing each other with information and backing up secret investigations and, in addition, with regard to such criminal acts as the submitting of a false marriage notification, we will be dealing stringently with such cases actively using accusations and notifications and seeking criminal punishment.

(e) Implementation of Prompt Deportation

Despite deportation orders being issued, there has been an increase in the number of persons who attempt to avoid deportation by not applying for a passport and persons who are difficult to deport because they are unable to meet the requirements of deportation such as the cost of return to the home country and since the continuation of such a situation leads to the deportation system lacking substance, where necessary, we have been using diplomatic channels to strongly urge the foreign diplomatic mission of the country issuing the passport of the deportee to issue the passport, and while the return home is basically meant to be paid by the deportee, we have been implementing prompt and smooth deportation by utilizing state-sponsored deportation.

(3) Efforts to Further Improve the Treatment of Detainees

In the immigration detention centers, the detainees are afforded as much freedom as possible within a scope which does not impair safety and, in order to practice treatment in line with the principles of the treatment of detainees, which entails implementing appropriate treatment while respecting human rights, we have been striving to enhance the appropriateness of treatment through such measures as appropriate operation of the system for filing complaints stipulated in the Regulations on the Treatment of Detainees.

Moreover, as well as ensuring further transparency, we have been striving for more appropriate treatment based on feedback from the perspective of a third party through the activities of the "Immigration Detention Facilities Visiting Committee" which was established in the fiscal year of 2010 and is comprised of external experts.

(4) Proper Operation of Special Permission to Stay

In accordance with the Immigration Control Act, the Minister of Justice has the authority to grant special permission to stay to violators of the law, but such decision is made for each individual case taking into consideration all of the overall circumstances such as the reason for wishing to stay, family circumstances, behavior, various internal and external circumstances, the need for humanitarian consideration and, moreover, the effects on the other illegal foreign residents.

With regard to the immigration control administration, thus far, from the perspective of ensuring the transparency and predictability of the special permission to stay, we have been taking such measures as publication of the cases where special permission to stay was granted and the cases where special permission to stay was denied (implemented when necessary since 2004) as well as the formulation and publication of “The Guidelines Relating to Special Permission to Stay” (formulated in October 2006, revised July 2009). Accordingly, we will be continuing to renew our efforts to ensure the improvement of transparency and proper operation and will be further encouraging the appearance of those persons who may possibly receive special permission to stay and, with regard to those persons who are eligible for special permission to stay, we will be appropriately granting them permission and stabilizing their legal status at the earliest possible opportunity. For such reason, in addition to publicizing the efforts of the Immigration Bureau at prefectural and public institutions, we plan to respond fully to the consultations from illegal foreign residents at the immigration information centers located in the regional immigration bureaus.

3

Smooth Introduction of a New System of Residence Management and Expansion of Immigration Control Administration Based on the System

Under the current residence management system, the Minister of Justice, based on the Immigration Control Act, obtains necessary information from the foreign national when conducting the examination pertaining to the various types of permission at the time of entry or the time of renewal of the period of stay of the foreign national and, with regard to changes in circumstances during the period of stay, the municipality monitors the information through the alien registration system which it operates. Nearly 60 years have already passed since the establishment of the current system, and during this time, due to developments in the internationalization of Japan, the number of foreign residents entering and residing in Japan has been increasing year by year and the reasons for this have diversified from tourism to work, study and training, and now there is a growing trend for foreign nationals, especially foreign nationals of Japanese descent, to settle in Japan. In this situation, some foreign nationals living in Japan who do not possess the foundation for a stable life do not file accurate applications for the alien registration, move frequently or return to their home countries although they have applied for re-entry permission making it unclear whether or not they are going to be re-entering Japan, and therefore under the present system, the state of residency and the living conditions cannot be sufficiently monitored by the Minister of Justice or the head of municipality and therefore a number of problems are emerging from the perspective of appropriate residence management and also from the perspective of the smooth provision of the administrative services which are important to actualize a society where Japanese nationals and foreign nationals can live together harmoniously.

