



IMISEM

EVERY IMMIGRANT IS AN EMIGRANT
How Migration Policies Shape
the Paths to Integration

IMISEM CASE REPORT
Migration Policies in

Japan

2017-2019

Coordinated by:

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G I G A

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Imprint

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“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” * two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *politie*s that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

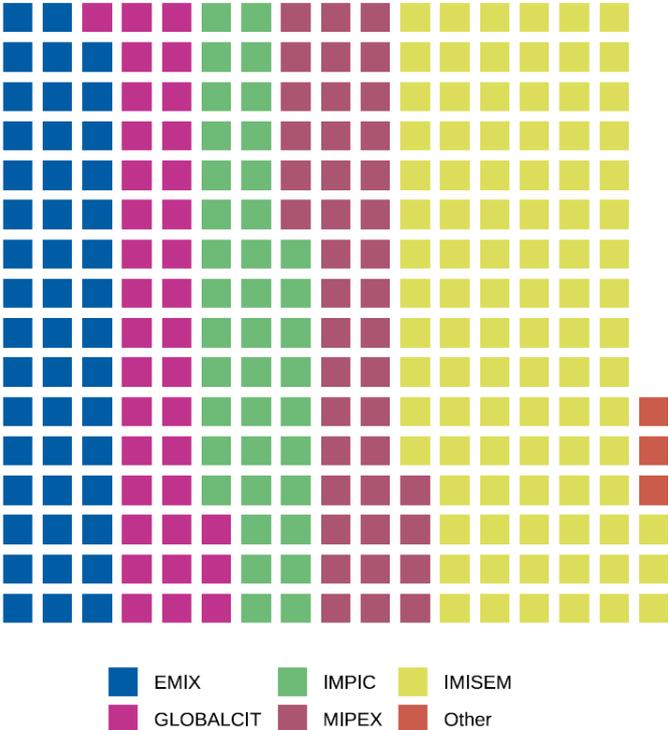
About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

Answer: this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

Code: this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

Explanation: this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

Sources: this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

Varieties of Standard English

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

Contact

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: lpedroza@colmex.mx or find us through our ORCID numbers:

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1. Emigration policies

1.1. General

EMIGRATION_1. The attempt to leave the country is punishable by law.

Answer: No

Code: 1

Explanation: No, but violation of exit procedures is punishable. According to the Constitution of Japan (Article 22, paragraph 2) freedom of moving to a foreign country constitutes an inviolable right of all persons. The Immigration Control and Refugee Recognition Act (Article 60, paragraphs 1-2) adds that a Japanese national can only depart with a valid Passport and after receiving a confirmation of departure from an Immigration Inspector at the port of departure. Failure to comply is punishable with imprisonment or imprisonment without work for not more than 1 year or a fine not exceeding 300,000 yen, or is to be subject to the cumulative imposition of imprisonment or imprisonment without work and a fine (Article 71).

Sources: 日本国憲法 [The Constitution of Japan]. 1947. Art. 22. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Acts. 60 and 71.

EMIGRATION_2: Exit fees.

Prospective emigrants need to pay a fee before emigrating.

Answer: No

Code: 1

Explanation: The Immigration Control and Refugee Recognition Act contains no provisions on payments when leaving Japan. Yet, the summary of departure procedures for Japanese nationals provided at the e-Gov government online portal notes that no fees are to be paid when leaving Japan.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Official Web Portal of the Government of Japan. “行政手続案内：日本人の出国の確認 | 電子政府の総合窓口 e-Gov イーガブ [Confirmation of Departure for Japanese Nationals; Electronic Government General Enquiries e-Gov]”. Accessed April 23, 2019. <https://shinsei.e-gov.go.jp/search/servlet/Procedure?CLASSNAME=GTAEGOVMSDETAIL&menSeqNo=0000005172&id=300nyu0022000>.

Amount of the fee in country of origin currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the fee in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Prospective emigrants need to make a deposit before emigrating:

Answer: No

Code: 1

Explanation: The Immigration Control and Refugee Recognition Act contains no provisions on payments when leaving Japan. Yet, the summary of departure procedures for Japanese nationals provided at the e-Gov government online portal notes that no fees are to be paid when leaving Japan.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Official Web Portal of the Government of Japan. “行政手続案内 : 日本人の出国の確認 | 電子政府の総合窓口 e-Gov イーガブ [Confirmation of Departure for Japanese Nationals; Electronic Government General Enquiries e-Gov]”. Accessed April 23, 2019. <https://shinsei.e-gov.go.jp/search/servlet/Procedure?CLASSNAME=GTAEGOVMSTDETAIL&menSeqNo=0000005172&id=300nyu0022000>.

Amount of the deposit in the currency of the country of origin:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the deposit in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_3: Citizens can only stay abroad for a given maximum of days.

Citizens can only stay abroad for a given maximum of days

Answer: No

Code: 1

Explanation: The Constitution provides for the citizen's inviolable right to move abroad, without setting any restrictions on the number of days they can stay there (Article 22, paragraph 2). Immigration Control Act also sets no such restrictions.

Sources: 日本国憲法 [The Constitution of Japan]. 1947. Art. 22. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

Maximum number of days that citizens can stay abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.2. Documentation

1.2.1. Passport

EMIGRATION_4: Cost of ordinary passport.

Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 11000

Code: 11000

Explanation: The price of an ordinary passport is as follows: 6000 yen - for applicants under 12 years old, valid for 5 years 11000 yen - for adult applicants over 12 years old, valid for 5 years 16000 yen - for adult applicants over 12 years old, valid for 10 years The total price consists of the national and prefectural charges established separately by the Passport Act (Article 20 paragraph 1 items 1-3) and the Passport Act Enforcement Order (Article 2 paragraph 1). The price may vary within the limits established by the Passport Act Enforcement Order (Article 3 paragraph 1 items 1-3) when applying abroad.

Sources: 旅券法 [Passport Act]. 1951. Art. 20. / 旅券法施行令 [Passport Act Enforcement Ordinance]. 1989. Art. 2 and 3.

Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 103.53

Code: 103.53

Explanation: 11000 yen - for adult applicants over 12 years old, valid for 5 years

Sources: 旅券法 [Passport Act]. 1951. Art. 20. / 旅券法施行令 [Passport Act Enforcement Ordinance]. 1989. Art. 2 and 3.

EMIGRATION_5: Maximum length of procedure to process passport.

Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):

Answer: No

Code: 0

Explanation: Not established by national law. Passport Act (Article 21, paragraph 2) and related Enforcement Order (Article 4) devolve administration of passport applications to prefectural governments and specific deadlines might be introduced separately at the local level. According to the Ministry of Foreign Affairs webpage with Passport Q&A, processing normally takes around a week, but may take up to 3 weeks when applying at passport centers not equipped with machines for producing biometric passports (question 3).

Sources: 旅券法 [Passport Act]. 1951. Art. 21. / 旅券法施行令 [Passport Act Enforcement Ordinance]. 1989. Art. 4.

Maximum length of procedure to process passport (in days):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of procedure to process passport (by categories):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_6. Renewal of passport from abroad is possible:

Answer: Yes

Code: 1

Explanation: Possible, primarily through consulates, or embassies and legations in the absence of a consulate. According to the Passport Act, Japanese consulates administer passport applications, processing and issuance (including renewal), on par with the Ministry of Foreign Affairs and prefectural governments inside Japan (Article 3 par. 1, Article 5 par. 1, Article 8 par 1 – list major administrative functions related to passports; Article 11 – specifies conditions for passport renewal). In the absence of a consulate in a foreign country, the same functions can be performed by an embassy or legation (Article 3 par. 1). According to the Ministry of Foreign Affairs webpage, the procedure for applying for a passport inside Japan and abroad is practically identical.

Sources: 旅券法 [Passport Act]. 1951. Art. 3, 5, 8 and 11. / Ministry of Foreign Affairs. “日本国内及び海外でパスポートに関する申請手続きに通常必要な書類 [Documents Normally Required when Applying for a Passport in Japan and Abroad]”. Accessed April 28, 2019. https://gov.go.jp/mofaj/toko/passport/pass_5.html 3.2.2.

1.2.2. Other requirements

EMIGRATION_7. Local police certificate is necessary to emigrate:

Answer: No

Code: 1

Explanation: The Immigration Control and Refugee Recognition Act (Article 60, paragraph 1) only mentions passport as a document required for departing from Japan. No documents are listed in the confirmation of departure procedures in the Regulations for Enforcement of the Act either (Article 53). Police certificate is also not required to apply for a passport (Passport Act Article 3, par. 1; Regulation for Enforcement of the Passport Act, Article 1, par. 1-5).

Sources: 旅券法 [Passport Act]. 1951. Art. 3. / 旅券法施行規則 [Passport Act Ministerial Enforcement Ordinance]. 1989. Art. 1 and 53. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 60.

EMIGRATION_8. Superior/employer's permission is necessary to emigrate:

Answer: No

Code: 1

Explanation: No such provisions are included into the Immigration Control and Refugee Recognition Act, Passport Act or the regulations for the Enforcement of both Acts.

Sources: 旅券法 [Passport Act]. 1951. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

EMIGRATION_9. Proof of income is necessary to emigrate:

Answer: No

Code: 1

Explanation: No such provisions are included into the Immigration Control and Refugee Recognition Act or Passport Act.

Sources: 旅券法 [Passport Act]. 1951. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

EMIGRATION_10. Registration abroad is mandatory.

Answer: Yes

Code: 0

Explanation: Citizens who reside abroad for over 3 months are obliged to register their address or changes in the previous address at a consulate in the country of their residence, or, if there is no consulate in that country, other nearest consulate (Passport Act, Article 16; Regulation for Enforcement of the Passport Act, Article 12, par. 1-2).

Sources: 旅券法 [Passport Act]. 1951. Art. 16. / 旅券法施行規則 [Passport Act Ministerial Enforcement Ordinance]. 1989. Art. 12.

1.3. Quotas and restrictions

EMIGRATION_11. Quotas to emigrate based on ethnicity.

Quotas to emigrate based on ethnicity exist in the country:

Answer: No

Code: 1

Explanation: There is no information regarding this in the key statutes (Immigration Control and Refugee Recognition Act, Passport Act).

Sources: 旅券法 [Passport Act]. 1951. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_12: Quotas to emigrate based on income.

Quotas to emigrate based on income exist in the country:

Answer: No

Code: 1

Explanation: There is no information regarding this in the key statutes (Immigration Control and Refugee Recognition Act, Passport Act).

Sources: 旅券法 [Passport Act]. 1951. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_13. Those who are liable for military conscription are allowed to emigrate:

Answer: Not applicable (no military conscription in country of study)

Code: Not applicable

Explanation: Japan has no conscription, recruitment in Self-Defense forces is organised through exam-based competitive recruitment (Self-Defense Forces Act, Article 35). Hence, there are no restrictions on emigration related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

EMIGRATION_14: Banned countries for emigration.

There are countries that are banned as destination for emigrants:

Answer: No

Code: 1

Explanation: There is no such information in the relevant statute (Immigration Control and Refugee Recognition Act). The Ministry of Foreign Affairs has a separate webpage with safety information for each region, but it specifically stresses that the information on the page has no legal power to prohibit citizens from traveling to any destination or to order their evacuation.

Sources: Ministry of Foreign Affairs. "MOFA's Overseas Travel Safety Information". Accessed May 5, 2019. <https://www.anzen.mofa.go.jp/masters/explanation.html>. / Ministry of Foreign Affairs. "外務省 海外安全ホームページ [Overseas Safety HP]". Accessed May 5, 2019.

https://www.anzen.mofa.go.jp/info/pcinfectionsphazardinfo_102.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

List of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:

Answer: No

Code: 1

Explanation: There is no information regarding this in the relevant statues (Immigration Control and Refugee Recognition Act).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

EMIGRATION_16. Recipients of state scholarship are banned from emigrating:

Answer: No

Code: 1

Explanation: No, but there may be exceptions. No mentioning of emigration bans for public scholarship recipients was found on the webpages of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) or the Japan Student Services Organisation (JASSO, an independent administrative institution, which manages all state scholarships) upon examining the pages related to each scholarship type. The only exception are short-term scholarships for programmes based on inter-university exchange agreements. Conditions for this scholarship type include an obligation to return to Japan after the exchange to complete the course of studies at the university the scholarship recipient is enrolled at. Another indication of the absence of an emigration ban are special guidelines on the JASSO webpage for making scholarship loan payments from abroad and for deferring payments for the citizens residing abroad with low income or without employment and for the citizens who are on a short- or long-term leave to study or to do research abroad.

Sources: Japan Student Services Organisation (JASSO) Scholarships. “外国からの送金について [Remittances from Abroad]”. Accessed May 6, 2019. <https://www.jasso.go.jp/shogakukin/henkan/kaigaizairyu.html>. / Japan Student Services Organisation (JASSO) Scholarships. “外国で研究中 [Doing Research Abroad]”. Accessed May 6, 2019. https://www.jasso.go.jp/shogakukin/henkan_konnan/yuyo/ippan/gaikoku_kenkyu.html. / Japan Student Services Organisation (JASSO) Scholarships. “外国の学校へ留学 [Exchange at a School Abroad]”. Accessed May 6, 2019. https://www.jasso.go.jp/shogakukin/henkan_konnan/yuyo/ippan/kaigaizaigaku.html. / Ministry of Education, Culture, Sports, Science and Technology. “奨学金事業の充実：文部科学省 [Enhancement of the Scholarship System: Ministry of Education, Culture, Sports, Science and Technology]”. Accessed May 5, 2019. http://www.mext.go.jp/a_menu/koutou/shougakukin/main.htm. / Japan Student Services Organisation (JASSO) Scholarships. “海外居住 [Residence Abroad]”. Accessed May 6, 2019. https://www.jasso.go.jp/shogakukin/henkan_konnan/yuyo/ippan/kaigai.html. / Japan Student Services Organisation (JASSO) Scholarships. “海外留学支援制度（協定派遣）[Support for Study Abroad (Agreement-Based Exchange)]”. Accessed May 5, 2019. https://www.jasso.go.jp/ryugaku/study_a/scholarship/haken/index.html.

EMIGRATION_17: Ban for specific civil professional groups.

There is an emigration ban for specific professional group(s):

Answer: No

Code: 1

Explanation: There is no information regarding this in the relevant statutes (Immigration Control and Refugee Recognition Act, Passport Act).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 旅券法 [Passport Act]. 1951.

There is a ban for medical doctors:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

There is a ban for other professions:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_18. The ban can be overcome by a letter signed by a supervisor:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_19. The ban can be overcome by a letter signed by an official authority.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.4. Policy incentives

EMIGRATION_20. Existence during 2017 of campaigns to encourage emigration:

Answer: No

Code: 0

Explanation: The only example could be Tobitate! (Leap for Tomorrow) Study Abroad public-private partnership initiative launched in 2013 for the period of 7 years and curated by the Ministry of Education, Culture, Sports, Science and Technology (MEXT). The initiative promotes and funds study and acquisition of practical skills through internships, volunteering and field work abroad for high school and university students for short- and long-term periods (up to 1 year for school pupils and 2 years for university students). No evidence was found of campaigns aimed at any area beyond studying abroad or for a longer period of time.

Sources: Ministry of Education, Culture, Sports, Science and Technology (MEXT). "About Tobitate! (Leap for Tomorrow) Study Abroad Initiative". Accessed May 6, 2019. <https://www.tobitate.mext.go.jp/about/english.html>.

EMIGRATION_21. Existence during 2017 of campaigns to discourage emigration:

Answer: No

Code: 0

Explanation: No evidence found.

Sources: Not applicable

EMIGRATION_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):

Answer: No

Code: 0

Explanation: No evidence was found in the relevant statute (Immigration Control and Refugee Recognition Act) or on the webpages of the Ministry of Justice and the Ministry of Foreign Affairs.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

EMIGRATION_23: Emigration lump sum.

State of origin pays a lump sum incentive to citizens willing to emigrate:

Answer: No

Code: 0

Explanation: There is no information regarding this in the relevant statute (Immigration Control and Refugee Recognition Act) or on the webpages of the Ministry of Justice and the Ministry of Foreign Affairs.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

Register the amount of the sum in country currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Register the amount of the sum in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.

Answer: No

Code: 0

Explanation: Japan has several types of social security systems managed by separate laws. To mention the major ones: National Pension Act only allows lump sum withdrawal of accumulated benefits to persons who do not have Japanese citizenship (Supplementary Provisions Article 9-3-2). Employment Insurance Act only makes provisions for lump sum payments of unemployment benefits to persons employed seasonally and persons normally engaged in short-term employment, only on the occasion of their separation from employment or failure to receive payment of wages after being an insured employee for at least 6 months out of a one-year period (Articles 38 par.1, 39 par. 1). No provisions about lump sum withdrawal are made for citizens willing to emigrate. Long-term Care Insurance Act and Act of Social Welfare for the Elderly make no provisions for lump-sum payments at all. Industrial Accident Compensation Insurance Act provides for lump sum payments only in the cases of disability (Article 15 par 1) or death resulting from an employment-related cause (Article 16 par. 1) or disability (Article 22 par. 3) or death resulting from commuting (Article 22 par. 4). No provisions of the statute prohibit citizens willing to emigrate to collect the lump sum payment on these occasions, but there are no provisions stating that emigration alone can be sufficient for making a claim neither.

Sources: 介護保険法 [Long-Term Care Insurance Act]. 1997. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 15, 16 and 22. / 国民年金法 [National Pension Act]. 1959. Art. 9-3-2. / 老人福祉法 [Act on Social Welfare for the Elderly]. 1963. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 38 and 39.

1.5. Penalties

EMIGRATION_25: Loss of private property.

Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: No such information in the Immigration Control and Refugee Recognition Act. The Constitution (Article 29, par. 1) establishes that the right to hold or own property is inviolable. Private property may only be taken for public use upon just compensation thereof (Article 29, par. 3).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 29.

Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: No such information in the Immigration Control and Refugee Recognition Act. The Constitution (Article 29, par. 1) establishes that the right to hold or own property is inviolable. Private property may only be taken for public use upon just compensation thereof (Article 29, par. 3).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 29.

EMIGRATION_26: Re-entry ban.

Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: Any Japanese national can return to Japan, provided he has a valid Passport or other document certifying Japanese nationality and receives a confirmation of return to Japan from an Immigration Inspector at the port of entry (Immigration Control and Refugee Recognition Act, Article 61).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61.

Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals by birth:

Answer: No

Code: 1

Explanation: Any Japanese national can return to Japan, provided he has a valid Passport or other document certifying Japanese nationality and receives a confirmation of return to Japan from an Immigration Inspector at the port of entry (Immigration Control and Refugee Recognition Act, Article 61).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61.

Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:

Answer: No

Code: 1

Explanation: Any Japanese national can return to Japan, provided he has a valid Passport or other document certifying Japanese nationality and receives a confirmation of return to Japan from an Immigration Inspector at the port of entry (Immigration Control and Refugee Recognition Act, Article 61).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61.

Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:

Answer: No

Code: 1

Explanation: N/A

Sources: Not applicable

1.6. Administration

EMIGRATION_28. Existence of institution/agency with competencies for exit and/or emigration:

Existence of institution/agency with competencies for exit and/or emigration:

Answer: Yes

Code: 1

Explanation: 領事局 Consular Affairs Bureau (Ministry of Foreign Affairs) – exit and emigration; 出入国在留管理庁 Immigration Services Agency of Japan (Ministry of Justice) – exit. There is no unitary institution with authority over the whole scope of emigrant affairs. Responsibility for emigrant policies is scattered between multiple bureaus within the Ministry of Foreign Affairs, although the Consular Affairs Bureau has the broadest coverage of issues among them. It is responsible for protection of Japanese nationals and their property abroad (except matters dealt with by other bureaus); matters relating to the civil status of Japanese nationals abroad; certification of documents issued by Japanese or foreign authorities; issuance of passports and other documents necessary for travel abroad; visas; planning and handling of emigration affairs, etc. The body responsible for the implementation of migration policies is the Immigration Services Agency of Japan established within the Ministry of Justice. Although it mostly deals with immigrant affairs, oversight over the entry and exit of Japanese citizens (actual procedures at the border) also falls under its authority (Act on the Establishment of the Ministry of Justice, Articles 28, 29)

Sources: 法務省設置法 [Act for the Establishment of the Ministry of Justice]. 1999. Art. 28 and 29. / Ministry of Foreign Affairs of Japan. "Organization". Accessed June 14, 2019. <https://www.mofa.go.jp/about/hq/org.html>.

Name of the institution with competencies for exit and/or emigration in original language:

Answer: 領事局, 出入国在留管理庁

Name of the institution with competencies for exit and/or emigration in English:

Answer: Consular Affairs Bureau, Immigration Services Agency of Japan

Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: 領事局 Consular Affairs Bureau (Ministry of Foreign Affairs) – exit and emigration; 出入国在留管理庁 Immigration Services Agency of Japan (Ministry of Justice) – exit.

Sources: 法務省設置法 [Act for the Establishment of the Ministry of Justice]. 1999. Art. 28 and 29. / Ministry of Foreign Affairs of Japan. "Organization". Accessed June 14, 2019. <https://www.mofa.go.jp/about/hq/org.html>.

2. Emigrant policies

2.1. Policies of representation

2.1.1. Electoral rights

EMIGRANT_1. Voting is mandatory for citizens residing abroad:

Answer: No

Code: 0

Explanation: Voting is not an obligation, but a right, according to the Constitution of Japan (Article 15, par. 1).

Sources: 日本国憲法 [The Constitution of Japan]. 1947. Art. 15.

Does the country have presidential elections?

Answer: No, the country has a parliamentary system

Code: 2

Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?

Answer: Yes

Code: 1

Presidential elections

EMIGRANT_2. Can non-resident citizens vote in national presidential elections from abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legislative elections *Lower house (National Elections)*

EMIGRANT_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Non-resident citizens can vote, but there is a residence requirement either in Japan or abroad. Any citizen aged over 18 has the right to vote in the national parliamentary elections (Article 9 par. 1). Residency abroad is not listed among the reasons for the loss of voting rights in the national elections (Article 11). Non-resident citizens have to be included into the Registry of voters residing abroad to be able to vote. The Registry is managed by local electoral commissions, which have the authority over keeping the records, making new registrations and transferring the entries from the Registry of voters to the Registry of voters residing abroad (Article 30-2 par. 1-3). In order to be included into the Registry, citizens have to meet either of the requirements and complete corresponding registration procedures: 1) A citizen has to have continuously resided at an address abroad for over 3 months (Article 30-5 par. 1). In this case he can apply for registration at the consulate with jurisdiction over the area including the address of their residence abroad (Article 30-5 par 2). After receiving the application, the consulate has to re-direct it to the local electoral commission at the last address of an applicant's residence in Japan or at the address of an applicant's domicile registered in the family registry (Article 30-5 par 3). 2) A citizen must have registered in the Registry of voters at the last address of residence in Japan (or meet the qualifications for being registered) and have an address abroad (article 30-5 par. 2). In this case, a citizen can apply for a transfer of records from the Registry of voters to the Registry of voters residing abroad at his local electoral commission (Article 30-5 par. 4). The commission has to make an enquiry to the Minister of Foreign Affairs to confirm the address of the citizen abroad (Article 30-5 par. 5). In order to be registered in the Registry of voters in Japan before completing the transfer of records, the citizen has to have been registered and continuously resided for a period of over 3 months at the address within the jurisdiction of the local electoral commission he is applying to (Article 21 par. 1). The local electoral commission has to provide a voter with a certificate of a voter residing abroad after completing a voter's registration according to one of the above procedures (Article 30-6 par. 4-5). A registered non-resident voter can vote both in Japan and abroad (Article 49-2). Active voting right of persons who are not subject to the Family Register Act (not included into a Family registry in Japan) is suspended (Supplementary provision 2). Such persons cannot be included into the Registry of voters or the Registry of voters abroad (Supplementary provision 3).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 9, 11, 21, 30-2, 30-5, 30-6, and 49-2.

EMIGRANT_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: The only requirement specified by the Public Offices Election Law for passive electoral right in the Lower House elections is age. Persons who have not reached the age of 25 cannot stand as candidates (Article 10 par 1). Residence is not stated among the reasons for denying a person passive electoral rights (Article 11) or suspending them (Article 252). It is also not mentioned among the procedures for registering as a candidate (Articles 86-1, 86-2, 86-4, 86-6). The candidates have to indicate their address and legal domicile from the family register, but no requirements for the period of residency at either address are included into the law.

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 10, 11, 86-1, 86-2, 86-4, 86-6, and 252.

Upper house (National Elections)

EMIGRANT_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Non-resident citizens can vote, but there is a residence requirement either in Japan or abroad. For details refer to the answer given regarding non-resident citizen voting rights in the Lower House. Non-resident voting for both Houses of the Diet is regulated by the same provisions. The same Registry of voters abroad is used in both types of national elections (Article 30-2 par. 2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 30-2.

EMIGRANT_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: The only requirement specified by the Public Offices Election Law for passive electoral right in the Upper House elections is age. Persons who have not reached the age of 30 cannot stand as candidates (Article 10 par 2). Residence is not stated among the reasons for denying a person passive electoral rights (Article 11) or suspending them (Article 252). It is also not mentioned among the procedures for registering as a candidate (Articles 86-3, 86-4, 86-7).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 10, 11, 86-3, 86-4, 86-7, and 252.

Registration

EMIGRANT_8. Registration in the electoral roll for non-resident citizens:

Answer: Active registration, once-off

Code: 0.67

Explanation: Japanese citizens residing abroad have to apply to be included into the Registry of voters residing abroad to receive a certificate of a non-resident voter and be able to vote (Article 30-5, Article 30-6). The Registry is valid for elections to both Houses of the Diet and is preserved permanently by local electoral commissions (Article 30-2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 30-2, 30-5, 30-6.

Remote voting

EMIGRANT_9. Voting methods from abroad:

Voting methods available to cast votes from abroad - Electronic voting:

Answer: No

Code: 0

Explanation: Voters registered in the Registry of voters residing abroad can vote abroad either at an official diplomatic mission (Article 49-2, par. 1) or through postal vote (Article 49-2, par. 2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 49-2.

Voting methods available to cast votes from abroad - Proxy voting:

Answer: No

Code: 0

Explanation: Voters registered in the Registry of voters residing abroad can vote abroad either at an official diplomatic mission (Article 49-2, par. 1) or through postal vote (Article 49-2, par. 2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 49-2.

Voting methods available to cast votes from abroad - Postal voting:

Answer: Yes

Code: 1

Explanation: Voters registered in the Registry of voters residing abroad can vote abroad either at an official diplomatic mission (Article 49-2, par. 1) or through postal vote (Article 49-2, par. 2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 49-2.

Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:

Answer: Yes

Code: 1

Explanation: Voters registered in the Registry of voters residing abroad can vote abroad either at an official diplomatic mission (Article 49-2, par. 1) or through postal vote (Article 49-2, par. 2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 49-2.

Voting methods available to cast votes from abroad - Ad hoc polling stations:

Answer: No

Code: 0

Explanation: Voters registered in the Registry of voters residing abroad can vote abroad either at an official diplomatic mission (Article 49-2, par. 1) or through postal vote (Article 49-2, par. 2).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 49-2.

Special representation

EMIGRANT_10: Emigrant special representation.

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?

Answer: No

Code: 0

Explanation: There are no extraterritorial constituencies or reserved seats in Japan neither for the Upper, nor for the Lower House, according to the list of electoral districts and territorial units corresponding to them (Article 13 with corresponding Supplementary Tables 1 and 2 for the Lower House and Article 14 with a corresponding Supplementary Table 3 for the Upper House).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 13 and 14.

Number of special seats reserved for non-resident candidates in the lower house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the lower house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?

Answer: No

Code: 0

Explanation: There are no extraterritorial constituencies or reserved seats in Japan neither for the Upper, nor for the Lower House, according to the list of electoral districts and territorial units corresponding to them (Article 13 with corresponding Supplementary Tables 1 and 2 for the Lower House and Article 14 with a corresponding Supplementary Table 3 for the Upper House).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 13 and 14.

Number of special seats reserved for non-resident candidates in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remote voting implementation

EMIGRANT_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):

Answer: yes

Code:

Explanation: External voting was first introduced in an amendment of the Public Offices Election Law enacted on 6 May 1998 and expanded several times since. For example, the Mainichi Shimbun article

describes a proposal for introducing online voting and quotes statistics related to the implementation of external voting in the 2017 general election.

Sources: Mainichi Daily News. "Ministry Panel Calls for Internet Voting for Overseas Japanese Voters". Accessed May 8, 2019. <https://mainichi.jp/english/articles/20180810/p2a/00m/0na/019000c>.

EMIGRANT_12. In case external voting has not been implemented after its adoption, what are the main reasons?

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

2.1.2. Regulation of political competition abroad

Party offices in the state of reception

EMIGRANT_13. Offices of political parties are legally allowed abroad:

Answer: No specific regulation of offices abroad

Code: 0.5|No specific regulation of offices abroad

Explanation: Not forbidden, but not explicitly allowed either. The Political Funds Control Act contains no specific regulations pertaining to the establishment of party branches abroad. Party branches are considered to be separate political organizations from the party headquarters (Article 18, par. 1). Each political organization has to register with the authorities before it is allowed to receive political donations or spend money for political purposes (Article 8). Political organizations are required to register using one of the three methods: (1) at the Prefectural Electoral Commission in a prefecture where most of their activities are conducted; (2) at the Ministry of Internal Affairs and Communications through a Prefectural Electoral Commission in the prefecture where the organization's headquarters are located, if an organization operates in more than two prefectures outside the prefecture where the organization's headquarters are located; (3) parties receiving public funding or political fundraising organizations have to register at the Ministry of Internal Affairs and Communications (Article 6 par. 1, items 1-3). Methods (2) and (3) do not preclude opening of a party branch abroad. Application through a foreign mail delivery service is also allowed (Article 6, par.1).

Sources: 政治資金規正法 [Political Funds Control Act]. 1948. Art. 18, 8, and 6.

EMIGRANT_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:

Answer: No

Code: 0

Explanation: No. Webpages of the major national parties (LDP, KMT, JCP) do not mention party offices outside Japan in their organisational or contact information.

Sources: Japanese Communist Party (日本共産党). “日本共産党事務所の住所 | 日本共産党中央委員会 [Location of the JCP Offices, Central Committee of the Japanese Communist Party]”. Accessed May 8, 2019. https://www.jcp.or.jp/web_address/. / The Liberal Democratic Party Webpage. “都道府県支部連合会 | 自民党について | 自由民主党 [Associations of Prefectural Party Branches- About the LDP- The Liberal Democratic Party]”. Accessed May 8, 2019. <https://www.jimin.jp/aboutus/association/>. / 公明党 [Komeito]. “都道府県本部連絡先 | 党概要 [Contacts of Prefectural Headquarters- General Information About the KMT]”. Accessed May 8, 2019. <https://www.komei.or.jp/about/address/>.

EMIGRANT_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_16. Could external party offices receive public funding from state of origin?

Answer: Not applicable

Code: Not applicable

Explanation: Major parties in Japan do not have any offices abroad (See EMIGRANT_14). Moreover, public funding is only allocated to political organisations (i.e. party headquarters) that have at least 5 representatives in the Parliament or received at least 2 percent of the valid votes in the preceding election to the Lower House or the two preceding elections to the Upper House (Article 3 par. 2). The party headquarters can transfer subsidies to party offices, but the law limits the definition of relevant offices only to those that are located within the municipalities or electoral districts in Japan (Article 14 par. 1-2).

Sources: 政党助成法 [Political Party Subsidies Act]. 1994. Art. 3 and 14.

Political campaigns

EMIGRANT_17. Electoral campaigns abroad for home elections are legally regulated:

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: The Public Offices Election Act does not contain any information about campaigning outside Japan. Only the articles setting caps on campaign spending note that this regulation does not apply to activities targeting voters abroad (Articles 194, 195).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 194 and 195.

EMIGRANT_18. Actual existence of campaigns abroad for home elections:

Answer: No

Code: 0

Explanation: No evidence found.

Sources: Not applicable

EMIGRANT_19. Existence of public funding for electoral campaigns in state of residence:

Answer: Main electoral regulations establish that it is not possible to use public funding for campaigns abroad

Code: 0

Explanation: No. Public funding for political parties is not allocated for a specific purpose and the law does not limit the way the subsidies can be spent (Article 4 par. 1). However, party headquarters can only transfer part of subsidies to party branches located in Japan (Article 14 par. 1-2).

Sources: 政党助成法 [Political Party Subsidies Act]. 1994. Art. 4 and 14.

Membership in political parties

EMIGRANT_20. Emigrant membership to home country political parties:

Answer: Not regulated

Code: 0.25

Explanation: Not prohibited, but not explicitly allowed. Webpages and codes of major parties that continued existing before and beyond 2017 (LDP, KMT, JCP) do not list any requirements for party membership related to residency. The party code of KMT stands out in stating that even Japanese nationality is not a prerequisite for party membership (Section 2 Article 4). Yet, all parties require a reference/introduction from existing party members and application through a local party branch (LDP code Section 17 Article 87; KMT code Section 2 Article 5; JCP code Section 2 Article 6), which may complicate acquisition of party membership by emigrants.

Sources: 公明党規約 [The Komeito Party Code]. 2014. / 党則 [The Liberal Democratic Party Code]. 2003. / 日本共産党規約 [The Japanese Communist Party Code]. 2000.

2.1.3. Consultative bodies

2.1.4. Consultative bodies at the national level

EMIGRANT_21. Existence of a consultative body on emigrant issues:

Answer: No

Code: 0

Explanation: No. No evidence related to such body was found. The Ministry of Foreign Affairs webpage does not mention any consultative bodies in the section for travel and residence abroad. No information on policies, meetings, councils or other initiatives aimed at emigrants were found on the Cabinet Office webpage neither.

Sources: Not applicable

EMIGRANT_22. The consultation is structural or ad hoc:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_23. Composition of the consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_24. Who chairs the consultative body?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_27. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Consultative bodies at the consular level

EMIGRANT_28. Existence of a consultative body of emigrants at the consular level.

Answer: No

Code: 0

Explanation: No. No evidence found. For example, the embassy in the US does not mention any consultative bodies on the webpage listing activities and functions of the consulate. Similarly, consultative bodies are not included into the list of organizations for the Japanese residents in the UK on the British embassy webpage.

Sources: Embassy of Japan in the UK. “在留邦人団体リスト：在英国日本国大使館 [The List of Organisations for Japanese Residents in the UK: Embassy of Japan in the UK]”. Accessed May 26, 2019. https://www.uk.emb-japan.go.jp/itpr_ja/dantailist.html. / Embassy of Japan in the United States of America. “領事情報および領事業務：在アメリカ合衆国日本国大使館 [Information About the Consulate and Its Functions: Embassy of Japan in the United States of America]”. Accessed May 9, 2019. https://www.us.emb-japan.go.jp/itpr_ja/ryoji.html.

EMIGRANT_29. The consultation is structural or ad hoc:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_30. Composition of the consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_31. Who chairs the consultative body?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_34. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.1.5. Funding of emigrant associations

EMIGRANT_35. Existence of consular support (in kind or financial) to independent emigrant associations

Answer: No

Code: 0

Explanation: No, but support can be received from other public institutions. The Ministry of Foreign Affairs' webpage and the US embassy webpage (used as example) provide no information on any in kind or financial support for independent emigrant associations. Yet, the Ministry allows independent organizations/businesses to apply for nominal support of the MOFA. The Association of Nikkei & Japanese Abroad – an international association (foundation) of Japanese emigrants – reports that, in addition to donations from private sources and various foundations, it gets commissions from public institutions, like JICA (Japan International Cooperation Agency) and The Ministry of Health, Labor and Welfare.

Sources: Ministry of Foreign Affairs of Japan. “Outline of the Ministry of Foreign Affairs of Japan for Nominal Support”. Accessed May 26, 2019. URL not available. / Kigai Nikkei Foundation. “ご寄付のお願い - 公益財団法人海外日系人協会 [Request for Donations – Incorporated]”. Accessed May 26, 2019. URL not available.

2.2. Economic Policies

2.2.1. Remittances

EMIGRANT_36. Government program/strategy to attract remittances from emigrants.

Existence of a government program to attract remittances from emigrants:

Answer: No

Code: 0

Explanation: No (but forthcoming). In Japan banks hold a monopoly on large-sum remittances, exceeding the cap of 1 mln JPY (around 9000 USD), and charge substantial fees for the service. Only in February 2019 the Financial Services Agency suggested lifting the limitation on non-bank remittances, so as to facilitate business-to-business transfers. The policy has not been introduced as of 2019.

Sources: Nikkei Asian Review. “Japan to Open Doors to Nonbank Money Transfers”. Accessed May 26, 2019. <https://asia.nikkei.com/Economy/Japan-to-open-doors-to-nonbank-money-transfers>.

Measures to improve banking channels for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of fee controls for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.2.2. Investment

EMIGRANT_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):

Answer: No

Code: 0

Explanation: No. No evidence has been found. The Japanese central and local governments provide a wide range of incentives for investment in Japan. Most of them are accessible to foreign or foreign-affiliated companies, but none is specifically targeting businesses of Japanese emigrants.

Sources: Japan External Trade Organization (JETRO). "Incentive Programs | Investing in Japan". Accessed May 26, 2019. https://www.jetro.go.jp/en/invest/incentive_programs/.

2.2.3. Brain circulation networks

EMIGRANT_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?

Answer: No

Code: 0

Explanation: No. Science and business networks do exist, but they are the result of private initiative and function autonomously of the state. An example of a scientific network is the United Japanese Researchers Around the World network (UJA) – an organization registered in 2016 as non-profit in the USA and as an incorporated association in Japan. Its goal is to facilitate scientific collaborations among Japanese researchers abroad (mostly in the US) and in Japan, support search of study and funding opportunities abroad, inform about global career opportunities and facilitate partnerships in the areas of education, science and technology. Examples of business networks are JOEA (Japan Overseas Enterprises Association) and WAOJE (World Association of Overseas Japanese Entrepreneurs). The former unites 300 leading Japanese companies with operations abroad, so as to strengthen information exchange and training related to business and security risks, management and social security in the host countries, as well as to make policy proposals to the government for improvements in related areas. The latter is less established, but it aims at supporting entrepreneurs in Japan and abroad, establish networks and exchanges among them. It organises lectures, trainings by established managers and meetings for its members.

