

Changes to the Immigration Control Act

Outline of the 2009 Partial Amendment to the Immigration Control and Refugee Recognition Act and other statutes

Introduction

The law for partial amendment to the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, Inter Alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (hereinafter referred to as “the amended law”) was passed and enacted at the regular Diet session of 2009, and promulgated on July 15, 2009.

The amended law stipulates the introduction of a new system of residence management including issuance of a Residence Card. It also contains new provisions such as the issuance of a Special Permanent Resident Certificate, revision of the training and technical internship programs, integration of the statuses of residence of “College Student” and “Pre-College Student”, and establishment of the Immigration Detention Facilities Visiting Committee.

Major Points of the Amendment

What Will Change?

1. Introduction of a new system of residence management including issuance of a Residence Card (※)
⇒ See page 2 for details
2. Issuance of Special Permanent Resident Certificates to those who qualify (※) ⇒ See page 4 for details
3. Revision of the training and technical internship programs ⇒ See page 4 for details
4. Integration of the statuses of residence of “College Student” and “Pre-College Student”
5. Establishment of the Immigration Detention Facilities Visiting Committee
6. Clear wording of the prohibition of deportation under conventions including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (* note 1)
7. Establishment of a special exception on the period of stay for those who filed applications such as extension of the period of stay
8. Establishment of special exceptions with respect to denial of landing
9. New requirement for crew members with landing permission to carry and present identification such as a valid crew member's pocket-ledger
10. Establishment of conditions for deportation in order to appropriately deal with activities involving encouragement of illegal employment

※ Upon introduction of the new system(1&2),the current alien registration system shall become defunct

Effective Dates* note 2

- Within three years from the date of promulgation ⇒ 1 & 2
- Within one year from the date of promulgation ⇒ 3, 4, 5, 7, 8 & 10
- Within six months from the date of promulgation ⇒ 9
- Effective from the date of promulgation ⇒ 6

(Note 1) The International Convention for the Protection of All Persons from Enforced Disappearance, which contains similar provisions to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, shall be enforced as soon as the treaty comes into effect.

(Note 2) The actual dates of enforcement shall be determined by Cabinet orders.

New System of Residence Management

Outline of the New System

What Exactly is the New System?

The new system of residence management aims to establish a system whereby the Minister of Justice continuously keeps the information necessary for residence management by combining the information collected via the Immigration Control Act and the Alien Registration Law respectively. Foreign nationals residing legally in Japan for a medium to long term are subject to this new system. Along with the issuance of a residence card to the aforementioned persons, the new system has revised the filing procedures among others. The introduction of the new system ensures further convenience for such persons by extending the maximum period of stay from 3 years to 5 years. In addition, a system of “presumed permit of re-entry”, which essentially exempts the need to file an application for permission for re-entry when re-entering Japan within one year of departure, will be implemented.

Upon introduction of the new system of residence management, the current alien registration system shall become defunct.

Effective Date

When Will It Take Effect?

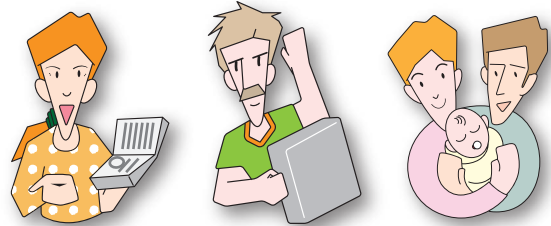
The actual date of enforcement shall be determined by a Cabinet order within three years from July 15, 2009, the promulgation date of the amended law

Applicable Persons

Who is Subject to the New System?