In order to address this situation, a bill to amend the Immigration Control Act whose contents include the introduction of a new system of residence management and a bill to amend the Basic Residents' Registration Act whose contents include making foreign residents subject to the residential basic books were both submitted to the Ordinary Session of the Diet in 2009 and approved.

Both acts are due to be enforced within three years of the date of promulgation and, in coordination with the Ministry of Internal Affairs and Communications and the local governments, the smooth implementation of the new system of residence management is being planned and now, in an age of population decline in Japan, since the acceptance of foreign nationals is bound to become increasingly more important, through the process of equitable residence management, we will be appropriately operating such system as an important foundation in actualizing a society where Japanese nationals and foreign nationals can all live safely and comfortably together.

(1) Actualization of Appropriate Residence Management Utilizing Information

Under the new system of residence management, the following will be implemented with regard to foreign nationals who are residing lawfully in Japan for a medium to long term: 1) foreign nationals will be issued with a residence card accompanying the permit for landing permission, 2) foreign nationals will be obligated to file a notification with the Minister of Justice of changes in circumstances that emerge during the period of stay and 3) the college or place of study or training of the foreign national will be asked to provide information to the Minister of Justice.

In this way, with regard to the new system of residence management, not only the foreign nationals themselves but the institutional place of study or training to which the foreign national belongs will also have to provide information, and information on the places of employment will also be provided by the Ministry of Health, Labour and Welfare in accordance with the system on notification of the status of employment of foreign nationals and, while paying due consideration to the handling of the personal information of foreign nationals, we will be establishing a system to quickly and accurately analyze information and, by effectively utilizing such information in immigration control administration including measures concerning illegal foreign residents including those under the guise of legal residency, we will be accurately conducting the residence management of foreign nationals.

Moreover, in view of the fact that there is an enormous need to protect the social credibility of the residence cards, we will be dealing strictly with regard to acts of forgery or alteration of the residence cards in close coordination with the police and other relevant organizations.

(2) Efforts for the Realization of a Harmonious Society Coexisting with Foreign Nationals

Against the backdrop of a decline in the Japanese population, in the future, in order to maintain the vitality of the local communities, it will be essential to create a society where all people, including foreign nationals, help each other and where capabilities can be maximized and, from this perspective, there is a further need to promote harmonious coexistence with foreign nationals in the region.

In order to create a society where Japanese nationals and foreign nationals are able to live together harmoniously, it is essential to implement coordination over a wide range of administrative areas and to implement comprehensive policies, and from such a viewpoint, it is important that the relevant government ministries and, moreover, local governments act together as one in implementing the policies.

With the introduction of a new system of residence management, the current alien registration system will become obsolete and foreign nationals residing lawfully in Japan for a medium or long term will, like all Japanese nationals, become subject to the Basic Residents' Register System created by the municipalities. Therefore, with the Minister

of Justice appropriately providing the prefectures with accurate information on matters relating to basic identification information, the status of residence and period of stay of foreign nationals obtained through the new residence management system, we will be helping foreign residents use the various administrative services provided by the municipalities which include health insurance, pensions and child benefits.

In addition, through the introduction of the new system of residence management, since we will be able to continuously and accurately monitor the information necessary for the residence management of foreign nationals, we will be promoting such measures as waiving the submission of certain documents and newly simplifying the procedures for the application for extension of the period of stay or changes to the status of residence in order to reduce the burden on foreign nationals.

Moreover, of those foreign nationals residing with the status of residence of “Permanent Resident”, with regard to those persons who are particularly likely to settle in Japan, while taking into account the historical background, we will be giving consideration to the method of such residence management with a view to contributing to the stability of their life in Japan.

4

Promotion of Appropriate and Prompt Refugee Protection

Recognizing the acceptance of refugees to be an important duty in fulfilling its role in the international community, Japan successively ratified the Convention Relating to the Status of Refugees in 1981 (hereinafter referred to as the “Refugee Convention”) and the Protocol Relating to the Status of Refugees in 1982 and established a structure necessary for the procedures for refugee recognition. In May 2005, a system of refugee examination counselors was newly established and with regard to decisions on objections filed against the decision of denial of refugee recognition, the Minister of Justice must hear the opinions of the refugee examination counselors who are external experts with knowledge of international affairs, and in this way, the fairness and neutrality of the refugee recognition system is sustained.