Sources: "About UJA (United Japanese Researchers around the World)". Accessed May 26, 2019. <https://uja-info.org/about-en/>. / Japan Overseas Enterprises Association (JOEA). "一般社団法人 日本在外企業協会 [General Incorporated Association Japan Overseas Enterprises Association]". Accessed May 26, 2019. <https://joea.or.jp/summary/profile>. / World Association of Overseas Japanese Entrepreneurs. "私たちについて | WAOJE | 海外を拠点に活躍する日本人起業家のネットワーク [About Us- WAOJE- World Association of Overseas Japanese Entrepreneurs]". Accessed May 26, 2019. <https://waoje.net/db/tokyo/aboutus>.

2.2.4. Return policies

EMIGRANT_39. Recognition of academic and professional qualifications acquired in the state of residence:

Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:

Answer: Yes

Code: 1

Explanation: Partially direct recognition, without concrete timeframe and under the discretion of admitting bodies (e.g. Universities). According to the Ministry of Education Notice No. 153, foreign qualifications for university entry are recognized directly under the following conditions: -After the completion of 12 years of schooling abroad (equivalent of Japanese school system). Those who spent fewer years at school have to take designated preparatory courses (Clause 2). -For those who are older than 18 years of age and passed a 12-year qualification exam abroad. Those who completed fewer than 12 years of school have to take preparatory courses (Clauses 1-2). - After the completion of 11 or more school courses abroad that correspond to high school requirements as designated by MEXT (Clause 3) - After the completion of foreign schools in Japan designated as equivalent to Japanese high school (Clauses 4-5) The Education Act Enforcement Ordinance specifies additional conditions for university admission: - Completion of a 12-year course at an officially designated overseas Japanese school (Article 150 clause 2) - Completion of a designated higher secondary school (Article 150 clause 3) - Being over the age of 18 and passing a university's individual qualification screening (Article 150 clause 7). And for graduate school admission: - Completion of 16 years in education abroad or completion of correspondence courses of a foreign country conducted in Japan (18 years for medicine, dentistry, pharmacy and veterinary medicine) (Article 155, par 1, clauses 2-3) - Completion of a foreign school program designated as equivalent to a foreign university in Japan (Article 155, par 1, clause 4) - Completion of a bachelor's degree in three or more years at a foreign university (5 years for medicine, dentistry, pharmacy and veterinary medicine) (Article 155, par 1, clause 4-2) - Completion of a special vocational school designated by MEXT (Article 155, par 1, clause 5) - Persons of 22 years of age or older admitted by individual admission qualification examination at the graduate school in Japan (Article 155, par 1, clause 8) MEXT Notice No. 47 (clauses 20-23) admits direct recognition of international Baccalaureate, Abitur, Baccalaureat and GCEA (regardless of the number of years in education). Notice No. 24 (see Ministry webpage, original notice text unavailable) provides for the recognition of 12-year courses at educational facilities accredited by international assessment bodies (WASC, CIS, ACSI). Notice No. 177 (see Ministry webpage, original notice text unavailable) provides for recognition of certain systems abroad as equivalent to Japanese high school, even if a foreign school system is shorter than or if a person completed education ahead of usual schedule (most recent amendments included: Uzbekistan, Sudan, Belarus, Peru and Russia). Recognition of foreign degrees is also facilitated by international agreements, such as the Asia-Pacific Convention on the Recognition of Qualifications in Higher Education, which was developed within the UNESCO framework for 26 countries in the region and enacted in 2018. The document provides for smooth and timely review of applicants with foreign degrees but does not ensure automatic recognition and leaves the timeframe for review within the

discretion of each university (Article 3). The MEXT commissioned further research and development of policy proposals for a more unified and coherent framework for recognizing foreign professional and academic qualifications, which has been partly completed by the University of Kyushu.

Sources: 学校教育法施行規則 [Education Act Enforcement Ordinance]. 1947. Art. 150 and 155. / Ministry of Education. “1981.昭和 56 年文部省告示第 153 号 [Ministry of Education Notice No. 153 of 1981]”. Accessed May 28, 2019. http://www.mext.go.jp/b_menu/hakusho/nc/k19811003001/k19811003001.html. / Ministry of Education of Japan. “1948. 昭和 23 年文部省告示第 47 号 [Ministry of Education Notice No. 47 of 1948]”. Accessed May 28, 2019. http://www.mext.go.jp/b_menu/hakusho/nc/k19480531001/k19480531001.html. / Ministry of Education, Culture, Sports, Science and Technology of Japan. “大学入学資格について : 文部科学省 [About University Admissions: Ministry of Education, Culture, Sports, Science and Technology of Japan]”. Accessed May 28, 2019. http://www.mext.go.jp/a_menu/koutou/shikaku/07111314.htm. / 高等教育の資格の承認に関するガイドライン～高等教育の資格の承認に関するアジア太平洋地域規約～ : 文部科学省 [Guidelines for the Recognition of Qualifications in Higher Education. Asia-Pacific Convention on the Recognition of Qualifications in Higher Education: MEXT]. 2018. Art. 3. / Research Centre for Tertiary Education and Qualifications. “九州大学 第三段階教育研究センター [Kyushu University- Research Centre for Tertiary Education and Qualifications- Research Reports]”. Accessed May 28, 2019. https://rteq.kyushu-u.ac.jp/research_results.html.

Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:

Answer: Not stated

Code: 0.25

Explanation: Partially direct recognition, without concrete timeframe and under the discretion of admitting bodies (e.g. Universities). According to the Ministry of Education Notice No. 153, foreign qualifications for university entry are recognized directly under the following conditions: -After the completion of 12 years of schooling abroad (equivalent of Japanese school system). Those who spent fewer years at school have to take designated preparatory courses (Clause 2). -For those who are older than 18 years of age and passed a 12-year qualification exam abroad. Those who completed fewer than 12 years of school have to take preparatory courses (Clauses 1-2). - After the completion of 11 or more school courses abroad that correspond to high school requirements as designated by MEXT (Clause 3) - After the completion of foreign schools in Japan designated as equivalent to Japanese high school (Clauses 4-5) The Education Act Enforcement Ordinance specifies additional conditions for university admission: - Completion of a 12-year course at an officially designated overseas Japanese school (Article 150 clause 2) - Completion of a designated higher secondary school (Article 150 clause 3) - Being over the age of 18 and passing a university's individual qualification screening (Article 150 clause 7). And for graduate school admission: - Completion of 16 years in education abroad or completion of correspondence courses of a foreign country conducted in Japan (18 years for medicine, dentistry, pharmacy and veterinary medicine) (Article 155, par 1, clauses 2-3) - Completion of a foreign school program designated as equivalent to a foreign university in Japan (Article 155, par 1, clause 4) - Completion of a bachelor's degree in three or more years at a foreign university (5 years for medicine, dentistry, pharmacy and veterinary medicine) (Article 155, par 1, clause 4-2) - Completion of a special vocational school designated by MEXT (Article 155, par 1, clause 5) - Persons of 22 years of age or older admitted by individual admission qualification examination at the graduate school in Japan (Article 155, par 1, clause 8) MEXT Notice No. 47 (clauses 20-23) admits direct recognition of international Baccalaureate, Abitur, Baccalaureat and GCEA (regardless of the number of years in education). Notice No. 24 (see Ministry webpage, original notice text unavailable) provides for the recognition of 12-year courses at educational facilities accredited by international assessment bodies (WASC, CIS, ACSI). Notice No. 177 (see Ministry webpage, original notice text unavailable) provides for recognition of certain systems abroad as equivalent to Japanese high school, even if a foreign school system is shorter than or if a person

completed education ahead of usual schedule (most recent amendments included: Uzbekistan, Sudan, Belarus, Peru and Russia). Recognition of foreign degrees is also facilitated by international agreements, such as the Asia-Pacific Convention on the Recognition of Qualifications in Higher Education, which was developed within the UNESCO framework for 26 countries in the region and enacted in 2018. The document provides for smooth and timely review of applicants with foreign degrees but does not ensure automatic recognition and leaves the timeframe for review within the discretion of each university (Article 3). The MEXT commissioned further research and development of policy proposals for a more unified and coherent framework for recognizing foreign professional and academic qualifications, which has been partly completed by the University of Kyushu.

Sources: 学校教育法施行規則 [Education Act Enforcement Ordinance]. 1947. Art. 150 and 155. / Ministry of Education. “1981.昭和 56 年文部省告示第 153 号 [Ministry of Education Notice No. 153 of 1981]”. Accessed May 28, 2019. http://www.mext.go.jp/b_menu/hakusho/nc/k19811003001/k19811003001.html. / Ministry of Education of Japan. “1948. 昭和 23 年文部省告示第 47 号 [Ministry of Education Notice No. 47 of 1948]”. Accessed May 28, 2019. http://www.mext.go.jp/b_menu/hakusho/nc/k19480531001/k19480531001.html. / Ministry of Education, Culture, Sports, Science and Technology of Japan. “大学入学資格について : 文部科学省 [About University Admissions: Ministry of Education, Culture, Sports, Science and Technology of Japan]”. Accessed May 28, 2019. http://www.mext.go.jp/a_menu/koutou/shikaku/07111314.htm. / 高等教育の資格の承認に関するガイドライン～高等教育の資格の承認に関するアジア太平洋地域規約～ : 文部科学省 [Guidelines for the Recognition of Qualifications in Higher Education. Asia-Pacific Convention on the Recognition of Qualifications in Higher Education: MEXT]. 2018. Art. 3. / Research Centre for Tertiary Education and Qualifications. “九州大学 第三段階教育研究センター[Kyushu University- Research Centre for Tertiary Education and Qualifications- Research Reports]”. Accessed May 28, 2019. https://rteq.kyushu-u.ac.jp/research_results.html.

EMIGRANT_40. Communication campaigns aiming to convince emigrants to return to home country:

Answer: No

Code: 0

Explanation: No evidence found of communication campaigns. Government institutions used to contain special entries online with information and policies for emigrants and their descendants (the so-called Nikkei, denoting all persons of Japanese descent up to 4th generation, i.e. both emigrants and co-ethnics), but such entries no longer exist neither on the MOFA, nor on the Cabinet Office websites. More recent reports of the JICA on its work with Japanese emigrants and their descendants contain a range of educational, development and knowledge/cultural exchange initiatives, but none of them seeks to facilitate emigrants' return to Japan.

Sources: Japan International Cooperation Agency (JICA). 2018. “Support for Japanese Emigrants and Their Descendants”. JICA Annual Report.

EMIGRANT_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:

Answer: No

Code: 0

Explanation: No evidence found of such programs.

Sources: Not applicable

EMIGRANT_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:

Answer: No

Code: 0

Explanation: No evidence of such benefits found.

Sources: Not applicable

2.3. Social Policies

2.3.1. Retirement benefits

EMIGRANT_43. Retirement benefits after emigration (i.e. pensions):

Answer: Yes

Code: 1

Explanation: Yes, with no limits related to the period of residency abroad. The National Pension is compulsory for all persons aged 20 to 60 who have an address in Japan (Article 7 par. 1 item 1). Company employees, public employees and their spouses remain ensured when transferred abroad. Japanese nationals living abroad and aged 20 to 60 can also join the National Pension voluntarily (Article 5 par. 1 item 3). Persons who enter the system and pay the premiums also become eligible to receive survivor basic pension (in the case of the insured person's death) and disability basic pension (in the case of disability). Persons who are members of the National Pension system can receive pensions abroad upon a separate application. Based on bilateral agreements, in certain countries it is possible to combine both periods of residence in Japan and abroad to meet the time requirements (10 years) for receiving pension. These states include Germany, USA, Belgium, France, Canada, Australia, Netherlands, Czech Republic, Spain, Ireland, Brazil, Switzerland, Hungary, India, Luxembourg, Philippines (MOFA webpage).

Sources: 国民年金法 [National Pension Act]. 1959. Art. 5 and 7. / 外務省 [Ministry of Foreign Affairs of Japan]. “海外在住者と日本の医療保険, 年金 [Medical Insurance and Pensions for Persons Residing Abroad]”. Accessed May 28, 2019. https://www.mofa.go.jp/mofaj/toko/kaigai/nenkin_hoken/index.html

2.3.2. Health care benefits

EMIGRANT_44. Health care benefits.

Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):

Answer: No

Code: 0

Explanation: Health insurance applies to employees of private enterprises, excluding some areas of service industry, students, self-employed, temporary, daily, short-term and part-time workers, public servants and several other groups and businesses (Health Insurance Act, Article 3, par. 1 and 3). An employee of a company and his dependents remain insured abroad for as long as the employee is employed at this company (Articles 35-36). Persons who are not covered by these schemes have to enter national medical insurance managed by municipalities. A person ceases to be eligible for this insurance when he de-registers at his municipality and loses address in Japan (National Health Insurance Act, Article 8 par. 1).

Sources: 国民健康保険法 [National Health Insurance Act]. 1958. Art. 8. / 健康保険法 [Health Insurance Act]. 1922. Art. 3 and 35-36. / 外務省 [Ministry of Foreign Affairs of Japan]. “海外在住者と日本の医療保険, 年金 [Medical Insurance and Pensions for Persons Residing Abroad]”. Accessed May 28, 2019. /mofaj/toko/kaigai/nenkin_hoken/index.html.

Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:

Answer: No

Code: 0

Explanation: No such provision found

Sources: 国民健康保険法 [National Health Insurance Act]. 1958. Art. 8. / 健康保険法 [Health Insurance Act]. 1922. Art. 3 and 35-36. / 外務省 [Ministry of Foreign Affairs of Japan]. “海外在住者と日本の医療保険, 年金 [Medical Insurance and Pensions for Persons Residing Abroad]”. Accessed May 28, 2019. /mofaj/toko/kaigai/nenkin_hoken/index.html.

Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:

Answer: No

Code: 0

Explanation: No such provision found.

Sources: 国民健康保険法 [National Health Insurance Act]. 1958. Art. 8. / 健康保険法 [Health Insurance Act]. 1922. Art. 3 and 35-36. / 外務省 [Ministry of Foreign Affairs of Japan]. “海外在住者と日本の医療保険, 年金 [Medical Insurance and Pensions for Persons Residing Abroad]”. Accessed May 28, 2019. /mofaj/toko/kaigai/nenkin_hoken/index.html.

2.3.3. Education

EMIGRANT_45. Education programs for emigrants.

Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:

Answer: Yes

Code: 1

Explanation: Children of emigrants can apply for state scholarships provided through a public organization JASSO (both donation and loan types) on equal terms with other applicants. Even foreigner residents in Japan are able to apply. Academic merit, motivation and financial situation of the families are the main criteria for scholarship recipients' selection.

Sources: Japan Student Services Organization (JASSO). “奨学金の制度（給付型）：申込資格・選考基準（2020年度進学予定者） [Scholarship system (Donation Type) : Qualifications for an Application and Selection Standards (for 2020 University Applicants)]”. Accessed June 13, 2019. <https://www.jasso.go.jp/shogakukin/kyufu/shikaku/index.html>. / Japan Student Services Organization (JASSO). “奨学金の制度（貸与型）：大学で受ける奨学金の予約 [Scholarship System (Loan Type) : Reservation of a University Scholarship]”. Accessed June 13, 2019. <https://www.jasso.go.jp/shogakukin/seido/kijun/yoyaku/daigaku/index.html>.

State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):

Answer: No

Code: 0

Explanation: Ministries of Foreign Affairs (MOFA) and Education (MEXT) only provide limited support for education programs. MOFA covers part of the rent for school buildings, part of security fees in the states with precarious security situation, part of teaching staff fees and supports staff training. MEXT dispatches some teaching staff to schools abroad and supports pupils' reintegration upon their return to Japan. Organization of education for children of emigrants is entrusted to emigrants themselves, who can establish a Japanese school equivalent to those in Japan or supplementary schools to bridge the gap between educational systems in Japan and other countries. Most comprehensive efforts to support emigrant children's education abroad are made by the Japan Overseas Education Services (JOES) – a non-profit foundation established by private Japanese companies operating abroad in 1971. The organization is private, but it cooperates with the Ministries.

Sources: Japan Overseas Educational Services (JOES). “海外子女教育振興財団コーポレートサイト [Introduction: Japan Overseas Educational Services Corporate Website]”. Accessed June 13, 2019. <https://www.joes.or.jp/introduction>. / Ministry of Education, Culture, Sports, Science and Technology. Japan. “海外子女教育の概要：文部科学省 [Outline of Education for Children Abroad: MEXT]”. Accessed June 13, 2019. http://www.mext.go.jp/a_menu/shotou/clarinet/002/001.htm. / 外務省 [Ministry of Foreign Affairs]. “海外教育 [Education Abroad]”. Accessed June 13, 2019. </mofaj/toko/kaigai/kyoiku/index.html>.

State of origin offers language courses to emigrants to learn the language of the state of reception:

Answer: No

Code: 0

Explanation: Ministries of Foreign Affairs (MOFA) and Education (MEXT) only provide limited support for education programs. MOFA covers part of the rent for school buildings, part of security fees in the

states with precarious security situation, part of teaching staff fees and supports staff training. MEXT dispatches some teaching staff to schools abroad and supports pupils' reintegration upon their return to Japan. Organization of education for children of emigrants is entrusted to emigrants themselves, who can establish a Japanese school equivalent to those in Japan or supplementary schools to bridge the gap between educational systems in Japan and other countries. Most comprehensive efforts to support emigrant children's education abroad are made by the Japan Overseas Education Services (JOES) – a non-profit foundation established by private Japanese companies operating abroad in 1971. The organization is private, but it cooperates with the Ministries.

Sources: Japan Overseas Educational Services (JOES). “海外子女教育振興財団コーポレートサイト [Introduction: Japan Overseas Educational Services Corporate Website]”. Accessed June 13, 2019. <https://www.joes.or.jp/introduction>. / Ministry of Education, Culture, Sports, Science and Technology. Japan. “海外子女教育の概要 : 文部科学省 [Outline of Education for Children Abroad: MEXT]”. Accessed June 13, 2019. http://www.mext.go.jp/a_menu/shotou/clarinet/002/001.htm. / 外務省 [Ministry of Foreign Affairs]. “海外教育 [Education Abroad]”. Accessed June 13, 2019. [/mofaj.toko/kaigai/kyoiku/index.html](http://mofaj.toko/kaigai/kyoiku/index.html).

2.4. Cultural policies

2.4.1. Visits to country of origin

EMIGRANT_46. State of origin organizes visits to the origin country for emigrants on a regular basis:

Answer: Yes

Code: 1

Explanation: Yes. Major organizer of visits to Japan is Japan International Cooperation Agency (JICA) – a public body overseeing international cooperation and aid programs. Its Nikkei Next Generation programs for High School and University students from emigrant communities in Latin America include a visit to Japan with lectures about Japanese migration, classes and exchange activities at schools and universities, home stay (for school pupils) and cultural study tour (as of 2019). JICA also has training tours for Nikkei (organized in cooperation with the Association of the Nikkei and Japanese Abroad): at the proposal of universities, local governments, public interest corporations and private enterprises in Japan, it invites Nikkei for training in Japan. [Note: Existing programs are mostly meant for the Japanese co-ethnics who resided outside Japan for up to 3-4 generations (Nikkei) whether they have Japanese citizenship or not. “Nikkei” is often translated as “Japanese descendants and emigrants” and the above programs do not explicitly make a distinction based on one’s nationality].

Sources: Japan International Cooperation Agency (JICA). 2019a. “Financial Year 2019: Education Program for Nikkei Next Generation (High-School Students) Application Guide.” / Japan International Cooperation Agency (JICA). 2019b. “Financial Year 2019: Education Program for Nikkei Next Generation (University Students) Application Guide.” / The Association of Nikkei and Japanese Abroad. “JICA 日系研修 [JICA Nikkei Training]”. Accessed June 14, 2019. <http://www.jadesas.or.jp/kenshu/jicanikkei.html>.

2.4.2. Language courses for emigrants

EMIGRANT_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):

Answer: Yes

Code: 1

Explanation: Language courses to emigrants are accessible both through private and public channels. The Japan Overseas Education Services (JOES) organizes various language-related contests and events to foster emigrant children's proficiency in Japanese language. It also provides correspondence courses for children not attending Japanese schools on a variety of subjects, including Japanese language. The Japan International Cooperation Agency (JICA) focuses on emigrants ("Nikkei" up to the third-fourth generation) in developing countries, predominantly on the Japanese communities in Latin America. Its Nikkei Volunteer program is specifically devised to dispatch volunteers to assist with Japanese language education, welfare and healthcare services. JICA also dispatches school teachers to Nikkei communities to train for teaching at Nikkei schools in Japan (information for the fiscal year 2017).

Sources: Japan Overseas Educational Services (JOES). "海外子女教育振興財団コーポレートサイト [Introduction: Japan Overseas Educational Services Corporate Website]". Accessed June 13, 2019. <https://www.joes.or.jp/introduction>.

2.5. Obligations

2.5.1. Military service

EMIGRANT_48. Emigrants have the obligation to comply with military service:

Answer: No existence of military service

Code: Not applicable

Explanation: Japan has no compulsory military service, recruitment in the Self-Defense Forces is competitive and exam-based (Self-Defense Forces Act, Article 35). Hence, emigrants have no obligation to comply with military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

2.5.2. Social service

EMIGRANT_49. Emigrants have the obligation to comply with social service:

Answer: No existence of social service

Code: Not applicable

Explanation: Japan has no compulsory social service.

Sources: Not applicable

2.5.3. Taxes

EMIGRANT_50. Obligation to pay taxes in state of origin

Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: In principle, no. According to the Income Tax Act, resident is an individual domiciled in Japan or residing continuously in Japan for one year or more (Article 2, item 3). National and local public servants are considered residents, even if they do not meet these conditions (Article 3, par.1). A resident has to pay income tax in Japan, a non-resident only pays income tax if he (1) has domestic source income or (2) receives, in Japan, payments constituting the taxable income of a domestic or foreign corporation (any interest and similar income, dividends, compensation for periodic deposits, finance charges, profits, margin profits, distributions of profits, or monetary awards) attributable to trust property of a trust subject to corporation taxation, for which a non-resident acts as a trustee (Article 5, par. 1-2; Article 7, par. 1 items 1 and 3). Domestic source of income related to non-residents covers: (1) income from business that the earner conducts in Japan or other assets in Japan; (2) profits from business that the earner conducts in Japan under a partnership agreement; (3) land or facilities located in Japan (4) business related to provision of personal services; (5) rent of real estate; (6) interest, dividends, royalties and similar income (7) a salary, remuneration, or pension; (8) advertisement for business located in Japan; (9) compensation for periodic deposits, finance charges, profits, or margin profits; (10) proceeds based on a silent partnership agreement (Articles 161, 164).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 3, 5, 7, 161 and 164. / 国税庁 [National Tax Agency]. “非居住者等に対する課税のしくみ（平成 29 年分以降） [The System of Taxation for Non-Residents (Since 2017)]”. Accessed June 14, 2019. <https://www.nta.go.jp/taxes/shiraberu/taxanswer/gensen/2873.htm>.

There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: National Tax Agency mentions no specific taxes for emigrants.

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 3, 5, 7, 161 and 164. / 国税庁 [National Tax Agency]. “非居住者等に対する課税のしくみ（平成 29 年分以降） [The System of Taxation for Non-Residents (Since 2017)]”. Accessed June 14, 2019. <https://www.nta.go.jp/taxes/shiraberu/taxanswer/gensen/2873.htm>.

2.6. Administration

2.6.1. Home country administration

EMIGRANT_51. Existence of a home country administration agency/body for emigrants in state of origin.

Existence of institution/agency with competencies for emigrant policies:

Answer: Yes

Code: 1

Explanation: Yes. While there is no unitary government agency responsible for emigrant issues as a whole, the Consular Affairs Bureau is the most competent authority for a range of emigrant affairs. The Consular Affairs Bureau of the Ministry of Foreign Affairs (MOFA) is the key agency responsible for emigrant affairs, including protection of Japanese nationals and their property abroad (except matters dealt with by other bureaus); matters relating to the civil status of Japanese nationals abroad; certification of documents issued by Japanese or foreign authorities with regard to matters relating to civil status or other matters related to both Japan and a foreign country; issuance of passports and other documents necessary for travel abroad; visas; planning and handling of emigration affairs; assistance and protection of emigrants and promotion of emigration programs, etc., liaison and coordination with other governmental organizations connected with emigration and supervision of the relevant function of the Japan International Cooperation. Besides, separate regional Bureaus (Asian and Oceanian Affairs, North American Affairs, Latin American and Caribbean Affairs, European Affairs, Middle Eastern and African Affairs) within MOFA are responsible for policy formulation, implementation and politics affairs (including protection of Japanese nationals and their property) in respective regions. International Cooperation Bureau within MOFA supervises Japan International Cooperation Agency (JICA), which is responsible for development programs, including those related to emigrants and their descendants in Latin America (Nikkei).

Sources: Ministry of Foreign Affairs of Japan. "Organization: Ministry of Foreign Affairs of Japan". Accessed June 14, 2019. <https://www.mofa.go.jp/about/hq/org.html>.

Name of the institution with competencies for emigrant policies in original language:

Answer: 領事局

Name of the institution with competencies for emigrant policies in English:

Answer: Consular Affairs Bureau

EMIGRANT_52. Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: All the agencies in the previous question are constituent parts of the Ministry of Foreign Affairs organizational structure. The ministry is subdivided into bureaus, which consist of departments and divisions. The ministry itself is part of the Cabinet of Ministers (executive authority).

Sources: Ministry of Foreign Affairs of Japan. "Organization: Ministry of Foreign Affairs of Japan". Accessed June 14, 2019. <https://www.mofa.go.jp/about/hq/org.html>.

2.6.2. Consular network

EMIGRANT_53: Number of consulates.

Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):

Answer: 236

Code: 236

Explanation: Total number of consulates is 236 (discounting shared embassies and non-consular offices abroad). Japan had 195 embassies (151 individual and 44 shared with other states), 65 consulate-generals (in 24 states), 20 consular offices and 11 permanent missions and delegations to international organizations (e.g. EU, NATO, etc.) in January 2019. For comparison, in January 2015 Japan had 194 embassies (139 individual and 55 shared with other states), 60 consulate-generals, 22 consular offices and 9 permanent missions to international organizations.

Sources: 大臣官房総務課 [Ministry of Foreign Affairs Secretariat General Affairs Department]. "在外公館設置状況 [The State of Overseas Diplomatic Missions]". Access date not available. <http://warp.da.ndl.go.jp/info:ndljp/pid/8896781/www.mofa.go.jp/mofaj/files/000047796.pdf>. / 大臣官房総務課 [Ministry of Foreign Affairs Secretariat General Affairs Department]. "在外公館設置状況 [The State of Overseas Diplomatic Missions]". Access date not available. <https://www.mofa.go.jp/mofaj/files/000047796.pdf>.

Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):

Answer: 151

Code: 151

Explanation: Japan has consular presence in 151 countries.

Sources: 大臣官房総務課 [Ministry of Foreign Affairs Secretariat General Affairs Department]. "在外公館設置状況 [The State of Overseas Diplomatic Missions]". Access date not available. <http://warp.da.ndl.go.jp/info:ndljp/pid/8896781/www.mofa.go.jp/mofaj/files/000047796.pdf>. / 大臣官房総務課 [Ministry of Foreign Affairs Secretariat General Affairs Department]. "在外公館設置状況 [The State of Overseas Diplomatic Missions]". Access date not available. <https://www.mofa.go.jp/mofaj/files/000047796.pdf>.

2.6.3. New consular functions

EMIGRANT_54: Extensions to the consular network services.

Existence of mobile consulates:

Answer: Yes

Code: 1

Explanation: Some consulates (e.g. in some states in the USA) offer a “1 day consular service” when consulate staff is sent to remote districts within the area of a consulate’s jurisdiction to perform some regular consular functions (receive applications for passport, remote voting, issue certificates, etc.). Special services of this kind, however, are not unified across Japan’s representative offices abroad.

Sources: Ministry of Foreign Affairs. “海外へ渡航される皆様へ：たびレジ、オンライン在留届 [For Everyone Traveling Abroad: Tabireji and Overseas Residential Registration]”. Accessed June 14, 2019. <https://www.ezairyu.mofa.go.jp/index.html>. / Embassy of Japan in the United States of America. “領事出張サービス [1-Day Consular Service]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/shuccho/shuccho_top.html.

Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: No

Code: 0

Explanation: No such service found to exist.

Sources: Ministry of Foreign Affairs. “海外へ渡航される皆様へ：たびレジ、オンライン在留届 [For Everyone Traveling Abroad: Tabireji and Overseas Residential Registration]”. Accessed June 14, 2019. <https://www.ezairyu.mofa.go.jp/index.html>. / Embassy of Japan in the United States of America. “領事出張サービス [1-Day Consular Service]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/shuccho/shuccho_top.html.

Consulates offer some services online:

Answer: Yes

Code: 1

Explanation: Some consular services are also available online globally, such as the registration of Japanese residents abroad via the ORR (Overseas Residential Registration).net system. Japanese consulates also send information bulletins via email (e.g. security information via Tabireji system).

Sources: Ministry of Foreign Affairs. “海外へ渡航される皆様へ：たびレジ、オンライン在留届 [For Everyone Traveling Abroad: Tabireji and Overseas Residential Registration]”. Accessed June 14, 2019. <https://www.ezairyu.mofa.go.jp/index.html>. / Embassy of Japan in the United States of America. “領事出張サービス [1-Day Consular Service]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/shuccho/shuccho_top.html.

EMIGRANT_55: Adoption of new consular functions.

Consulates offer financial consultancy:

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs provides consultancy services, also available through consulates, to Japanese businesses abroad and to foreign businesses that consider investing in Japan.

Sources: Embassy of Japan in Russia. “在留邦人子女に対するいじめ相談窓口の設置 [Opening of a Consultancy on Bullying of Japanese Children]”. Accessed June 14, 2019. https://www.ru.emb-japan.go.jp/itpr_ja/ryouji20180428.html. / Embassy of Japan in the United States of America. “日米経済関係お知らせ：日本企業支援について [Notice on Japan-US Economic Relations: Assistance for Japanese Businesses]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/japan_us/nihon_kigyo_shien.html. / Embassy of Japan in the United States of America. “家庭内暴力（DV）等の相談機関・団体 [Organizations Providing Consultation on Domestic Violence]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/ryoji/shinken_nihonjin_shienmadoguchi.html.

Consulates offer psychological consultancy:

Answer: Yes

Code: 1

Explanation: There is evidence for psychological support but these services are not unified across Japanese consulates. The embassy in the US, in cooperation with Asian/Pacific Islander Domestic Violence Resource Project NPO, organizes a consultation service for victims of domestic violence in several states. The Embassy in Russia provides consultations related to child bullying at schools.

Sources: Embassy of Japan in Russia. “在留邦人子女に対するいじめ相談窓口の設置 [Opening of a Consultancy on Bullying of Japanese Children]”. Accessed June 14, 2019. https://www.ru.emb-japan.go.jp/itpr_ja/ryouji20180428.html. / Embassy of Japan in the United States of America. “日米経済関係お知らせ：日本企業支援について [Notice on Japan-US Economic Relations: Assistance for Japanese Businesses]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/japan_us/nihon_kigyo_shien.html. / Embassy of Japan in the United States of America. “家庭内暴力（DV）等の相談機関・団体 [Organizations Providing Consultation on Domestic Violence]”. Accessed June 14, 2019. https://www.us.emb-japan.go.jp/j/ryoji/shinken_nihonjin_shienmadoguchi.html.

Consulates offer health services:

Answer: No

Code: 0

Explanation: No such provision found.

Sources: Not applicable

2.6.4. Special offices

EMIGRANT_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):

Answer: No

Code: 0

Explanation: No evidence related to such offices was found on the government webpages.

Sources: Not applicable

3. Emigrant citizenship and nationality policies

CITNAT: Does the country make a distinction between citizenship and nationality?

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: The translation of Nationality Act uses both terms interchangeably. The Act itself provides no definitions. Moreover, there is also only one word for both terms in Japanese - "kokuseki".

Sources: 国籍法 [Nationality Act]. 1950.

3.1. Emigrant nationality

3.1.1. Dual nationality for emigrants

EMINAT_1. Deprivation of nationality for having acquired a foreign nationality.

Loss of nationality for acquisition of foreign citizenship (nationals by birth):

Answer: Lapse upon acquisition of foreign citizenship

Code: 0

Explanation: According to the Nationality Act, a person loses Japanese nationality after acquiring nationality of a different state by his or her own choice (Article 11), unless a person is under 20 years of age. After reaching the age of 20 or acquiring another nationality after the age of 20, a person has two years to choose one nationality (Article 14, par. 1). The choice is made (1) either by depriving himself or herself of the foreign nationality or (2) by the declaration provided for in the Family Registration Law in which he or she swears that he or she chooses to be a Japanese national and that he or she renounces the foreign nationality (Article 14 par. 2). A Japanese national who has made the declaration of choice shall endeavor to deprive himself or herself of the foreign nationality (Article 16 par. 1). A person who fails to meet these conditions may receive a written notice from the Ministry of Justice requesting to choose nationality and will be deprived of Japanese nationality at the expiration of one month after the day he or she receives the notice, unless he or she chooses Japanese nationality within such period (Article 15). Also, a Japanese national who was born in a foreign country and has acquired a foreign nationality by birth loses Japanese nationality retroactively as from the time of birth, unless the Japanese national clearly indicates his volition to preserve Japanese nationality (Article 12).

Sources: 国籍法 [Nationality Act]. 1950. Art. 11, 12, 14, 15, and 16.

Nationality can be withdrawn only if person resides abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person was born abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Loss of nationality can be prevented:

Answer: No

Code: 0

Explanation: No such provision

Sources: Not applicable

3.1.2. Dual nationality only for some countries of residence

EMINAT_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.

Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:

Answer: No

Code: 1

Explanation: Not applicable

Sources: Not applicable

Which countries:

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

3.1.3. Loss of nationality after residence abroad

EMINAT_3: Loss of nationality after residence abroad.

Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:

Answer: No provision

Code: 1

Explanation: The Nationality Act makes no such provisions for the loss of nationality.

Sources: 国籍法 [Nationality Act]. 1950.

Nationality can be withdrawn only if person resides abroad for 20 years or more:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Nationality can be withdrawn only if person has another citizenship:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:

Answer: No provision = 1

Code: 1

Explanation: The Nationality Act makes no such provisions for the loss of nationality.

Sources: 国籍法 [Nationality Act]. 1950.

3.1.4. Jus sanguinis for emigrants

EMINAT_4: Transfer of nationality to children born abroad.

Country of origin permit parents to confer their nationality on their children who are born abroad:

Answer: Yes

Code: 1

Explanation: According to the Nationality Act, a child is recognized as a Japanese national if at the time of his birth either of the parents is a Japanese national or if the father who died prior to the birth of the child was a Japanese national at the time of his death (Article 2 par. 1-2).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2.

Transfer of nationality is applicable to:

Answer: Only first generation

Code: 0.5

Explanation: According to the Nationality Act, a child is recognized as a Japanese national if at the time of his birth either of the parents is a Japanese national or if the father who died prior to the birth of the child was a Japanese national at the time of his death (Article 2 par. 1-2).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2.

3.1.5. Jus sanguinis across generations

EMINAT_5: Transfer of nationality to children born abroad from former citizens.

Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens

Answer: Yes

Code: 1

Explanation: According to the Nationality Act, a child of a former national is recognized as a Japanese national if the father who died prior to the birth of the child was a Japanese national at the time of his death (Article 2 par. 2). A child (not by adoption) of a former Japanese national may be recognized as a Japanese national if he had domicile or residence in Japan for 3 or more consecutive years (Article 6 par.1 item 1).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2 and 6.

Transfer of nationality is applicable to:

Answer: Only first generation

Code: 0.5

Explanation: According to the Nationality Act, a child of a former national is recognized as a Japanese national if the father who died prior to the birth of the child was a Japanese national at the time of his death (Article 2 par. 2). A child (not by adoption) of a former Japanese national may be recognized as a Japanese national if he had domicile or residence in Japan for 3 or more consecutive years (Article 6 par.1 item 1).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2 and 6.

3.1.6. Renunciation of nationality is possible

EMINAT_6: Voluntary renunciation of nationality abroad is possible.

Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:

Answer: Renunciation is possible

Code: 1

Explanation: The Constitution Article 22 states that “freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate”. The Nationality Act states that the Japanese national having a foreign nationality can renounce Japanese nationality by making notification to the Minister of Justice (Article 13 par.1).

Sources: 国籍法 [Nationality Act]. 1950. Art. 13.

Renunciation abroad is only possible if person has another nationality:

Answer: No, person renouncing does not have to show proof of another nationality

Code: 0

Explanation: The Constitution Article 22 states that “freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate”. The Nationality Act states that the Japanese national having a foreign nationality can renounce Japanese nationality by making notification to the Minister of Justice (Article 13 par.1).

Sources: 国籍法 [Nationality Act]. 1950. Art. 13.

Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:

Answer: No

Code: 0

Explanation: The Constitution Article 22 states that “freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate”. The Nationality Act states that the Japanese national having a foreign nationality can renounce Japanese nationality by making notification to the Minister of Justice (Article 13 par.1).

Sources: 国籍法 [Nationality Act]. 1950. Art. 13.

3.1.7. Reacquisition of nationality

EMINAT_7. Country of origin provides for reacquisition of nationality for former nationals:

Answer: Yes

Code: 1

Explanation: The Nationality Act states that a person under twenty years of age who has lost Japanese nationality by acquiring nationality of a different state at birth (Article 12) may reacquire Japanese nationality by making notification to the Minister of Justice if he or she has a domicile in Japan (Article 17 par.1). A person who lost nationality after failing to respond to the Minister of Justice notice (Article 15), may reacquire Japanese nationality by making notification to the Minister of Justice within one year after he or she has become aware of the fact that he or she has lost Japanese nationality, if he or she has no nationality, or the acquisition of Japanese nationality will result in the loss of foreign nationality (Article 17 par.2, Article 5 par.1 item 5).