Foreign nationals residing legally for a medium to long term with a status of residence under the Immigration Control Act, **EXCLUDING** the persons described below, shall be subject to the new system of residence management:

- (1) Persons granted permission to stay for not more than 3 months
- (2) Persons granted the status of residence of “Temporary Visitor”
- (3) Persons granted the status of residence of “Diplomat” or “Official”
- (4) Persons whom a Ministry of Justice ordinance recognizes as equivalent to the aforementioned foreign nationals
- (5) Special permanent residents
- (6) Persons with no status of residence



Examples

Persons Subject to the New System

- ◆ Persons working for organizations with a status of residence such as “Engineer” or “Specialist in Humanities/International Services”
- ◆ Persons attending school with a status of residence such as “College Student”
- ◆ Persons married to Japanese citizens with a status of residence of “Spouse or Child of Japanese National”
- ◆ Persons with the status of residence of “Permanent Resident”

Persons NOT Subject to the New System

- ◆ Persons staying in Japan for short periods of time (i.e. for sightseeing)
- ◆ Entertainers such as actors and singers granted permission to stay for not more than 3 months with the status of residence of “Entertainer”

What is the Residence Card?

Under the new system, a residence card shall be issued to applicable persons in addition to landing permission, permission for change of status of residence, and permission for extension of the residence period, etc. The card is equipped with an IC chip to prevent forgery and alteration, and the chip records all or part of the information included on the card.

The information on the details of the card is as follows.

Government of Japan
Residence Card

日本国政府
在留カード
第.....号

《Legal items given》

- ① Name in full, date of birth, sex, nationality or region provided for by a Cabinet order as stipulated in Article 2, item 5, sub-item 2 of the Immigration Control Act
- ② Address of main residence in Japan (hereinafter referred to as “place of residence”)
- ③ Status of residence, period of stay, date of expiration
- ④ Type of permission, date of permission
- ⑤ Number of the residence card, date of issue, date of expiration
- ⑥ Existence or absence of working permit
- ⑦ Existence of permission to engage in activity other than those permitted under the status of residence previously granted

顔写真

Photograph

法務大臣
職印

Compared to the Alien Registration Certificate, the items given on the residence card have been considerably reduced!

For example, the name of the householder, place of birth, passport number, occupation, and the name and location of the place where the foreign national is employed or his/her office are not given.