Moreover, in the late 1970s and early 1980s, with regard to the Indochinese refugees who fled from Viet nam, Laos and Cambodia to surrounding areas owing to changes in the political regime, as a member of the international community, Japan accepted such refugees from 1978 even before ratifying the Refugee Convention and the end of fiscal year 2005 when the acceptance was finished, we had accepted more than 10,000 refugees from Indochina.

In this way, Japan has been steadily making efforts for the protection of refugees. Moreover, amid the ever-changing international situation, we will need to protect refugees even more appropriately and promptly.

(1) Efforts for Appropriate and Prompt Refugee Recognition

In recent years, the number of applications for recognition of refugee status in Japan has been increasing rapidly, and correspondingly the period of examination of the applications is becoming more prolonged, therefore stabilization of the legal status of those persons who should be recognized as refugees at the earliest possible opportunity is considered to be an issue.

In the operation of the refugee recognition system, while excluding foreign nationals pretending to be refugees, it is important to fulfill our responsibilities in the international community by ensuring the steady protection of genuine refugees, and while ensuring fairness and neutrality, it is necessary to promote appropriate and prompt examinations.

In this regard, in coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR), we will be preparing basic materials concerning information on the countries of origin and on international situations, training personnel to develop specialized knowledge and accurate investigative skills and striving to further improve the refugee examination counselors system and, in addition, we will be preparing a structure for refugee recognition administration, endeavoring to enhance the operation of permission for provisional stay and early stabilizing the legal status of persons who

should be recognized as refugees, and will be offering such protection by strengthening cooperation with the relevant organizations.

In addition, we will be considering the setting of targets for the handling period of refugee recognition examinations.

Further, with regard to applicants who do not come under the definition of “refugee” given in the Refugee Convention, for example, those who are unable to return their home countries because of circumstances in their home countries or those who have some other special reason requiring that they stay in Japan, taking the circumstances of the individual into account will be granted special permission to stay in Japan, if humanitarian consideration is necessary. In this way, we intend to continue handling matters taking the circumstances in which applicants are placed into due consideration.

(2) Acceptance of Refugees through Resettlement to a Third Country

From the perspective of appropriately sharing the burden of refugee problems in the international community, in light of the fact that the Office of the United Nations High Commissioner for Refugees (UNHCR) is urging each country to accept refugees through resettlement to a third country where refugees who were initially offered temporary asylum in refugee camps are moved to a third country, based on the “Concerning the Implementation of Pilot Case relating to the Acceptance of Refugees by Resettlement to a Third Country” (approved by the Cabinet on December 16, 2008), Japan will commence to accept Myanmar refugees who were initially offered temporary asylum in Thailand in fiscal year 2010. This pilot case is also intended as a test of acceptance of resettlement to a third country and, we will be smoothly implementing acceptance in coordination with the relevant government agencies, and also, on the basis of investigations and verified results concerning the settlement in Japan of the accepted refugees, we will proceed with our consideration of what a future acceptance should be.

5 Other Items

(1) Development of the Immigration Control System

In addition to steadily implementing the matters described in this plan, promoting further proper and smooth acceptance of foreign nationals and contributing to the development of Japanese society, we will be continuing to develop the immigration control system so as to firmly exclude those foreign nationals who pose a threat to the security of Japan such as terrorists and to appropriately operate and utilize the new system of residence management as the foundation for immigration control administration.

(2) Further Promotion of International Cooperation

Immigration control is a vital area of international cooperation for measures against terrorism and illegal immigration. Therefore, starting with the immigration control authorities of other countries, it is necessary to further develop cooperative links with relevant overseas organizations and, as such, Japan will be actively participating in international conferences and promoting international cooperation on the occasions like hosting immigration control seminars. At the same time, in order to further promote appropriate immigration control, we will be active on matters like exchanging information with the immigration control authorities of other countries.