Sources: 国籍法 [Nationality Act]. 1950. Art. 12, 13, 15, 17 and 5.

3.2. Emigrant citizenship

3.2.1. Citizenship restrictions for dual nationals

EMICIT_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):

Answer: Not applicable

Code: Not applicable

Explanation: Dual nationality is not allowed in Japan.

Sources: Not applicable

3.2.2. Different citizenship for emigrants

EMICIT_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?

Answer: No

Code: 0

Explanation: No provisions regarding this were found in the legal statutes. Sometimes “Nikkei” (Japanese co-ethnics, predominantly in Latin America) are translated as “Japanese emigrants and their descendants”, but the word in Japanese is used to denote the descendants of Japanese nationals, not the current nationals.

Sources: Not applicable

3.2.3. Loss or suspension of citizen rights after residence abroad

EMICIT_3: Country deprives their national citizens by birth who emigrated of their citizen rights.

Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: No provisions regarding this are included into the Nationality Act.

Sources: Not applicable

Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) *If it is not specified in the regulation, it is coded as restrictions not conditional to return:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4. Immigration policies

4.1. General

4.1.1. Number of entry tracks

IMMIGRATION_1. How many visa types does the country have?

Answer: 29

Code: 29

Explanation: The Immigration Control Act lists 29 types of residence status (Appended Tables I and II). The Act does not refer to them as “visas”. Exact categories available in each country and requirements for them vary.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I and II.

IMMIGRATION_2: Categorical organization of visas

Are the visas organized by overarching categories?

Answer: Yes

Code: 1

Explanation: The Immigration Control Act divides landing permits (visas) into 2 major categories: those that are based on the type of activities permitted to a foreigner while in Japan and those that are based on one’s status or position (Article 2-2 par. 2) The Act subdivides the first category further into 5 categories of visa types depending on the scope of activities allowed to them (Appended Table I): 1) Diplomat, official, professor, artist, religious activities, journalist; 2) Highly skilled professional, business manager, legal/accounting services, medical services, researcher, instructor, engineer/specialist in humanities/international services, intra-company transferee, care worker, entertainer, skilled labor, specified skilled labor, technical intern training; 3) Cultural activities, temporary visitor; 4) Student, trainee, dependent; 5) Designated activities. The second category is also divided into the following types of residence permits (Appended Table II): Permanent resident, Spouse or child of Japanese national, spouse or child of permanent resident, long-term resident. The Ministry of Foreign Affairs provides a slightly different categorization of visas, which distinguished between short-term stay (up to 90 days) and long-term stay (over 90 days). The information provided by consulates often deviates from categorizations adopted in the law or by the MOFA. It may include extra sub-categories (e.g. Working Holiday Visa and Volunteer Visa are listed by the Embassy in the UK, but not the MOFA).

Sources: Ministry of Foreign Affairs of Japan. “Consular Services: Visa”. Accessed June 7, 2019. https://www.mofa.go.jp/j_info/visit/visa/index.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2. / Embassy of Japan in the UK. “Visa / Certificate”. Accessed June 7, 2019. https://www.uk.emb-japan.go.jp/itpr_en/visa-cert-top.html.

How many categories?

Answer: 9

Code: 9

Explanation: The Immigration Control Act divides landing permits (visas) into 2 major categories: those that are based on the type of activities permitted to a foreigner while in Japan and those that are based on one's status or position (Article 2-2 par. 2) The Act subdivides the first category further into 5 categories of visa types depending on the scope of activities allowed to them (Appended Table I): 1) Diplomat, official, professor, artist, religious activities, journalist; 2) Highly skilled professional, business manager, legal/accounting services, medical services, researcher, instructor, engineer/specialist in humanities/international services, intra-company transferee, care worker, entertainer, skilled labor, specified skilled labor, technical intern training; 3) Cultural activities, temporary visitor; 4) Student, trainee, dependent; 5) Designated activities. The second category is also divided into the following types of residence permits (Appended Table II): Permanent resident, Spouse or child of Japanese national, spouse or child of permanent resident, long-term resident. The Ministry of Foreign Affairs provides a slightly different categorization of visas, which distinguished between short-term stay (up to 90 days) and long-term stay (over 90 days). The information provided by consulates often deviates from categorizations adopted in the law or by the MOFA. It may include extra sub-categories (e.g. Working Holiday Visa and Volunteer Visa are listed by the Embassy in the UK, but not the MOFA).

Sources: Ministry of Foreign Affairs of Japan. "Consular Services: Visa". Accessed June 7, 2019. https://www.mofa.go.jp/j_info/visit/visa/index.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2. / Embassy of Japan in the UK. "Visa / Certificate". Accessed June 7, 2019. https://www.uk.emb-japan.go.jp/itpr_en/visa-cert-top.html.

4.1.2. Biometric information

IMMIGRATION_3: Collection of biometric information.

Does the state collect biometric information from all citizens for example for passports?

Answer: Yes

Code: 1

Explanation: Photo in passport; fingerprints may be provided upon a citizen's request Biometric information recorded in the IC chip in a Japanese passport includes a photograph, passport number, validity period, passport holder's name, date of birth, gender, nationality code, code of the issuing country (same information as recorded on the front page of the passport) (Passport Act Article 7; Passport Act Ministerial Enforcement Ordinance Article 6). A Japanese national may file a request to have his biometric data (fingerprints) recorded to be eligible to use automated gates for Japanese nationals at the posts of departure and entry in Japan (Immigration Control Act Ministerial Enforcement Ordinance Article 54-2 par. 1-3).

Sources: 旅券法 [Passport Act]. 1951. Art. 7. / 旅券法施行規則 [Passport Act Ministerial Enforcement Ordinance]. 1989. Art. 6. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 6. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 5 and 54-2.

Does the state collect biometric information from immigrants for example for passports?

Answer: Yes

Code: 1

Explanation: Photo and fingerprints. The amendment of the Immigration Control Act of 2007 requires foreign nationals to have their fingerprints and a photograph taken when entering Japan. Exemptions include special permanent residents, children aged under 16, persons seeking to conduct activities that apply under a "diplomacy" or "official business" visa status, persons invited by the head of a national administrative body. (Immigration Control Act Article 6 par.3, Immigration Control Act Ministerial Enforcement Ordinance Article 5 par. 6-10).

Sources: 旅券法 [Passport Act]. 1951. Art. 7. / 旅券法施行規則 [Passport Act Ministerial Enforcement Ordinance]. 1989. Art. 6. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 6. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 5 and 54-2.

4.1.3. Visa waivers

IMMIGRATION_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?

Answer: Yes

Code: 1

Explanation: "Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan" of 1991 designated a category of "special permanent residents" and made provisions for their departure and entry. Special permanent residents are Japanese residents with ancestry (up to grandparents) related to former Japanese colonies, who continuously resided in Japan after the war but refused to naturalize as Japanese (Articles 2-3). Persons within this category are treated as a special case of permanent residents (Article 5 par. 1, Supplementary provisions Article 4).

Sources: 日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法 [Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan]. 1991. Art. 2-3, 4 and 5.

4.2. Documentation

IMMIGRATION_5: Issue of legal compulsory identification documents.

Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?

Answer: Yes

Code: 1

Explanation: Yes (only immigrants). According to the Immigration Control Act, foreigners always have to carry an ID document with them. For short-term stays it is a passport, or a special document issued for particular groups of visitors (e.g. crew members) (Article 23 par.1). Mid- to long-term visitors are issued a residence card, which they have to carry with them at all times too (Article 23 par. 2).

Children under 16 are freed from this obligation (Article 23 par. 5). Since 2016, all residents in Japan are also assigned an individual number (“My Number”) issued according to the resident record at a municipality, about which they receive a notification card (Article 7 par. 1). An exchange of a notification for an Individual Number Card is voluntary (Article 17 par. 1). An Individual Number and Card can be used for purposes of self-identification (Articles 16 and 18), but the law provides that no person can request that another person provides his Individual Number, except for some administrative purposes listed separately (Articles 15 and 19).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / 行政手続における特定の個人を識別するための番号の利用等に関する法律 [Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure]. 2013. Art. 7, 15, 16, 17, 18 and 19.

Are they required to carry them at all times?

Answer: Yes

Code: 1

Explanation: Yes (only immigrants). According to the Immigration Control Act, foreigners always have to carry an ID document with them. For short-term stays it is a passport, or a special document issued for particular groups of visitors (e.g. crew members) (Article 23 par.1). Mid- to long-term visitors are issued a residence card, which they have to carry with them at all times too (Article 23 par. 2). Children under 16 are freed from this obligation (Article 23 par. 5). Since 2016, all residents in Japan are also assigned an individual number (“My Number”) issued according to the resident record at a municipality, about which they receive a notification card (Article 7 par. 1). An exchange of a notification for an Individual Number Card is voluntary (Article 17 par. 1). An Individual Number and Card can be used for purposes of self-identification (Articles 16 and 18), but the law provides that no person can request that another person provides his Individual Number, except for some administrative purposes listed separately (Articles 15 and 19).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / 行政手続における特定の個人を識別するための番号の利用等に関する法律 [Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure]. 2013. Art. 7, 15, 16, 17, 18 and 19.

4.3. Quotas and restrictions

4.3.1. General quota

IMMIGRATION_6: General quota for immigration.

Is there a general quota (numerical limit) for immigration?

Answer: No

Code: 1

Explanation: The Ministry of Justice and Immigration Bureau provide no information about general quotas for immigration.

Sources: Not applicable

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.2. Specific quotas

IMMIGRATION_7: Quota for high-skilled migrants.

Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?

Answer: No

Code: 1

Explanation: The Ministry of Justice and Immigration Bureau provide no information about quotas for high-skilled migrants.

Sources: Not applicable

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_8: Quota for low-skilled migrants.

Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?

Answer: Yes

Code: 0

Explanation: Yes, for some groups. Bilateral Economic Partnership Agreements set the quotas for nurses and caregivers from the Philippines (since 2008), Indonesia (since 2009) and Vietnam (since

2014) respectively at 200 and 300 persons annually. Nurses and caregivers from Southeast Asia have to acquire professional qualifications from their states before arriving in Japan, but they are still required to undergo training and pass a professional exam in Japan (JICWELS 2018, pp. 5-6, 9). The Technical Trainee Act under the amendment implemented from 1 November 2017 (Article 9 par. 11) and its Enforcement Ordinance (Article 16) also establish quotas for the number of technical trainees that can be employed by one enterprise (not the number that can enter Japan altogether). The quota depends on the type of training (individual enterprise type training or supervising organization type training), the total number of full-time employees at an organisation (excluding trainees), experience of trainees (number of years in the system) and whether an organisation is recognised by the Ministry of Justice as Compliant with Excellence Standards. The base quota varies between 3 trainees per organisation with fewer than 30 employees up to 1/20 of full-time employees for organisations with over 300 employees. The number of trainees that can be accepted may exceed the base quota, depending on other indicators. There is no general quota for the residence status of “Specified Skilled Workers” (introduced by an amendment of the Immigration Control Act from 14 December 2018), but each ministry set 5-year limits for each industry, starting from the beginning of intake under this residence status in 2019. Total intake over 5 years cannot exceed 345150 persons (MOJ presentation, reference table 2). Some ministries also introduced quotas for the proportion of Japanese and foreign workers (e.g. in caregiving and construction sectors the number of trainees is limited by the number of full-time Japanese employees) (Ministry of Justice of Japan 2019, Question 26).

Sources: Japan International Corporation of Welfare Service (JICWELS). 2018. “EPA 外国人看護師・介護福祉士候補者 受入れの枠組み、手続き等について [Framework and Procedures for Admitting Nurses and Caregivers under the EPA]”. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 9. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律施行規則 [Ministerial Enforcement Ordinance for the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees. 2016. Art. 16. / Ministry of Justice of Japan. “外国人材の受入れ制度に係る Q & A [Q&A about the System for Admitting Foreign Labor]”. Access date not available. URL not available. / Ministry of Justice, Immigration Control Bureau. “新たな外国人材の受入れについて [About the New System for the Intake of Foreign Labour]”. Access date not available. <https://www.meti.go.jp/press/2018/03/20190326006/20190326006-3.pdf>. / Cabinet of Ministers. 2018. “特定技能の在留資格に係る制度の運用に関する方針について [Cabinet Notice on Basic Policy Concerning Operation of the Program Relating to the Specified Skilled Worker Residency Status]”.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_9: Quota for refugees.

Is there a quota (numerical limit) on the number of refugees?

Answer: No

Code: 1

Explanation: Only for resettled refugees from Malaysia. Japan accepts refugees under the Refugee Convention and through resettlement from refugee camps. In the former case Ministry of Foreign Affairs and the Ministry of Justice documents do not mention any quotas. In the latter case, the quota is set by the Consent of the Cabinet and “The decision on the exact measures related to the admission of resettled refugees” by the Cabinet Secretariat Council for Liaison and Coordination of the Refugee Policy from 24 January 2014 (amended on 30 June 2017). These documents set an annual limit for accepting Myanmar refugees temporarily located in Malaysian refugee camps at around 30 persons in family units (thus, the number varies from year to year). There is not such limit for families invited by Myanmar refugees previously accepted from Thai camps under a similar resettlement program.

Sources: 外務省 [Ministry of Foreign Affairs]. “国内における難民の受け入れ [Reception of Refugees in Japan]”. Accessed June 8, 2019. /mofaj/gaiko/nanmin/main3.html. / Cabinet Secretariat Council for Liaison and Coordination of the Refugee Policy. 2017. “第三国定住による難民の受け入れに関する具体的措置について [The Decision on the Exact Measures Related to the Admission of Resettled Refugees]”.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_10: Quota for co-ethnics.

Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?

Answer: No

Code: 1

Explanation: The Ministry of Justice and Immigration Bureau provide no information about quotas for co-ethnics in general. However, a quota of 4000 persons a year was set under a new program for visits of Japanese descendants in the fourth generation, introduced from July 2018.

Sources: Not applicable

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.3. List of excluded persons

IMMIGRATION_11: Categories of excluded persons.

Are there categories of excluded persons from immigration?

Answer: Yes

Code: 0

Explanation: The Immigration Control Act list the types of persons who are denied permission to land in Japan

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 5. / Ministry of Foreign Affairs of Japan. "Statement by the Minister for Foreign Affairs of Japan on the Sanctions against Russia over the Situation in Ukraine". Accessed May 31, 2019. /press/release/press4e_000281.html.

List of categories of excluded persons:

Answer: These are: persons suffering from particular types of infectious diseases; unaccompanied persons with some types of mental disabilities; indigent persons and persons without fixed dwelling, who are likely to become a burden on the government or municipality because of an inability to make a living; persons convicted of a violation of any law or regulation of Japan, or of any other country, sentenced to imprisonment or imprisonment without work for 1 year or more, or to an equivalent penalty (excluding convictions for political offenses); those convicted and sentenced to a penalty for violations related to the control of narcotics, marijuana, opium, stimulants or psychotropic substances and those who illegally possess such substances; those who were deported from Japan or any other country for particular offences related to the process or result of international competition; persons who were engaged in prostitution or other businesses related to it; those who committed, incited or aided Trafficking in Persons; persons who illegally possess weapons; persons who were denied landing, deported, or departed from Japan under a departure order if the period set in the relevant provisions has not yet elapsed; persons sentenced to imprisonment for a range of offences listed in the Penal Code of Japan; persons who attempt or advocate overthrow of the Constitution of Japan or the Government by means of force or violence and members of political organisations pursuing such goals, or political organisations encouraging acts of violence, damage or destruction of public facilities, or acts of dispute preventing normal maintenance and operation of workplaces; persons who prepare, distribute or exhibit documents, etc. to attain the objectives of such political parties (Article 5 par.1 items 1-13). Persons deemed by the Minister of Justice likely to commit an act detrimental to the interests of public security of Japan are also denied landing in Japan (Article 5 par.1 item 14). Persons not falling under any of the categories might be denied landing based on a reciprocity principle, if the state this person is a national of has denied landing to a Japanese citizen (Article 5 par. 2). Moreover, Japan participates in the international sanctions' regimes (e.g. by the UN) and bans certain persons from entering (e.g. 23 Russian citizens were banned in 2014), although the Ministry of Foreign Affairs and the Ministry of Justice do not publish specific lists of excluded persons.

Code: The Immigration Control Act list the types of persons who are denied permission to land in Japan: persons suffering from particular types of infectious diseases; unaccompanied persons with some types of mental disabilities; indigent persons and persons without fixed dwelling, who are likely to become a burden on the government or municipality because of an inability to make a living; persons convicted of a violation of any law or regulation of Japan, or of any other country, sentenced to imprisonment or imprisonment without work for 1 year or more, or to an equivalent penalty (excluding convictions for political offenses); those convicted and sentenced to a penalty for violations related to the control of narcotics, marijuana, opium, stimulants or psychotropic substances and those who illegally possess such substances; those who were deported from Japan or any other country for

particular offences related to the process or result of international competition; persons who were engaged in prostitution or other businesses related to it; those who committed, incited or aided Trafficking in Persons; persons who illegally possess weapons; persons who were denied landing, deported, or departed from Japan under a departure order if the period set in the relevant provisions has not yet elapsed; persons sentenced to imprisonment for a range of offences listed in the Penal Code of Japan; persons who attempt or advocate overthrow of the Constitution of Japan or the Government by means of force or violence and members of political organisations pursuing such goals, or political organisations encouraging acts of violence, damage or destruction of public facilities, or acts of dispute preventing normal maintenance and operation of workplaces; persons who prepare, distribute or exhibit documents, etc. to attain the objectives of such political parties (Article 5 par.1 items 1-13). Persons deemed by the Minister of Justice likely to commit an act detrimental to the interests of public security of Japan are also denied landing in Japan (Article 5 par.1 item 14). Persons not falling under any of the categories might be denied landing based on a reciprocity principle, if the state this person is a national of has denied landing to a Japanese citizen (Article 5 par. 2). Moreover, Japan participates in the international sanctions' regimes (e.g. by the UN) and bans certain persons from entering (e.g. 23 Russian citizens were banned in 2014), although the Ministry of Foreign Affairs and the Ministry of Justice do not publish specific lists of excluded persons.

Explanation: Not applicable

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 5. / Ministry of Foreign Affairs of Japan. "Statement by the Minister for Foreign Affairs of Japan on the Sanctions against Russia over the Situation in Ukraine". Accessed May 31, 2019. /press/release/press4e_000281.html.

4.3.4. List of excluded countries

IMMIGRATION_12: Countries excluded.

Is there a list of countries whose nationals are banned for immigration in this country?

Answer: Yes

Code: 0

Explanation: Yes. North Korean citizens have been banned from entering Japan since 2006. The restriction applied in 2017 too (Ministry of Justice Annual Report 2017, p. 268).

Sources: 法務省大臣官房司法法制部司法法制課 [Secretariat of the Minister of Justice, Judicial System Department, Judicial System Division]. 2018. 法務年鑑平成 29 年 [Ministry of Justice Annual Report 2017]. Tokyo.

List of countries excluded:

Answer: North Korea

Code: North Korea

Explanation: North Korean citizens have been banned from entering Japan since 2006. The restriction applied in 2017 too (Ministry of Justice Annual Report 2017, p. 268).

Sources: 法務省大臣官房司法法制部司法法制課 [Secretariat of the Minister of Justice, Judicial System Department, Judicial System Division]. 2018. 法務年鑑平成 29 年 [Ministry of Justice Annual Report 2017]. Tokyo.

4.4. Policy incentives

4.4.1. Recognized brokers

IMMIGRATION_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):

Answer: Yes

Code: 1

Explanation: Yes (only for specific residence status types). Within the new Technical Intern Trainee Program (TITP) regulated by the “Act on Proper Technical Intern Training and Protection of Technical Intern Trainees”, revised in 2018, foreign workers either have to be accepted based on individual enterprise type procedure (acceptance of employees of foreign affiliated companies and partners) or through supervising organization type procedures (acceptance by non-profit supervising organizations for training at implementing organizations) (Article 2 par. 2 to 5). Supervising organizations may be seen as a type of broker. Organizations that seek to engage in supervision business must submit an application for licensing as a supervising organization to the Organization for Technical Intern Training and obtain approval from the competent ministers (Articles 23, 24). Specified supervision business license only allows supervision of technical intern training (i) (first year after entry) and technical intern training (ii) (following two years after passing tests and renewing residence status). General supervision license also allows supervision of technical intern training (iii) (final two years after another test and residence status renewal). The period of a license is at least 3 years (Article 31). The license is only granted by ministers to organizations complying with the following criteria (Article 25): 1) Japanese non-profit juridical person 2) Sufficient capability to conduct the supervision business appropriately in accordance with the criteria set by the competent ministries (Article 39 par. 3), e.g. conduct audits of implementing organizations, supervision and guidance for training according to the accredited plan (Article 39 par. 1 and 2)) 3) Sufficient financial basis 4) It has undertaken measures for proper personal information management 5) Existence of external (not related to the implementing organization) directors and auditors 6) An organization has entered into a contract with sending organizations in foreign countries, if it intends to receive job applications for trainees through mediation of a sending organization 7) Correspondence to excellence criteria (for general supervising organizations) 8) An organization has the ability to perform the supervision business appropriately Specified Skilled Worker residence status also relies on a similar type of organizations – Registered Support Organizations. Their registration and activities are directly regulated by the Immigration Control Act. Unlike supervising organization for TIT, they are directly subordinate to the Immigration Agency, get registered (for 5 years with an option of renewal) in a special registry on the Agency website and have an obligation to submit regular notifications to the Agency (Articles 19-23, 19-24, 19-25). Support Organization have to possess necessary infrastructure for supporting foreign workers (e.g. be able to provide support in the language workers understand) and be appropriate for their function (e.g. no violations of immigration related laws and regulations within the past five years). The requirements for their registration are as follows (summary): - Appointment of a support manager and at least one staff member - Previous experience of the organization or its staff working with foreign workers (experience of the organization accepting mid to long-term residents in the past 2 years, or experience of providing consultations to foreign nationals in the past 2 years, or staff experience in similar areas over 2 years in the last 5 years) - No TITs or Specified Skilled Workers have escaped from their work/training over the past year due to a cause attributable to the Support organization - Foreign nationals are not to bear the costs of support directly or indirectly - No violation of criminal laws or regulations - No involvement in inappropriate or improper conduct towards immigrant workers

in the past 5 years (Article 19-26 – grounds for rejection) [Note: the word “broker” in Japanese is mostly used with a negative connotation, in the context of illegal immigration, exploitation of foreign workers, human trafficking, etc. Hence, it is never used in official documents].

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 2, 23, 24, 25, 31, and 39. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art.19-23, 19-24, 19-25, and 19-26. / Ministry of Justice. “新たな外国人材受入れに関する政省令の骨子 [Summary of the Ordinances Related to the New System for Accepting Foreign Labor]”. Access date not available. <http://www.moj.go.jp/content/001288453.pdf>.

IMMIGRATION_14. State offers pecuniary incentives to citizens willing to immigrate:

Answer: No

Code: 0

Explanation: No evidence of such incentives was found on the webpage and the documents of the Ministry of Justice.

Sources: Not applicable

4.5. Immigration control and penalties

4.5.1. Irregular residence

IMMIGRATION_15: Illegal residence.

Is illegal residence in the country considered a criminal offense?

Answer: Yes

Code: 0

Explanation: According to Immigration Control Act, a person who entered Japan or landed in Japan in violation of the established procedure, or whose status of residence was revoked, or who stayed in Japan beyond the designated period and did not obtain an extension or violated the designated period for departure may be subject to deportation and detainment preceding it (Article 24 par. 1, items 1, 2, 2-2, 2-3 4-b, 5, 5-2, 6, 6-2, 6-3, 6-4, 7, 8, 9; Article 39 par. 1). Same violations are also subject to imprisonment or imprisonment without work for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment or imprisonment without work and a fine (Article 70 par 1 items 1 to 3, 3-2, 5 to 7, 7-2, 7-3, 8, 8-2, 8-3, 8-4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 39 and 70.

Is illegal residence considered an administrative offense?

Answer: No

Code: 1

Explanation: Illegal residence was considered a criminal offense.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 39 and 70.

4.5.2. Forged documents

IMMIGRATION_16: Penalties for immigrants with forged documents.

Are there penalties for immigrants for forged documents?

Answer: Yes

Code: 0

Explanation: According to the Immigration Control Act the following persons may be subject to deportation and detainment preceding it (Article 39 par. 1): - a person who has forged or altered a document, has prepared a false document, has used, possessed or offered a forged, altered, or a false document, or has incited or aided another to engage in any of these acts with the intent of helping another foreign national illegally obtain a certificate, a seal of verification for landing (Article 24 par. 1, item 3); - a person who has engaged, incited or aided another to engage in forging or altering a residence card or the special permanent resident certificate, or provided, received or possessed forged documents (Article 24 par. 1, item 3-5 a) - a person who used a forged, altered, or registered in another person's name residence card or special permanent residence certificate (Article 24 par. 1, item 3-5 c) Moreover, the Act also contains penal provisions for imprisonment and/or fine: - imprisonment of not less than 1 year nor more than 10 years for forging a residence card for the purpose of uttering, or for using a forged residence card, or for providing or receiving a forged card for the purpose of uttering, or an attempt to commit any of these crimes (Article 73-3) - imprisonment for not more than 5 years or a fine not exceeding 500 000 yen for possessing a forged or altered residence card for the purpose of uttering (Article 73-4) - imprisonment for not more than 3 years or a fine not exceeding 500 000 yen for preparing instruments or materials for forging a residence card (Article 73-5).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 73-3, 73-4, and 73-5.

Penalty is expulsion:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act a person who has forged or altered a document, has prepared a false document or, has used, possessed or offered a forged, altered, or a false document, or has incited or aided another to engage in any of these acts with the intent of helping another foreign national illegally obtain a certificate, a seal of verification for landing (Article 24 par. 1, item 3) may be subject to deportation and detainment preceding it (Article 39 par. 1).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 73-3, 73-4, and 73-5.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act the penal provisions for forging documents include imprisonment and/or fine: imprisonment of not less than 1 year nor more than 10 years for forging a residence card for the purpose of uttering, or for using a forged residence card, or for providing or receiving a forged card for the purpose of uttering, or an attempt to commit any of these crimes (Article 73-3); imprisonment for not more than 5 years or a fine not exceeding 500 000 yen for possessing a forged or altered residence card for the purpose of uttering (Article 73-4); imprisonment for not more than 3 years or a fine not exceeding 500 000 yen for preparing instruments or materials for forging a residence card (Article 73-5).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 73-3, 73-4, and 73-5.

Penalty is detention:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act the penal provisions for forging documents include imprisonment and/or fine: imprisonment of not less than 1 year nor more than 10 years for forging a residence card for the purpose of uttering, or for using a forged residence card, or for providing or receiving a forged card for the purpose of uttering, or an attempt to commit any of these crimes (Article 73-3); imprisonment for not more than 5 years or a fine not exceeding 500 000 yen for possessing a forged or altered residence card for the purpose of uttering (Article 73-4); imprisonment for not more than 3 years or a fine not exceeding 500 000 yen for preparing instruments or materials for forging a residence card (Article 73-5).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 73-3, 73-4, and 73-5.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act the penal provisions for forging documents include imprisonment and/or fine: imprisonment of not less than 1 year nor more than 10 years for forging a residence card for the purpose of uttering, or for using a forged residence card, or for providing or receiving a forged card for the purpose of uttering, or an attempt to commit any of these crimes (Article 73-3); imprisonment for not more than 5 years or a fine not exceeding 500 000 yen for possessing a forged or altered residence card for the purpose of uttering (Article 73-4); imprisonment for not more than 3 years or a fine not exceeding 500 000 yen for preparing instruments or materials for forging a residence card (Article 73-5).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 73-3, 73-4, and 73-5.

IMMIGRATION_17: Penalties for immigrants with expired documents.

Are there penalties for immigrants with expired documents?

Answer: Yes

Code: 0

Explanation: Under the Immigration Control Act, the expiration date of the residence card (excluding permanent residents and short-term stay) is determined by the Period of Stay or a foreign resident's 16th birthday (Article 19-5 par. 1 items 3-4). Thus, provisions relevant for overstaying apply to documents' expiration too. A person who stays beyond the designated period of stay may be punished with deportation (Article 24 par. 1 item 2, item 4-b) and detainment (Article 39 par. 1). A person who stays in Japan beyond the permitted Period of Stay or a refugee applicant who stays beyond the permitted Period of Provisional Stay is punishable with imprisonment or imprisonment without work for not more than 3 years or a fine not exceeding 3 million yen (Article 70 par. 1 item 5). Yet, persons who applied for a change of a status of residence or for its extension is allowed to stay beyond the expiration date of the period of stay until a decision of the application is made or until the end of 2 months from the expiration of the Period of Stay, whichever comes first (Articles 20 par. 5 and 21 par. 4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-5, 24, 39, 70, 20 and 21.

Penalty is expulsion:

Answer: Yes

Code: 2

Explanation: Under the Immigration Control Act, the expiration date of the residence card (excluding permanent residents and short-term stay) is determined by the Period of Stay or a foreign resident's 16th birthday (Article 19-5 par. 1 items 3-4). Thus, provisions relevant for overstaying apply to documents' expiration too. A person who stays beyond the designated period of stay may be punished with deportation (Article 24 par. 1 item 2, item 4-b) and detainment (Article 39 par. 1). A person who stays in Japan beyond the permitted Period of Stay or a refugee applicant who stays beyond the permitted Period of Provisional Stay is punishable with imprisonment or imprisonment without work for not more than 3 years or a fine not exceeding 3 million yen (Article 70 par. 1 item 5). Yet, persons who applied for a change of a status of residence or for its extension is allowed to stay beyond the expiration date of the period of stay until a decision of the application is made or until the end of 2 months from the expiration of the Period of Stay, whichever comes first (Articles 20 par. 5 and 21 par. 4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-5, 24, 39, 70, 20 and 21.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Under the Immigration Control Act, the expiration date of the residence card (excluding permanent residents and short-term stay) is determined by the Period of Stay or a foreign resident's 16th birthday (Article 19-5 par. 1 items 3-4). Thus, provisions relevant for overstaying apply to documents' expiration too. A person who stays beyond the designated period of stay may be punished with deportation (Article 24 par. 1 item 2, item 4-b) and detainment (Article 39 par. 1). A person who stays in Japan beyond the permitted Period of Stay or a refugee applicant who stays beyond the permitted Period of Provisional Stay is punishable with imprisonment or imprisonment without work for not more than 3 years or a fine not exceeding 3 million yen (Article 70 par. 1 item 5). Yet, persons who applied for a change of a status of residence or for its extension is allowed to stay beyond the expiration date of the period of stay until a decision of the application is made or until the end of 2 months from the expiration of the Period of Stay, whichever comes first (Articles 20 par. 5 and 21 par. 4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-5, 24, 39, 70, 20 and 21.

Penalty is detention:

Answer: Yes

Code: Yes

Explanation: Under the Immigration Control Act, the expiration date of the residence card (excluding permanent residents and short-term stay) is determined by the Period of Stay or a foreign resident's 16th birthday (Article 19-5 par. 1 items 3-4). Thus, provisions relevant for overstaying apply to documents' expiration too. A person who stays beyond the designated period of stay may be punished with deportation (Article 24 par. 1 item 2, item 4-b) and detainment (Article 39 par. 1). A person who stays in Japan beyond the permitted Period of Stay or a refugee applicant who stays beyond the permitted Period of Provisional Stay is punishable with imprisonment or imprisonment without work for not more than 3 years or a fine not exceeding 3 million yen (Article 70 par. 1 item 5). Yet, persons who applied for a change of a status of residence or for its extension is allowed to stay beyond the expiration date of the period of stay until a decision of the application is made or until the end of 2 months from the expiration of the Period of Stay, whichever comes first (Articles 20 par. 5 and 21 par. 4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-5, 24, 39, 70, 20 and 21.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Under the Immigration Control Act, the expiration date of the residence card (excluding permanent residents and short-term stay) is determined by the Period of Stay or a foreign resident's 16th birthday (Article 19-5 par. 1 items 3-4). Thus, provisions relevant for overstaying apply to documents' expiration too. A person who stays beyond the designated period of stay may be punished with deportation (Article 24 par. 1 item 2, item 4-b) and detainment (Article 39 par. 1). A person who stays in Japan beyond the permitted Period of Stay or a refugee applicant who stays beyond the permitted Period of Provisional Stay is punishable with imprisonment or imprisonment without work for not more than 3 years or a fine not exceeding 3 million yen (Article 70 par. 1 item 5). Yet, persons who applied for a change of a status of residence or for its extension is allowed to stay beyond the expiration date of the period of stay until a decision of the application is made or until the end of 2

months from the expiration of the Period of Stay, whichever comes first (Articles 20 par. 5 and 21 par. 4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-5, 24, 39, 70, 20 and 21.

4.5.3. Aiding undocumented migrants

IMMIGRATION_18: Penalties for aiding undocumented migrants.

Are there penalties for aiding undocumented migrants?

Answer: Yes

Code: 0

Explanation: Deportation, detention, imprisonment, fine. Under the Immigration Control Act, foreign nationals' aiding preparation or usage of forged documents in order to help other foreign national to enter Japan, as well as aiding human trafficking, illegal entry or landing of another foreign national is punishable with deportation (Article 24 par. 1 items 3, 4-c, 4-k) and detention (Article 39 par. 1). A person who causes a group of foreign nationals who intend to land in Japan without obtaining necessary documents from an Immigration Inspector ("stowaways") to enter Japan is to be punished with imprisonment for not more than 5 years or a fine not exceeding 3 million yen. If the crime is committed for profit, a person is to be punished with imprisonment for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen (Article 74). Moreover, a person is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine if: He facilitates illegal entry or landing (Article 74-6); He is granted a Refugee travel document, travel certificate, Crew Member's Pocket-Ledger or re-entry permit issued by an authorized organization of Japan using deceit or other wrongful means, for the purpose of aiding another person's illegal entry or landing (Article 74-6-2 par. 1 item 1); He possesses, offers or receives falsified or invalid documents (passport, re-entry permit or crew member's pocket-ledger) for the purpose of aiding another person's illegal entry or landing in Japan (Article 74-6-2 par. 1 item 2); Attempts to commit any of the above crimes (Article 74-6-3). [Punishments related to transportation, harboring or forged documents are listed in answers to other questions].

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 39, 74, 74-6, 74-6-2, and 74-6-3.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Under the Immigration Control Act, foreign nationals' aiding preparation or usage of forged documents in order to help other foreign national to enter Japan, as well as aiding human trafficking, illegal entry or landing of another foreign national is punishable with deportation (Article 24 par. 1 items 3, 4-c, 4-k) and detention (Article 39 par. 1). A person who causes a group of foreign nationals who intend to land in Japan without obtaining necessary documents from an Immigration Inspector ("stowaways") to enter Japan is to be punished with imprisonment for not more than 5 years or a fine not exceeding 3 million yen. If the crime is committed for profit, a person is to be punished with imprisonment for not less than 1 year nor more than 10 years and a fine not exceeding 10 million

yen (Article 74). Moreover, a person is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine if: He facilitates illegal entry or landing (Article 74-6); He is granted a Refugee travel document, travel certificate, Crew Member's Pocket-Ledger or re-entry permit issued by an authorized organization of Japan using deceit or other wrongful means, for the purpose of aiding another person's illegal entry or landing (Article 74-6-2 par. 1 item 1); He possesses, offers or receives falsified or invalid documents (passport, re-entry permit or crew member's pocket-ledger) for the purpose of aiding another person's illegal entry or landing in Japan (Article 74-6-2 par. 1 item 2); Attempts to commit any of the above crimes (Article 74-6-3). [Punishments related to transportation, harboring or forged documents are listed in answers to other questions].

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 39, 74, 74-6, 74-6-2, and 74-6-3.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Under the Immigration Control Act, foreign nationals' aiding preparation or usage of forged documents in order to help other foreign national to enter Japan, as well as aiding human trafficking, illegal entry or landing of another foreign national is punishable with deportation (Article 24 par. 1 items 3, 4-c, 4-k) and detention (Article 39 par. 1). A person who causes a group of foreign nationals who intend to land in Japan without obtaining necessary documents from an Immigration Inspector ("stowaways") to enter Japan is to be punished with imprisonment for not more than 5 years or a fine not exceeding 3 million yen. If the crime is committed for profit, a person is to be punished with imprisonment for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen (Article 74). Moreover, a person is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine if: He facilitates illegal entry or landing (Article 74-6); He is granted a Refugee travel document, travel certificate, Crew Member's Pocket-Ledger or re-entry permit issued by an authorized organization of Japan using deceit or other wrongful means, for the purpose of aiding another person's illegal entry or landing (Article 74-6-2 par. 1 item 1); He possesses, offers or receives falsified or invalid documents (passport, re-entry permit or crew member's pocket-ledger) for the purpose of aiding another person's illegal entry or landing in Japan (Article 74-6-2 par. 1 item 2); Attempts to commit any of the above crimes (Article 74-6-3). [Punishments related to transportation, harboring or forged documents are listed in answers to other questions].

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24, 39, 74, 74-6, 74-6-2, and 74-6-3.

4.5.4. Employment obligations

IMMIGRATION_19: Penalties for employers who hire migrant workers without a legal work permit.

Are there sanctions for employers hiring migrant workers without a legal work permit?

Answer: Yes

Code: 0

Explanation: However, it is not clear if the sanction accrues because the work is illegal or because the hired person does not have a legal work permit. According to the Immigration Control Act, a person who has a foreign national engaged in illegal work in connection to business activities, or places a foreign national under control of that person for the purpose of having him engage in illegal work, or makes arrangements for that is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine (Article 73-2 par. 1); Lack of knowledge does not exempt a person from punishment according to this article (Article 73-2 par. 2).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 73-2.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act, a person who has a foreign national engage in illegal work in connection to business activities, or places a foreign national under control of that person for the purpose of having him engage in illegal work, or makes arrangements for that is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine (Article 73-2 par. 1); Lack of knowledge does not exempt a person from punishment according to this article (Article 73-2 par. 2).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 73-2.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act, a person who has a foreign national engage in illegal work in connection to business activities, or places a foreign national under control of that person for the purpose of having him engage in illegal work, or makes arrangements for that is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine (Article 73-2 par. 1); Lack of knowledge does not exempt a person from punishment according to this article (Article 73-2 par. 2).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 73-2.