= Period of validity =

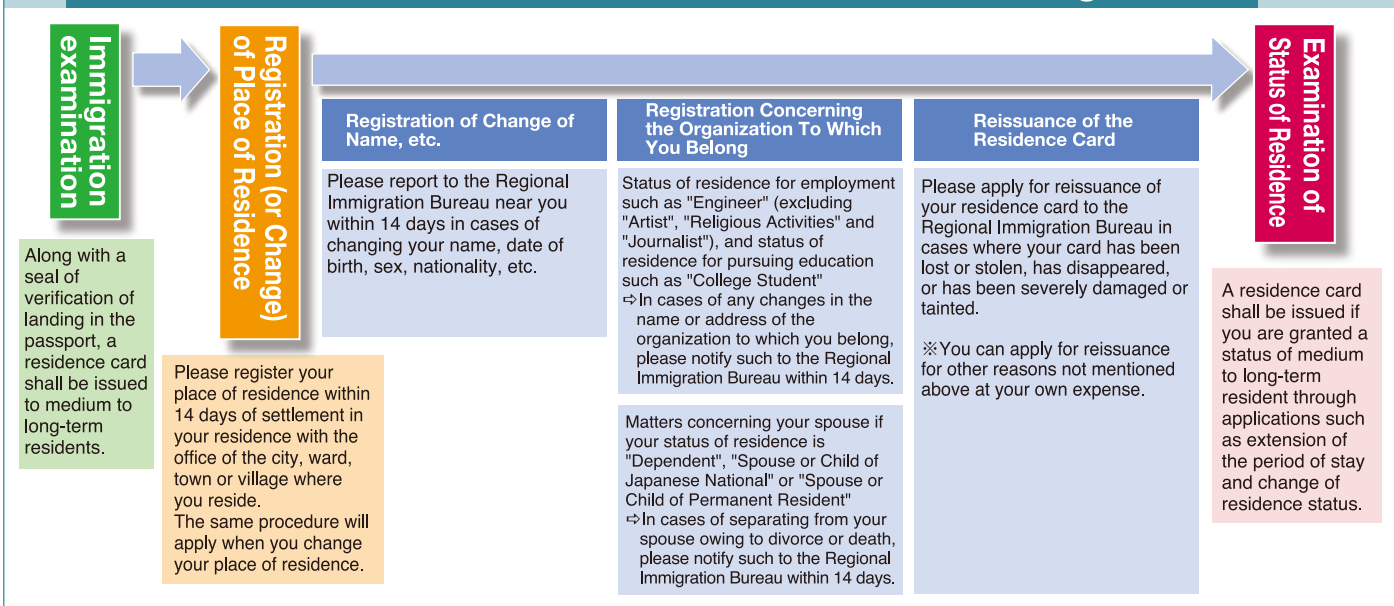
Persons aged sixteen or over

- ▶ Persons with the status of residence of “Permanent Resident”
→ Seven years from the date of issue
- ▶ Persons other than those with the status of residence of “Permanent Resident”
→ Until the expiration date of the status of residence

Persons under the age of sixteen

- ▶ Persons with the status of residence of “Permanent Resident”
→ Until his/her sixteenth birthday
- ▶ Persons other than those with the status of residence of “Permanent Resident”
→ Until the expiration date of the status of residence or his/her sixteenth birthday, whichever comes earlier

Outline of the New Procedures for Residence Management



What are the Merits of the New System? (※)

(1) Extension of the maximum period of stay

With regard to the status of residence with a period of stay of 3 years under the present system, the Ministry of Justice ordinance will extend the period to 5 years. As for the status of residence of "College Student," the maximum period of stay will be extended to "4 years and 3 months" from the current "2 years and 3 months" starting from July 1, 2009.

(2) Revision of the Re-entry Permission System

A foreign national with a valid passport and a residence card will be basically exempt from applying for a re-entry permit in cases where he/she re-enters Japan within one year from his/her departure. Exceptional cases which require a re-entry permit will be stipulated by a Ministry of Justice ordinance. In cases of possessing a re-entry permit, the maximum term of validity for the re-entry permit shall be extended from 3 years to 5 years.

(※) These changes will take effect upon enforcement of the new system of residence management.

Important Notes

Implementation of the new system of residence management includes establishment of the following provisions concerning the conditions of revocation of status of residence and deportation, and penal provisions:

(1) Conditions of Revocation of Status of Residence (Section 1, Article 22-4 of the Immigration Control Act)

- ① The foreign national has received, by deceit or other wrongful means, special permission to stay (Item 5)
- ② Failing to continue to engage in activities as a spouse while residing in Japan for more than 6 months (except for cases where the foreign national has justifiable reason for not engaging in the activities while residing in Japan (Item 7))
- ③ Failing to register the place of residence within 90 days after newly entering or leaving a former place of residence in Japan (except for cases with justifiable reason for not registering the place of residence), or registering a false place of residence (Items 8 to 10)

(2) Conditions for Deportation (Article 24 of the Immigration Control Act)

- ① Forgery or alteration of a residence card (Item 3-5)
- ② Being sentenced to imprisonment or a heavier punishment for submitting a false notification required of medium to long-term residents, or violating the rules concerning receipt or mandatory presentation of the residence card (Item 4-4)

(3) Penalty

- ① Submission of a false notification or failure to fulfill duties such as submission of a notification required of medium to long-term residents, or violation of the rules concerning receipt, carrying and mandatory presentation of the residence card (Articles 71-2 and 71-3 of the Immigration Control Act)
- ② Revision of encouragement of illegal employment (Section 2, Article 73-2 of the Immigration Control Act)
- ③ Punishment concerning activities such as forgery or alteration of the residence card (Articles 73-3 to 73-6 of the Immigration Control Act)

Sidebar

Report to a Regional Immigration Bureau by Institutions with Foreign Members

Schools and institutions which accept foreign students, trainees and interns currently provide necessary information concerning those individuals to the regional immigration bureau without being expressly obliged to do so under the current Act, but the amended law stipulates such cooperation from the aforementioned institutions.