(3) Consideration for the Victims of Trafficking in Persons

Assault through human trafficking or spousal violence is a serious human rights violation which is also a criminal act and, in the immigration control administration, we will continue to steadily implement past measures and, paying due consideration to the circumstances of the many victims who inadvertently fall into a state of illegally overstaying through unavoidable circumstances, we will be offering appropriate protection to such persons as victims of human rights abuses and, with regard to the present measures for protection of victims, in order to further spread publicity to the relevant organizations, we will be actively promoting public relations activities and coordination with relevant organizations. In addition, we will also be actively exchanging information with other countries starting with the sending countries of the victims of trafficking in persons.

(4) Proper Operation of the Alien Registration System and a Smooth Transition to the New System

Along with the enforcement of the amendment act of the Immigration Control Act whose contents mainly concern the introduction of a new system of residence management,

the current alien registration system will be abolished and the amendment of the Basic Residents' Registration Act, whose contents make foreign residents newly subject to the Basic Residents' Register, will enter into effect, and in order to accurately implement these acts, it is essential to properly establish system coordination between the Minister of Justice and the heads of the municipality. Therefore, with regard to measures to ensure accurate implementation of the acts and a smooth transition from the current alien registration system to the new system, we will be considering and conducting suitable strategies in coordination with the Ministry of Internal Affairs and Communications and the local authorities. In addition, with regard to the state of progress, we will be providing information to the municipalities and foreign residents seizing opportunities such as training sessions for the municipality officials.

In addition, in order to ensure a smooth transition to the new system, there is first a need for the accuracy of the current alien registration system to be improved and therefore we will be seeking to further improve operation of the current alien registration administration work in order to further improve the accuracy of the registered matters. For example, if the municipality believes the residential circumstances of a foreign national to be suspect, since it will be necessary for the municipality to ascertain whether or not the foreign national has left the country, if an inquiry is made by the municipality, we will be responding as quickly as possible in order to contribute to the determining of such facts and, in this way, will be improving operations.

Moreover, with regard to those foreign nationals who are residing in Japan without possessing a legitimate status of residence, which means that they will not come under the scope of amended Basic Residents' Registration Act, from the perspective of ensuring that they do not receive public benefits, depending on the need, consideration will also have to be given to appropriate management of the records of such foreign nationals and, with regard to those foreign nationals for whom a certain period of time has passed after being granted provisional release in accordance with the Immigration Control Act, the Ministry of Justice will consider, in coordination with the Ministry of Internal Affairs and Communications and the local governments, promptly notifying the municipality of the place of residence and the family relationships of the foreign national concerned.

Outline of the Basic Plan for Immigration Control (4th edition)

Future Policies of the Immigration Control Administration

- In the midst of an era of a serious population decline, from the perspective of maintaining the vitality of our society as well as supporting sustainable development and incorporating the vitality of the Asian region into Japan, promotion of the policy of actively accepting foreign nationals
- In order to maintain social order in Japan and to protect public security and the safety of the people, assured prevention at the border of terrorists and criminals who attempt to enter the country and, in addition to strong promotion of measures against the illegal foreign residents already making up large numbers in the country and the false residents whom it is feared will increase in number in the future, appropriate handling of cases taking into account the situation of those foreign nationals who have violated the law
- Appropriate operation of the new system of residence management which is to be introduced for the purpose of accurately monitoring the residence and stay of foreign nationals and, in addition to appropriate residence management utilizing information, the provision of information necessary in facilitating the implementation of the administrative services offered by the local authorities and in striving for enhanced convenience for foreign nationals in order to respond to the increase in the number of foreign residents and the diversification of their activities
- Promotion of the appropriate and prompt protection of refugees, as a member of the international community

Concrete Strategies

Smooth Acceptance of Foreign Nationals Vitalizing Japanese Society

1. Acceptance of Human Resources Who Meet the Needs of Society Such as through Contributing to Economic Growth

- Introduction of a preferential system utilizing points-based system for the active acceptance of highly-qualified human resources
 - Review of the status of residence of foreign nationals employed by corporations in order to respond to the diverse utilization of human resources in the corporations
 - Promotion of the acceptance of foreign nationals whose expertise and technical skills are assured through their qualifications
 - Further improvement to simplify the documents to be submitted in the application for issuance of a certificate of eligibility of foreign nationals employed by corporations and acceleration of the examination process
 - Review of the restrictions on years of work for foreign nationals qualified as dentists, nurses and other medical professionals
 - Consideration of the acceptance of foreign nationals who have graduated from a Japanese colleges and have acquired national qualifications in light of the status of employment of careworkers accepted through EPAs
- ##### 2. Acceptance of Foreign Nationals of Japanese Descent
- Consideration for review of the requirements for entry of foreign nationals of Japanese descent from the perspective of leading an independent and stable social life in the local community
 - Confirmation of school attendance in the examination for renewal of the period of stay to ensure the healthy development of the children of foreign nationals of Japanese descent