4.5.5. Landlord obligations

IMMIGRATION_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.

Are there penalties for landlords who rent shelter to migrants without a regular migrant status?

Answer: Yes

Code: 0

Explanation: According to the Immigration Control Act, harbouring persons who enter or reside in Japan in violation of the Act constitutes a criminal offense, although the law does not explicate if these provisions refer to individual landlords and if lack of knowledge may exempt from punishment. A person who receives, harbours or enables foreign nationals or some of them who entered Japan illegally to escape is to be punished with imprisonment for not more than 5 years or a fine not exceeding 3 million yen. The same punishment applies to a person who subsequently receives these foreign nationals and to attempts to commit these crimes (Article 74-4). A person who makes preparations with the intention of committing these crimes is to be punished with imprisonment for not more than 2 years or a fine not exceeding 1 million yen (Article 74-5). A person who harbors or enables foreign nationals to escape deportation is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen. A person who does this for profit is to be to be punished with imprisonment for not more than 5 years and a fine not exceeding 5 million yen (Article 74-8).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 74-4, 74-5, and 74-8.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act, harbouring persons who enter or reside in Japan in violation of the Act constitutes a criminal offense, although the law does not explicate if these provisions refer to individual landlords and if lack of knowledge may exempt from punishment. A person who receives, harbours or enables foreign nationals or some of them who entered Japan illegally to escape is to be punished with imprisonment for not more than 5 years or a fine not exceeding 3 million yen. The same punishment applies to a person who subsequently receives these foreign nationals and to attempts to commit these crimes (Article 74-4). A person who makes preparations with the intention of committing these crimes is to be punished with imprisonment for not more than 2 years or a fine not exceeding 1 million yen (Article 74-5). A person who harbors or enables foreign nationals to escape deportation is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen. A person who does this for profit is to be to be punished with imprisonment for not more than 5 years and a fine not exceeding 5 million yen (Article 74-8).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 74-4, 74-5, and 74-8.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: According to the Immigration Control Act, harbouring persons who enter or reside in Japan in violation of the Act constitutes a criminal offense, although the law does not explicate if these provisions refer to individual landlords and if lack of knowledge may exempt from punishment. A person who receives, harbours or enables foreign nationals or some of them who entered Japan illegally to escape is to be punished with imprisonment for not more than 5 years or a fine not exceeding 3 million yen. The same punishment applies to a person who subsequently receives these

foreign nationals and to attempts to commit these crimes (Article 74-4). A person who makes preparations with the intention of committing these crimes is to be punished with imprisonment for not more than 2 years or a fine not exceeding 1 million yen (Article 74-5). A person who harbors or enables foreign nationals to escape deportation is to be punished with imprisonment for not more than 3 years or a fine not exceeding 3 million yen. A person who does this for profit is to be to be punished with imprisonment for not more than 5 years and a fine not exceeding 5 million yen (Article 74-8).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 74-4, 74-5, and 74-8.

4.5.6. Airline penalties

IMMIGRATION_21: Penalties for airlines carrying immigrants without documentation.

Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?

Answer: Yes

Code: 0

Explanation: The Immigration Control Act states that the carrier or a captain of a vessel or aircraft has an obligation of checking travel documents of passengers to prevent illegal entry into Japan (Article 56-2), reporting to an Immigration Inspector if any of the persons aboard does not have a valid document (Article 57 par.3), preventing such persons from landing (Article 58) and repatriating at the carrier's own expense persons who are denied landing or are to be deported within 5 years of their landing and about whose grounds for deportation the captain or the carrier are deemed to have had clear knowledge at the time of landing (Article 59 par. 1). The Act makes no penal provisions related to carriers but makes such provisions for persons who transport foreign nationals into Japan in violation of the regulations. A person who transports a group of stowaways to Japan is to be punished with imprisonment for not more than 3 years or a fine not exceeding 2 million yen. Doing this for profit is punishable with imprisonment for not more than 7 years and a fine not exceeding 5 million yen (Article 74-2). A person who prepares vessels or aircraft for these purposes is to be punished with imprisonment for not more than 2 years or a fine not exceeding 1 million yen. The same applies to a person who knowingly provides vessels or aircraft for criminal use (Article 74-3). Any vessel, aircraft or vehicle used in commission of a criminal act, owned or possessed by an offender is confiscated (Article 78 par. 1).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 56-2, 57, 58, 59, 74, 74-2, and 74-3.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: The Immigration Control Act states that the carrier or a captain of a vessel or aircraft has an obligation of checking travel documents of passengers to prevent illegal entry into Japan (Article 56-2), reporting to an Immigration Inspector if any of the persons aboard does not have a valid document (Article 57 par.3), preventing such persons from landing (Article 58) and repatriating at the carrier's own expense persons who are denied landing or are to be deported within 5 years of their

landing and about whose grounds for deportation the captain or the carrier are deemed to have had clear knowledge at the time of landing (Article 59 par. 1). The Act makes no penal provisions related to carriers but makes such provisions for persons who transport foreign nationals into Japan in violation of the regulations. A person who transports a group of stowaways to Japan is to be punished with imprisonment for not more than 3 years or a fine not exceeding 2 million yen. Doing this for profit is punishable with imprisonment for not more than 7 years and a fine not exceeding 5 million yen (Article 74-2). A person who prepares vessels or aircraft for these purposes is to be punished with imprisonment for not more than 2 years or a fine not exceeding 1 million yen. The same applies to a person who knowingly provides vessels or aircraft for criminal use (Article 74-3). Any vessel, aircraft or vehicle used in commission of a criminal act, owned or possessed by an offender is confiscated (Article 78 par. 1).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 56-2, 57, 58, 59, 74, 74-2, and 74-3.

Penalty is more than a fine:

Answer: Yes

Code: 2

Explanation: The Immigration Control Act states that the carrier or a captain of a vessel or aircraft has an obligation of checking travel documents of passengers to prevent illegal entry into Japan (Article 56-2), reporting to an Immigration Inspector if any of the persons aboard does not have a valid document (Article 57 par.3), preventing such persons from landing (Article 58) and repatriating at the carrier's own expense persons who are denied landing or are to be deported within 5 years of their landing and about whose grounds for deportation the captain or the carrier are deemed to have had clear knowledge at the time of landing (Article 59 par. 1). The Act makes no penal provisions related to carriers but makes such provisions for persons who transport foreign nationals into Japan in violation of the regulations. A person who transports a group of stowaways to Japan is to be punished with imprisonment for not more than 3 years or a fine not exceeding 2 million yen. Doing this for profit is punishable with imprisonment for not more than 7 years and a fine not exceeding 5 million yen (Article 74-2). A person who prepares vessels or aircraft for these purposes is to be punished with imprisonment for not more than 2 years or a fine not exceeding 1 million yen. The same applies to a person who knowingly provides vessels or aircraft for criminal use (Article 74-3). Any vessel, aircraft or vehicle used in commission of a criminal act, owned or possessed by an offender is confiscated (Article 78 par. 1).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 56-2, 57, 58, 59, 74, 74-2, and 74-3.

4.6. Amnesty programs

IMMIGRATION_22: Existence of amnesty program.

In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?

Answer: No

Code: 0

Explanation: Japan does not have amnesty programs for immigrants.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 50.

The amnesty program is/was:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being employed is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

A given duration of stay is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Having a certain nationality is/was a condition to qualify for the amnesty program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Does a case by case regularization for irregular immigrants existed?

Answer: Yes

Code: 1

Explanation: Some irregular residents may be eligible to gain a “special permission to stay”, regulated by Article 50 of the Immigration Control Act. The Article 50 refers to the following categories of persons who may be granted a special permission to stay: 1) Persons who obtained permission for permanent residence, 2) Former Japanese nationals, 3) Persons under the control of human traffickers. The Minister of Justice has the authority to grant a permission in other cases that fall beyond these conditions. The Guidelines of the Ministry’s Immigration Bureau on Special Permission to Stay include other elements that may have a positive effect on an application (not exclusively listed here): Children of Japanese nationals or special permanent residents; Person supporting a child born of oneself and a Japanese national or a special permanent resident; Persons married to and cohabiting with a Japanese national or a special permanent resident; Parents of children enrolled in a Japanese school and residing in Japan for a significant period of time; Persons who require treatment for a serious illness; Certain relation (as above) with a foreign resident who has a residence status in Japan may also be seen positively; Persons who resided in Japan for a significant period of time and are “deemed to be settled in Japan”; Humanitarian grounds.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 50.

Being employed is a condition to qualify for the case by case regularization program:

Answer: No

Code: 0

Explanation: Some irregular residents may be eligible to gain a “special permission to stay”, regulated by Article 50 of the Immigration Control Act. The Article 50 refers to the following categories of persons who may be granted a special permission to stay: 1) Persons who obtained permission for permanent residence, 2) Former Japanese nationals, 3) Persons under the control of human traffickers. The Minister of Justice has the authority to grant a permission in other cases that fall beyond these conditions. The Guidelines of the Ministry’s Immigration Bureau on Special Permission to Stay include other elements that may have a positive effect on an application (not exclusively listed here): Children of Japanese nationals or special permanent residents; Person supporting a child born of oneself and a Japanese national or a special permanent resident; Persons married to and cohabiting with a Japanese national or a special permanent resident; Parents of children enrolled in a Japanese school and residing in Japan for a significant period of time; Persons who require treatment for a serious illness; Certain relation (as above) with a foreign resident who has a residence status in Japan may also be seen positively; Persons who resided in Japan for a significant period of time and are “deemed to be settled in Japan”; Humanitarian grounds.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 50.

A given duration of stay is a condition to qualify for the case by case regularization program:

Answer: No (not necessarily; choose most appropriate code)

Code: 0

Explanation: Not necessarily. Some irregular residents may be eligible to gain a “special permission to stay”, regulated by Article 50 of the Immigration Control Act. The Article 50 refers to the following categories of persons who may be granted a special permission to stay: 1) Persons who obtained permission for permanent residence, 2) Former Japanese nationals, 3) Persons under the control of human traffickers. The Minister of Justice has the authority to grant a permission in other cases that fall beyond these conditions. The Guidelines of the Ministry’s Immigration Bureau on Special Permission to Stay include other elements that may have a positive effect on an application (not

exclusively listed here): Children of Japanese nationals or special permanent residents; Person supporting a child born of oneself and a Japanese national or a special permanent resident; Persons married to and cohabiting with a Japanese national or a special permanent resident; Parents of children enrolled in a Japanese school and residing in Japan for a significant period of time; Persons who require treatment for a serious illness; Certain relation (as above) with a foreign resident who has a residence status in Japan may also be seen positively; Persons who resided in Japan for a significant period of time and are “deemed to be settled in Japan”; Humanitarian grounds.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 50.

Having a certain nationality is a condition to qualify for the case by case regularization program:

Answer: No

Code: 0

Explanation: It can help to have had Japanese nationality, but it is not a requirement. Some irregular residents may be eligible to gain a “special permission to stay”, regulated by Article 50 of the Immigration Control Act. The Article 50 refers to the following categories of persons who may be granted a special permission to stay: 1) Persons who obtained permission for permanent residence, 2) Former Japanese nationals, 3) Persons under the control of human traffickers. The Minister of Justice has the authority to grant a permission in other cases that fall beyond these conditions. The Guidelines of the Ministry’s Immigration Bureau on Special Permission to Stay include other elements that may have a positive effect on an application (not exclusively listed here): Children of Japanese nationals or special permanent residents; Person supporting a child born of oneself and a Japanese national or a special permanent resident; Persons married to and cohabiting with a Japanese national or a special permanent resident; Parents of children enrolled in a Japanese school and residing in Japan for a significant period of time; Persons who require treatment for a serious illness; Certain relation (as above) with a foreign resident who has a residence status in Japan may also be seen positively; Persons who resided in Japan for a significant period of time and are “deemed to be settled in Japan”; Humanitarian grounds.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 50.

Is regularization through marriage possible:

Answer: Yes

Code: 1

Explanation: The Civil Code of Japan does not mention residence among the conditions for concluding marriage in Japan (Part IV, Chapter II). The Ministry of Justice Q&A webpage about international marriage only lists a confirmation that a foreign national is not currently married and its translation among the documents required to get married to a Japanese national (Question 2).

Sources: 法務省 [Ministry of Justice]. “国際結婚，海外での出生等に関する戸籍Q & A [Q&A on International Marriage, Giving Birth Abroad and Other Matters Related to Family Register]”. Accessed June 11, 2019. <http://www.moj.go.jp/MINJI/minji15.html#name2>. / 民法 [Civil Code]. 1896. Part IV and V.

IMMIGRATION_23. The amnesty defines the types of irregular migrants as:

Answer: 1) Persons who obtained permission for permanent residence, 2) Former Japanese nationals, 3) Persons under the control of human traffickers.

Code: 1) Persons who obtained permission for permanent residence 2) Former Japanese nationals 3) Persons under the control of human traffickers

Explanation: Not applicable

Sources: Not applicable

4.7. Administration

IMMIGRATION_24_1: Administration in charge of immigration regulation.

Which institution is in charge of immigration regulation (in original language)?

Answer: 国会, 法務省 Mainly, the legislative power, through the Diet; secondarily, the executive through the Ministry of Justice.

Code: 国会, 法務省

Explanation: According to the Constitution of Japan, the Diet is the sole lawmaking organ of the state (Article 41). The Cabinet has the right of submitting legislative bills, controlling and supervising administrative branches (Article 72). It can also enact cabinet orders to execute provisions of the law (excluding penal provisions) (Article 73 item 6). All laws and cabinet orders are signed by the competent minister and the Prime Minister (Article 74). The Act for Establishment of the Ministry of Justice grants the Ministry the authority over administration of immigration and foreigner's residence in Japan and gives it responsibility in assisting the Cabinet in major policies related to the jurisdiction of the Ministry (Article 3 par. 1 and 2). In line with this, the Immigration Control Act (Article 61-10) states that the Minister of Justice is in charge of a basic plan (including provisions for the entry into and residence in Japan, guidelines for the immigration control, and its implementation).

Sources: 日本国憲法 [The Constitution of Japan]. 1947. Art. 41, 72, 73 and 74. / 法務省設置法 [Act for the Establishment of the Ministry of Justice]. 1999. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-10.

Which institution is in charge of immigration regulation (in English language)?

Answer: The national legislative (the Diet) and executive (the Ministry of Justice) powers.

IMMIGRATION_24_2: Administration in charge of implementing immigration policies.

Which institution is in charge of the implementation of immigration policies (in original language)?

Answer: 国会, 法務省 The Ministry of Justice

Code: 国会, 法務省

Explanation: The Act for Establishment of the Ministry of Justice grants the Ministry the authority over administration of immigration and foreigner's residence in Japan and gives it responsibility in assisting the Cabinet in major policies related to the jurisdiction of the Ministry (Article 3 par. 1 and 2). In line with this, the Immigration Control Act (Article 61-10) states that the Minister of Justice is in charge of a basic plan (including provisions for the entry into and residence in Japan, guidelines for the immigration control, and its implementation).

Sources: 日本国憲法 [The Constitution of Japan]. 1947. Art. 41, 72, 73 and 74. / 法務省設置法 [Act for the Establishment of the Ministry of Justice]. 1999. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-10.

Which institution is in charge of immigration regulation (in English language)?

Answer: The national legislative (the Diet) and executive (the Ministry of Justice).

IMMIGRATION_24_3: Administration in charge of border control.

Which institution is in charge of border control (in original language)?

Answer: 出入国在留管理庁, 税関, 海上保安庁

Code: 出入国在留管理庁, 税関, 海上保安庁

Explanation: The Act on the Establishment of the Ministry of Justice provides for the jurisdiction of the Ministry of Justice and the Immigration Bureau, as its constituent part, over entry to Japan and exit from Japan of Japanese and foreign nationals (Articles 3 par. 1, 26, 28, 29). The Act on the Establishment of the Ministry of Finance provides for the Ministry of Finance and Japan Customs authority over the control of import and export cargo, ships, aircraft and passengers (Article 3 par. 1, Article 4 par 1 item 26, Article 26). The Japan Coast Guard Act set the Coast Guard under the jurisdiction of the Ministry of Land, Infrastructure, Transport and Tourism, as an administrative organ responsible for protecting human life and property, maintaining order and patrolling coastal waters, preventing and investigating violation of the law, conducting detentions and arrests at sea (Article 2 par. 1 and Article 5).

Sources: 法務省設置法 [Act for the Establishment of the Ministry of Justice]. 1999. Art. 3, 26, 28 and 29. / 財務省設置法 [The Act on the Establishment of the Ministry of Finance]. 1999. Art. 3, 4, and 26. / 海上保安庁法 [Japan Coast Guard Act]. 1948. Art. 2 and 5.

Which institution is in charge of border control (in English language)?

Answer: Immigration Bureau in the Ministry of Justice, Customs and Tariff Bureau in the Ministry of Finance, Japan Coast Guard in the Ministry of Land, Infrastructure, Transport and Tourism.

IMMIGRATION_24_4: Administration in charge of detentions.

Which institution is in charge of detentions (in original language)?

Answer: 法務省, 出入国在留管理庁

Code: 法務省, 出入国在留管理庁

Explanation: According to the Act on the Establishment of the Ministry of Justice, Immigration Detention Centers are established under the Immigration Services Agency of Japan, which is part of the Ministry of Justice structure (Articles 26 and 30). The Immigration Control Act also provides for the establishment of Detention Houses within each regional immigration bureau (Article 61-6). [Note that the literary translation of the Agency is “Emigration, Immigration and Residence Control Agency”].

Sources: 法務省設置法 [Act for the Establishment of the Ministry of Justice]. 1999. Art. 26 and 30. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-6.

Which institution is in charge of detentions (in English language)?

Answer: Ministry of Justice, Immigration Services Agency of Japan

4.8. Proxy: Labor migration (high- and low-skilled)

IMMIGRATION_25: Visas applied to labor migration.

Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?

Answer: Yes

Code: 1

Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?

Answer: No

Code: 0

4.8.1. Domestic workers

Is there a visa scheme (entry track) for domestic workers?

Answer: No

Code: 0

Explanation: Designated Activities visa (only for domestic workers of particular groups of foreigners residing in Japan).

Sources: Ministry of Justice Notice No. 131 of 1990. 1990.

IMMIGRATION_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_30: Restrictions based on age.

Are there age limits for migrant domestic workers in order to be admitted to the country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_33. Do migrant domestic workers need to prove the ability to support themselves?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_36. How long is the domestic work permit valid for? Indicate the period in months.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_37. Is it possible to renew the work permit granted under the domestic worker entry track?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_38: Possibility of changing jobs.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_41. Is a minimum level of education required to apply to the domestic entry track?

Answer: Not applicable

Code: Not applicable

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

IMMIGRATION_42. Is a test of good health required for migrant domestic worker?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.8.2. Agricultural workers

Is there a visa scheme (entry track) for agricultural workers?

Answer: Yes

Code: 1

Explanation: Technical Intern Training visa and Specified Skilled Worker visa [Note: Technical Intern Training visa is not formally meant as a labour migration scheme, but as a contribution to the regional development, which allows citizens of developing states in Asia to acquire skills that cannot be acquired in their home countries. For this reason, relevant Acts use rather particular language. In contrast, *Specified Skilled Visa* is the first visa category that is explicitly aimed at enabling low-skilled labour immigration. In practice, both schemes perform the same function. In December 2018 a large revision of the Immigration Control Act introduced the Specified Skilled Visa (implemented from April 2019) and fundamentally reformed the TIT track, so that it can serve as an entry track, through which workers can acquire the skills necessary for transitioning to the newly-introduced scheme further on. Hence, they can be seen as a set. In the view of the reform, all the information in the following answers is based on the state of affairs in 2019, not 2017, as some questions enquire.]

Sources: Cabinet of Ministers. 2018. “特定技能の在留資格に係る制度の運用に関する方針について [Cabinet Notice on Basic Policy Concerning Operation of the Program Relating to the Specified Skilled Worker Residency Status]”. / Ministry of Justice, Ministry of Health, Labour and Welfare. 2017. “技能実習制度運用要領 [Guidelines for the Management of the Technical Intern Training Program]”.

IMMIGRATION_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: An application for a visa other than “Temporary stay” requires a Certificate of Eligibility aimed at confirming that one is to engage in activities that correspond to this visa track in Japan, as specified in the Ministerial Ordinance (Articles 6 and 6-2; Immigration Control Act Article 7-2). An application for the Certificate also contains a part that is to be filled in by the employer and supporter of the applicant and requires a letter of guarantee from the receiving side (Immigration Bureau instructions). In addition, the ministerial ordinance for the Technical Intern Training Act establishes that an applicant for a trainee position is (1) either an employee of a Japanese public or private organization abroad or a foreign organization with close ties to a Japanese organization who was transferred temporarily to Japan for training, or (2) a person accepted by a Japanese non-profit supervising organization for training in Japan in the professional field, in which a person has experience of working abroad. Persons in the second category need a recommendation from the administrative body in their home country (government, local government, etc.) (Article 10 paragraph 2 item 3 clauses 4-6).

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律施行規則 [Ministerial Enforcement Ordinance for the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 10.

IMMIGRATION_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?

Answer: Yes, required

Code: 0.25

Explanation: To acquire a Certificate of Eligibility for “Technical Intern Training” 1 residence status an applicant is to submit the following documents (Ministerial Ordinance Appended Table III): 1) Written notification of approval for a training plan For Technical intern training 2 and 3: , 2) Certificate of annual income and amount of tax paid According to the Technical Intern Training Act, a training plan is to be prepared by a Japanese individual or juridical person and its subsidiary planning to conduct technical intern training and is to be approved by a relevant ministry. The plan must be prepared separately for each trainee and must include his or her name and nationality, as well as conditions of employment (Article 8 par. 1)

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table III. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8.

IMMIGRATION_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: No

Code: 1

Explanation: The Technical Trainee Act states that the training shall not be a means of adjusting labour demand and supply.

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 3.

IMMIGRATION_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).

Answer: Yes

Code: 0.5

Explanation: Not in 2017, but certain restrictions apply from 2018. Primary selection of employees is conducted by sending organizations in the countries where the trainees are from. Under the revised system, Memoranda of Cooperation have to be concluded between Japan and the governments of sending countries, so that the latter could monitor the sending organizations. After a certain period after the conclusion of a memorandum, sending trainees by any organization apart from accredited sending organizations is no longer possible. The current schedule for (concluded and forthcoming) memoranda includes Cambodia, India, Philippines, Laos, Mongolia, Bangladesh, Sri Lanka, Myanmar, Bhutan, Uzbekistan, Pakistan, Thailand.

Sources: Japan International Training Cooperation Organization (JITCO). "Sending Countries and Sending Organizations | Technical Intern Training, Supervising Organizations". Accessed June 16, 2019. <https://www.jitco.or.jp/en/regulation/send/>.

IMMIGRATION_47: Restrictions based on age.

Are age limits for migrant agricultural workers in order to be admitted to the country?

Answer: Yes

Code: 0.5

Explanation: An applicant has to be over 18 years of age.

Sources: Ministry of Justice Ordinance No. 16 of 1990. 1990.

Which minimum age?

Answer: Between 17 and 18 years

Code: 2

Explanation: Not applicable

Sources: Ministry of Justice Ordinance No. 16 of 1990. 1990.

IMMIGRATION_48. Is having a certain gender a requisite to be admitted to the country under this entry track?

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

IMMIGRATION_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

IMMIGRATION_50. Do migrant agricultural workers need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: Relevant laws make no special provisions for the income or savings of TITs. It has to be noted, however, that foreign workers, regardless of their residence status, are subject to the Labour Standards Act, as stressed in the guidelines by the Ministry of Health, Labor and Welfare (Article 2). Therefore, their employers are to meet the minimum wage requirements, established separately for each region.

Sources: Ministry of Health, Labour and Welfare. Notice No. 276. 2007. Art. 2.

IMMIGRATION_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: General laws related to TITs do not set any language requirements. Separate criteria may be established for specific professions (e.g. Japanese language is required for TITs employed for caregiving). The Ministry of Agriculture, Forestry and Fisheries does not set any related criteria for TITs in agricultural sector. Japanese language courses, however, are a necessary part of the training provided to the TITs 1 (first year intern trainees) after the initial entry to Japan (Ordinance Article 10 par. 7 item 2).

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律施行規則 [Ministerial Enforcement Ordinance for the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 10.

IMMIGRATION_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are

several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 3900 JPY

Code: 3900 JPY

Explanation: According to the Ministry of Foreign Affairs, visa fees for any visa track are about 3,000 yen for a single-entry visa, 6,000 yen for a double-entry or multiple-entry visa, and 700 yen for a transit visa. Depending on the purpose of the visit and nationality, fees may not be required or may be a different amount. For example, visa fee for applicants in the USA between April 1, 2019 and March 31, 2020 was 27\$ for single entry, 55\$ for multiple entry and 6\$ Transit; for Indian passport holders the fees were 8\$ for any number of entries and 1\$ for transit. A range of countries are exempt from fees for particular visa types or from any fees. In addition, an individual or juridical person in Japan (employing side) has to pay a fee to get an accreditation of its technical intern training plan required for each trainee (TIT Act Article 8 paragraph 5). The Ministerial ordinance establishes a fee of 3900 yen for each application (Article 9).

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律施行規則 [Ministerial Enforcement Ordinance for the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 9.

IMMIGRATION_53. How long is the work permit valid for? Indicate the period in months.

Answer: 12

Code: 12

Explanation: from under 1 year up to 5 years maximum with renewals. The exact period is decided by the Ministry on an individual basis. A visa for Technical Intern Trainee 1 cannot exceed 1 year; Visas for Technical Intern Trainee 2 and 3 cannot exceed 2 years.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

IMMIGRATION_54. Is it possible to renew the work permit granted under the agricultural worker entry track?

Answer: Yes

Code: 1

Explanation: Yes, renewal is possible up to 5 years in total, within the same residence status. According to the Immigration Control Act Article 21, any foreign resident in Japan may extend the period of stay without changing the status of residence. In the case of TITs, it normally implies renewal from TIT 1 (1 year) to TIT 2 and TIT 3 (2 years each). The Ordinance for the Technical Intern Trainee Act provides that a TIT 2 who wants to renew the permit to move to TIT 3 residence status has to return to his home country for a period exceeding one month (Article 10 paragraph 2 item 3 clause 7). It is also prohibited to conduct the training under the same residence status more than once (e.g. one cannot undergo TIT1 training twice) (Article 10 paragraph 2 item 3 clause 8). The purpose of the TIT is transfer of skills to home countries of intern trainees. It is expected that TITs will return to their country after the completion of training not exceeding 5 years and work on the job where their newly acquired skills can be applied (Article 10 paragraph 2 item 3 clause 3), although following the introduction of a

new scheme for low-skilled labor, it also became possible for them to transfer to Specified Skilled Worker visa after completing their training.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 21. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律施行規則 [Ministerial Enforcement Ordinance for the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 10.

IMMIGRATION_55: Possibility of changing jobs.

Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?

Answer: Yes

Code: 1

Explanation: Changes are possible together with changes in one's residence status. Under the current residence status, change of employer and location are possible under special circumstances. TITs receive their residence status under an accredited training plan, which is to include the name and address of the applicant (i.e. employer), the location of training, content, period and goals of training (Technical Intern Training Act Article 8). Any changes in the plan can only be done by the implementing or supervising organizations and with the approval of relevant ministries (Article 11). A migrant cannot introduce any changes himself. Guidelines for the implementation of the system note that change of the site of employment (an ambivalent phrase is used, which can imply both location and employer) is possible under special circumstances related to the management of the training, loss of accreditation by an organization, interpersonal problems, etc. Change is not possible under the circumstances related to the wishes of the trainee alone (p. 53). A migrant and an organization employing him have an obligation to report to the authorities about any changes (Article 19-16 par. 1 item 1; Article 19-17). Furthermore, the Immigration Control Act (Article 20) states that any foreigner residing in Japan (except "Temporary Stay") is allowed to change the status of residence, the period of stay, as well as the public or private organization in Japan. Hence, outside of the Technical Intern Trainee status any changes are possible.

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8 and 11. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, and 20. / Ministry of Justice, Ministry of Health, Labour and Welfare. 2017. "技能実習制度運用要領 [Guidelines for the Management of the Technical Intern Training Program]".

Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?

Answer: No

Code: 0

Explanation: Changes are possible together with changes in one's residence status. Under the current residence status, change of employer and location are possible under special circumstances. However, changes in sector are not regulated. TITs receive their residence status under an accredited training plan, which is to include the name and address of the applicant (i.e. employer), the location of training, content, period and goals of training (Technical Intern Training Act Article 8). Any changes in the plan can only be done by the implementing or supervising organizations and with the approval of relevant ministries (Article 11). A migrant cannot introduce any changes himself. Guidelines for the implementation of the system note that change of the site of employment (an ambivalent phrase is

used, which can imply both location and employer) is possible under special circumstances related to the management of the training, loss of accreditation by an organization, interpersonal problems, etc. Change is not possible under the circumstances related to the wishes of the trainee alone (p. 53). A migrant and an organization employing him have an obligation to report to the authorities about any changes (Article 19-16 par. 1 item 1; Article 19-17). Furthermore, the Immigration Control Act (Article 20) states that any foreigner residing in Japan (except “Temporary Stay”) is allowed to change the status of residence, the period of stay, as well as the public or private organization in Japan. Hence, outside of the Technical Intern Trainee status any changes are possible.

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8 and 11. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, and 20. / Ministry of Justice, Ministry of Health, Labour and Welfare. 2017. “技能実習制度運用要領 [Guidelines for the Management of the Technical Intern Training Program]”.

Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?

Answer: No

Code: 0

Explanation: Changes are possible together with changes in one’s residence status. Under the current residence status, change of employer and location are possible only under special circumstances. TITs receive their residence status under an accredited training plan, which is to include the name and address of the applicant (i.e. employer), the location of training, content, period and goals of training (Technical Intern Training Act Article 8). Any changes in the plan can only be done by the implementing or supervising organizations and with the approval of relevant ministries (Article 11). A migrant cannot introduce any changes himself. Guidelines for the implementation of the system note that change of the site of employment (an ambivalent phrase is used, which can imply both location and employer) is possible under special circumstances related to the management of the training, loss of accreditation by an organization, interpersonal problems, etc. Change is not possible under the circumstances related to the wishes of the trainee alone (p. 53). A migrant and an organization employing him have an obligation to report to the authorities about any changes (Article 19-16 par. 1 item 1; Article 19-17). Furthermore, the Immigration Control Act (Article 20) states that any foreigner residing in Japan (except “Temporary Stay”) is allowed to change the status of residence, the period of stay, as well as the public or private organization in Japan. Outside of the Technical Intern Trainee status any changes are possible.

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8 and 11. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, and 20. / Ministry of Justice, Ministry of Health, Labour and Welfare. 2017. “技能実習制度運用要領 [Guidelines for the Management of the Technical Intern Training Program]”.

IMMIGRATION_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?

Answer: Yes, after 1-3 months

Code: 2

Explanation: Yes, but 3 months are given before the revocation of the status of residence. As a rule, a foreign resident is to notify the Minister of Justice within 14 days after the change in the name or location, or extinction of an organization that employed him, or when leaving or being transferred from

it (Article 19-16 par. 1 item 1). Separate notification has to be made by the employing organization (Article 19-17). A person residing in Japan without continuously engaging in the activities related to his status of residence for three months without a good reason for that will have his status of residence revoked (Immigration Control Act Article 22-4 par. 1 item 6). Since technical intern trainees stay in Japan under an approved training plan, they cannot search for a job independently. The Technical Intern Training Act provides that implementing organizations have to make a notification if it has become difficult for them to implement training, after which measures should be taken to ensure continuation of training (Article 19). The site of training may be changed with support of a supervising organization or OTIT (Organization for Technical Intern Training). Same applies to discontinuation of a supervising organization's business (Article 34). Implementing and supervising organizations cannot force a TIT to return home against his wish to continue training and before the expiration of the employment contract (Article 51; Guidelines chapter 10).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16 and 19-17. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 19, 34 and 51. / Ministry of Justice, Ministry of Health, Labour and Welfare. 2017. “技能実習制度運用要領 [Guidelines for the Management of the Technical Intern Training Program]”.

IMMIGRATION_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: The Technical Trainee Act states that the amount of remuneration paid to a technical intern trainee shall be equivalent to or greater than the amount of remuneration paid to a Japanese national for similar work (Article 9 paragraph 1 item 9).

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 9.

IMMIGRATION_58. Is a minimum level of education required to apply to the agricultural worker entry track?

Answer: No

Code: 1

Explanation: Not for the entry level, but mandatory for visa extension. Relevant laws contain no educational requirements for the initial entry under this entry track, as TIT 1 (maximum for 1 year), although the ministerial ordinance states that persons coming to Japan for supervising organization type training are normally expected to have experience in the occupation they are going to be trained for (Article 10 paragraph 2 item 3 clause 5). Transition to TIT 2 and TIT 3 (maximum for 2 additional years each) requires evidence that the trainee has passed the appropriate trade skills test, or an examination designated by the competent ministries, in order to get an approval for the training plan.

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律施行規則 [Ministerial Enforcement Ordinance for the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8 and 10.

IMMIGRATION_59. Is a test of good health required for migrant agricultural workers?

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

4.8.3. Medical doctors

Is there a visa scheme (entry track) for medical doctors?

Answer: Yes

Code: 1

Explanation: Medical services visa, Highly Skilled Professional visa [Note: Highly Skilled Professional visa is overall more beneficial, but access to it does not depend on one's professional occupation. Doctors may acquire this visa if they are engaged in frontline medical research or academic activities, although they are also allowed to practice at the same time. Given that this track is unlikely for regular practitioners, the Medical services visa was selected instead.] [Note2: selected visa track for the rest of the questionnaire is marked in bold]

Sources: Ministry of Justice Ordinance No. 16 of 1990. 1990.

IMMIGRATION_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?

Answer: Yes

Code: 0

Explanation: An application for a visa other than "Temporary stay" requires a Certificate of Eligibility aimed at confirming that one is to engage in activities that correspond to this visa track in Japan, as specified in the Ministerial Ordinance (Articles 6 and 6-2; Immigration Control Act Article 7-2). An application for the Certificate also contains a part that is to be filled in by the employer and supporter of the applicant and requires a letter of guarantee from the receiving side (Immigration Bureau instructions).

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 6 and 6-2. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 7-2. / Immigration Bureau of Japan. "Application for Certificate of Eligibility". Accessed June 16, 2019. <http://www.immi-moj.go.jp/english/tetuduki/kanri/shyorui/01.html>.

IMMIGRATION_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?

Answer: Yes, required

Code: 0.25

Explanation: Required. To acquire the Certificate of Eligibility required for “Medical Services” residence status an applicant has to provide the following supporting documents (Ministerial Ordinance Appended Table 3): 1) Material showing the outline of the recipient organization, 2) Documents certifying one’s qualification to do the activities under the visa track, 3) Documents certifying the activity, its duration, position and remuneration. Moreover, the conditions set in the ministerial order state that those who intend to engage in duties as a pharmacist, dental hygienist, radiology technician, physical therapist, occupational therapist, orthopedist, clinical technician, or prosthetist must be invited by a Japanese medical institution or pharmacy. Note that no such provision is made in the order for regular doctors though.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table III. / Ministry of Justice Ordinance No. 16 of 1990. 1990.

IMMIGRATION_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

IMMIGRATION_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

IMMIGRATION_64: Restrictions based on age.

Are there age limits for migrant medical doctors to be admitted to the country?

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

IMMIGRATION_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: Relevant laws make no special provisions for the income or savings of applicants for a medical services visa. It has to be noted, however, that foreign workers, regardless of their residence status, are subject to the Labour Standards Act, as stressed in the guidelines by the Ministry of Health, Labor and Welfare (Article 2). Therefore, their employers are to meet the minimum wage requirements, established separately for each region.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2.

IMMIGRATION_67. Do migrant medical doctors need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: Relevant laws make no special provisions for the income or savings of applicants for a medical services visa. It has to be noted, however, that foreign workers, regardless of their residence status, are subject to the Labour Standards Act, as stressed in the guidelines by the Ministry of Health, Labor and Welfare (Article 2). Therefore, their employers are to meet the minimum wage requirements, established separately for each region.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2.

IMMIGRATION_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Explicitly neither, implicitly required. Relevant laws do not contain any provisions related to proficiency in Japanese for medical doctors. Yet, the requirement of Japanese professional qualifications for this entry track implicitly suggests that language skills are also required.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-2.

IMMIGRATION_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: Yes

Code: 27 USD approx.

Explanation: Yes, it depends on the applicant's nationality and there is no specific fee for the medical doctor application. According to the Ministry of Foreign Affairs, visa fees for any visa track are about 3,000 yen for a single-entry visa, 6,000 yen for a double-entry or multiple-entry visa, and 700 yen for a transit visa. Depending on the purpose of the visit and nationality, fees may not be required or may be a different amount. For example, visa fee for applicants in the USA between April 1, 2019 and March 31, 2020 was 27\$ for single entry, 55\$ for multiple entry and 6\$ Transit; for Indian passport holders the fees were 8\$ for any number of entries and 1\$ for transit. A range of countries are exempt from fees for particular visa types or from any fees.

Sources: Embassy of Japan in the United States of America. "Visa Fee Exemptions". Accessed June 10, 2019. https://www.us.emb-japan.go.jp/english/html/travel_and_visa/visafees.html. / Ministry of Foreign Affairs of Japan. "Visa Fees". Accessed June 10, 2019. https://www.mofa.go.jp/j_info/visit/visa/procedure/fee.html. / Embassy of Japan in the United States of America. "Visa Information". Accessed June 10, 2019. https://www.us.emb-japan.go.jp/itpr_en/travel_and_visa.html.