The details regarding which institutions will be required to send a report to the regional immigration bureau and what shall be reported will be defined by a ministerial ordinance at a later date. Institutions considered subject to the requirement of making reports are to include not only schools and institutions that accept foreign students, trainees and interns, but also organizations that sign promoter agreements with foreign nationals who reside in Japan under the status of "Entertainer".

[Effective Date: The actual date of enforcement shall be determined by a Cabinet order within three years from July 15, 2009, the promulgation date of the amended law]

System for Special Permanent Residents

Outline of the System

What is the new System?

The new system of residence management does not involve special permanent residents, and therefore the system for persons under such status is essentially the same as before. However, some revisions will be made for the sake of convenience.

With the introduction of the new system of residence management, the Alien Registration Law and the alien registration certificate will be abolished. In lieu of the alien registration certificate, which certifies the legal status, the Minister of Justice is to issue a special permanent resident certificate to special permanent residents.

Other changes involve the information detailed on the special permanent resident certificate. The details on the certificate will be kept to a minimum; and required information has been significantly reduced compared to the current alien registration certificate. Procedures such as changes in registered information and reissuance of the certificate shall be handled at an office of the city, ward, town or village as before.

Furthermore, the requirements of the re-entry permit system will be eased, and a special permanent resident with a valid passport and a special permanent resident certificate will basically be exempt from applying for a re-entry permit in cases where he/she re-enters Japan within two years from his/her departure. In cases where a special permanent resident applies for a re-entry permit, the expiration date of the re-entry permit will be extended to 6 years from the current 4 years.

Effective Date

When Will It Take Effect?

The actual date of enforcement shall be determined by a Cabinet order within three years from July 15, 2009, the promulgation date of the amended law

What is the Special Permanent Resident Certificate?

The special permanent resident certificate is equipped with an IC chip to prevent forgery and alteration, and the chip records all or part of the information included on the certificate. The information on the details of the certificate is as follows.

Government of Japan Special Permanent Resident Certificate

日本国政府 特別永住者証明書 第.....号

《Legal items given》

- ① Name in full, date of birth, sex, nationality or region provided for by a Cabinet order as stipulated in Article 2, item 5, sub-item 2 of the Immigration Control Act
- ② Place of residence
- ③ Number of the special permanent resident certificate, date of issue, date of expiration

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Photograph

法務大臣 職印

Compared to the alien registration certificate, the items given on the special permanent resident certificate have been considerably reduced!

For example, the name of the householder, place of birth and passport number are not given.

= Period of validity =

Persons aged sixteen or over

Until his/her seventh birthday after each application or notification (In cases of renewal of the special permanent resident certificate, until his/her seventh birthday after the expiration date of the special permanent resident certificate before renewal)

Persons under the age of sixteen

Until the sixteenth birthday

Revision of the Training and Technical Intern Training Programs

Outline of the Revision

What Will Change?

For the purpose of enhancing the protection of trainees and technical interns, a new status of residence referred to as "Technical Intern Training" shall be established, which enables such persons to engage in the following activities:

(1) "Activities to acquire knowledge through group training courses" and "activities to acquire skills through employment agreements"

- i. Activities performed by an individual enterprise accepting employees of companies with whom the individual enterprise has business relations such as joint ventures overseas (Individual enterprise-based training)
- ii. Activities performed under the supervision and responsibility of a non-profit organization such as a trade association (Association managed training)

(2) Activities for a person who has acquired knowledge and skills to engage in business that requires such knowledge and skills through an employment agreement

Labor laws such as the Labor Standards Law and the Minimum Wage Act shall be applied to activities for acquiring skills through employment agreements. Transfer from (1) to (2) shall be effected in accordance with the procedures for change of residence status.