3. Further Promotion of International Exchange

- Promotion of efforts aiming for a tourism-oriented country
- Expansion of youth exchange through the working holiday program
- Consideration of smooth immigration procedures aiming for further activation of exchanges between business people

4. Promotion of the Appropriate Acceptance of Foreign Students

- Implementation of appropriate and smooth immigration and residence examinations aiming to reach the target of the Plan for 300,000 Foreign Students
- Promotion to facilitate the procedures for changes to the status of residence of those foreign nationals wishing to work for Japanese corporations

5. Efforts to Ensure Appropriate Training and Technical Internship Programs

- Ensuring protection of technical interns in close cooperation with the Labor Standards Office
- Ensuring appropriate operation by the supervising associations and organizations implementing training based on thorough investigations into the actual state of affairs
- Reinforcement of examinations aimed at ensuring the propriety of the sending organizations and reinforcement to work on the sending countries

6. Activation of a National Debate on the Acceptance of Foreign Nationals

- Active participation in consideration of policies in the midst of national debates and consideration by the government as a whole of strategies with regard to the acceptance of foreign nationals in an era of a population decline

Promotion of Measures against Illegal Foreign Residents Aiming for the Realization of a Safe and Secure Society

- 1. Implementation of Border Measures for Strict Immigration Inspections**
 - Promotion of landing examinations utilizing personal identification information
 - Reinforcement of border measures utilizing information in coordination with domestic and international relevant agencies
 - Strengthening of measures against foreign nationals illegally entering using vessels through patrols of ports and harbors
- 2. Promotion of Measures against Persons Staying Illegally in Japan or under the Guise of Legitimate Residence**
 - Improvement of the system for the collection and analysis of information pertaining to illegal foreign residents and false residents
 - Implementation of aggressive detection to deal with the spreading out of the workplaces of illegal foreign residents
 - Revocation of the statuses of residence of false residents and enhanced coordination with the police and other law enforcement agencies
 - Implementation of efforts aimed at prompt deportation
- 3. Efforts to Further Improve the Treatment of Detainees**
 - Ensuring transparency and appropriateness of treatment through the activities of the Immigration Detention Facilities Visiting Committee
- 4. Proper Operation of Special Permission to Stay**
 - Promotion of measure to improve the transparency of the special permission to stay
 - Stabilizing legal status of persons who are eligible for permission quickly through proper operation of special permission to stay

Smooth introduction of a New System of Residence Management and Expansion of Immigration Control Administration Based on the System

- 1. Actualization of Appropriate Residence Management Utilizing Information**
 - Actualization of appropriate residence management through prompt and accurate analysis of the state of residence
- 2. Efforts for the Realization of a Harmonious Society Coexisting with Foreign Nationals**
 - Improvement of the various administrative services provided by the municipality for foreign residents through the provision of appropriate information to the prefecture
 - Promotion of simplification of the application procedures for residence from the perspective of reducing the burden on foreign residents

Promotion of Appropriate and Prompt Refugee Protection


- 1. Efforts for Appropriate and Prompt Refugee Recognition**
 - Early stabilization of the legal status of refugees and ensuring the fairness and neutrality of the refugee recognition system
- 2. Acceptance of Refugees through Resettlement to a Third Country**
 - Smooth implementation of a pilot case and consideration for future acceptance

Other Items

- Development of the immigration control system
- Consideration for the victims of trafficking in persons
- Proper operation of the alien registration system and a smooth transition to the new system

Realization of “a vibrant, prosperous society, “a safe and secure society” and a “harmonious society coexisting with foreign nationals”

Basic Plan for Immigration Control
4th edition

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