IMMIGRATION_70. How long is the medical doctor work permit valid for? Indicate the period in months.

Answer: 60

Code: 60

Explanation: 3 months, 1 year, 3 years, 5 years.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

IMMIGRATION_71. Is it possible to renew the work permit granted under the medical doctor entry track?

Answer: Yes

Code: 1

Explanation: According to the Immigration Control Act Article 21, any foreign resident in Japan may extend the period of stay without changing the status of residence. The law makes no requirements that a person should leave the country for this purpose.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 21.

IMMIGRATION_72: Possibility of changing jobs.

Is it possible for a migrant medical doctor to switch employers?

Answer: No

Code: 0

Explanation: No. The laws do not explicitly allow for changes in employer, sector, or location. All are possible but a change in the status of residence might be required. In principle, a person does not violate the law, for as long as his activities in Japan correspond to his status of residence. The Immigration Control Act does not regulate change of employers or location, although a migrant and an organization employing him have an obligation to report to the authorities (Article 19-16 par. 1 item 1; Article 19-17). The Act (Article 20) states that any foreigner residing in Japan (except “Temporary Stay”) is allowed to change the status of residence, the period of stay, as well as the public or private organization in Japan. Approval of an application for the change of the status of residence is under the discretion of the Minister of Justice.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, and 20.

Is it possible for a migrant medical doctor to switch professional sectors?

Answer: No

Code: 0

Explanation: No. The laws do not explicitly allow for changes in employer, sector, or location. All are possible but change in the status of residence might be required. In principle, a person does not violate the law, for as long as his activities in Japan correspond to his status of residence. The Immigration Control Act does not regulate change of employers or location, although a migrant and an organization employing him have an obligation to report to the authorities (Article 19-16 par. 1 item 1; Article 19-17). The Act (Article 20) states that any foreigner residing in Japan (except “Temporary Stay”) is allowed to change the status of residence, the period of stay, as well as the public or private organization in Japan. Approval of an application for the change of the status of residence is under the discretion of the Minister of Justice.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, and 20.

Is it possible for a migrant medical doctor to switch locations?

Answer: No

Code: 0

Explanation: No. The laws do not explicitly allow for changes in employer, sector, or location. All are possible but change in the status of residence might be required. In principle, a person does not violate the law, for as long as his activities in Japan correspond to his status of residence. The Immigration Control Act does not regulate change of employers or location, although a migrant and an organization employing him have an obligation to report to the authorities (Article 19-16 par. 1 item 1; Article 19-17). The Act (Article 20) states that any foreigner residing in Japan (except “Temporary Stay”) is allowed to change the status of residence, the period of stay, as well as the public or private organization in Japan. Approval of an application for the change of the status of residence is under the discretion of the Minister of Justice.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, and 20.

IMMIGRATION_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?

Answer: Yes, after 1-3 months

Code: 2

Explanation: Yes, but 3 months are given before the revocation of the status of residence. A foreign national with a status of residence of “medical services” is to notify the Minister of Justice within 14 days after the change in the name or location, or extinction of an organization that employed him, or when leaving or being transferred from it (Article 19-16 par. 1 item 1). Separate notification has to be made by the employing organization (Article 19-17). A person can then search for a new job related to medical services or apply for a change of the status of residence and reside in Japan until the change is approved or up to 2 months after the expiration of the previous residence, whichever comes first (Article 20). Failure to find a new job and carry out the activities allowed for one's status of residence for over 3 months and without a good reason would result in a revocation of a status of residence (Article 22-4 par. 1 item 6).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-16, 19-17, 20, and 22-4.

IMMIGRATION_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?

Answer: Yes

Code: 1

Explanation: A person who intends to engage in duties as a physician, dentist, pharmacist, public health nurse, midwife, nurse, assistant nurse, dental hygienist (shikaeiseishi), radiology technician, physical therapist (rigakuryouhoushi), occupational therapist (sagouryouhoushi), orthoptist (shinoukunrenshi), clinical engineer(rinshoukougakugishi), or prosthetist (gishisougushi) must receive no less remuneration than would a Japanese national for comparable work.

Sources: Ministry of Justice Ordinance No. 16 of 1990. 1990.

IMMIGRATION_75. Is a minimum level of education required to apply to the medical doctor entry track?

Answer: Yes

Code: 0

Explanation: According to the Immigration Control Act, “medical services” entry track is only applicable to persons who are qualified under the Japanese law (i.e. foreign medical qualifications are not accepted). For example, in the case of physicians, according to the Medical Practitioners Act, a person who wishes to become a medical practitioner shall pass the National Examination and receive a license from the Ministry of Health, Labour and Welfare (Article 2). Qualifications received at some foreign universities, acknowledged by the Ministry, are recognized as sufficient for taking the exam; persons with other qualifications will not be able to take the exam (Article 11 par. 1 item 3, Article 12). A practitioner is also supposed to take advanced clinical training for 2 years at a hospital designated by the Ministry (some foreign hospitals may qualify) before providing medical treatment (Article 16-2 par. 1 and 4). Qualifications expected of medical specialists in other fields are regulated by separate laws.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-2. / 医師法 [Medical Practitioners Act]. 1948. Art. 2, 11, 12, and 16-2.

IMMIGRATION_76. Is a test of good health required for migrant medical doctors?

Answer: No

Code: 0

Explanation: Relevant laws do not mention anything regarding this.

Sources: Not applicable

4.9. Proxy: Refugees

4.9.1. Existence of track

IMMIGRATION_77. Does the country grant refugee status?

Answer: Yes

Code: 1

Explanation: According to the Ministry of Justice Annual Report (pp. 278-279), 19629 persons applied for asylum in Japan in 2017. 20 of the applicants were granted a refugee status (one among them after an appeal), 29 were accepted as resettled refugees (persons from Myanmar coming through Thailand or Malaysia), 9736 persons were refused, 45 were allowed to remain in Japan for humanitarian reasons or with the purpose of their protection, although their application as a refugee was not approved.

Sources: 法務省大臣官房司法法制部司法法制課 [Secretariat of the Minister of Justice, Judicial System Department, Judicial System Division]. 2018. 法務年鑑平成 29 年 [Ministry of Justice Annual Report

2017]. Tokyo. / Ministry of Justice. 2018. “資料 1 .我が国における難民庇護の状況等[Document 1. Protection]”.

IMMIGRATION_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?

Answer: No

Code: 1

Explanation: No references to safe third countries are found in publicly available Ministry of Justice documents for 2017.

Sources: Not applicable

IMMIGRATION_79: Safe countries of origin.

Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?

Answer: No

Code: 1

Explanation: No references to safe third countries of origin are found in publicly available Ministry of Justice documents for 2017.

Sources: Not applicable

How many countries?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.9.2. Restrictions

IMMIGRATION_80: Refugee status restricted for certain nationalities.

Is refugee status restricted to certain nationalities?

Answer: No

Code: 1

Explanation: No references to restrictions related to nationality of refugees accepted under the Refugee Convention are found in publicly available Ministry of Justice and Ministry of Foreign Affairs documents. Resettled refugees admitted to Japan, however, are limited to refugees from Myanmar temporarily located in camps in Thailand and Malaysia.

Sources: Cabinet Secretariat Council for Liaison and Coordination of the Refugee Policy. 2017. “第三国定住による難民の受入れに関する具体的措置について [The Decision on the Exact Measures Related to the Admission of Resettled Refugees]”.

Which nationalities?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_81: Restrictions based on age.

Are there age limits for potential refugees to be admitted to the country?

Answer: No

Code: 1

Explanation: The Ministry of Justice documents for 2017 do not make any reference to applicants' age. “The outline of revisions for the management of the refugee recognition system” (p.4) mentions proposals for increasing transparency, including publication of conditions that deserve special treatment, i.e. young age or critical illness. Yet, no documents listing such conditions were found on the Ministry webpage.

Sources: Ministry of Justice, Immigration Bureau. 2015. “難民認定制度の運用の見直しの概要 [Outline of Revisions for the Management of the Refugee Recognition System]”.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?

Answer: No

Code: 1

Explanation: The Ministry of Justice documents for 2017 do not make any reference to applicants' age. "The outline of revisions for the management of the refugee recognition system" (p.4) mentions proposals for increasing transparency, including publication of conditions that deserve special treatment, i.e. young age or critical illness. Yet, no documents listing such conditions were found on the Ministry webpage.

Sources: Not applicable

Below which age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_82. Is having a certain gender a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No references to special treatment of any gender were found in the Ministry of Justice reports for 2017.

Sources: Not applicable

IMMIGRATION_83. Is having a certain marital status a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No references to marital status were found in the Ministry of Justice 2017 reports.

Sources: Not applicable

4.9.3. Place of application

IMMIGRATION_84: Place of application

Can asylum seekers file an application for asylum from outside the destination country's territory?

Answer: No

Code: 0

Explanation: No such provision.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 55.

Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?

Answer: Yes

Code: 1

Explanation: According to the Immigration Control Act Enforcement Ordinance, a person who seeks to apply for recognition of refugee status must appear at a regional immigration bureau and submit a written application, passport and a document confirming a person's status of residence (residence card, special permanent resident certificate, certificate of status of residence, or a landing permit). Those who are unable to present their passport or certificate of status of residence must submit a document with a statement of the grounds therefore (Article 55, par. 1-2). The Ordinance contains no provisions allowing for an application from outside Japan.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 55.

Can asylum seekers file an application for asylum on the destination country's territory?

Answer: Yes

Code: 1

Explanation: According to the Immigration Control Act Enforcement Ordinance, a person who seeks to apply for recognition of refugee status must appear at a regional immigration bureau and submit a written application, passport and a document confirming a person's status of residence (residence card, special permanent resident certificate, certificate of status of residence, or a landing permit). Those who are unable to present their passport or certificate of status of residence must submit a document with a statement of the grounds therefor (Article 55, par. 1-2). The Ordinance contains no provisions allowing for an application from outside Japan.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 55.

4.9.4. Permit validity

IMMIGRATION_85. How long is the initial residence permit for recognized refugees valid for?

Answer: Temporary, between 37 and 60 months

Code: 3

Explanation: From 6 months up to 5 years According to the Immigration Control Act, refugees receive a “Long-term resident” visa (Articles 61-2-2 par. 1). Those who apply for asylum 6 months after the date of their arrival in Japan; or arrive indirectly from the territory where their life was likely to be persecuted; or fall under the provisions related to deportation; or get convicted of certain crimes in Japan may be granted a special permission to stay (Article 61-2-2 par. 1 items 1-4, Article 61-2-2 par. 2). The status and period of residence in both cases is decided by the Minister of Justice (Article 61-2-2 par. 3). According to the Immigration Bureau, “long-term resident” visas may be granted for 5, 3, 1 years or 6 months, or for a period decided by the Minister, which cannot exceed 5 years.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-2.

IMMIGRATION_86: Permit renewal.

Is it possible to renew a temporary residence permit?

Answer: Yes

Code: 1

Explanation: Article 21 par. 1 of the Immigration Control Act allows any foreigner residing in Japan to have his period of stay extended, without changing his status of residence. The law makes no special provisions for extending refugees’ residence permits.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 21, 22, and 61-2-11.

Is it possible to apply for a permanent resident permit for recognized refugees?

Answer: Yes, possible to apply for a permanent permit after 5-6 years

Code: 3

Explanation: Article 61-2-11 makes special provisions allowing refugees to apply for and be granted permanent residence, even if an applicant does not correspond to some conditions required for gaining permanent residence as stated in Article 22 par. 2 item 2 (an applicant must have sufficient assets or skills to make an independent living). Persons recognised as refugees who stayed in Japan consequently for more than 5 years after recognition (in contrast to the typical period of 10) are eligible to permanent residence, according to the Ministry of Justice guidelines (Article 2 item 3).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 21, 22, and 61-2-11.

IMMIGRATION_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?

Answer: Yes

Code: 0

Explanation: Immigration Control Act (Article 61-2-7 par. 1 item 2) stipulates that the status of a person recognized as a refugee in Japan is to be revoked when this person falls under Article 1, C (5) and (6) of the Refugee Convention, according to which the Convention no longer applies to a person who can

no longer avail himself of protection of the country of his nationality or who can return to the country of his former nationality, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-7.

4.9.5. Maximum timeframe for application resolution

IMMIGRATION_88: Timeframe for resolution.

Is there a maximum of days to process the application of asylum seekers?

Answer: No

Code: 0

Explanation: There are no such provisions in the relevant laws.

Sources: Not applicable

What is the maximum of days?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.9.6. Possibility to change migratory status

IMMIGRATION_89. If an application on refugee status is rejected, does the applicant have the right to appeal?

Answer: Yes

Code: 1

Explanation: The Immigration Control Act allows an asylum seeker who was denied recognition of refugee status to file an objection within 7 days from the date he received the notice of rejection (Article 61-2-9 par. 1 item 1 and par 2).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-9.

IMMIGRATION_90. Is it possible for recognized refugees to change their migratory status?

Answer: Yes

Code: 1

Explanation: Immigration Control Act provides that a foreign resident may have his status of residence and period of stay changed (Article 20 par. 1). The law makes no special provisions for refugees, except for easing their access to permanent residence (Article 61-2-11).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20 and 61-2-11.

4.9.7. Detention

IMMIGRATION_91: Detention

Are asylum seekers detained while their claims are being processed?

Answer: No

Code: 4

Explanation: Immigration Control Act Article 39 par. 1 states that a foreign national may be detained when the authorities have reasonable grounds to suspect that a person falls under any of conditions sufficient for deportation in Article 24 of the law. Article 61-2-6, however, stipulates that deportation procedures, including detention, do not apply to persons recognized as refugees or granted a special permission to stay or a permission for provisional stay; procedures for deportation are suspended for those who have applied for asylum, but have not been granted provisional stay or those with expired period of provisional stay. After the review process, deportation procedures are not suspended in the cases when a person did not file an objection against a denial of refugee status, or his objection was withdrawn, dismissed or denied, or he was not granted long-term residence or special permission to stay (Article 61-2-6 par. 3). Article 41 par. 1, which specifies places of detention, does not mention any specific facilities for refugees.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 24, 39, 61-2-6, and 41.

Are asylum seekers detained after their claims are processed?

Answer: Yes, under certain circumstances

Code: 1

Explanation: Immigration Control Act Article 39 par. 1 states that a foreign national may be detained when the authorities have reasonable grounds to suspect that a person falls under any of conditions sufficient for deportation in Article 24 of the law. Article 61-2-6, however, stipulates that deportation procedures, including detention, do not apply to persons recognized as refugees or granted a special permission to stay or a permission for provisional stay; procedures for deportation are suspended for those who have applied for asylum, but have not been granted provisional stay or those with expired period of provisional stay. After the review process, deportation procedures are not suspended in the

cases when a person did not file an objection against a denial of refugee status, or his objection was withdrawn, dismissed or denied, or he was not granted long-term residence or special permission to stay (Article 61-2-6 par. 3). Article 41 par. 1, which specifies places of detention, does not mention any specific facilities for refugees.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 24, 39, 61-2-6, and 41.

4.9.8. Status after rejection

IMMIGRATION_92. What is the status of asylum seekers whose applications are rejected?

Answer: Issued a temporary certificate and then deportation

Code: 2

Explanation: There are several paths after the rejection of an application for asylum: 1) Some applicants are granted a special permission to stay in Japan on the basis of humanitarian considerations (Article 61-2-2 par. 2); 2) Some can stay longer under provisional stay permit, while they qualify under the exemption from deportation procedures (Articles 61-2-4 par. 1, 61-2-6); 3) There are no special provisions for asylum-seekers whose application was rejected. Those who fall under the conditions of Article 24 may be deported, if they no longer qualify under the conditions for suspension of the deportation procedures in Article 61-2-6. 4) Those who overstay and do not get an extension for the period of stay under Article 24 (deportation), but voluntarily appear at an immigration office with an intention of departing from Japan promptly, do not violate other conditions of stay specified in the law, are not convicted of a crime, have no past record of being deported or departing under a departure order from Japan and are expected with certainty to depart from Japan promptly, can receive a departure order to leave Japan without deportation in the specified period under 15 days from the order, unless allowed an extension (Articles 24-3, 55-3 par. 1, 55-5).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 61-2-2, 61-2-4, 61-2-6, 24, 24-3, 55-3, and 55-5.

IMMIGRATION_93. Do asylum seekers have the possibility to work during the process of application?

Answer: Yes, under certain circumstances

Code: 0.5

Explanation: In some cases. According to a Ministry of Justice explanation of revisions of the refugee recognition system, since 2010, in principle, persons who applied for a refugee status were granted a "designated activities" residence status for 6 months after 6 months from their application and were allowed to work. In the period preceding that, the Ministry of Justice may impose restrictions on persons with provisional stay permit related to their place of residence, area of movement, activities, and other conditions deemed necessary (Immigration Control Act 61-2-4 par. 4). However, under the revisions of the management of the refugee recognition system by the Ministry of Justice enforced from 2018, the Ministry is to conduct a pre-sorting review for no longer than 2 months to identify those applicants who are most likely to qualify for residence as refugees or under humanitarian considerations and grant them a designated activities visa straight after the review. Applicants are not allowed to work during the pre-sorting stage. The revisions also introduced the criteria for denying residence and work permits to some applicants to prevent abuse of the system. They deny residence permits to first-time applicants who clearly do not correspond to the provisions of the Refugee

Convention, even if their applications are still being processed. They also provide for restrictions on gaining work permit and residence permit for non-first-time applicants. Persons who apply for asylum after completing or halting their training or studies under “student” or “technical intern trainee” visas, or in the period of preparing for departure under a “temporary stay” or “designated activities” visas, are also prohibited to work and their residence period is to be shortened from 6 to 3 months.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-4.

4.9.9. Translation and interpretation

IMMIGRATION_94. Does the state provide official translation or interpretation for the process of asylum seekers?

Answer: Yes

Code: 1

Explanation: Interpretation may be provided at some stages of the process, e.g. interview. Immigration Control Act and its Enforcement Order make no provisions about translation or interpretation services for asylum seekers. Immigration Bureau guide (p. 5) to the procedure for recognition of refugee status states that the applicants themselves are expected to provide sufficient evidence in support of their asylum claim and, if such evidence is in a language other than Japanese, an applicant is to submit his translation too. Japan Association for Refugees' explanation of the refugee application process (Frequently Asked Questions, 8) states that an interpreter who speaks an applicant's language is provided during an interview with a Refugee Inquirer. However, no official documents by the Ministry about provision of interpretation were found.

Sources: Immigration Bureau, Ministry of Justice of Japan. 2016. “A Guide to the Procedure for Recognition of Refugee Status”. / Japan Association for Refugees. 2018. “To Those Who Wish to Apply for Refugee Status”.

4.10. Proxy: Co-ethnics

4.10.1. General

IMMIGRATION_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).

Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?

Answer: Yes

Code: 1

Explanation: There are two such groups of co-ethnics in Japan. For the purposes of our data collection, we focus on the first group, the Nikkei, as the main co-ethnic demographic of interest.

1) Nikkei (entitled to the long-term resident status) – persons of Japanese descent - Descendants of the Japanese settlers or nationals in 2-3 generations, often from Latin America (Articles 3,4. Ministry of Justice Notice 132 of 1990). Descendants from the 4th generation do not have eased access to immigration or citizenship. - Former Japanese citizens and their descendants who settled in China at the end of the war (Article 8 Ministry of Justice Notice 132 of 1990; Act on smooth return of Japanese in China, No 30 of 1993)

2) Zainichi (entitled to the special permanent resident status) – citizens from former Japanese colonies (Korea and Taiwan) who resided in Japan and lost their citizenship after the conclusion of the Peace Treaty in 1952 by refusing to naturalize in Japan, as well as their descendants (children and grandchildren) (Special Act for those who have lost Japanese nationality, No 71 of 1991).

Sources: Ministry of Justice Notice No. 132. 1990. Art. 3, 4, and 8.

IMMIGRATION_96. Register the name of the group(s).

Answer: Nikkei

Code: Nikkei

Explanation: Note that the word “Nikkei” is used as a formal term to indicate persons of Japanese descent, up to the 4th generation. Sometimes translations of Japanese sources refer to both descendants and emigrants, indicating that the term is not tied to a person’s citizenship. It may be used in Japanese laws (as in the amendment for advancing admission of fourth-generation Japanese descendants) or not (as in the Ministry of Justice Notice No 132, where they are referred to as children or grandchildren of Japanese settlers and citizens). It is also broadly used in colloquial language and the media, although the common assumption behind it is that these persons come from Latin America. A category, which may be treated as part of “Nikkei” or a separate group, are the Japanese from China. This group includes persons who were in China between 09.08.1945 and 02.09.1945, had Japanese citizenship at the time and settled in China after, as well as their children, spouses, dependents and carers.

Sources: Ministry of Justice Notice No. 132. 1990.

4.10.2. Reasons for co-ethnicity

IMMIGRATION_97. Reasons for co-ethnicity.

Shared language:

Answer: No

Code: 0

Explanation: The grounds for co-ethnic status are shared ancestry.

Sources: Not applicable

Shared religion:

Answer: No

Code: 0

Explanation: The grounds for co-ethnic status are shared ancestry.

Sources: Not applicable

Shared ancestry:

Answer: Yes

Code: 1

Explanation: Nikkei: The Ministry of Justice Notice No. 132 of 1991, which lists the categories of persons with access to long-term residency, specifically refers to the Japanese ancestors with Japanese citizenship/domicile, as the criterion for the special treatment of Nikkei and the Japanese repatriating from China (Articles 3,4,8).

Sources: Ministry of Justice Notice No. 132. 1991. Art. 3, 4, and 8.

Citizen of former colony:

Answer: No

Code: 0

Explanation: The grounds for co-ethnic status are shared ancestry.

Sources: Ministry of Justice Notice No. 132. 1991.

III treatment by country in the past:

Answer: No

Code: 0

Explanation: The grounds for co-ethnic status are shared ancestry.

Sources: Not applicable

Self-declaration: avowal to be of country's ethnicity:

Answer: No

Code: 0

Explanation: The grounds for co-ethnic status are shared ancestry.

Sources: Not applicable

Other:

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_98. May converts apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?

Answer: Fourth degree

Code: 3

Explanation: The degree of ancestry allowed differs depending on the co-ethnic category. The Ministry of Justice Notice No. 132 of 1991 refers to grandchildren and great grandchildren of Japanese settlers and former citizens (Nikkei) (Articles 3 and 4) as entitled to apply for long-term residency.

Sources: Ministry of Justice Notice No. 132. 1991. Art. 3, 4, 6 and 8.

4.10.3. Language test

IMMIGRATION_100. What is the required level of language skills?

Answer: Basic pre-arrival

Code: 1

Explanation: Language skills are not a compulsory criterion for long-term residence permit based on ancestry. However, the list of documents provided on the Ministry of Justice webpage for the Japanese descendants in the 3rd generation indicates that a 5-year long (maximum length) permit can only be obtained if an applicant submits documents confirming Japanese language skills (depending on the type of evidence at hand, the skills may vary from relatively basic (6 months at an education institution approved by the Ministry of Justice or 1 year at an approved school) to relatively advanced (N2 level of the JLPT exam (with N1 being the fluent level), or 400 points on JLRT exam).

Sources: 法務省 [Ministry of Justice]. “外国人（申請人）の方が日系3世である場合 [Cases When a Foreigner (Applicant) Is a 3rd Generation (Nikkei)]”. Accessed July 11, 2019. http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_HENKO/zairyu_henko5.html.

4.10.4. Place of residence

IMMIGRATION_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).

Answer: No answer

Code: Not applicable

Explanation: No - for Nikkei. The Ministry of Justice Notice No. 132 of 1991 does not make any provisions on the place of residence of persons with Japanese ancestry (Articles 3, 4). Yet, the Japanese from China must have continuously resided in China from before September 1945 (Article 8). [Note that neither of the categories of co-ethnics in Japan are entitled to permanent residency by default. They can apply for long-term residence, which provides for more beneficial conditions of stay in Japan (particularly for work) and eases access to permanent settlement] The Act on those who have lost Japanese nationality states that applicants for special permanent resident status must have continuously resided in Japan since 1945, and their children must have been born in Japan and continuously resided there afterwards too (Article 2).

Sources: Ministry of Justice Notice No. 132. 1991. Art. 3, 4, 8.

4.10.5. Place of application

IMMIGRATION_102. Place of application.

Can applicants file an application from outside the territory of the host country?

Answer: Yes

Code: 1

Explanation: Relevant acts do not include any regulations on the place of application for long-term residency for the Nikkei. Yet, webpages of some embassies (e.g. US, Peru) provide information on how to apply for long-term residency through a Japanese consulate. There are embassies, however, that do not provide any information on such visas (e.g. UK, Russia).

Sources: 日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法 [Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan]. 1991. Art. 4.

Can applicants file an application on host country's territory?

Answer: Yes

Code: 1

Explanation: Relevant acts do not include any regulations on the place of application for long-term residency for the Nikkei. Yet, webpages of some embassies (e.g. US, Peru) provide information on how to apply for long-term residency through a Japanese consulate. There are embassies, however, that do not provide any information on such visas (e.g. UK, Russia).

Sources: 日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法 [Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan]. 1991. Art. 4.

4.10.6. Date of birth

IMMIGRATION_103. Do applicants need to be born before or after a certain date to be eligible?

Answer: Yes

Code: 1

Explanation: For Japanese from China and Zainichi, date of birth before a certain date: 02.09.1945
For children of Japanese from China and children of Zainichi, date of birth after a certain date: 02.09.1945
According to the Ministry of Justice Notice No. 132 of 1991, Japanese settlers in China are only eligible for a long-term resident permit, if they resided in China from before 02.09.1945, while their children must have been born after this date to apply for a visa (Article 8).

Sources: Ministry of Justice Notice No. 132 of 1991. 1991. Art. 8.

4.10.7. Permit validity

IMMIGRATION_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?

Answer: Temporary, between 37 and 60 months

Code: 3

Explanation: Long-term resident permit (for Nikkei) is, in fact, a temporary permit, the length of which may be 6 months, 1 year, 3 years or 5 years, or any period not exceeding 5 years (Appended Table 2 in the Immigration Control Act Enforcement Ordinance).

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

IMMIGRATION_105. Permit renewal.

Is it possible to renew a temporary residence permit for co-ethnics?

Answer: Yes

Code: 1

Explanation: Yes, it is possible to renew a temporary residence permit as per Article 21 of the Immigration Control and Refugee Recognition Act.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 21.

Is it possible to apply for a permanent resident permit for co-ethnics?

Answer: Yes, possible to apply for a permanent permit after 5-6 years

Code: 3

Explanation: Yes, it is possible to apply for a permanent permit after 5 years of residence.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 2.]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

5. Immigrant policies

5.1. Permanent residence

5.1.1. Eligibility

IMMIGRANT_1: General existence of a permanent residence scheme.

Answer: Yes

Code: 1

Explanation: A permanent residence scheme exists.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22.

IMMIGRANT_2: Existence of a permanent residence scheme for different proxies.

Do asylum seekers have access to permanent residence?

Answer: No

Code: 0

Explanation: According to the Guidelines for the permission for permanent residence (Article 1), the key criteria for permanent residency are being a person of good conduct, self-sufficient and recognized as a person whose residence would be in accord with interests of Japan (including a 10-year residence period covering 5 years in employment). Recent revisions of the management of the refugee recognition system restricted asylum seekers: (1) access to work (not allowed to not first-time applicants, former students and technical intern trainees, persons who applied during preparations for departure after the expiration of their former residence permit or after abandoning the activities prescribed under the former residence status) and (2) the period of stay (residence denied to persons who clearly do not correspond to the criteria for recognition as a refugee and shortened for former students and technical intern trainees) (section 2, p. 6-7). Those applicants who are given a permit to stay and work, on average have their application reviewed within 9.9 months, while a revision of an appeal takes on average 23.4 months (section 1, point 5-4, p.5). This means that asylum seekers would be unable to meet the criteria for permanent residence, even if the guidelines do not formally prohibit them from applying.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1.]”. Accessed July 13, 2019. <http://www.moj.go.jp/nyuukokukanri/kouhou/nyukannyukan50.html>.
/ 法務省 : 報道発表資料 [Ministry of Justice: Press Release]. “難民認定制度の適正化のための更なる運用の見直しについて [Further Revision of the Management for a More Appropriate System of Refugee Recognition]”. Access date not available. http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00555.html.

Do refugees have access to permanent residence?

Answer: Yes

Code: 1

Explanation: There are no provisions in the guidelines for permission for permanent residence that prevent refugees from having access to permanent residence.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

Do co-ethnics have access to permanent residence?

Answer: Yes

Code: 1

Explanation: There are no provisions in the guidelines for permission for permanent residence that prevent co-ethnics from having access to permanent residence.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

Do domestic workers have access to permanent residence?

Answer: Yes

Code: 1

Explanation: To be eligible for permanent residence, a person should not depend on someone in the society in his daily life and his assets and skills should be sufficient to provide a person with stable life (Article 1 item 2 of the Guidelines for for permission for permanent residence). Domestic workers' status, however, is tied to the residence status, income and family situation of an employer and the length of their stay in Japan depends on the stay of the employer (Articles 1-4, Ministry of Justice Notice No. 131 of 1990). A domestic worker cannot freely change the employer and cannot be employed by a Japanese national. Hence, although the guidelines for permanent residence do not explicitly prohibit this professional group from applying for a permanent residence, the application would not be approved, unless a domestic worker changes the residence status and occupation.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / Ministry of Justice Notice No. 131 of 1990. 1990. Art. 1-4.

Do agricultural workers have access to permanent residence?

Answer: No

Code: 0

Explanation: A person must have lived in Japan for at least 10 years to qualify for permanent residence. Yet, the period spent under a Technical Intern Trainee residence status or as a Specified Skilled Worker of category 1 (up to 5 years each) does not count towards this limit (Article 1 item 3a of

Guidelines for permission for permanent residence). Currently, it is impossible to transition from category 1 Specified Skilled Worker to category 2, which is only open for workers in construction and shipbuilding industries (Ministry of Justice Q&A, Q30). Thus, agricultural workers cannot meet the conditions, unless they change the occupation and residence status.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / Ministry of Justice of Japan. “外国人材の受入れ制度に係るQ & A [Q&A about the System for Admitting Foreign Labor]”. Access date not available. URL not available.

Do medical doctors have access to permanent residence?

Answer: Yes

Code: 1

Explanation: There are no provisions in the guidelines for permission for permanent residence that prevent professionals, including doctors, from having access to permanent residence.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

IMMIGRANT_3: Required time of habitual residence.

How many months of habitual residence are required from asylum seekers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from refugees for accessing permanent residence?

Answer: 60

Code: 60

Explanation: 5 years

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 2]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

How many months of habitual residence are required from co-ethnics for accessing permanent residence?

Answer: 60

Code: 60

Explanation: 5 years.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 2]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

How many months of habitual residence are required from domestic workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from agricultural workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from medical doctors for accessing permanent residence?

Answer: 120

Code: 120

Explanation: According to the guidelines for permission for permanent residence, the person, in principle, must have stayed in Japan for more than 10 years consecutively, out of which he must have been working for 5 (Article 1 item 3a)). Note that the required period of stay for highly-skilled professionals may be significantly shorter: 3 years if a person is deemed to have 70 points based on the points calculation for a residence status for Highly Skilled Professionals (even if the person was not staying under this residence status); 1 year if the person is deemed to have 80 points.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1, 2, 6 and 7]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

IMMIGRANT_4: Periods of absence allowed.

Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 6

Code: 6

Explanation: Shorter than 6 consecutive months. According to the Guidelines for permission for permanent residence (Article 1 item 3a), a person may be eligible for the permit if he, in principle, consecutively stays in Japan for 10 years, out of which he consecutively holds a work permit. No other official and public provisions exist that specify if a person willing to get permanent residence may be allowed to leave Japan for any period of time without endangering the application. Some legal professionals that provide support services for foreigners in making an application advise that a leave would be acceptable, unless it is longer than 3 consecutive months (short-term stay) or 150-180 days in one year in total. Yet, this advice is based on their own research and observation of precedents, not any publicized regulation. Moreover, one's residence permit, according to the Immigration Control Act (Article 26-2) becomes invalidated if a foreigner leaves Japan for over 1 year without applying for a special re-entry permit.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 26-2. / Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 福岡 外国人ビザ申請アシストセンター [Assistance Center for Foreigners' Visa Applications in Fukuoka]. “永住者ビザを取りたいと思っている方、日本を離れる時は注意！！ [Pay Attention When Leaving Japan, If You Want to Get Permanent Residence]”. Accessed July 13, 2019. <http://fukuoka-visa-assist.com/news/68/>. / 行政書士法人エベレスト [Administrative Scrivener Everest]. “永住許可申請における出国期間について（「引き続き」要件 [About the Period of Leave from Japan when Applying for Permanent Residence ('Continuous' Stay Condition)]”. Accessed July 13, 2019. <http://www.gyouseishoshi-everest.com/基本知識集-在留資格-帰化許可等/永住許可申請における出国期間について/>.

Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-

consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 6

Code: 6

Explanation: Shorter than 6 consecutive months. According to the Guidelines for permission for permanent residence (Article 1 item 3a), a person may be eligible for the permit if he, in principle, consecutively stays in Japan for 10 years, out of which he consecutively holds a work permit. No other official and public provisions exist that specify if a person willing to get permanent residence may be allowed to leave Japan for any period of time without endangering the application. Some legal professionals that provide support services for foreigners in making an application advise that a leave would be acceptable, unless it is longer than 3 consecutive months (short-term stay) or 150-180 days in one year in total. Yet, this advice is based on their own research and observation of precedents, not any publicized regulation. Moreover, one's residence permit, according to the Immigration Control Act (Article 26-2) becomes invalidated if a foreigner leaves Japan for over 1 year without applying for a special re-entry permit.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 26-2. / Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 福岡 外国人ビザ申請アシストセンター [Assistance Center for Foreigners' Visa Applications in Fukuoka]. “永住者ビザを取りたいと思っている方、日本を離れる時は注意！！ [Pay Attention When Leaving Japan, If You Want to Get Permanent Residence]”. Accessed July 13, 2019. <http://fukuoka-visa-assist.com/news/68/>. / 行政書士法人エベレスト [Administrative Scrivener Everest]. “永住許可申請における出国期間について（「引き続き」要件 [About the Period of Leave from Japan when Applying for Permanent Residence ('Continuous' Stay Condition)]”. Accessed July 13, 2019. <http://www.gyouseishoshi-everest.com/基本知識集-在留資格-帰化許可等/永住許可申請における出国期間について/>.

Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 6

Code: 6

Explanation: Shorter than 6 consecutive months. According to the Guidelines for permission for permanent residence (Article 1 item 3a), a person may be eligible for the permit if he, in principle, consecutively stays in Japan for 10 years, out of which he consecutively holds a work permit. No other official and public provisions exist that specify if a person willing to get permanent residence may be allowed to leave Japan for any period of time without endangering the application. Some legal professionals that provide support services for foreigners in making an application advise that a leave would be acceptable, unless it is longer than 3 consecutive months (short-term stay) or 150-180 days in one year in total. Yet, this advice is based on their own research and observation of precedents, not any publicized regulation. Moreover, one's residence permit, according to the Immigration Control Act (Article 26-2) becomes invalidated if a foreigner leaves Japan for over 1 year without applying for a special re-entry permit.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 26-2. / Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 福岡 外国人ビザ申請アシストセンター [Assistance Center for Foreigners' Visa Applications in Fukuoka]. “永住者ビザを取りたいと思っている方、日本を離れる時は注意！！ [Pay Attention When Leaving Japan, If You Want to Get Permanent Residence]”. Accessed July 13, 2019. <http://fukuoka-visa-assist.com/news/68/>. / 行政書士法人エベレスト [Administrative Scrivener Everest]. “永住許可申請における出国期間について（「引き続き」要件 [About the Period of Leave from Japan when Applying for Permanent Residence ('Continuous' Stay Condition)]”. Accessed July 13, 2019. <http://www.gyouseishoshi-everest.com/基本知識集-在留資格-帰化許可等/永住許可申請における出国期間について/>.

IMMIGRANT_5. Result of a regularization process.

The regularization process leads to:

Answer: temporal residence permit

Code: 0.25

Explanation: Immigration Control Act (Article 50) and its Ministerial Enforcement Ordinance (Article 44 par 2-3) state that the status of residence granted to a regularized person is within the discretion of the Minister of Justice. Neither of the laws, however, mentions a specific residence status for regularized persons, which may be different from existing ones, although the Minister of Justice may impose additional restrictions on a migrant. The Act does not mention whether a regularized person may be

granted permanent residence, but none of the approved cases publicized by the Ministry of Justice included permanent residence status.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Art. 44. / Ministry of Justice, Immigration Control Bureau. “「在留特別許可された事例及び在留特別許可されなかった事例について」の公表 [Publication of the Cases Approved for a Special Permit to Stay and Not Approved]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri08_00035.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 50.

IMMIGRANT_6: Language test.

Is there a language requirement for asylum seekers to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for refugees to access permanent residence?

Answer: no requirement

Code: 1

Explanation: Neither the guidelines for permission for permanent residence, nor the relevant document list from the ministry mention any language requirements.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 2 [Permanent Residence Application 2: Long-Term Residents].” Accessed July 13, 2019. http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu02.html.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: no requirement

Code: 1

Explanation: Neither the guidelines for permission for permanent residence, nor the relevant document list from the ministry mention any language requirements.

Sources Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 2 [Permanent Residence Application 2: Long-Term Residents].” Accessed July 13, 2019. http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu02.html.

Is there a language requirement for domestic workers to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for co-ethnics to access permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for medical doctors to access permanent residence?

Answer: no requirement

Code: 1

Explanation: Neither the guidelines for permission for permanent residence, nor the relevant document list from the ministry mention any language requirements.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 3 [Permanent Residence Application 3: Professionals]”. Accessed July 13, 2019. http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu03.html.

IMMIGRANT_7: Economic resources.