Relevant ministerial ordinances shall also be revised with regard to issues including:

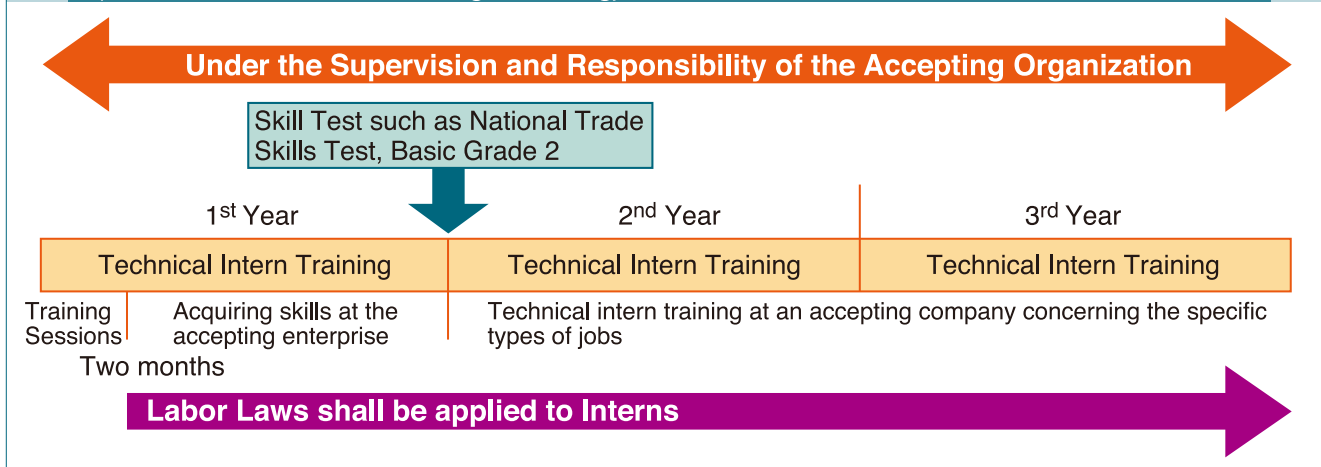
- Enhancement of the structure of accepting organizations in terms of instruction, supervision and support, and encouragement of disclosure and openness in the operation of such organizations
- Extension of the suspension period for organizations which have engaged in serious improper conduct in receiving interns
- Enhancement of confirmation of the conditions of the contract between the sending organization and the intern

Effective Date

When Will It Take Effect?

The actual date of enforcement shall be determined by a Cabinet order within one year from July 15, 2009, the promulgation date of the amended law

Outline of Acceptance “Technical Intern Training” after Amendment of the Act (In the Case of Association Managed Training)



Other Revisions

► Integration of the statuses of residence of “College Student” and “Pre-College Student”

In order to ensure the stable stay of foreign students, these two statuses will be integrated into “College Student”. Students with the status of “Pre-College Student” do not have to change their status to “College Student” after the enforcement of the law as long as there are no changes in their educational activities.

[Effective Date: Within one year from July 15, 2009, the promulgation date of the amended law]

► Establishment of the Immigration Detention Facilities Visiting Committee

The purpose of the visiting committee is to ensure openness of treatment, and improvement of the operation of the facilities. The visiting committee intends to achieve the abovementioned purpose by presenting its opinion concerning the operation of the facilities to the directors of these facilities.

[Effective Date: Within one year from July 15, 2009, the promulgation date of the amended law]

► Establishment of a special exception on the period of stay for those who have filed applications such as for extension of the period of stay

A special exception shall be made for a foreign national who has filed an application by his/her expiration date of residence, yet has received no official decision on the application by the said date. In such case, he/she is allowed to stay until the day the decision is made for the application or two months after the expiration date, whichever comes earlier.

[Effective Date: Within one year from July 15, 2009, the promulgation date of the amended law]

► Establishment of special exceptions with respect to denial of landing

Even if there is a specific fact that constitutes a condition for denial of landing, a new provision allows the immigration inspector to affix a seal of verification for landing without the need for the three-step procedures taken by the immigration inspector, special inquiry officer and the Minister of Justice in cases where the Minister of Justice finds that there are reasonable grounds not to deny landing.

