

Law for Partial Amendment of the Immigration Control and Refugee Recognition Act (Law No. 43 of May 24, 2006) Enacted at the 164th Diet Session

Immigration Bureau, Ministry of Justice

Introduction

The Law for Partial Amendment of the Immigration Control and Refugee Recognition Act (hereinafter referred to as the “Immigration Control Act”) was passed and enacted at the ordinary session of the Diet in 2006 and was promulgated on May 24, 2006.

Amendments were made to the Immigration Control Act in order to establish provisions (1) to prevent terrorist attacks, (2) to further facilitate immigration control procedures, and (3) to implement nationwide the preferential measures under the Law on Special Zones for Structural Reform.

Key amendments

1. Amendments to establish provisions for the prevention of terrorist attacks

The government (Headquarters for the Promotion of Measures against Transnational Organized Crime and Other Related Issues and International Terrorism) decided upon the “Action Plan for Prevention of Terrorism” in December 2004 based on the recognition that it is necessary to constantly review measures for the prevention of terrorist attacks in order to protect the lives and safety of the general public as the situation surrounding international terrorism remains critical. According to the action plan, the Ministry of Justice should: (1) submit a bill to the ordinary session of the Diet in 2006 for amendment of the Immigration Control Act in order to require all foreign nationals, except for special permanent residents and specified others, to submit fingerprints and photographs at the landing examination, (2) submit a bill to the ordinary session of the Diet in 2006 for amendment of the Immigration Control Act in order to deny permission for landing or deport those who are designated as terrorists by relevant ministries and agencies, and (3) take necessary measures in fiscal year 2006, along with other relevant ministries and agencies, to develop legislation which requires captains of aircraft or vessels to submit a list of passengers and crewmembers in advance.

Therefore, based on the action plan, necessary amendments were made to the Immigration Control Act in order to achieve equitable immigration control and thereby protect the lives and safety of the general public.

(1) Establishment of provisions on the submission of the personal identification information of foreign nationals at the landing examination

(Date of enforcement: a day prescribed by a Cabinet order within a period not exceeding 18 months from the day of promulgation)

Foreign Nationals

(Excluding (1) special permanent residents, (2) persons under the age of 16, (3) persons who intend to engage in the activities that fall under the status of residence of “Diplomat” or “Official,” (4) persons invited by the head of a state administrative organization, and (5) classes of persons prescribed as equivalent to (3) or (4) by a Ministry of Justice ordinance)



At the Landing Examination
Required to provide personal
identification information
(fingerprints and photographs)
in an electromagnetic form

(2) Establishment of provisions on the grounds for deportation of foreign terrorists

(Date of enforcement: June 13, 2006)

A person who the Minister of Justice determines, having reasonable grounds to believe as much, is likely to commit, prepare for or facilitate “the criminal act for the purpose of intimidation of the general public and of governments” as stipulated in Article 1 of the Law for Punishment of the Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments, or a person who shall be prevented from entering Japan pursuant to an international agreement, such as a United Nations Security Council Resolution



Subject to
deportation

(3) Establishment of provisions obliging the captain of a vessel or aircraft entering Japan to report on passengers and crewmembers in advance

(Date of enforcement: a day prescribed by a Cabinet order within a period not exceeding one year from the day of promulgation)

Captain of an aircraft or vessel arriving at airports or seaports in Japan



Required to notify an immigration inspector of the airport or seaport at which the aircraft or vessel will arrive of matters relating to passengers and crewmembers in advance

***A non-penal fine not exceeding 500,000 yen in the case of violation of the reporting obligation or submission of a false report**

2. Amendments to further facilitate immigration control

In the area of immigration control administration, there is a call for simplified and prompt entry/departure procedures in order to increase convenience for foreign nationals legally entering or residing in Japan as well as for prompt and efficient deportation. Therefore, necessary amendments were made to the Immigration Control Act.

(1) Establishment of provisions to simplify and facilitate landing examination procedures (Introduction of the automated gate system)

(Date of enforcement: a day prescribed by a Cabinet order **within a period not exceeding 18 months** from the day of promulgation)

A person who has registered for use of the automated gate and has submitted personal identification information (fingerprints and a photograph) before departure from Japan (He/She needs (1) to have received a reentry permit or to possess a refugee travel document and (2) not to come under the grounds for denial of landing except for special permanent residents)



By resubmitting personal identification information at the time of applying for landing, the person will be permitted to pass through the automated gate without receiving a landing permission stamp

Further, measures will be established by a Ministry of Justice ordinance to enable use of the automated gate without receiving a confirmation stamp when registered foreign nationals depart from Japan and when registered Japanese nationals depart from and return to Japan.

(2) Establishment of provisions to facilitate deportation through relaxation of the principle of repatriation

(Date of enforcement: **November 24, 2006**)

A person who has received permission for departure at his/her own expense (departure with permission from the director of an immigration center or a supervising immigration inspector in cases where the foreign national to whom a deportation order has been issued desires to leave Japan voluntarily at his/her own expense)



Can be sent to an accepting country other than his/her home country due to relaxation of the principle that any person subject to deportation shall be deported to a country of which he/she is a national or citizen (principle of repatriation)

3. Amendments to establish provisions for nationwide implementation of the preferential measures under the Law on Special Zones for Structural Reform

The government (Headquarters for the Promotion of Special Zones for Structural Reform) decided to take measures to carry out nationwide the programs promoting acceptance of foreign researchers and foreign information processing engineers mainly implemented in the Special Zones for Structural Reform by the end of fiscal year 2005.

Therefore, necessary amendments were made to the Immigration Control Act based on the need to implement the above-mentioned measures.

Establishment of provisions to implement nationwide the preferential measures under the Law on Special Zones for Structural Reform

(Date of enforcement: **November 24, 2006**)

Preferential measures for the status of residence under the Law on Special Zones for Structural Reform

- ① Designated research activities
- ② Designated research business activities
- ③ Designated dependent's activities concerning ① or ②
- ④ Designated information processing activities
- ⑤ Designated dependent's activities concerning ④

Measures equivalent to the above

- ⑥ Foreign professor's educational activities
- ⑦ Foreign professor's dependent's activities

- Stipulation of activities from ① to ⑦ as activities that foreign nationals residing in Japan can engage in under the status of residence of "Designated Activities" in accordance with the Immigration Control Act
- Extension of the maximum term of residence from "three years" to "five years"

Q&A

Q: What measures will be taken if a foreign national does not provide personal identification information such as fingerprints?

A: If a foreign national does not provide personal identification information such as fingerprints, despite not being exempted from this obligation, he/she will be ordered to leave from Japan.

Q: Could there be occasions when a foreign national is prohibited from using the automated gate even after he/she has registered to do so?

A: A foreign national will be prohibited from passing through the automated gate and will have to undergo ordinary landing examination procedures if, despite the fact that he/she did not fall under the grounds for denial of landing at the time of advance registration, he/she has subsequently come to fall under these grounds.