Is there an economic resources requirement for applying to permanent residence for asylum seekers?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for refugees?

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: According to the Guidelines for permission for permanent residence, refugees are freed from an obligation to prove that they have sufficient assets or ability to make an independent living (Article 1 item 2).

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art.1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html.

Is there an economic resources requirement for applying to permanent residence for co-ethnics?

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: The requirement for permission for permanent residence is sufficiency of assets or ability of a person to make independent living (alone or with support of a spouse) (Guidelines for permission for permanent residence, Article 1 item 2). Consequently, an applicant is to provide documents that confirm employment of the applicant or the spouse and documents explaining/confirming income and tax returns of an applicant or the spouse in the past 5 years, as well as confirmation of property and other assets. The guidelines and information on the Ministry of Justice webpages, however, do not set a benchmark for necessary amount of economic resources.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art.1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 2 [Permanent Residence Application 2: Long-Term Residents]”. Accessed July 13, 2019b. http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu02.html.

Is there an economic resources requirement for applying to permanent residence for domestic workers?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for agricultural workers?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for medical doctors?

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: The requirement for permission for permanent residence is sufficiency of assets or ability of a person to make independent living (alone or with support of a spouse) (Guidelines for permission for permanent residence, Article 1 item 2). Consequently, an applicant is to provide documents that confirm employment of the applicant or the spouse and documents explaining/confirming income and tax returns of an applicant or the spouse in the past 5 years, as well as confirmation of property and other assets. The guidelines and information on the Ministry of Justice webpages, however, do not set a benchmark for necessary amount of economic resources.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art.1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 3 [Permanent Residence Application 3: Professionals]”. Accessed July 13, 2019. http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu03.html.

IMMIGRANT_8: Cost of application.

What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?

Answer: 8000

Code: 8000

Explanation: 8000 yen (in the case of approval)

Sources: 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?

Answer: 74

Code: 74

Explanation: 8000 yen (in the case of approval) = 74 USD

Sources: 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

IMMIGRANT_9: Employer sponsorship.

Do asylum seekers have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have to be sponsored by an employer?

Answer: yes, sponsorship required

Code: 0

Explanation: The instructions for permanent residence application do not specify who an applicant's guarantor should be. Similarly, an Immigration Bureau Q&A (Q7) explanation for a similar question does not limit a guarantor to a particular type of person, but states that it should be a person willing to guarantee a foreigner's economic conditions and provide lifestyle guidance. Thus, it may be any person, including an employer.

Sources: 法務省 [Ministry of Justice]. "永住許可申請 2 [Permanent Residence Application 2: Long-Term Residents]". Accessed July 13, 2019.

http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu02.html. / Immigration Bureau of Japan. "Q&A for the Immigration Bureau of Japan". Accessed July 14, 2019.

<http://www.immi-moj.go.jp/english/tetuduki/zairyuu/qa.html>.

Do co-ethnics have to be sponsored by an employer?

Answer: yes, sponsorship required

Code: 0

Explanation: The instructions for permanent residence application do not specify who an applicant's guarantor should be. Similarly, an Immigration Bureau Q&A (Q7) explanation for a similar question does not limit a guarantor to a particular type of person, but states that it should be a person willing to guarantee a foreigner's economic conditions and provide lifestyle guidance. Thus, it may be any person, including an employer.

Sources: 法務省 [Ministry of Justice]. "永住許可申請 2 [Permanent Residence Application 2: Long-Term Residents]". Accessed July 13, 2019.

http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu02.html. / Immigration Bureau of Japan. "Q&A for the Immigration Bureau of Japan". Accessed July 14, 2019.

<http://www.immi-moj.go.jp/english/tetuduki/zairyuu/qa.html>.

Do domestic have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have to be sponsored by an employer?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have to be sponsored by an employer?

Answer: yes, sponsorship required

Code: 0

Explanation: The instructions for permanent residence application do not specify who an applicant's guarantor should be. Similarly, an Immigration Bureau Q&A (Q7) explanation for a similar question does not limit a guarantor to a particular type of person, but states that it should be a person willing to guarantee a foreigner's economic conditions and provide lifestyle guidance. Thus, it may be any person, including an employer.

Sources: 法務省 [Ministry of Justice]. "永住許可申請 2 [Permanent Residence Application 2: Long-Term Residents]". Accessed July 13, 2019.
http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_EIJYU/zairyu_eijyu02.html. / Immigration Bureau of Japan. "Q&A for the Immigration Bureau of Japan". Accessed July 14, 2019.
<http://www.immi-moj.go.jp/english/tetuduki/zairyuu/qa.html>.

5.1.2. Security of status

IMMIGRANT_10: Maximum length of application procedure.

Maximum length of application procedure for asylum seekers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for asylum seekers:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for refugees in months:

Answer: 998

Code: 998

Explanation: No regulation. Neither the guidelines for permission for permanent residence, nor the Ministry of Justice webpage mention any regulations on the duration of the procedure. The Ministry of Justice, however, states that an average length is around 4 months.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

Maximum length of application procedure for refugees:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation. Neither the guidelines for permission for permanent residence, nor the Ministry of Justice webpage mention any regulations on the duration of the procedure. The Ministry of Justice, however, states that an average length is around 4 months.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

Maximum length of application procedure for co-ethnics in months:

Answer: 998

Code: 998

Explanation: No regulation. Neither the guidelines for permission for permanent residence, nor the Ministry of Justice webpage mention any regulations on the duration of the procedure. The Ministry of Justice, however, states that an average length is around 4 months.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永

住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019.
<http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

Maximum length of application procedure for co-ethnics:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation. Neither the guidelines for permission for permanent residence, nor the Ministry of Justice webpage mention any regulations on the duration of the procedure. The Ministry of Justice, however, states that an average length is around 4 months.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019.
http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019.
<http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

Maximum length of application procedure for domestic workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for domestic workers:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for medical doctors in months:

Answer: 998

Code: 998

Explanation: No regulation. Neither the guidelines for permission for permanent residence, nor the Ministry of Justice webpage mention any regulations on the duration of the procedure. The Ministry of Justice, however, states that an average length is around 4 months.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

Maximum length of application procedure for medical doctors:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation. Neither the guidelines for permission for permanent residence, nor the Ministry of Justice webpage mention any regulations on the duration of the procedure. The Ministry of Justice, however, states that an average length is around 4 months.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 法務省 [Ministry of Justice]. “永住許可申請 [Permanent Residence Application]”. Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>.

IMMIGRANT_11: Grounds for rejection.

Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:

Answer: no

Code: 0

Explanation: Not fulfilling the original conditions was not one of the grounds for rejecting the application.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 73-3, 73-4, 73-6, 74-6-2, 19-14, and 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau of Japan. "Q&A for the Immigration Bureau of Japan". Accessed July 14, 2019. <http://www.immi-moj.go.jp/english/tetuduki/zairyuu/qa.html>.

IMMIGRANT_12: Legal guarantees.

Rejection of applications must be reasoned:

Answer: no

Code: 0

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case, while the Ministry of Justice webpage clearly states that appeals related to an application for permanent residence cannot be appealed.

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 法務省 [Ministry of Justice]. "永住許可申請 [Permanent Residence Application]". Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

Rejected applicants have the right to appeal:

Answer: no

Code: 0

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case, while the Ministry of Justice webpage clearly states that appeals related to an application for permanent residence cannot be appealed.

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 法務省 [Ministry of Justice]. "永住許可申請 [Permanent Residence Application]". Accessed July 13, 2019. <http://www.moj.go.jp/ONLINE/IMMIGRATION/16-4.html>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

IMMIGRANT_13: Expulsion is precluded for victims of violence or crime.

Expulsion is precluded for immigrants of all categories who are victims of violence or crime:

Answer: yes

Code: 1

Explanation: The Immigration Control Act only contains special provisions for the victims of Human Trafficking, which protect them from deportation, even if their activities in Japan or irregular status were in violation of the immigration law (Article 24 par. 1 items 4-a and 4-j). Victims of Human Trafficking are also eligible for a special permission to stay (alternative to regularization) (Article 50 par. 1 item 3). The Immigration Control Report (2016 – the latest year available) by the Immigration Bureau of Japan, states that a special permission to stay was granted to all victims of human trafficking, regardless of the legality of their status in Japan (15 persons with legal status, 11 without) (p. 63-64). In addition, the Report states that special consideration is also given to the victims of domestic violence, who get support to change their residence status, extend their stay or acquire a special permit to stay, despite their irregular status. Instances of domestic violence are reviewed on a case by case basis, but in most cases a special permit to stay is granted (in 2016, only 3 victims were deported out of 95 recognized cases of domestic violence) (p. 65).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 24 and 50. / Immigration Bureau, Ministry of Justice. "Immigration Control Report 2016". Access date not available. http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri06_00082.html.

5.2. Policies of representation

IMMIGRANT_14: Regulation of electoral rights.

Subnational electoral rights can be regulated at the subnational level:

Answer: no

Code: 0

Explanation: Both national and subnational electoral rights (active and passive) are regulated by the Public Offices Election Act (Articles 9 and 10). Since the Diet is the sole law-making organ in Japan, according to the Constitution (Article 41), electoral rights specified by the national Act can only be further regulated or changed by the Diet, on the national level.

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 9 and 10. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 41.

5.2.1. Electoral rights

IMMIGRANT_15: Voting eligibility for non-citizens.

Does the country have presidential elections?

Answer: no, the country has a parliamentary system

Code: 2

Does the country have a bicameral system (composed of a lower house and an upper house)?

Answer: yes

Code: 1

Can non-citizen residents vote in national presidential elections?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can non-citizen residents vote in national legislative elections (lower house)? :

Answer: generally disenfranchised

Code: 0

Explanation: The Constitution of Japan (Article 15 par. 1) only guarantees electoral rights to the citizens ("the people"). According to the Public Offices Election Act, only citizens have active electoral rights to vote in the elections for both Houses of the Diet, local executive and legislative offices (Article 9 par. 1, 2, 3).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 9. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 15.

Can non-citizen residents vote in national legislative elections (upper house)? :

Answer: generally disenfranchised

Code: 0

Explanation: The Constitution of Japan (Article 15 par. 1) only guarantees electoral rights to the citizens ("the people"). According to the Public Offices Election Act, only citizens have active electoral rights to vote in the elections for both Houses of the Diet, local executive and legislative offices (Article 9 par. 1, 2, 3).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 9. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 15.

IMMIGRANT_16: Residence duration-based requirements for active electoral rights.

Previous residence required for being eligible to vote in presidential elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in lower house elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in upper house elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_17: Registration in the electoral roll for non-citizen residents.

Registration in the electoral roll for non-citizen residents:

Answer: Not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_18: Passive electoral rights for non-citizen residents.

Can non-citizen residents stand as candidates in national presidential elections?

Answer: Not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can non-citizen residents stand as candidates in national legislative elections (lower house)?

Answer: generally disenfranchised

Code: 0

Explanation: According to the Public Offices Election Act, only citizens have active electoral rights to run as candidates in the elections for both Houses of the Diet, local executive and legislative offices (Article 10 par. 1 items 1-6).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 10.

Can non-citizen residents stand as candidates in national legislative elections (upper house)?

Answer generally disenfranchised

Code: 0

Explanation: According to the Public Offices Election Act, only citizens have active electoral rights to run as candidates in the elections for both Houses of the Diet, local executive and legislative offices (Article 10 par. 1 items 1-6).

Sources: 公職選挙法 [Public Offices Election Act]. 1950. Art. 10.

IMMIGRANT_19: Residence duration-based restrictions for passive electoral rights.

Previous residence required for being eligible to stand as candidate in presidential elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to stand as candidate in lower house elections:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.2.2. Regulation of participation in parties

IMMIGRANT_20: Emigrant membership to home country political parties.

Non-citizen resident membership to state or reception political parties:

Answer: not regulated

Code: 0.25

Explanation: Regulated by each party. Legislative acts do not regulate party membership. Membership requirements are subject to internal party regulations, which take different stance on citizenship requirement. For example, the code of the ruling LDP states that party members are to have Japanese citizenship (Section 1-2, Article 3), while the code of its coalition partner KMT establishes that Japanese nationality is not a prerequisite for party membership (Section 2 Article 4).

Sources: Komeito. 2014. “The Komeito Party Code (公明党規約)”. / The Liberal Democratic Party. 2003. “The Liberal Democratic Party Code (党則)”.

5.2.3. Consultative bodies

IMMIGRANT_21: Existence of a consultative body of immigrants acting at the national level.

Existence of a consultative body on immigrant issues:

Answer: yes

Code: 1

Explanation: According to the “Comprehensive measures for accepting foreign labor and co-existence” from 2018, the Ministry of Justice set up a consultative body “Council for hearing “the people’s voice””, which is aimed at collecting opinions and policy proposals from the representatives of the Japanese citizens and immigrant community. The aim of the council is to deepen the authorities’ understanding of the state of immigration in Japan, devise solutions for the problems linked to the establishment of a cohesive multi-cultural society and develop policies for selecting appropriate economic areas and expanding the intake of foreign labor in them.

Sources: 3rd Assembly of Responsible Cabinet Ministers. “外国人材の受入れ・共生のための総合的対応策 [Comprehensive Measures for Accepting Foreign Labour and Co-Existence]”. Accessed July 12, 2019. <https://www.kantei.go.jp/jp/singi/gaikokujinzai/kaigi/dai3/gijisidai.html>. / Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

IMMIGRANT_22: Structural or ad hoc consultation.

The consultation is:

Answer: ad hoc

Code: 0

Explanation: The guidelines for the establishment of the Council do not specify the frequency of the Council’s meetings and leave all administrative questions not covered by this (one-page) document to the discretion of the chair.

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

IMMIGRANT_23: Composition of the consultative body.

Composition of the consultative body:

Answer: mixed (immigrants and representatives of the government and other institutions)

Code: 0.75

Explanation: The Council is composed of appointed bureaucrats and experts selected by the Vice-minister of the Ministry of Justice. The experts in the council are all Japanese, representing the association of the largest Japanese businesses, the largest labor union association, academic community, lawyers and local administration. The chair of the Council may decide to invite additional members. The Council conducts hearings with the representatives of businesses interested in the intake of foreign labor and the representatives of immigrant community (hearings held until now included representatives of caregivers, ship-building industry, labor union of food service industry and labor unions representing immigrants by the state of origin).

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”. / 法務省 [Ministry of Justice]. “「国民の声」を聴く会議 [Council for Hearing ‘the People’s Voice’]”. Accessed July 15, 2019. http://www.moj.go.jp/hisho/saihanboushi/hisho04_00067.html.

IMMIGRANT_24: Leadership of the consultative body.

Who chairs the consultative body?

Answer: member of the government

Code: 0.25

Explanation: The Council is chaired by the Ministry of Justice Secretariat’s Deputy Vice-minister for Evidence-based Policymaking.

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

IMMIGRANT_25: Right of initiative to make its own reports or recommendations.

The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: no

Code: 0

Explanation: The Council is not endowed with such right.

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

IMMIGRANT_26: Right to get a response from the government to recommendation.

Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: no

Code: 0

Explanation: No right of response is mentioned in the guidelines for the establishment of the Council.

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

IMMIGRANT_27: Selection criteria to ensure representativeness.

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: no

Code: 0

Explanation: No specific criteria for the selection of the Council members or participants are included into the guidelines for its establishment.

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

Existence of selection criteria to ensure a geographic-balanced consultative body:

Answer: no

Code: 0

Explanation: No specific criteria for the selection of the Council members or participants are included into the guidelines for its establishment.

Sources: Ministry of Justice Vice-minister. 2018. “「国民の声」を聴く会議設置要綱 [Guidelines for the Establishment of the Council for Hearing ‘the People’s Voice’]”.

5.3. Economic policies

5.3.1. Access to labor market

IMMIGRANT_28: Migrant access to labor market.

Can asylum seekers access the labor market?

Answer: no

Code: 0

Explanation: Generally, no, but there can be exceptions. The Immigration Control Act divides residence permits into two categories: based on permitted activities and based on certain status or position (Article 2-2 par. 2). Asylum seekers fall into the first category as bearers of a “designated activities” residence status. They can only engage in activities (i.e. work) specified by the Minister of Justice in their residence permit (Appended table I-5). Whenever foreign residents in this category wish to engage in work activities outside of their status, operate businesses, or earn income, they are required to obtain prior permission from the local immigration office, or change the resident status of residence (Articles 19, 19-2, 20). Furthermore, revisions of the refugee recognition system of 2018 deny work permits to asylum seekers undergoing initial pre-sorting period, those who were found in the course of pre-sorting to have abandoned the activities under their original status of residence (Students and Technical Intern Trainees) or those who applied for asylum during the departure preparing period after the expiry of their Temporary stay or Designated Activities residence status. Persons who were found to clearly fail to correspond to the Refugee Convention are denied the right to stay in Japan, even if their application is still being reviewed.

Sources: Ministry of Justice. “Applicants for Refugee Recognition Subject to Restrictions on Employment”. Accessed June 9, 2019. http://www.immi-moj.go.jp/tetuduki/nanmin/pdf/nanmin_nintei_shinsei/nanmin_nintei_shinsei_en.pdf. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 19, 19-2, and 20.

Can refugees access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Refugees, as long-term residents, have residence status corresponding to their position and are not restricted in the scope of activities they can engage in under the Immigration Control Act (Article 2-2 par. 2, Appended Table II).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2 and 19.

Can co-ethnics access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Same as for Refugees for persons of Japanese descent in 2-3 generation. Zainichi, as special permanent residents, can also engage in any type of activities under the same regulations.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2 and 19.

Can domestic workers access the labor market?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: According to the Immigration Control Act, agricultural workers, with the residence status of technical intern trainees, fall into the category of residence permits, which only allow a person to engage in a particular type of activities (Article 2-2 par. 2). For TITs they include activities to acquire skills, technologies and knowledge based on an employment contract with a public or private organization in Japan, which is a partner or affiliated with one's employer in the home country, or based on a plan by a non-profit receiving organization and employment contract with a private or public organization in Japan (Appended Table I-2). Whenever foreign residents in this category wish to engage in work activities outside of their status, operate businesses, or earn income, they are required to obtain prior permission from the local immigration office, or change the resident status of residence (Articles 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 2-2, 19, 19-2, and 20.

Can medical doctors access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Same as for agricultural workers. The residence status of "medical services" also falls into the group of residence permits, which only allow to be engaged in a particular type of activities – medical treatment services in this case. Whenever foreign residents in this category wish to engage in work activities outside of their status, operate businesses, or earn income, they are required to obtain prior permission from the local immigration office, or change the resident status of residence (Articles 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 2-2, 19, 19-2, and 20.

Can permanent residents access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Permanent residents are not restricted in their access to labor market and can engage in any type of economic activities, on par with citizens.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 2-2, and 19.

IMMIGRANT_29: Migrant access to self-employment.

Can asylum seekers access self-employment?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: According to the Immigration Control Act, asylum seekers can only engage in activities designated by the Minister of Justice (Appended table I-5). Yet, they can apply for a special permit to engage in other type of activities or change the residence status if they want to engage in work activities outside of their status, operate businesses, or earn income (Articles 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Articles 19, 19-2, and 20.

Can refugees access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Long-term residents are not restricted in the type of activities they can be engaged in.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

Can co-ethnics access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Long-term residents are not restricted in the type of activities they can be engaged in.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

Can domestic workers access self-employment?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access self-employment?

Answer: no

Code: 0

Explanation: In principle, the requirement that technical intern trainees are to stay in Japan for the purpose of training at a Japanese company according to an approved training plan and under the supervision of a particular non-profit organization, precludes self-employment. Yet, the law still allows TITs to apply for a permission to be engaged in another type of activities or to change the residence status (i.e. to Business Manager) (Articles 19, 19-2, 20).

Sources: 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 8. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19, 19-2 and 20.

Can medical doctors access self-employment?

Answer: yes, equal access

Code: 1

Explanation: The Immigration Control Act Ministerial Notice and the instruction provided by the Ministry of Justice do not require foreign doctors to be employed by a particular organization in Japan or preclude their self-employment. In the cases when the nature of self-employment deviates from provision of medical treatment, a doctor can apply for a permission to engage in another type of activities or change his residence status (i.e. to Business Manager) (Immigration Control Act Articles 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19, 19-2 and 20. / Ministry of Justice Ordinance No. 16 of 1990. 1990. / 法務省 [Ministry of Justice]. “医療 [Medical Services]”. Accessed July 28, 2019.
http://www.moj.go.jp/ONLINE/IMMIGRATION/ZAIRYU_HENKO/shin_henko10_07.html.

Can permanent residents access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Permanent residents are not restricted in the type of activities they can be engaged in.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

IMMIGRANT_30: Migrant access to civil service.

Can asylum seekers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese

nationality. This rule is applied with some exceptions. According to the Ministry of Foreign Affairs, based on the negotiations between Japan and the Republic of Korea, since 1991 it has become possible for non-citizens (including Korean residents in Japan) to take the exam and serve as teachers in public schools.

Sources: Ministry of Foreign Affairs of Japan. "Second Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights". Accessed July 29, 2019. https://www.mofa.go.jp/policy/human/econo_rep2/general.html#l. / 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can refugees access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality. This rule is applied with some exceptions. According to the Ministry of Foreign Affairs, based on the negotiations between Japan and the Republic of Korea, since 1991 it has become possible for non-citizens (including Korean residents in Japan) to take the exam and serve as teachers in public schools. In addition, regulations related to local administration are within the discretion of local authorities, which can set different requirements for the civil servants' exam. For example, the city of Nara recruitment announcement for 2019 specified that only those foreign nationals whose residence status restricted their ability to work would not be allowed to take the exam, which means that long-term and permanent residents may be eligible.

Sources: Ministry of Foreign Affairs of Japan. "Second Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights". Accessed July 29, 2019. https://www.mofa.go.jp/policy/human/econo_rep2/general.html#l. / 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can co-ethnics access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality. This rule is applied with some exceptions. According to the Ministry of Foreign Affairs, based on the negotiations between Japan and the Republic of Korea, since 1991 it has become possible for non-citizens (including Korean residents in Japan) to take the exam and serve as teachers in public schools.

Sources: Ministry of Foreign Affairs of Japan. "Second Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights". Accessed July 29, 2019. https://www.mofa.go.jp/policy/human/econo_rep2/general.html#l. / 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can domestic workers access employment in schools (primary and secondary)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality. This rule is applied with some exceptions. According to the Ministry of Foreign Affairs, based on the negotiations between Japan and the Republic of Korea, since 1991 it has become possible for non-citizens (including Korean residents in Japan) to take the exam and serve as teachers in public schools. Furthermore, persons with “technical intern training” residence permit will have to apply to change their residence status or the scope of activities they are allowed to engage in.

Sources: Ministry of Foreign Affairs of Japan. “Second Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights”. Accessed July 29, 2019. https://www.mofa.go.jp/policy/human/econo_rep2/general.html#I. / 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can medical doctors access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality. This rule is applied with some exceptions. According to the Ministry of Foreign Affairs, based on the negotiations between Japan and the Republic of Korea, since 1991 it has become possible for non-citizens (including Korean residents in Japan) to take the exam and serve as teachers in public schools.

Sources: Ministry of Foreign Affairs of Japan. “Second Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights”. Accessed July 29, 2019. https://www.mofa.go.jp/policy/human/econo_rep2/general.html#I. / 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can permanent residents access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality. This rule is applied with some exceptions. According to the Ministry of Foreign Affairs, based on the negotiations between Japan and the Republic of Korea, since 1991 it has become possible for non-citizens (including Korean residents in Japan) to take the exam and serve as teachers in public schools.

Sources: Ministry of Foreign Affairs of Japan. "Second Periodic Report by the Government of Japan under Articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights". Accessed July 29, 2019. https://www.mofa.go.jp/policy/human/econo_rep2/general.html#l. / 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can asylum seekers access employment in public administration?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can refugees access employment in public administration?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Possible to access positions in local administration. regulations related to local administration are within the discretion of local authorities, which can set different requirements for the civil servants' exam. For example, the city of Nara recruitment announcement for 2019 specified that only those foreign nationals whose residence status restricted their ability to work would not be allowed to take the exam, which means that long-term and permanent residents may be eligible.

Sources: Examination Committee for the Appointment of Nara city employees. 2019. "奈良市職員採用試験案内 [Introduction to the Exam for the Recruitment of Nara City Employees]".

Can co-ethnics access employment in public administration?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Possible to access positions in local administration. regulations related to local administration are within the discretion of local authorities, which can set different requirements for the civil servants' exam. For example, the city of Nara recruitment announcement for 2019 specified that only those foreign nationals whose residence status restricted their ability to work would not be allowed to take the exam, which means that long-term and permanent residents may be eligible.

Sources: Examination Committee for the Appointment of Nara city employees. 2019. “奈良市職員採用試験案内 [Introduction to the Exam for the Recruitment of Nara City Employees]”.

Can domestic workers access employment in public administration?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access employment in public administration?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can medical doctors access employment in public administration?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can permanent residents access employment in public administration?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Possible to access positions in local administration. regulations related to local administration are within the discretion of local authorities, which can set different requirements for the civil servants' exam. For example, the city of Nara recruitment announcement for 2019 specified that only those foreign nationals whose residence status restricted their ability to work would not be allowed to take the exam, which means that long-term and permanent residents may be eligible.

Sources: Examination Committee for the Appointment of Nara city employees. 2019. “奈良市職員採用試験案内 [Introduction to the Exam for the Recruitment of Nara City Employees]”.

Can asylum seekers access employment in the police?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can refugees access employment in the police?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can co-ethnics access employment in the police?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can domestic workers access employment in the police?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access employment in the police?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can medical doctors access employment in the police?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can permanent residents access employment in the police?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Quotas for preferential hiring of asylum seekers exist:

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Quotas for preferential hiring of refugees exist:

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Quotas for preferential hiring of co-ethnics exist:

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Quotas for preferential hiring of domestic workers exist:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Quotas for preferential hiring of agricultural workers exist:

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Quotas for preferential hiring of medical doctors:

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Quotas for preferential hiring of permanent residents:

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can asylum seekers access employment in the armed forces?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

Can refugees access employment in the armed forces?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]]. 2011. Art. 9.

Can co-ethnics access employment in the armed forces?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]]. 2011. Art. 9.

Can domestic workers access employment in the armed forces?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access employment in the armed forces?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]]. 2011. Art. 9.

Can medical doctors access employment in the armed forces?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]]. 2011. Art. 9.

Can permanent residents access employment in the armed forces?

Answer: no

Code: 0

Explanation: According to the Rule No. 8-18 (Article 9 item 3) of the National Personnel Authority, national examination for civil servants cannot be taken by persons who do not have Japanese nationality.

Sources: 人事院規則八—一八（採用試験 [National 人事院規則八—一八（採用試験 [National Personnel Authority Rule No. 8-18 (Qualification Examination)]. 2011. Art. 9.

5.3.2. Access to support

IMMIGRANT_31: Public employment services.

Can asylum seekers access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Japan has a network of public Employment Security Offices (Hello Work, or PESO), based on the international Employment Service Convention No. 88 (ratified by Japan in 1953) (Articles 2 to 6). PESOs are institutionalized by the Act on the Establishment of the Ministry of Health, Labor and Welfare (Article 23). PESOs assist workers with employment placements, provide information about job postings, vocational counseling, conduct questionings and skill inspections to determine suitability of a job for an applicant. Foreigners receive equal treatment as other job seekers and may register with the service (Employment Security Act, Articles 3 and 5-6). The laws contain no restrictions for the access to public employment services based on one's residence status or occupation.

Sources: 厚生労働省設置法 [Ministry of Health, Labor and Welfare Establishment Act]. 1999. Art. 23. / Employment Service Convention No. 88. 1948. Art. 2 to 6. / 職業安定法 [Employment Security Act]. 1947. Art. 3 and 5-6.

Can refugees access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Japan has a network of public Employment Security Offices (Hello Work, or PESO), based on the international Employment Service Convention No. 88 (ratified by Japan in 1953) (Articles 2 to 6). PESOs are institutionalized by the Act on the Establishment of the Ministry of Health, Labor and Welfare (Article 23). PESOs assist workers with employment placements, provide information about job postings, vocational counseling, conduct questionings and skill inspections to determine suitability of a job for an applicant. Foreigners receive equal treatment as other job seekers and may register with the service (Employment Security Act, Articles 3 and 5-6). The laws contain no

restrictions for the access to public employment services based on one's residence status or occupation.

Sources: 厚生労働省設置法 [Ministry of Health, Labor and Welfare Establishment Act]. 1999. Art. 23. / Employment Service Convention No. 88. 1948. Art. 2 to 6. / 職業安定法 [Employment Security Act]. 1947. Art. 3 and 5-6.

Can co-ethnics access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Japan has a network of public Employment Security Offices (Hello Work, or PESO), based on the international Employment Service Convention No. 88 (ratified by Japan in 1953) (Articles 2 to 6). PESOs are institutionalized by the Act on the Establishment of the Ministry of Health, Labor and Welfare (Article 23). PESOs assist workers with employment placements, provide information about job postings, vocational counseling, conduct questionings and skill inspections to determine suitability of a job for an applicant. Foreigners receive equal treatment as other job seekers and may register with the service (Employment Security Act, Articles 3 and 5-6). The laws contain no restrictions for the access to public employment services based on one's residence status or occupation.

Sources: 厚生労働省設置法 [Ministry of Health, Labor and Welfare Establishment Act]. 1999. Art. 23. / Employment Service Convention No. 88. 1948. Art. 2 to 6. / 職業安定法 [Employment Security Act]. 1947. Art. 3 and 5-6.

Can domestic workers access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Japan has a network of public Employment Security Offices (Hello Work, or PESO), based on the international Employment Service Convention No. 88 (ratified by Japan in 1953) (Articles 2 to 6). PESOs are institutionalized by the Act on the Establishment of the Ministry of Health, Labor and Welfare (Article 23). PESOs assist workers with employment placements, provide information about job postings, vocational counseling, conduct questionings and skill inspections to determine suitability of a job for an applicant. Foreigners receive equal treatment as other job seekers and may register with the service (Employment Security Act, Articles 3 and 5-6). The laws contain no restrictions for the access to public employment services based on one's residence status or occupation. In addition, as an alternative to the provisions of the Employment Security Act, supervising

organizations under the Technical Intern Training Act may also perform the services of TIT employment placement for the supervising-organization-type of technical intern trainees (Article 27)

Sources: 厚生労働省設置法 [Ministry of Health, Labor and Welfare Establishment Act]. 1999. Art. 23. / Employment Service Convention No. 88. 1948. Art. 2 to 6. / 職業安定法 [Employment Security Act]. 1947. Art. 3 and 5-6. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 27.

Can medical doctors access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Japan has a network of public Employment Security Offices (Hello Work, or PESO), based on the international Employment Service Convention No. 88 (ratified by Japan in 1953) (Articles 2 to 6). PESOs are institutionalized by the Act on the Establishment of the Ministry of Health, Labor and Welfare (Article 23). PESOs assist workers with employment placements, provide information about job postings, vocational counseling, conduct questionings and skill inspections to determine suitability of a job for an applicant. Foreigners receive equal treatment as other job seekers and may register with the service (Employment Security Act, Articles 3 and 5-6). The laws contain no restrictions for the access to public employment services based on one's residence status or occupation.

Sources: 厚生労働省設置法 [Ministry of Health, Labor and Welfare Establishment Act]. 1999. Art. 23. / Employment Service Convention No. 88. 1948. Art. 2 to 6. / 職業安定法 [Employment Security Act]. 1947. Art. 3 and 5-6.

Can permanent residents access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: Japan has a network of public Employment Security Offices (Hello Work, or PESO), based on the international Employment Service Convention No. 88 (ratified by Japan in 1953) (Articles 2 to 6). PESOs are institutionalized by the Act on the Establishment of the Ministry of Health, Labor and Welfare (Article 23). PESOs assist workers with employment placements, provide information about job postings, vocational counseling, conduct questionings and skill inspections to determine suitability of a job for an applicant. Foreigners receive equal treatment as other job seekers and may register with the service (Employment Security Act, Articles 3 and 5-6). The laws contain no restrictions for the access to public employment services based on one's residence status or occupation.

Sources: 厚生労働省設置法 [Ministry of Health, Labor and Welfare Establishment Act]. 1999. Art. 23. / Employment Service Convention No. 88. 1948. Art. 2 to 6. / 職業安定法 [Employment Security Act]. 1947. Art. 3 and 5-6.

IMMIGRANT_32: Recognition of qualifications.

Recognition of qualifications acquired abroad by asylum seekers:

Answer: No standardized procedure for recognition of titles for migrants

Code: 0

Explanation: There is no unified procedure for the recognition of foreign qualifications, which equally affects foreigners and Japanese nationals educated abroad (see Emigrant_39). As a rule, according to the Ministry of Education, a foreign degree is recognized if a person has spent an equivalent number of years in schooling as within the Japanese system or, at the university level, have equivalent academic ability, as decided through individual screening. A range of other international degrees are recognized through separate regulations. Also, no evidence was found of different admission or tuition fees when it comes to higher education. In this sense, foreigners are treated equally to Japanese nationals and do not face higher hurdle. On the other hand, many universities adopt the Examination for Japanese University Admission of International Students (EJU) that tests both Japanese language ability and subject knowledge of foreign students and entails additional preparation and expenses. Universities have discretion over their admission procedures and may not use EJU or complement it with other entry requirements (JASSO FAQ for EJU, section C). Foreigners who need their degree to be recognized so as to continue studying in Japan will have to change to an appropriate residence status that allows studying (Immigration Control Act Article 20). No specific regulations for the recognition of qualifications when entering employment was found.

Sources: Japan Student Services Organization (JASSO). "FAQ for EJU". Accessed July 28, 2019. https://www.jasso.go.jp/en/faq/faq_eju.html. / Ministry of Education, Culture, Sports, Science and Technology-Japan (MEXT). "Information on Foreign Credential Assessment and Recognition". Accessed July 28, 2019. <http://www.mext.go.jp/en/policy/education/highered/title02/detail02/137>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20.

Recognition of qualifications acquired abroad by refugees:

Answer: No standardized procedure for recognition of titles for migrants

Code: 0

Explanation: There is no unified procedure for the recognition of foreign qualifications, which equally affects foreigners and Japanese nationals educated abroad (see Emigrant_39). As a rule, according to the Ministry of Education, a foreign degree is recognized if a person has spent an equivalent number of years in schooling as within the Japanese system or, at the university level, have equivalent academic ability, as decided through individual screening. A range of other international degrees are recognized through separate regulations. Also, no evidence was found of different admission or tuition fees when it comes to higher education. In this sense, foreigners are treated equally to Japanese nationals and do not face higher hurdle. On the other hand, many universities adopt the Examination for Japanese University Admission of International Students (EJU) that tests both Japanese language ability and subject knowledge of foreign students and entails additional preparation and expenses. Universities have discretion over their admission procedures and may not use EJU or complement it with other entry requirements (JASSO FAQ for EJU, section C). Foreigners who need their degree to be recognized so as to continue studying in Japan will have to change to an appropriate residence status that allows studying (Immigration Control Act Article 20). No specific regulations for the recognition of qualifications when entering employment was found.

Sources: Japan Student Services Organization (JASSO). "FAQ for EJU". Accessed July 28, 2019. https://www.jasso.go.jp/en/faq/faq_eju.html. / Ministry of Education, Culture, Sports, Science and Technology-Japan (MEXT). "Information on Foreign Credential Assessment and Recognition". Accessed July 28, 2019. <http://www.mext.go.jp/en/policy/education/highered/title02/detail02/137>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20.

Recognition of qualifications acquired abroad by co-ethnics:

Answer: No standardized procedure for recognition of titles for migrants

Code: 0

Explanation: There is no unified procedure for the recognition of foreign qualifications, which equally affects foreigners and Japanese nationals educated abroad (see Emigrant_39). As a rule, according to the Ministry of Education, a foreign degree is recognized if a person has spent an equivalent number of years in schooling as within the Japanese system or, at the university level, have equivalent academic ability, as decided through individual screening. A range of other international degrees are recognized through separate regulations. Also, no evidence was found of different admission or tuition fees when it comes to higher education. In this sense, foreigners are treated equally to Japanese nationals and do not face higher hurdle. On the other hand, many universities adopt the Examination for Japanese University Admission of International Students (EJU) that tests both Japanese language ability and subject knowledge of foreign students and entails additional preparation and expenses. Universities have discretion over their admission procedures and may not use EJU or complement it with other entry requirements (JASSO FAQ for EJU, section C). Foreigners who need their degree to be recognized so as to continue studying in Japan will have to change to an appropriate residence status that allows studying (Immigration Control Act Article 20). No specific regulations for the recognition of qualifications when entering employment was found.

Sources: Japan Student Services Organization (JASSO). "FAQ for EJU". Accessed July 28, 2019. https://www.jasso.go.jp/en/faq/faq_eju.html. / Ministry of Education, Culture, Sports, Science and Technology-Japan (MEXT). "Information on Foreign Credential Assessment and Recognition". Accessed July 28, 2019. <http://www.mext.go.jp/en/policy/education/highered/title02/detail02/137>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20.

Recognition of qualifications acquired abroad by domestic workers:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Recognition of qualifications acquired abroad by agricultural workers:

Answer: No standardized procedure for recognition of titles for migrants

Code: 0

Explanation: There is no unified procedure for the recognition of foreign qualifications, which equally affects foreigners and Japanese nationals educated abroad (see Emigrant_39). As a rule, according to the Ministry of Education, a foreign degree is recognized if a person has spent an equivalent number of years in schooling as within the Japanese system or, at the university level, have equivalent academic ability, as decided through individual screening. A range of other international degrees are recognized through separate regulations. Also, no evidence was found of different admission or tuition fees when it comes to higher education. In this sense, foreigners are treated equally to Japanese nationals and do not face higher hurdle. On the other hand, many universities adopt the Examination for Japanese University Admission of International Students (EJU) that tests both Japanese language ability and subject knowledge of foreign students and entails additional preparation and expenses. Universities have discretion over their admission procedures and may not use EJU or complement it with other entry requirements (JASSO FAQ for EJU, section C). Foreigners who need their degree to be recognized so as to continue studying in Japan will have to change to an appropriate residence

status that allows studying (Immigration Control Act Article 20). No specific regulations for the recognition of qualifications when entering employment was found.