[Effective Date: Within one year from July 15, 2009, the promulgation date of the amended law]

► New requirement for crew members with landing permission to carry and display identifications such as a valid crew member’s pocket-ledger

The current Immigration Control Act requires crew members with landing permission to carry and display a crew member’s landing permit, which does not have a photo identification section. Under the amended law, crew members are obliged to carry and display a valid passport or pocket-ledger which contains photo identification along with the crew member’s landing permit. This is to ensure that it is possible to immediately check whether the foreign national with the crew member’s landing permit is the same person who entered Japan and received landing permission.

[Effective Date: Within six months from July 15, 2009, the promulgation date of the amended law]

► Establishment of conditions for deportation in order to appropriately deal with activities involving encouragement of illegal employment

The following activities shall be added to the conditions for deportation. There will also be new rules concerning revocation of permission to engage in activities other than those permitted under the status of residence previously granted.

- Aiding and abetting the making of a falsified or altered document for the purpose of allowing another foreign national to receive permission including landing permission illegally
- Engaging in activities that encourage illegal employment
- Being sentenced to imprisonment or a heavier punishment for activities other than those permitted under the status of residence previously granted

[Effective Date: Within one year from July 15, 2009, the promulgation date of the amended law]

※The actual dates of enforcement shall be determined by Cabinet Orders

Q & A

Q₁

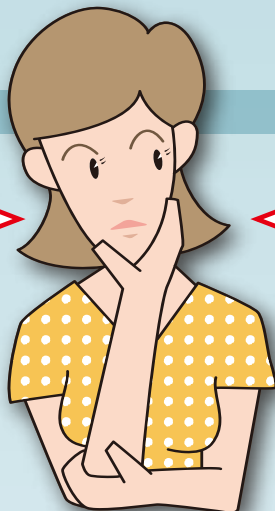
Do I need to immediately replace my alien registration certificate with a new residence card?

A

Although you may do so if you so wish, you are not required to replace your alien registration certificate with a new residence card upon the introduction of the new system of residence management. If you are a person to whom the new system of residence management applies and possess a valid alien registration certificate as of the effective date of the amended law (the date of enforcement shall be determined by a Cabinet order within three years from July 15, 2009), your alien registration certificate is deemed to be your residence card.

Unless you are a permanent resident, you will receive your new residence card when you apply for an extension of period of stay.

If you are a permanent resident, you will be required to apply for your new residence card within three years from the implementation of the new system of residence management.



Q₂

From when will the special permanent resident certificate be issued? Do I need to immediately replace my alien registration certificate with a new special permanent resident certificate?

A

You do not need to replace your alien registration certificate with a new special permanent resident certificate upon the introduction of the new system.

Your alien registration certificate is deemed to be your special permanent resident certificate after the effective date of the amended law (the date of enforcement shall be determined by a Cabinet order within three years from July 15, 2009). The expiration date of your alien registration certificate is basically to be on your birthday which is the date for your next application for confirmation (or renewal) of the certificate under the Alien Registration Law. In cases where an application should be filed within three years from the effective date of the amended law, you may apply for it within such period.

In addition, a special permanent resident certificate will be issued when notifications or applications under the new law are filed. You can also replace your alien registration certificate with a new special permanent resident certificate on your own application if you so wish.

For further Q&A's, please visit our website

Contact for inquiries about procedures, etc.