Sources: Japan Student Services Organization (JASSO). "FAQ for EJU". Accessed July 28, 2019. https://www.jasso.go.jp/en/faq/faq_eju.html. / Ministry of Education, Culture, Sports, Science and Technology-Japan (MEXT). "Information on Foreign Credential Assessment and Recognition". Accessed July 28, 2019. <http://www.mext.go.jp/en/policy/education/highered/title02/detail02/137>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20.

Recognition of qualifications acquired abroad by medical doctors:

Answer: Yes, but different procedure than for nationals

Code: 0.5

Explanation: According to the Immigration Control Act, "medical services" entry track is only applicable to persons who are qualified under the Japanese law (i.e. foreign medical qualifications are not accepted). For example, in the case of physicians, according to the Medical Practitioners Act, a person who wishes to become a medical practitioner shall pass the National Examination, receive a license from the Ministry of Health, Labour and Welfare (Article 2) and take advanced clinical training for 2 years at a designated hospital (Article 16-2 par. 1 and 4). Requirements for other medical specialists are regulated by separate laws. In other words, a medical doctor is to have Japanese qualification before applying for this residence status. If a medical specialist intends to undertake further education in Japan, however, regulations work in an ad hoc manner, as for other proxies.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-2. / 医師法 [Medical Practitioners Act]. 1948. Art. 2, 11, 12 and 16-2.

Recognition of qualifications acquired abroad by permanent residents:

Answer: No standardized procedure for recognition of titles for migrants

Code: 0

Explanation: There is no unified procedure for the recognition of foreign qualifications, which equally affects foreigners and Japanese nationals educated abroad (see Emigrant_39). As a rule, according to the Ministry of Education, a foreign degree is recognized if a person has spent an equivalent number of years in schooling as within the Japanese system or, at the university level, have equivalent academic ability, as decided through individual screening. A range of other international degrees are recognized through separate regulations. Also, no evidence was found of different admission or tuition fees when it comes to higher education. In this sense, foreigners are treated equally to Japanese nationals and do not face higher hurdle. On the other hand, many universities adopt the Examination for Japanese University Admission of International Students (EJU) that tests both Japanese language ability and subject knowledge of foreign students and entails additional preparation and expenses. Universities have discretion over their admission procedures and may not use EJU or complement it with other entry requirements (JASSO FAQ for EJU, section C). Foreigners who need their degree to be recognized so as to continue studying in Japan will have to change to an appropriate residence status that allows studying (Immigration Control Act Article 20). No specific regulations for the recognition of qualifications when entering employment was found.

Sources: Japan Student Services Organization (JASSO). "FAQ for EJU". Accessed July 28, 2019. https://www.jasso.go.jp/en/faq/faq_eju.html. / Ministry of Education, Culture, Sports, Science and Technology-Japan (MEXT). "Information on Foreign Credential Assessment and Recognition". Accessed July 28, 2019. <http://www.mext.go.jp/en/policy/education/highered/title02/detail02/137>.... / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20.

5.3.3. Worker's rights

IMMIGRANT_33: Membership in trade unions.

Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: According to the guidelines by the Ministry of health, labour and welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Labour Union Act, on par with nationals. Organization of a labor union and its activities are guaranteed as basic labor rights by the Constitution too (Article 28). This right is provided to workers at large, not only citizens. Labor Union Act, which provides the basis for labor unions' organization and operations, also adopts a broad definition of "workers", not confined to citizens (Article 3) and provides that labor unions cannot disqualify anyone from union membership on the basis of race, religion, gender, family origin or status (Article 5 par. 2 item 4).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 労働組合法 [Labor Union Act]. 1949. Art. 3, and 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 28.

Can refugees be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: According to the guidelines by the Ministry of health, labour and welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Labour Union Act, on par with nationals. Organization of a labor union and its activities are guaranteed as basic labor rights by the Constitution too (Article 28). This right is provided to workers at large, not only citizens. Labor Union Act, which provides the basis for labor unions' organization and operations, also adopts a broad definition of "workers", not confined to citizens (Article 3) and provides that labor unions cannot disqualify anyone from union membership on the basis of race, religion, gender, family origin or status (Article 5 par. 2 item 4).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 労働組合法 [Labor Union Act]. 1949. Art. 3, and 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 28.

Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: According to the guidelines by the Ministry of health, labour and welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Labour Union Act, on par with nationals. Organization of a labor union and its activities are guaranteed as basic labor rights by the Constitution too (Article 28). This right is provided to workers at large, not only citizens. Labor Union Act, which provides the basis for labor unions' organization and operations, also adopts a broad definition of "workers", not confined to citizens (Article 3) and provides that labor unions cannot disqualify anyone from union membership on the basis of race, religion, gender, family origin or status (Article 5 par. 2 item 4).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 労働組合法 [Labor Union Act]. 1949. Art. 3, and 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 28.

Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: According to the guidelines by the Ministry of health, labour and welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Labour Union Act, on par with nationals. Organization of a labor union and its activities are guaranteed as basic labor rights by the Constitution too (Article 28). This right is provided to workers at large, not only citizens. Labor Union Act, which provides the basis for labor unions' organization and operations, also adopts a broad definition of "workers", not confined to citizens (Article 3) and provides that labor unions cannot disqualify anyone from union membership on the basis of race, religion, gender, family origin or status (Article 5 par. 2 item 4).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 労働組合法 [Labor Union Act]. 1949. Art. 3, and 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 28.

Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: According to the guidelines by the Ministry of health, labour and welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Labour Union Act, on par with nationals. Organization of a labor union and its activities are guaranteed as basic labor rights by the Constitution too (Article 28). This right is provided to workers at large, not only citizens.

Labor Union Act, which provides the basis for labor unions' organization and operations, also adopts a broad definition of "workers", not confined to citizens (Article 3) and provides that labor unions cannot disqualify anyone from union membership on the basis of race, religion, gender, family origin or status (Article 5 par. 2 item 4).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 労働組合法 [Labor Union Act]. 1949. Art. 3, and 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 28.

Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: According to the guidelines by the Ministry of health, labour and welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Labour Union Act, on par with nationals. Organization of a labor union and its activities are guaranteed as basic labor rights by the Constitution too (Article 28). This right is provided to workers at large, not only citizens. Labor Union Act, which provides the basis for labor unions' organization and operations, also adopts a broad definition of "workers", not confined to citizens (Article 3) and provides that labor unions cannot disqualify anyone from union membership on the basis of race, religion, gender, family origin or status (Article 5 par. 2 item 4).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 労働組合法 [Labor Union Act]. 1949. Art. 3, and 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 28.

IMMIGRANT_34: Job transferability.

Can asylum seekers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Under the Immigration Control Act, asylum seekers fall under the category of residence permits ("designated activities") that are based on particular activities that a foreigner is to engage in while in Japan (Article 2-2 par. 2). Depending on the way these activities are specified in the residence permit, an asylum seeker may be able to change the employer without repercussions. Otherwise, every foreign resident also has the right to apply to change their residence status, which may include change in the public or private organization designated by the Minister of Justice or change in the activities designated for the "designated activities" status of residence (Article 20). Overall, change of employer is not included into the list of conditions that result in a revocation of one's residence status, although one's failure to engage in prescribed activities for a period of over 3 months is (Article 22-4 par. 1 item 6).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 20, and 22-4.

Can refugees change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Residence status of refugees, as long-term residents, is based on their position (Article 2-2 par. 2). There are no restrictions on the employment they can undertake.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

Can co-ethnics change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Residence status of co-ethnics, as long-term residents, is based on their position (Article 2-2 par. 2). There are no restrictions on the employment they can undertake.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

Can domestic workers change their employer without risking their immigration status?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Technical Intern Trainees' residence status is based on an approved training plan, which is tied to a specific employer (Appended Table I-2). An employer, therefore, cannot be changed without renewing the residence permit based on a different training plan. In such cases, a supervising organization can perform the role of employment placement service (TIT Act Article 27). The TIT Act also provided that if the change of employer is necessitated by the previous employer's inability to implement the contract, implementing and supervising organizations with support of the relevant ministries shall take necessary measures to continue training of those trainees who wish to complete it (Article 51). Otherwise, every foreign resident also has the right to apply to change their residence status, which may include change in the public or private organization designated by the Minister of Justice or change in the activities designated for the "designated activities" status of residence (Article 20). Overall, change of employer is not included into the list of conditions that result in a revocation of one's residence status, although one's failure to engage in prescribed activities for a period of over 3 months is (Article 22-4 par. 1 item 6)

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20 and 22-4. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 27 and 51.

Can medical doctors change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Under the Immigration Control Act, medical doctors fall under the category of residence permits (“designated activities”) that are based on particular activities that a foreigner is to engage in while in Japan (Article 2-2 par. 2). Depending on the way these activities are specified in the residence permit, a medical doctor may be able to change the employer without repercussions. Otherwise, every foreign resident also has the right to apply to change their residence status, which may include change in the public or private organization designated by the Minister of Justice or change in the activities designated for the “designated activities” status of residence (Article 20). Overall, change of employer is not included into the list of conditions that result in a revocation of one’s residence status, although one’s failure to engage in prescribed activities for a period of over 3 months is (Article 22-4 par. 1 item 6)

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 20 and 22-4.

Can permanent residents change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Residence status of permanent residents is based on their position (Article 2-2 par. 2). There are no restrictions on the employment they can undertake.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

IMMIGRANT_35: Right to redress.

Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker is protected by the Labour Standards Act, which sets the criteria for work contracts, payment of wages, overtime benefits, dismissal and other issues related to working conditions. The Act contains a section of Penal provisions to deal with violations (Chapter 13). The Act also establishes Labour Standards Offices and Labour Standards Inspection Offices as inspection bodies in each prefecture (Article 97). Inspectors are authorised to inspect workplaces, question workers and employers, can exercise the duties of judicial police officers under the Criminal Procedure Law and powers of the administrative office when inspecting dormitories (Articles 101, 102, 103). Handbook for foreign workers issued by the Ministry of Health, Labor and Welfare, encourages foreign workers who face unfair treatment at work to consult with prefectural Inspections and Labour Standards Departments, which are equipped with foreign workers’ advisory desks and can consult in foreign languages.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / Ministry of Health, Labor and Welfare, and Hello Work (Public Employment Security Offices). 2014. "For Foreign Nationals Wishing to Work in Japan". / 労働基準法 [Labor Standards Act]. 1947. Art. 97, 101, 102, and 103.

Do refugees have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker is protected by the Labour Standards Act, which sets the criteria for work contracts, payment of wages, overtime benefits, dismissal and other issues related to working conditions. The Act contains a section of Penal provisions to deal with violations (Chapter 13). The Act also establishes Labour Standards Offices and Labour Standards Inspection Offices as inspection bodies in each prefecture (Article 97). Inspectors are authorised to inspect workplaces, question workers and employers, can exercise the duties of judicial police officers under the Criminal Procedure Law and powers of the administrative office when inspecting dormitories (Articles 101, 102, 103). Handbook for foreign workers issued by the Ministry of Health, Labor and Welfare, encourages foreign workers who face unfair treatment at work to consult with prefectural Inspections and Labour Standards Departments, which are equipped with foreign workers' advisory desks and can consult in foreign languages.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / Ministry of Health, Labor and Welfare, and Hello Work (Public Employment Security Offices). 2014. "For Foreign Nationals Wishing to Work in Japan". / 労働基準法 [Labor Standards Act]. 1947. Art. 97, 101, 102, and 103.

Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker is protected by the Labour Standards Act, which sets the criteria for work contracts, payment of wages, overtime benefits, dismissal and other issues related to working conditions. The Act contains a section of Penal provisions to deal with violations (Chapter 13). The Act also establishes Labour Standards Offices and Labour Standards Inspection Offices as inspection bodies in each prefecture (Article 97). Inspectors are authorised to inspect workplaces, question workers and employers, can exercise the duties of judicial police officers under the Criminal Procedure Law and powers of the administrative office when inspecting dormitories (Articles 101, 102, 103). Handbook for foreign workers issued by the Ministry of Health, Labor and Welfare, encourages foreign workers who face unfair treatment at work to consult with prefectural Inspections and Labour Standards Departments, which are equipped with foreign workers' advisory desks and can consult in foreign languages.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / Ministry of Health, Labor and Welfare, and Hello Work (Public Employment Security Offices). 2014. "For Foreign Nationals Wishing to Work in Japan". / 労働基準法 [Labor Standards Act]. 1947. Art. 97, 101, 102, and 103.

Do domestic workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker is protected by the Labour Standards Act, which sets the criteria for work contracts, payment of wages, overtime benefits, dismissal and other issues related to working conditions. The Act contains a section of Penal provisions to deal with violations (Chapter 13). The Act also establishes Labour Standards Offices and Labour Standards Inspection Offices as inspection bodies in each prefecture (Article 97). Inspectors are authorised to inspect workplaces, question workers and employers, can exercise the duties of judicial police officers under the Criminal Procedure Law and powers of the administrative office when inspecting dormitories (Articles 101, 102, 103). Handbook for foreign workers issued by the Ministry of Health, Labor and Welfare, encourages foreign workers who face unfair treatment at work to consult with prefectural Inspections and Labour Standards Departments, which are equipped with foreign workers' advisory desks and can consult in foreign languages. In addition, agricultural workers under the technical intern Trainee residence status are protected by the Technical Intern Training Act, which includes penal provisions for improper implementation of the training system (Chapter 5), provides for the right of trainees to report violations to competent ministers without a threat of discrimination or suspension from the employer (Article 49) and deems wrongful and unjust acts under the regulations related to immigration or labor to be sufficient for revoking or disqualifying a license of a supervising organisation (Article 26 par. 1 item 4, Article 37 par. 1 items 4 and 5) or revoking accreditation of an implementing organization (Article 16 par. 1 item 7).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / Ministry of Health, Labor and Welfare, and Hello Work (Public Employment Security Offices). 2014. "For Foreign Nationals Wishing to Work in Japan". / 労働基準法 [Labor Standards Act]. 1947. Art. 97, 101, 102, and 103. / 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律 [Act on Proper Technical Intern Training and Protection of Technical Intern Trainees]. 2016. Art. 49.

Do medical doctors have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker is protected by the Labour Standards Act,

which sets the criteria for work contracts, payment of wages, overtime benefits, dismissal and other issues related to working conditions. The Act contains a section of Penal provisions to deal with violations (Chapter 13). The Act also establishes Labour Standards Offices and Labour Standards Inspection Offices as inspection bodies in each prefecture (Article 97). Inspectors are authorised to inspect workplaces, question workers and employers, can exercise the duties of judicial police officers under the Criminal Procedure Law and powers of the administrative office when inspecting dormitories (Articles 101, 102, 103). Handbook for foreign workers issued by the Ministry of Health, Labor and Welfare, encourages foreign workers who face unfair treatment at work to consult with prefectural Inspections and Labour Standards Departments, which are equipped with foreign workers' advisory desks and can consult in foreign languages.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / Ministry of Health, Labor and Welfare, and Hello Work (Public Employment Security Offices). 2014. "For Foreign Nationals Wishing to Work in Japan". / 労働基準法 [Labor Standards Act]. 1947. Art. 97, 101, 102, and 103.

Do permanent residents have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker is protected by the Labour Standards Act, which sets the criteria for work contracts, payment of wages, overtime benefits, dismissal and other issues related to working conditions. The Act contains a section of Penal provisions to deal with violations (Chapter 13). The Act also establishes Labour Standards Offices and Labour Standards Inspection Offices as inspection bodies in each prefecture (Article 97). Inspectors are authorised to inspect workplaces, question workers and employers, can exercise the duties of judicial police officers under the Criminal Procedure Law and powers of the administrative office when inspecting dormitories (Articles 101, 102, 103). Handbook for foreign workers issued by the Ministry of Health, Labor and Welfare, encourages foreign workers who face unfair treatment at work to consult with prefectural Inspections and Labour Standards Departments, which are equipped with foreign workers' advisory desks and can consult in foreign languages.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / Ministry of Health, Labor and Welfare, and Hello Work (Public Employment Security Offices). 2014. "For Foreign Nationals Wishing to Work in Japan". / 労働基準法 [Labor Standards Act]. 1947. Art. 97, 101, 102, and 103.

5.3.4. Property rights

IMMIGRANT_36: Property rights.

Can asylum seekers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: There are no current laws or regulations that restrict foreigners' property rights in Japan. The Civil Code of Japan (Article 3 par. 2) stipulates that foreign nationals enjoy private rights

(including property rights), unless provided otherwise by other laws, regulations or treaties. The law makes no distinction between different residence statuses. Capital transactions, both by residents and non-residents, may, however, be restricted if they affect Japan's ability to perform on international treaties, its balance of international payments, currency rate or financial and capital markets (Foreign Exchange and Foreign Trade Act Article 21 par. 1-2). Act on Foreign Nationals' Rights in Relation to Land of 1925 also allows to impose restrictions on foreigners' property rights in Japan through additional ordinances in cases when the countries of these foreigners' origin impose equivalent restrictions on Japanese citizens (Article 1). Yet, ordinances under this law have never been issued in practice.

Sources: 外国人土地法 [Act on Foreign Nationals' Rights in Relation to Land]. 1925. Art. 1. / 外国為替及び外国貿易法 [Foreign Exchange and Foreign Trade Act]. 1949. Art. 21. / 民法 [Civil Code]. 1896. Art. 3.

Can refugees acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: There are no current laws or regulations that restrict foreigners' property rights in Japan. The Civil Code of Japan (Article 3 par. 2) stipulates that foreign nationals enjoy private rights (including property rights), unless provided otherwise by other laws, regulations or treaties. The law makes no distinction between different residence statuses. Capital transactions, both by residents and non-residents, may, however, be restricted if they affect Japan's ability to perform on international treaties, its balance of international payments, currency rate or financial and capital markets (Foreign Exchange and Foreign Trade Act Article 21 par. 1-2). Act on Foreign Nationals' Rights in Relation to Land of 1925 also allows to impose restrictions on foreigners' property rights in Japan through additional ordinances in cases when the countries of these foreigners' origin impose equivalent restrictions on Japanese citizens (Article 1). Yet, ordinances under this law have never been issued in practice.

Sources: 外国人土地法 [Act on Foreign Nationals' Rights in Relation to Land]. 1925. Art. 1. / 外国為替及び外国貿易法 [Foreign Exchange and Foreign Trade Act]. 1949. Art. 21. / 民法 [Civil Code]. 1896. Art. 3.

Can co-ethnics acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: There are no current laws or regulations that restrict foreigners' property rights in Japan. The Civil Code of Japan (Article 3 par. 2) stipulates that foreign nationals enjoy private rights (including property rights), unless provided otherwise by other laws, regulations or treaties. The law makes no distinction between different residence statuses. Capital transactions, both by residents and non-residents, may, however, be restricted if they affect Japan's ability to perform on international treaties, its balance of international payments, currency rate or financial and capital markets (Foreign Exchange and Foreign Trade Act Article 21 par. 1-2). Act on Foreign Nationals' Rights in Relation to Land of 1925 also allows to impose restrictions on foreigners' property rights in Japan through additional ordinances in cases when the countries of these foreigners' origin impose equivalent restrictions on Japanese citizens (Article 1). Yet, ordinances under this law have never been issued in practice.

Sources: 外国人土地法 [Act on Foreign Nationals' Rights in Relation to Land]. 1925. Art. 1. / 外国為替及び外国貿易法 [Foreign Exchange and Foreign Trade Act]. 1949. Art. 21. / 民法 [Civil Code]. 1896. Art. 3.

Can domestic workers acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: There are no current laws or regulations that restrict foreigners' property rights in Japan. The Civil Code of Japan (Article 3 par. 2) stipulates that foreign nationals enjoy private rights (including property rights), unless provided otherwise by other laws, regulations or treaties. The law makes no distinction between different residence statuses. Capital transactions, both by residents and non-residents, may, however, be restricted if they affect Japan's ability to perform on international treaties, its balance of international payments, currency rate or financial and capital markets (Foreign Exchange and Foreign Trade Act Article 21 par. 1-2). Act on Foreign Nationals' Rights in Relation to Land of 1925 also allows to impose restrictions on foreigners' property rights in Japan through additional ordinances in cases when the countries of these foreigners' origin impose equivalent restrictions on Japanese citizens (Article 1). Yet, ordinances under this law have never been issued in practice.

Sources: 外国人土地法 [Act on Foreign Nationals' Rights in Relation to Land]. 1925. Art. 1. / 外国為替及び外国貿易法 [Foreign Exchange and Foreign Trade Act]. 1949. Art. 21. / 民法 [Civil Code]. 1896. Art. 3.

Can medical doctors acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: There are no current laws or regulations that restrict foreigners' property rights in Japan. The Civil Code of Japan (Article 3 par. 2) stipulates that foreign nationals enjoy private rights (including property rights), unless provided otherwise by other laws, regulations or treaties. The law makes no distinction between different residence statuses. Capital transactions, both by residents and non-residents, may, however, be restricted if they affect Japan's ability to perform on international treaties, its balance of international payments, currency rate or financial and capital markets (Foreign Exchange and Foreign Trade Act Article 21 par. 1-2). Act on Foreign Nationals' Rights in Relation to Land of 1925 also allows to impose restrictions on foreigners' property rights in Japan through additional ordinances in cases when the countries of these foreigners' origin impose equivalent restrictions on Japanese citizens (Article 1). Yet, ordinances under this law have never been issued in practice.

Sources: 外国人土地法 [Act on Foreign Nationals' Rights in Relation to Land]. 1925. Art. 1. / 外国為替及び外国貿易法 [Foreign Exchange and Foreign Trade Act]. 1949. Art. 21. / 民法 [Civil Code]. 1896. Art. 3.

Can permanent residents acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: There are no current laws or regulations that restrict foreigners' property rights in Japan. The Civil Code of Japan (Article 3 par. 2) stipulates that foreign nationals enjoy private rights (including property rights), unless provided otherwise by other laws, regulations or treaties. The law makes no distinction between different residence statuses. Capital transactions, both by residents and non-residents, may, however, be restricted if they affect Japan's ability to perform on international treaties, its balance of international payments, currency rate or financial and capital markets (Foreign Exchange and Foreign Trade Act Article 21 par. 1-2). Act on Foreign Nationals' Rights in Relation to Land of 1925 also allows to impose restrictions on foreigners' property rights in Japan through additional ordinances in cases when the countries of these foreigners' origin impose equivalent restrictions on Japanese citizens (Article 1). Yet, ordinances under this law have never been issued in practice.

Sources: 外国人土地法 [Act on Foreign Nationals' Rights in Relation to Land]. 1925. Art. 1. / 外国為替及び外国貿易法 [Foreign Exchange and Foreign Trade Act]. 1949. Art. 21. / 民法 [Civil Code]. 1896. Art. 3.

5.4. Social policies

5.4.1. Family reunification

Can asylum seekers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Can refugees bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Not applicable

Can co-ethnics bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Not applicable

Can domestic workers bring their families to their country of residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Can agricultural workers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: No such provision

Sources: Not applicable

Can medical doctors bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Not applicable

Can permanent residents bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Not applicable

Eligibility

IMMIGRANT_37: Resident requirement for ordinary legal residents. Residence requirement for ordinary legal residents (asylum seekers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (refugees). In months:

Answer: 0

Code: 0

Explanation: Ministerial notice for long-term resident status holders (Articles related to refugees) does not make any requirements for the length of an immigrant's residence in Japan before inviting his family members.

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, 6, and 7.

Residence requirement for ordinary legal residents (refugees):

Answer: no residence requirement

Code: 1

Explanation: Ministerial notice for long-term resident status holders (Articles related to refugees) does not make any requirements for the length of an immigrant's residence in Japan before inviting his family members.

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, 6, and 7.

Residence requirement for ordinary legal residents (co-ethnics). In months:

Answer: 0

Code: 0

Explanation: Immigration Control Act and Ministerial notice for long-term resident status holders (Articles related to co-ethnics) does not make any requirements for the length of an immigrant's residence in Japan before inviting his family members.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II. / Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Residence requirement for ordinary legal residents (co-ethnics):

Answer: no residence requirement

Code: 1

Explanation: Immigration Control Act and Ministerial notice for long-term resident status holders (Articles related to co-ethnics) does not make any requirements for the length of an immigrant's residence in Japan before inviting his family members.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II. / Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Residence requirement for ordinary legal residents (domestic workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (medical doctors). In months:

Answer: 0

Code: 0

Explanation: Dependents of residents with a professional residence status (excluding those listed in the answer for asylum seekers) can apply for a “family stay” (“dependent”) visa without any residence requirements for their sponsor (Immigration Control Act Appended Table I-4).

Sources: Appended Table I-4. 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951.

Residence requirement for ordinary legal residents (medical doctors):

Answer: no residence requirement

Code: 1

Explanation: Dependents of residents with a professional residence status (excluding those listed in the answer for asylum seekers) can apply for a “family stay” (“dependent”) visa without any residence requirements for their sponsor (Immigration Control Act Appended Table I-4).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-4.

Residence requirement for ordinary legal residents (permanent residents). In months:

Answer: 0

Code: 0

Explanation: Dependents of permanent residents can apply for a visa without residence requirements for their sponsor (Immigration Control Act Appended Table II).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

Residence requirement for ordinary legal residents (permanent residents):

Answer: no residence requirement

Code: 1

Explanation: Dependents of permanent residents can apply for a visa without residence requirements for their sponsor (Immigration Control Act Appended Table II).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

IMMIGRANT_38: Family members considered for reunification.

Family member eligible for reunification (asylum seekers): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Children.

Answer: Not applicable

Code: Not applicable

Explanation:

Sources:

Family member eligible for reunification (asylum seekers): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Spouse.

Answer: yes

Code: 1

Explanation: Spouse, children (including adopted children under 6 and unmarried minor dependents), parents. Myanmar refugees from Thailand and Malaysia are eligible for family reunification with their spouses and children, if they have sufficient skills to maintain their livelihood and abilities conforming to the Japanese society (Articles 1 and 2). Parents are only eligible to those persons who have continuously resided in Japan and can support their parents (Article 1 item 2). Other refugees with a residence permit of at least a year can invite their spouse (Article 5 item 2), dependent minor unmarried children (Article 6 item 2) and adopted children under the age of 6 (Article 7 item 3).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, and 7.

Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: No such provision.

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, and 7.

Family member eligible for reunification (refugees): Children.

Answer: yes

Code: 1

Explanation: Spouse, children (including adopted children under 6 and unmarried minor dependents), parents. Myanmar refugees from Thailand and Malaysia are eligible for family reunification with their spouses and children, if they have sufficient skills to maintain their livelihood and abilities conforming to the Japanese society (Articles 1 and 2). Parents are only eligible to those persons who have continuously resided in Japan and can support their parents (Article 1 item 2). Other refugees with a residence permit of at least a year can invite their spouse (Article 5 item 2), dependent minor unmarried children (Article 6 item 2) and adopted children under the age of 6 (Article 7 item 3).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, and 7.

Family member eligible for reunification (refugees): Parents.

Answer: yes

Code: 1

Explanation: Spouse, children (including adopted children under 6 and unmarried minor dependents), parents. Myanmar refugees from Thailand and Malaysia are eligible for family reunification with their spouses and children, if they have sufficient skills to maintain their livelihood and abilities conforming to the Japanese society (Articles 1 and 2). Parents are only eligible to those persons who have continuously resided in Japan and can support their parents (Article 1 item 2). Other refugees with a residence permit of at least a year can invite their spouse (Article 5 item 2), dependent minor unmarried children (Article 6 item 2) and adopted children under the age of 6 (Article 7 item 3).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, and 7.

Family member eligible for reunification (refugees): Grandparents.

Answer: no

Code: 0

Explanation: No such provision.

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 1, 2, 5, and 7.

Family member eligible for reunification (co-ethnics): Spouse.

Answer: yes

Code: 1

Explanation: Japanese descendants in the 2nd and 3rd generation are to have a residence permit, which is at least one year long, to invite under a long-resident visa a spouse who is to be of good behavior (Article 5 item 3), dependent minor unmarried children of good behavior (Article 6 item 3) and adopted children under 6 years of age (Article 7 item 3). Japanese residents in China and their children are eligible to apply for a long-term resident visa for their spouse, children under 20 years of age, dependent children with disabilities, children willing to live with them to help them adapt to Japan and their spouses, as well as guardians who lived together with them until the age of 6 (Article 8).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: No such provision.

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Family member eligible for reunification (co-ethnics): Children.

Answer: yes

Code: 1

Explanation: Japanese descendants in the 2nd and 3rd generation are to have a residence permit, which is at least one year long, to invite under a long-resident visa a spouse who is to be of good behavior (Article 5 item 3), dependent minor unmarried children of good behavior (Article 6 item 3) and adopted children under 6 years of age (Article 7 item 3). Japanese residents in China and their children are eligible to apply for a long-term resident visa for their spouse, children under 20 years of age, dependent children with disabilities, children willing to live with them to help them adapt to Japan and their spouses, as well as guardians who lived together with them until the age of 6 (Article 8).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Family member eligible for reunification (co-ethnics): Parents.

Answer: no

Code: 0

Explanation: No such provision for parents. Japanese descendants in the 2nd and 3rd generation are to have a residence permit, which is at least one year long, to invite under a long-resident visa a spouse who is to be of good behavior (Article 5 item 3), dependent minor unmarried children of good behavior (Article 6 item 3) and adopted children under 6 years of age (Article 7 item 3). Japanese residents in China and their children are eligible to apply for a long-term resident visa for their spouse, children under 20 years of age, dependent children with disabilities, children willing to live with them to help them adapt to Japan and their spouses, as well as guardians who lived together with them until the age of 6 (Article 8).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Family member eligible for reunification (co-ethnics): Grandparents.

Answer: no

Code: 0

Explanation: Spouse, children (including adopted children under 6 and unmarried minor dependents, dependents with disabilities), guardians (instead of parents). Resident Koreans and Taiwanese are

eligible to invite spouses under a spouse visa for permanent residents, and under a long-term resident visa; dependent minor unmarried children (Article 6 item 1) and adopted children under 6 years of age (Article 7 item 4) - Japanese descendants in the 2nd and 3rd generation are to have a residence permit, which is at least one year long, to invite under a long-resident visa a spouse who is to be of good behavior (Article 5 item 3), dependent minor unmarried children of good behavior (Article 6 item 3) and adopted children under 6 years of age (Article 7 item 3); Japanese residents in China and their children are eligible to apply for a long-term resident visa for their spouse, children under 20 years of age, dependent children with disabilities, children willing to live with them to help them adapt to Japan and their spouses, as well as guardians who lived together with them until the age of 6 (Article 8).

Sources: Ministry of Justice Ministerial Notice No. 132 of 1990. 1990. Art. 5, 6, 7, and 8.

Family member eligible for reunification (domestic workers): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Children.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (domestic workers): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Spouse.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Children.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Parents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Grandparents.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (medical doctors): Spouse.

Answer: yes

Code: 1

Explanation: Dependent spouse and children (excluding adopted ones).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-4.

Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: No such provision.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-4.

Family member eligible for reunification (medical doctors): Children.

Answer: yes

Code: 1

Explanation: Dependent spouse and children (excluding adopted ones).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-4.

Family member eligible for reunification (medical doctors): Parents.

Answer: no

Code: 0

Explanation: Dependent spouse and children (excluding adopted ones).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-4.

Family member eligible for reunification (medical doctors): Grandparents.

Answer: no

Code: 0

Explanation: Dependent spouse and children (excluding adopted ones).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table I-4.

Family member eligible for reunification (permanent residents): Spouse.

Answer: yes

Code: 1

Explanation: Spouse and children (only those born and continuously residing in Japan, excluding adopted children).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: No such provision.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

Family member eligible for reunification (permanent residents): Children.

Answer: no

Code: 0

Explanation: Only those children born and continuously residing in Japan, excluding adopted children.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

Family member eligible for reunification (permanent residents): Parents.

Answer: no

Code: 0

Explanation: No such provision.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

Family member eligible for reunification (permanent residents): Grandparents.

Answer: no

Code: 0

Explanation: No such provision.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Appended Table II.

Security of status

IMMIGRANT_39: Length of application procedure.

Length of application procedure in months (asylum seekers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (asylum seekers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (refugees).

Answer: Not applicable

Code: Not applicable

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

Length of application procedure (refugees).

Answer: no regulation of maximum length

Code: 0

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

Length of application procedure in months (co-ethnics).

Answer: Not applicable

Code: Not applicable

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

Length of application procedure (co-ethnics).

Answer: no regulation of maximum length

Code: 0

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

Length of application procedure in months (domestic workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (domestic workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (medical doctors).

Answer: Not applicable

Code: Not applicable

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

Length of application procedure (medical doctors).

Answer: no regulation of maximum length

Code: 0

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

Length of application procedure in months (permanent residents).

Answer: Not applicable

Code: Not applicable

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: Not applicable

Length of application procedure (permanent residents).

Answer: no regulation of maximum length

Code: 0

Explanation: Immigration Control Act and its Enforcement Ordinance contain no regulations on the maximum length of the procedure.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981.

IMMIGRANT_40: Duration of permit.

Duration of validity of permit (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (refugees):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: Minimum 6 months, maximum 5 years as for long-term residents.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

Duration of validity of permit (co-ethnics):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: Minimum 6 months, maximum 5 years as for long-term residents.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

Duration of validity of permit (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (medical doctors):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: Minimum 3 months, maximum 5 years as for "family stay/dependent".

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

Duration of validity of permit (permanent residents):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: Minimum 6 months, maximum 5 years as for spouses of permanent residents.

Sources: 出入国管理及び難民認定法施行規則 [Immigration Control and Refugee Recognition Act Ministerial Enforcement Ordinance]. 1981. Appended Table 2.

IMMIGRANT_41: Grounds for rejection, withdrawing or refusing to renew status.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: This factor may be taken into account, but decisions are made on case by case basis. The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to

notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Break-up of family relationship is a ground for rejecting family reunification application (refugees):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the

Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation);

Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to

notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the

Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):

Answer: yes

Code: 1

Explanation: The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. Therefore, the exact grounds for rejection of one's application cannot be known. Guidelines for the change of the status of residence or extension for the period of stay by the Ministry of Justice also state that decisions are made on a case by case basis, but the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public); Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.) Furthermore, the Immigration Control Act provisions for revocation of the residence status (Article 22-4) include acquisition of the permission for entry and stay in Japan by wrongful means or deceit, failure to meet the conditions for one's residence status (discontinuation of marriage) for over 6 months and failure to notify the authorities about one's place of residence. These provisions are not limited to family members of residents, but any residence status.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4. / 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

IMMIGRANT_42: Special circumstances.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence

and Extension of Period of Stay”. Accessed August 1, 2019.
<http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. “Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay”. Accessed August 1, 2019.
<http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. “Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay”. Accessed August 1, 2019.
<http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. “Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay”. Accessed August 1, 2019.
<http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay". Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):

Answer: no

Code: 0

Explanation: None of the above criteria are included into the Immigration Control Act or the guidelines related to it.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. / Immigration Bureau, Ministry of Justice. "Guidelines for Permission for Change of Status of Residence

and Extension of Period of Stay". Accessed August 1, 2019.
<http://www.moj.go.jp/content/001212284.pdf>.

IMMIGRANT_43: Legal guarantees and redress in case of refusal or withdrawal.

Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an

explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal) The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status

must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of

refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):

Answer: yes

Code: 1

Explanation: It depends on the specific process: Refusal of a visa cannot be appealed, and the authorities do not have to disclose the reasons for the decision. Revocation of one's residence status must be reasoned, and a hearing of a foreign resident's opinion must be organized (as an opportunity for appeal). The Administrative Procedure Act (Article 3 par. 1 item 10) excludes "Dispositions and Administrative Guidance concerning departure and immigration of foreign nationals, recognition of refugees, and naturalization" from the obligation to show the examination criteria or the reasons for the rejection of the application. The Immigration Control Act also does not provide information about appeals in this case. In contrast, revocation of one's residence status must be preceded with a hearing, which provides a foreign resident with an opportunity to appeal the decision by expressing his opinion and submitting additional evidence. A notice of a hearing from the authorities must contain an explanation of the reasons for the decision. Hearing is conducted by an Immigration Inspector designated by the Minister of Justice, not an independent body or court (Article 22-4 paragraphs 2 to 4).

Sources: 行政手続法 [Administrative Procedure Act]. 1993. Art. 3. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 22-4.

IMMIGRANT_44: Right to autonomous permit.

Right to autonomous residence permit for partners and children at age of majority (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (refugees):

Answer: right after reunification

Code: 1

Explanation: The right does not depend on the period of residence. According to the Immigration Control Act, any foreign resident has the right to change the residence status (Article 20) or acquire a permanent residence status (Article 22). According to the guidelines for the change of the status of residence, the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public) - Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.). The law does not make special provisions for family members of foreign residents in this respect. Special provision, however, is made for the refugee's family members' acquisition of permanent residence. According to the permanent residence guidelines, as long-term residents, they may be eligible to apply for permanent residence after continuously residing in Japan for over 5 years (Article 2 item 2).

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 2]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / Immigration Bureau, Ministry of Justice. “Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay”. Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20 and 22.

Right to autonomous residence permit for partners and children at age of majority (co-ethnics):

Answer: right after reunification

Code: 1

Explanation: The right does not depend on the period of residence, permanent residence after more than 5 years For Japanese descendants in the 2nd and 3rd generation: According to the Immigration Control Act, any foreign resident has the right to change the residence status (Article 20) or acquire a permanent residence status (Article 22). According to the guidelines for the change of the status of

residence, the following factors are taken into account: Conformity with the landing permission criteria and the desired status of residence criteria; Good behavior (absence of criminal record or any grounds for deportation); Sufficiency of assets for (independent) living (one should not be a burden to the public) - Proper employment and working conditions; Fulfilment of tax obligations; Fulfilment of notification obligations under the immigration law (notification about one's residence, employment, etc.). The law does not make special provisions for family members of foreign residents in this respect.