Sapporo Regional Immigration Bureau	〒060-0042	Odori-nishi 12 Chome, Chuo-ku, Sapporo-shi, Hokkaido	TEL 011-261-7502 (general switchboard)
Sendai Regional Immigration Bureau	〒983-0842	1-3-20 Gorin, Miyagino-ku, Sendai-shi, Miyagi	TEL 022-256-6076 (general switchboard)
Tokyo Regional Immigration Bureau	〒108-8255	5-5-30 Konan, Minato-ku, Tokyo	TEL 03-5796-7111 (general switchboard)
Narita Airport District Immigration Office	〒282-0004	Narita Airport Second Terminal Bldg. 6th floor, 1-1 Furugome, Narita-shi, Chiba	TEL 0476-34-2222 (general switchboard)
Yokohama District Immigration Office	〒236-0002	10-7 Torihama-cho, Kanazawa-ku, Yokohama-shi, Kanagawa	TEL 045-769-1720 (general switchboard)
Nagoya Regional Immigration Bureau	〒455-8601	5-18, Shoho-cho, Minato-ku, Nagoya-shi, Aichi	TEL 052-559-2150 (general switchboard)
Chubu Airport District Immigration Office	〒479-0881	CIQ Bldg., 1-1 Centrair, Tokoname-shi, Aichi	TEL 0569-38-7410 (general switchboard)
Osaka Regional Immigration Bureau	〒559-0034	1-29-53 Nankou Kita, Suminoe-ku, Osaka-shi, Osaka	TEL 06-4703-2100 (general switchboard)
Kansai Airport District Immigration Office	〒549-0011	1 Senshu-Kuko-Naka, Tajiri-cho, Osaka	TEL 072-455-1453 (general switchboard)
Kobe District Immigration Office	〒650-0024	29 Kaigan-dori, Chuo-ku, Kobe-shi, Hyogo	TEL 078-391-6377 (general switchboard)
Hiroshima Regional Immigration Bureau	〒730-0012	6-30 Kami-hacchobori, Naka-ku, Hiroshima-shi, Hiroshima	TEL 082-221-4411 (general switchboard)
Takamatsu Regional Immigration Bureau	〒760-0033	1-1 Marunouchi, Takamatsu-shi, Kagawa	TEL 087-822-5852 (general switchboard)
Fukuoka Regional Immigration Bureau	〒812-0003	Fukuoka Airport Domestic Flights Terminal #3, 778-1 Shimo-usui, Hakata-ku, Fukuoka-shi, Fukuoka	TEL 092-623-2400 (general switchboard)
Naha District Immigration Office	〒900-0022	1-15-15 Higawa, Naha-shi, Okinawa	TEL 098-832-4185 (general switchboard)

Immigration Information Center	〒983-0842	1-3-20 Gorin, Miyagino-ku, Sendai-shi, Miyagi	TEL 022-298-9014
	〒108-8255	5-5-30 Konan, Minato-ku, Tokyo	TEL 03-5796-7112
	〒236-0002	10-7 Torihama-cho, Kanazawa-ku, Yokohama-shi, Kanagawa	TEL 045-769-0230
	〒455-8601	5-18 Shoho-cho, Minato-ku, Nagoya-shi, Aichi	TEL 052-559-2151to 2
	〒559-0034	1-29-53 Nankou Kita, Suminoe-ku, Osaka-shi, Osaka	TEL 06-4703-2105
	〒650-0024	29 Kaigan-dori, Chuo-ku, Kobe-shi, Hyogo	TEL 078-326-5141
	〒730-0012	6-30, Kami-hacchobori, Naka-ku, Hiroshima-shi, Hiroshima	TEL 082-502-6060
Shinjuku Foreign Resident Information Center	〒812-0003	Domestic Terminal Bldg. No. 3, Fukuoka Airport, 778-1, Shimo-usui, Hakata-ku, Fukuoka-shi, Fukuoka	TEL 092-626-5100
	〒160-0021	"Haijia" 11th Floor, 2-44-1, Kabuki-cho, Shinjuku-ku, Tokyo	TEL 03-3209-6177

Immigration Bureau, Ministry of Justice	〒100-8977	1-1-1, Kasumigaseki, Chiyoda-ku, Tokyo	TEL 03-3580-4111(general switchboard)
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Website Information

▶ <http://www.immi-moj.go.jp/newimmiact/newimmiact.html>