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 2]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20, 22, and 22-5. / Immigration Bureau, Ministry of Justice. “Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay”. Accessed August 1, 2019. <http://www.moj.go.jp/content/001212284.pdf>.

Right to autonomous residence permit for partners and children at age of majority (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (agricultural workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (medical doctors):

Answer: right after reunification

Code: 1

Explanation: The right does not depend on the period of residence, permanent residence after a period of over 10 years. Family members of doctors can only apply for a change of the residence status under the general provisions of articles 20 and 22 of the Immigration Control Act. One special provision is made by the Ministry of Justice in respect of the children who resided in Japan under the “family stay” status of residence and completed schooling in Japan, as explained on the Ministry’s webpage. Although they might not be eligible to apply for a professional residence status, in some cases they might be allowed to change to a “long-term resident” status, if their place of employment after finishing school is decided, or “designated activities” to search for a job after finishing school. Family members of permanent residents may only be eligible for permanent residence if they continuously resided in Japan for over 10 years, 5 of which they also had a work permit (Guidelines Article 1 item 3a).

Sources: Ministry of Justice. “「家族滞在」の在留資格をもって在留し、本邦で義務教育を修了した上、高等学校卒業後に本邦での就労を希望する方へ [For Those Who Has a Residence Status of ‘Family Stay’, Completed Compulsory Education in Japan and Wants to Work in Japan after That]”. Accessed August 1, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri07_00122.html. / Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 1]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20 and 22.

Right to autonomous residence permit for partners and children at age of majority (permanent residents):

Answer: right after reunification

Code: 1

Explanation: The right does not depend on the period of residence, permanent residence after 1 year. Family members of permanent residents are subject to the same regulations for the change of the residence status, as other foreign residents, under Article 20 of the Immigration Control Act. However, only spouses of permanent residents are given an opportunity to apply for an independent residence status before their permit is revoked due to discontinuation of a marriage for over 6 months (Article 22-5). Eased regulations also apply for their acquisition of permanent residence, for which they may be eligible, if 3 years have passed since their marriage and if within this period a spouse or children have continuously resided in Japan for at least a year (Article 2 item 1).

Sources: Ministry of Justice, Immigration Bureau of Japan. “永住許可に関するガイドライン [Guidelines for Permission for Permanent Residence- Art. 2]”. Accessed July 13, 2019. http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_nyukan50.html. / 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 20 and 22-5.

5.4.2. Education

IMMIGRANT_45: Access to education.

Children of asylum seekers have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Migrant children have the right (not obligation) to receive compulsory schooling, as nationals, without any restrictions based on residence status. The Constitution of Japan (Article 26) and Basic Act on Education (Article 5) provide for compulsory free basic education (9 years). Both of the provisions only apply to Japanese citizens. However, in 1994, Japan ratified the Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989 in order to provide international protection of basic rights for children, including the right to education (Article 28). Consequently, children of foreign nationalities have been guaranteed the same opportunities to acquire education at public elementary and junior high schools as Japanese children, regardless of the residence status of their parents. Yet, unlike the citizens, basic education does not constitute foreigners' obligation, but a right, and parents of foreign children can choose whether to send their children to Japanese schools or not.

Sources: General Assembly Resolution 44/25 of 20 November 1989. 1989. Art. 28. / 教育基本法 [Basic Act on Education]. 2006. Art. 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 26.

Children of refugees have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Migrant children have the right (not obligation) to receive compulsory schooling, as nationals, without any restrictions based on residence status. The Constitution of Japan (Article 26) and Basic Act on Education (Article 5) provide for compulsory free basic education (9 years). Both of the provisions only apply to Japanese citizens. However, in 1994, Japan ratified the Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989 in order to provide international protection of basic rights for children, including the right to education (Article 28). Consequently, children of foreign nationalities have been guaranteed the same opportunities to acquire education at public elementary and junior high schools as Japanese children, regardless of the residence status of their parents. Yet, unlike the citizens, basic education does not constitute foreigners' obligation, but a right, and parents of foreign children can choose whether to send their children to Japanese schools or not.

Sources: General Assembly Resolution 44/25 of 20 November 1989. 1989. Art. 28. / 教育基本法 [Basic Act on Education]. 2006. Art. 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 26.

Children of co-ethnics have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Migrant children have the right (not obligation) to receive compulsory schooling, as nationals, without any restrictions based on residence status. The Constitution of Japan (Article 26) and Basic Act on Education (Article 5) provide for compulsory free basic education (9 years). Both of the provisions only apply to Japanese citizens. However, in 1994, Japan ratified the Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989 in order to provide international protection of basic rights for children, including the right to education (Article 28). Consequently, children of foreign nationalities have been guaranteed the same opportunities to acquire education at public elementary and junior high schools as Japanese children, regardless of the residence status of their parents. Yet, unlike the citizens, basic education does not constitute foreigners' obligation, but a right, and parents of foreign children can choose whether to send their children to Japanese schools or not.

Sources: General Assembly Resolution 44/25 of 20 November 1989. 1989. Art. 28. / 教育基本法 [Basic Act on Education]. 2006. Art. 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 26.

Children of domestic workers have access to compulsory education:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Children of agricultural workers have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Migrant children have the right (not obligation) to receive compulsory schooling, as nationals, without any restrictions based on residence status. The Constitution of Japan (Article 26) and Basic Act on Education (Article 5) provide for compulsory free basic education (9 years). Both of the provisions only apply to Japanese citizens. However, in 1994, Japan ratified the Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989 in order to provide international protection of basic rights for children, including the right to education (Article 28). Consequently, children of foreign nationalities have been guaranteed the same opportunities to acquire education at public elementary and junior high schools as Japanese children, regardless of the residence status of their parents. Yet, unlike the citizens, basic education does not constitute foreigners' obligation, but a right, and parents of foreign children can choose whether to send their children to Japanese schools or not.

Sources: General Assembly Resolution 44/25 of 20 November 1989. 1989. Art. 28. / 教育基本法 [Basic Act on Education]. 2006. Art. 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 26.

Children of medical doctors have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Migrant children have the right (not obligation) to receive compulsory schooling, as nationals, without any restrictions based on residence status. The Constitution of Japan (Article 26) and Basic Act on Education (Article 5) provide for compulsory free basic education (9 years). Both of the provisions only apply to Japanese citizens. However, in 1994, Japan ratified the Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989 in order to provide international protection of basic rights for children, including the right to education (Article 28). Consequently, children of foreign nationalities have been guaranteed the same opportunities to acquire education at public elementary and junior high schools as Japanese children, regardless of the residence status of their parents. Yet, unlike the citizens, basic education does not constitute foreigners' obligation, but a right, and parents of foreign children can choose whether to send their children to Japanese schools or not.

Sources: General Assembly Resolution 44/25 of 20 November 1989. 1989. Art. 28. / 教育基本法 [Basic Act on Education]. 2006. Art. 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 26.

Children of permanent residents have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Migrant children have the right (not obligation) to receive compulsory schooling, as nationals, without any restrictions based on residence status. The Constitution of Japan (Article 26)

and Basic Act on Education (Article 5) provide for compulsory free basic education (9 years). Both of the provisions only apply to Japanese citizens. However, in 1994, Japan ratified the Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989 in order to provide international protection of basic rights for children, including the right to education (Article 28). Consequently, children of foreign nationalities have been guaranteed the same opportunities to acquire education at public elementary and junior high schools as Japanese children, regardless of the residence status of their parents. Yet, unlike the citizens, basic education does not constitute foreigners' obligation, but a right, and parents of foreign children can choose whether to send their children to Japanese schools or not.

Sources: General Assembly Resolution 44/25 of 20 November 1989. 1989. Art. 28. / 教育基本法 [Basic Act on Education]. 2006. Art. 5. / 日本国憲法 [The Constitution of Japan]. 1947. Art. 26.

IMMIGRANT_46: Access to higher education.

Asylum seekers and their children have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: There are no regulations in the law that preclude foreigners' access to higher education. Yet, since studying constitutes a separate residence category (Appended Table I-4), for those residence categories that are based on the type of activities a foreigner is to engage in (among the proxies, these are asylum seekers, domestic workers, agricultural workers and medical doctors) it would be necessary to either gain a permission to engage in activities not corresponding to their residence status or gain a new residence status instead of the current one (Immigration control act Articles 2-2, 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 19, 19-2, and 20.

Refugees have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Immigrants with the residence status based on their position (refugees as long-term residents, co-ethnics as long-term residents or special permanent residents and permanent residents, as well as their family members) are not restricted in the type of activities that they can conduct in Japan. There are no restrictions on their access to education at any level.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

Co-ethnics have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Immigrants with the residence status based on their position (refugees as long-term residents, co-ethnics as long-term residents or special permanent residents and permanent residents, as well as their family members) are not restricted in the type of activities that they can conduct in Japan. There are no restrictions on their access to education at any level.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

Domestic workers have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: There are no regulations in the law that preclude foreigners' access to higher education. Yet, since studying constitutes a separate residence category (Appended Table I-4), for those residence categories that are based on the type of activities a foreigner is to engage in (among the proxies, these are asylum seekers, domestic workers, agricultural workers and medical doctors) it would be necessary to either gain a permission to engage in activities not corresponding to their residence status or gain a new residence status instead of the current one (Immigration control act Articles 2-2, 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 19, 19-2, and 20.

Agricultural workers have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: There are no regulations in the law that preclude foreigners' access to higher education. Yet, since studying constitutes a separate residence category (Appended Table I-4), for those residence categories that are based on the type of activities a foreigner is to engage in (among the proxies, these are asylum seekers, domestic workers, agricultural workers and medical doctors) it would be necessary to either gain a permission to engage in activities not corresponding to their residence status or gain a new residence status instead of the current one (Immigration control act Articles 2-2, 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 19, 19-2, and 20.

Medical doctors have access to higher education:

Answer: Restrictions on law on access for permanent residents and their children

Code: 0

Explanation: There are no regulations in the law that preclude foreigners' access to higher education. Yet, since studying constitutes a separate residence category (Appended Table I-4), for those residence categories that are based on the type of activities a foreigner is to engage in (among the proxies, these are asylum seekers, domestic workers, agricultural workers and medical doctors) it would be necessary to either gain a permission to engage in activities not corresponding to their

residence status or gain a new residence status instead of the current one (Immigration control act Articles 2-2, 19, 19-2, 20).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2, 19, 19-2, and 20.

Permanent residents have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Immigrants with the residence status based on their position (refugees as long-term residents, co-ethnics as long-term residents or special permanent residents and permanent residents, as well as their family members) are not restricted in the type of activities that they can conduct in Japan. There are no restrictions on their access to education at any level

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 2-2.

IMMIGRANT_47: Support for language instruction.

Provision of education support in language(s) of instruction for migrant pupils:

Answer: no

Code: 0

Explanation: No, but a number of new initiatives are aimed at addressing this issue. Japanese as a foreign language is not part of a standard curriculum. However, amendments of the ministerial ordinance for the School Education Act of 2014 (Articles 56-2, 56-3, 79, 108 par. 1 and 132-3) were aimed at addressing this issue by allowing to develop “special curriculum” in schools for pupils who do not understand Japanese. The number of such classes may vary between 10 to 280 a year. Contents of “special curriculum” is to include both Japanese language training and subject matter. Introduction of such curriculum, however, is not compulsory and requires a separate approval of the authorities. Additionally, some effort was made to dispatch more teaching staff to schools within the existing budget. In 2017 an amendment to the Act on Standards for Class Formation and Fixed Number of School Personnel of Public Compulsory Education Schools (Article 7 par. 1 item 6) introduced the first standard for the proportion of trained teachers for such curriculum to the number of pupils (1 to 18), which is to be gradually implemented in stages over 10 years. Dispatch of staff outside of this norm will also be maintained. According to the report by the Ministry of Education, however, as of 2016 around 25% of pupils who required special guidance in Japanese (whether foreign or of Japanese origin raised abroad), including additional classes for the key subjects, did not receive such support and this share was increasing. Only about 40% of pupils had access to separate classes based on the “special curriculum”. Major reasons for schools’ failure to introduce such support in the classroom or outside was lack of understanding on how to support pupils in Japanese and lack of teaching materials (pp. 6, 7, 10). Mass media also provide little evidence that migrant pupils currently systematically receive language support based on the government policy, although they give credit to successful local and private initiatives (e.g. Asahi Shimbun).

Sources: Ministry of Health, Labor and Welfare Ministerial Ordinance No. 2 of 2014. 2014. Art. 56-2, 56-3, 79, 108, and 132-3. / Ministry of Health, Labour and Welfare Elementary and Secondary Education Bureau International Education Division. 2018. “外国人児童生徒等教育の現状と課題 [Current Situation and Tasks Related to School Education of Foreign Pupils]”. / 公立義務教育諸学校の学級編制及び教職員定数の標準に関する法律 [Act on Standards for Class Formation and Fixed

Number of School Personnel of Public Compulsory Education Schools]. 1958. Art. 7. / The Asahi Shimbun. "Editorial: Foreign Children in Japan Deserve Equal Education Opportunities". Accessed July 12, 2019. <http://www.asahi.com/ajw/articles/AJ201903010022.html>.

IMMIGRANT_48: Intercultural education.

Intercultural education is included in pre-service training in order to qualify as a teacher:

Answer: no

Code: 0

Explanation: The number of pupils who require special support to study in Japanese has drastically increased recently, so the government is only gradually introducing policies that could address their needs, primarily by providing new resources, learning opportunities, institutional framework, but not making it compulsory. Consequently, the model program for training teachers to educate pupils not proficient in Japanese was only developed in 2017 and first tried in 2018. It is planned to make the final revision of the program in 2019 and to start disseminating it through symposiums, seminars and online. There is no mentioning of it being compulsory (2018 Ministry of Education report, p 10).

Sources: Ministry of Health, Labour and Welfare Elementary and Secondary Education Bureau International Education Division. 2018. "外国人児童生徒等教育の現状と課題 [Current Situation and Tasks Related to School Education of Foreign Pupils]".

IMMIGRANT_49: Integration in teachers' syllabus.

Migration and integration are obligatory topics in professional development training:

Answer: no

Code: 0

Explanation: Although there is special training provided for school staff by an NPO supported by the government, there is no evidence of it being compulsory (2018 Ministry of Education report, p 14).

Sources: Ministry of Health, Labour and Welfare Elementary and Secondary Education Bureau International Education Division. 2018. "外国人児童生徒等教育の現状と課題 [Current Situation and Tasks Related to School Education of Foreign Pupils]".

5.4.3. Health care

IMMIGRANT_50: Conditions for inclusion in the health care system

Conditions for inclusion of asylum seekers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by

the Health Insurance Act, National Health Insurance Act, Industrial Safety and Health Act, Industrial Accident Compensation Insurance Act, as well as other major laws related to employment conditions. Consequently, foreign workers are to be provided health examinations (Article 4 par.3 item 4), health advice and guidance from the employer (Article 4 par.3 item 5), maternity leave and other measures appropriate during pregnancy and child birth (Article 4 par.3 item 6), safe working environment (Article 4 par.3 item 7), medical and industrial accident insurance and related explanation and guidance (Article 4 par.4 items 1 and 2). It is also compulsory that Japanese residents join one of the health insurance schemes. Neither the guidelines, nor the relevant laws make a distinction based on the residence status of a worker or introduce any conditions for the access dependent on it (Industrial Safety and Health Act Article 2 par. 1 item 2, Industrial Accident Compensation Insurance Act Article 3, Health Insurance Act Article 3 par. 1, National Health Insurance Act Articles 5 and 6). Conditions for inclusion into a particular scheme depend on one's type of employment and access to other insurance schemes, rather than nationality or occupation. Employees in most industries of a business employing over 5 full-time employees are to be covered by an Employees' Health Insurance, while residents employed in SMEs, part-time work, seasonal work, students, etc. (any category that does not correspond to the Health Insurance Act) are to join National Health Insurance provided by municipalities.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2 and 4. / 健康保険法 [Health Insurance Act]. 1922. Art. 3. / 国民健康保険法 [National Health Insurance Act]. 1958. Art. 5 and 6. / 労働安全衛生法 [Industrial Safety and Health Act]. 1972. Art. 2. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 3.

Conditions for inclusion of refugees in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Health Insurance Act, National Health Insurance Act, Industrial Safety and Health Act, Industrial Accident Compensation Insurance Act, as well as other major laws related to employment conditions. Consequently, foreign workers are to be provided health examinations (Article 4 par.3 item 4), health advice and guidance from the employer (Article 4 par.3 item 5), maternity leave and other measures appropriate during pregnancy and child birth (Article 4 par.3 item 6), safe working environment (Article 4 par.3 item 7), medical and industrial accident insurance and related explanation and guidance (Article 4 par.4 items 1 and 2). It is also compulsory that Japanese residents join one of the health insurance schemes. Neither the guidelines, nor the relevant laws make a distinction based on the residence status of a worker or introduce any conditions for the access dependent on it (Industrial Safety and Health Act Article 2 par. 1 item 2, Industrial Accident Compensation Insurance Act Article 3, Health Insurance Act Article 3 par. 1, National Health Insurance Act Articles 5 and 6). Conditions for inclusion into a particular scheme depend on one's type of employment and access to other insurance schemes, rather than nationality or occupation. Employees in most industries of a business employing over 5 full-time employees are to be covered by an Employees' Health Insurance, while residents employed in SMEs, part-time work, seasonal work, students, etc. (any category that does not correspond to the Health Insurance Act) are to join National Health Insurance provided by municipalities.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2 and 4. / 健康保険法 [Health Insurance Act]. 1922. Art. 3. / 国民健康保険法 [National Health Insurance Act]. 1958. Art. 5 and 6. / 労働安全衛生法 [Industrial Safety and Health Act]. 1972. Art. 2. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 3.

Conditions for inclusion of co-ethnics in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Health Insurance Act, National Health Insurance Act, Industrial Safety and Health Act, Industrial Accident Compensation Insurance Act, as well as other major laws related to employment conditions. Consequently, foreign workers are to be provided health examinations (Article 4 par.3 item 4), health advice and guidance from the employer (Article 4 par.3 item 5), maternity leave and other measures appropriate during pregnancy and child birth (Article 4 par.3 item 6), safe working environment (Article 4 par.3 item 7), medical and industrial accident insurance and related explanation and guidance (Article 4 par.4 items 1 and 2). It is also compulsory that Japanese residents join one of the health insurance schemes. Neither the guidelines, nor the relevant laws make a distinction based on the residence status of a worker or introduce any conditions for the access dependent on it (Industrial Safety and Health Act Article 2 par. 1 item 2, Industrial Accident Compensation Insurance Act Article 3, Health Insurance Act Article 3 par. 1, National Health Insurance Act Articles 5 and 6). Conditions for inclusion into a particular scheme depend on one's type of employment and access to other insurance schemes, rather than nationality or occupation. Employees in most industries of a business employing over 5 full-time employees are to be covered by an Employees' Health Insurance, while residents employed in SMEs, part-time work, seasonal work, students, etc. (any category that does not correspond to the Health Insurance Act) are to join National Health Insurance provided by municipalities.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2 and 4. / 健康保険法 [Health Insurance Act]. 1922. Art. 3. / 国民健康保険法 [National Health Insurance Act]. 1958. Art. 5 and 6. / 労働安全衛生法 [Industrial Safety and Health Act]. 1972. Art. 2. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 3.

Conditions for inclusion of domestic workers in the health care system:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Conditions for inclusion of agricultural workers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Health Insurance Act, National Health Insurance Act, Industrial Safety and Health Act, Industrial Accident Compensation Insurance Act, as well as other major laws related to employment conditions. Consequently, foreign workers are to be provided health examinations (Article 4 par.3 item 4), health advice and guidance from the employer (Article 4 par.3 item 5), maternity leave and other measures appropriate during pregnancy and child birth (Article 4 par.3 item 6), safe working environment (Article 4 par.3 item 7), medical and industrial accident insurance and related explanation and guidance (Article 4 par.4 items 1 and 2). It is also compulsory that Japanese residents join one of the health insurance schemes. Neither the guidelines, nor the relevant laws make a distinction based on the

residence status of a worker or introduce any conditions for the access dependent on it (Industrial Safety and Health Act Article 2 par. 1 item 2, Industrial Accident Compensation Insurance Act Article 3, Health Insurance Act Article 3 par. 1, National Health Insurance Act Articles 5 and 6). Conditions for inclusion into a particular scheme depend on one's type of employment and access to other insurance schemes, rather than nationality or occupation. Employees in most industries of a business employing over 5 full-time employees are to be covered by an Employees' Health Insurance, while residents employed in SMEs, part-time work, seasonal work, students, etc. (any category that does not correspond to the Health Insurance Act) are to join National Health Insurance provided by municipalities.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2 and 4. / 健康保険法 [Health Insurance Act]. 1922. Art. 3. / 国民健康保険法 [National Health Insurance Act]. 1958. Art. 5 and 6. / 労働安全衛生法 [Industrial Safety and Health Act]. 1972. Art. 2. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 3.

Conditions for inclusion of medical doctors in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Health Insurance Act, National Health Insurance Act, Industrial Safety and Health Act, Industrial Accident Compensation Insurance Act, as well as other major laws related to employment conditions. Consequently, foreign workers are to be provided health examinations (Article 4 par.3 item 4), health advice and guidance from the employer (Article 4 par.3 item 5), maternity leave and other measures appropriate during pregnancy and child birth (Article 4 par.3 item 6), safe working environment (Article 4 par.3 item 7), medical and industrial accident insurance and related explanation and guidance (Article 4 par.4 items 1 and 2). It is also compulsory that Japanese residents join one of the health insurance schemes. Neither the guidelines, nor the relevant laws make a distinction based on the residence status of a worker or introduce any conditions for the access dependent on it (Industrial Safety and Health Act Article 2 par. 1 item 2, Industrial Accident Compensation Insurance Act Article 3, Health Insurance Act Article 3 par. 1, National Health Insurance Act Articles 5 and 6). Conditions for inclusion into a particular scheme depend on one's type of employment and access to other insurance schemes, rather than nationality or occupation. Employees in most industries of a business employing over 5 full-time employees are to be covered by an Employees' Health Insurance, while residents employed in SMEs, part-time work, seasonal work, students, etc. (any category that does not correspond to the Health Insurance Act) are to join National Health Insurance provided by municipalities.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2 and 4. / 健康保険法 [Health Insurance Act]. 1922. Art. 3. / 国民健康保険法 [National Health Insurance Act]. 1958. Art. 5 and 6. / 労働安全衛生法 [Industrial Safety and Health Act]. 1972. Art. 2. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 3.

Conditions for inclusion of permanent residents in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. According to the guidelines by the Ministry of Health, Labor and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Health Insurance Act, National Health Insurance Act, Industrial Safety and Health Act, Industrial

Accident Compensation Insurance Act, as well as other major laws related to employment conditions. Consequently, foreign workers are to be provided health examinations (Article 4 par.3 item 4), health advice and guidance from the employer (Article 4 par.3 item 5), maternity leave and other measures appropriate during pregnancy and child birth (Article 4 par.3 item 6), safe working environment (Article 4 par.3 item 7), medical and industrial accident insurance and related explanation and guidance (Article 4 par.4 items 1 and 2). It is also compulsory that Japanese residents join one of the health insurance schemes. Neither the guidelines, nor the relevant laws make a distinction based on the residence status of a worker or introduce any conditions for the access dependent on it (Industrial Safety and Health Act Article 2 par. 1 item 2, Industrial Accident Compensation Insurance Act Article 3, Health Insurance Act Article 3 par. 1, National Health Insurance Act Articles 5 and 6). Conditions for inclusion into a particular scheme depend on one's type of employment and access to other insurance schemes, rather than nationality or occupation. Employees in most industries of a business employing over 5 full-time employees are to be covered by an Employees' Health Insurance, while residents employed in SMEs, part-time work, seasonal work, students, etc. (any category that does not correspond to the Health Insurance Act) are to join National Health Insurance provided by municipalities.

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2 and 4. / 健康保険法 [Health Insurance Act]. 1922. Art. 3. / 国民健康保険法 [National Health Insurance Act]. 1958. Art. 5 and 6. / 労働安全衛生法 [Industrial Safety and Health Act]. 1972. Art. 2. / 労働者災害補償保険法 [Industrial Accident Compensation Insurance Act]. 1947. Art. 3.

IMMIGRANT_51: Coverage of health care services.

Health care coverage for asylum seekers.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

Health care coverage for refugees.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

Health care coverage for co-ethnics.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

Health care coverage for domestic workers.

Answer: Not applicable

Code: Not applicable

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

Health care coverage for agricultural workers.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

Health care coverage for medical doctors.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

Health care coverage for permanent residents.

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals. Overall, treatment of foreigners when it comes to health insurance is not different from the nationals. No restrictions on health insurance coverage for foreigners are included into the National Health Insurance Act or Health Insurance Act.

Sources: 健康保険法 [Health Insurance Act]. 1922. / 国民健康保険法 [National Health Insurance Act]. 1958.

5.4.4. Unemployment benefits

IMMIGRANT_52: Unemployment benefits.

Access of asylum seekers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labour and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Employment Security Act (provides for assistance in employment placement) and Employment Insurance Act (provides for unemployment allowance). The former guarantees equality of treatment regardless of ones' socio-economic characteristics (Article 3). Although not all workers are covered by the unemployment insurance, according to the latter act, access to benefits and their type are not determined by ones' residence status, but ones' type of employment (part-time work, day work, seasonal work), age and access to benefits based on other laws (mariners, public servants, etc.) (Articles 5, 6, 38, 43).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 職業安定法 [Employment Security Act]. 1947. Art. 3. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 5, 6, 38 and 43.

Access of refugees to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labour and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Employment Security Act (provides for assistance in employment placement) and Employment Insurance Act (provides for unemployment allowance). The former guarantees equality of treatment regardless of ones' socio-economic characteristics (Article 3). Although not all workers are covered by the unemployment insurance, according to the latter act, access to benefits and their type are not determined by ones' residence status, but ones' type of employment (part-time work, day work, seasonal work), age and access to benefits based on other laws (mariners, public servants, etc.) (Articles 5, 6, 38, 43).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 職業安定法 [Employment Security Act]. 1947. Art. 3. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 5, 6, 38 and 43.

Access of co-ethnics to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labour and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Employment Security Act (provides for assistance in employment placement) and Employment Insurance Act (provides for unemployment allowance). The former guarantees equality of treatment regardless of ones' socio-economic characteristics (Article 3). Although not all workers are covered by the unemployment insurance, according to the latter act, access to benefits and their type are not determined by ones' residence status, but ones' type of employment (part-time work, day work, seasonal work), age and access to benefits based on other laws (mariners, public servants, etc.) (Articles 5, 6, 38, 43).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 職業安定法 [Employment Security Act]. 1947. Art. 3. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 5, 6, 38 and 43.

Access of domestic workers to unemployment benefits as compared to citizen residents:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Access of agricultural workers to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labour and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Employment Security Act (provides for assistance in employment placement) and Employment Insurance Act (provides for unemployment allowance). The former guarantees equality of treatment regardless of ones' socio-economic characteristics (Article 3). Although not all workers are covered by the unemployment insurance, according to the latter act, access to benefits and their type are not determined by ones' residence status, but ones' type of employment (part-time work, day work, seasonal work), age and access to benefits based on other laws (mariners, public servants, etc.) (Articles 5, 6, 38, 43).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 職業安定法 [Employment Security Act]. 1947. Art. 3. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 5, 6, 38 and 43.

Access of medical doctors to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labour and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Employment Security Act (provides for assistance in employment placement) and Employment Insurance Act (provides for unemployment allowance). The former guarantees equality of treatment regardless of ones' socio-economic characteristics (Article 3). Although not all workers are covered by the unemployment insurance, according to the latter act, access to benefits and their type are not determined by ones' residence status, but ones' type of employment (part-time work, day work, seasonal work), age and access to benefits based on other laws (mariners, public servants, etc.) (Articles 5, 6, 38, 43).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 職業安定法 [Employment Security Act]. 1947. Art. 3. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 5, 6, 38 and 43.

Access of permanent residents to unemployment benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the guidelines by the Ministry of Health, Labour and Welfare for the Employment Measures Act (Article 2), any foreign worker should be covered by the Employment Security Act (provides for assistance in employment placement) and Employment Insurance Act (provides for unemployment allowance). The former guarantees equality of treatment regardless of ones' socio-economic characteristics (Article 3). Although not all workers are covered by the unemployment insurance, according to the latter act, access to benefits and their type are not determined by ones' residence status, but ones' type of employment (part-time work, day work, seasonal work), age and access to benefits based on other laws (mariners, public servants, etc.) (Articles 5, 6, 38, 43).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 職業安定法 [Employment Security Act]. 1947. Art. 3. / 雇用保険法 [Employment Insurance Act]. 1974. Art. 5, 6, 38 and 43.

5.4.5. Retirement benefits

IMMIGRANT_53: Retirement benefits.

Access of asylum seekers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the policy notice by the Ministry of Health, Labor and Welfare for the Employment measures act, any foreign worker should be covered by the Employees' Pension Insurance Act and National Pension Act (Article 2). Consequently, employers are to provide their employees with assistance and explanations in arranging for the benefits (Article 4 par.4 item 2 clause 4). According to the National Pension Act, all residents of Japan aged between 20 and 60 have to register with the National Pension Fund (Article 7 par. 1 item 1). Employees' Pension Insurance, however, only applies to persons in particular industries under 70 years of age (Articles 6 and 9).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 国民年金法 [National Pension Act]. 1959. Art. 7. / 厚生年金保険法 [Employees' Pension Insurance Act]. 1954. Art. 6 and 9.

Access of refugees to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the policy notice by the Ministry of Health, Labor and Welfare for the Employment measures act, any foreign worker should be covered by the Employees' Pension Insurance Act and National Pension Act (Article 2). Consequently, employers are to provide their employees with assistance and explanations in arranging for the benefits (Article 4 par.4 item 2 clause 4). According to the National Pension Act, all residents of Japan aged between 20 and 60 have to register with the National Pension Fund (Article 7 par. 1 item 1). Employees' Pension Insurance, however, only applies to persons in particular industries under 70 years of age (Articles 6 and 9).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 国民年金法 [National Pension Act]. 1959. Art. 7. / 厚生年金保険法 [Employees' Pension Insurance Act]. 1954. Art. 6 and 9.

Access of co-ethnics to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the policy notice by the Ministry of Health, Labor and Welfare for the Employment measures act, any foreign worker should be covered by the Employees' Pension Insurance Act and National Pension Act (Article 2). Consequently, employers are to provide their employees with assistance and explanations in arranging for the benefits (Article 4 par.4 item 2 clause 4). According to the National Pension Act, all residents of Japan aged between 20 and 60 have to register with the National Pension Fund (Article 7 par. 1 item 1). Employees' Pension Insurance, however, only applies to persons in particular industries under 70 years of age (Articles 6 and 9).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 国民年金法 [National Pension Act]. 1959. Art. 7. / 厚生年金保険法 [Employees' Pension Insurance Act]. 1954. Art. 6 and 9.

Access of domestic workers to retirement benefits as compared to citizen residents:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Access of agricultural workers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the policy notice by the Ministry of Health, Labor and Welfare for the Employment measures act, any foreign worker should be covered by the Employees' Pension Insurance Act and National Pension Act (Article 2). Consequently, employers are to provide their employees with assistance and explanations in arranging for the benefits (Article 4 par.4 item 2 clause 4). According to the National Pension Act, all residents of Japan aged between 20 and 60 have to register with the National Pension Fund (Article 7 par. 1 item 1). Employees' Pension Insurance, however, only applies to persons in particular industries under 70 years of age (Articles 6 and 9).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 国民年金法 [National Pension Act]. 1959. Art. 7. / 厚生年金保険法 [Employees' Pension Insurance Act]. 1954. Art. 6 and 9.

Access of medical doctors to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the policy notice by the Ministry of Health, Labor and Welfare for the Employment measures act, any foreign worker should be covered by the Employees' Pension Insurance Act and National Pension Act (Article 2). Consequently, employers are to provide their employees with assistance and explanations in arranging for the benefits (Article 4 par.4 item 2 clause 4). According to the National Pension Act, all residents of Japan aged between 20 and 60 have to register with the National Pension Fund (Article 7 par. 1 item 1). Employees' Pension Insurance, however, only applies to persons in particular industries under 70 years of age (Articles 6 and 9).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 国民年金法 [National Pension Act]. 1959. Art. 7. / 厚生年金保険法 [Employees' Pension Insurance Act]. 1954. Art. 6 and 9.

Access of permanent residents to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: According to the policy notice by the Ministry of Health, Labor and Welfare for the Employment measures act, any foreign worker should be covered by the Employees' Pension Insurance Act and National Pension Act (Article 2). Consequently, employers are to provide their employees with assistance and explanations in arranging for the benefits (Article 4 par.4 item 2 clause 4). According to the National Pension Act, all residents of Japan aged between 20 and 60 have to register with the National Pension Fund (Article 7 par. 1 item 1). Employees' Pension Insurance, however, only applies to persons in particular industries under 70 years of age (Articles 6 and 9).

Sources: Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 2. / 国民年金法 [National Pension Act]. 1959. Art. 7. / 厚生年金保険法 [Employees' Pension Insurance Act]. 1954. Art. 6 and 9.

5.5. Cultural policies

IMMIGRANT_54: Funding for bilingual education.

Is there public funding for bilingual education in the language of majoritarian migrant groups?

Answer: no

Code: 0

Explanation: Not at the central government level. Following the amendment of Immigration Control Act to enable larger scale labour migration, the Cabinet's outline of comprehensive measures for accepting foreign labour and co-existence with foreigners proposed large financial support for various integration initiatives. This includes initiatives for improving education for foreign children with such proposals as introduction of automated translation systems at local public institutions and provision of support to improve communication at schools through specialized assistants with proficiency in Japanese and mother tongue of children. The plan does not include initiatives that explicitly promote bilingual education and the amount of budget allocated for education policy area is the smallest (500 mln yen versus over 4 bln yen for improving administration for immigrants). The media coverage mostly confirms the insufficiency of centralized efforts for accommodating foreign children in Japanese education system. However, newspapers have also brought to light successful, although few, initiatives of the local governments for facilitating education for foreign children, including introduction of courses with bilingual stuff (e.g. Asahi Shimbun).

Sources: 3rd Assembly of Responsible Cabinet Ministers. “外国人材の受入れ・共生のための総合的対応策 [Comprehensive Measures for Accepting Foreign Labour and Co-Existence]”. Accessed July 12, 2019. <https://www.kantei.go.jp/jp/singi/gaikokujinzai/kaigi/dai3/gijisidai.html>. / The Asahi Shimbun. “Editorial: Foreign Children in Japan Deserve Equal Education Opportunities”. Accessed July 12, 2019. <http://www.asahi.com/ajw/articles/AJ201903010022.html>. / The Japan Times Online. “As Foreign Labor System Evolves, Education Has to Play Catch-Up”. Accessed July 12, 2019. <https://www.japantimes.co.jp/news/2018/11/20/national/social-issues/foreign-children-need-japanese-language-help/>.

IMMIGRANT_55: Funding for media on main migrant group's language.

Is there public funding for media in the language of the main migrant group?

Answer: yes

Code: 1

Explanation: The only Japanese public broadcaster – NHK – offers TV (English and Japanese), radio (17 foreign languages) and online (variety of languages) media services. These services are not specifically aimed at immigrants living in Japan, but also as a means of “soft power”. The corporation also has a range of services explicitly made for foreigners living in Japan and conducts research to improve the quality of these services, particularly after the triple disaster in North-Eastern Japan in 2011. Such services include emergency information in English, Chinese, Korean and Portuguese, news with English subtitles, English dubbing, etc. Multilingual local broadcasters are also supported by some local authorities (at the prefecture level), e.g. in Aichi.

Sources: NHK. “NHK Corporate Information | Overview of Operations”. Accessed July 12, 2019. <https://www.nhk.or.jp/corporateinfo/english/operation/index.html>. / 出石直 [Izushi, Atai]. “在日外国人と

メディア～東日本大震災の経験から [Foreign Residents in Japan and the Media: After the Disaster in North-Eastern Japan]”. NHK 解説委員室[NHK Commentary Section]. Access date not available. <https://www.shujutoshi.jp/2012/pdf/2012ideishi.pdf>. / Aichi International Association. “愛知県国際交流協会（AIA）外国語ラジオ放送 [Aichi International Association (AIA) Radio Broadcasts in Foreign Languages]”. Accessed July 12, 2019. <http://www2.aia.pref.aichi.jp/kikaku/j/radio/main.html>.

5.6. Mobility policies

5.6.1. Identity documents

IMMIGRANT_56: Confiscation of identification documents.

Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: Existing laws do not explicitly provide for such a right. The Immigration Control Act states that it is an obligation of foreigners (excluding those under 16 years of age) to carry their identification documents with them at all times and to present them on demand to the authorities, who, in their turn, are also to have an appropriate ID (Article 23). On the other hand, the law does not make it explicit that foreigners are protected from the confiscation of their documents by other persons. The guidelines by the Ministry of Health, Labor and Welfare for those who employ foreign workers is the only document that refers to this issue, although it also does not mention legal protection of foreign workers or their rights. It notes that employers should not keep foreign workers' passports or residence cards and have to return workers' valuables, if they keep any, after the workers' resignation (Article 4 par. 2 item 7).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 4.

Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: Existing laws do not explicitly provide for such a right. The Immigration Control Act states that it is an obligation of foreigners (excluding those under 16 years of age) to carry their identification documents with them at all times and to present them on demand to the authorities, who, in their turn, are also to have an appropriate ID (Article 23). On the other hand, the law does not make it explicit that foreigners are protected from the confiscation of their documents by other persons. The guidelines by the Ministry of Health, Labor and Welfare for those who employ foreign workers is the only document that refers to this issue, although it also does not mention legal protection of foreign workers or their rights. It notes that employers should not keep foreign workers' passports or residence cards and have to return workers' valuables, if they keep any, after the workers' resignation (Article 4 par. 2 item 7).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 4.

Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: Existing laws do not explicitly provide for such a right. The Immigration Control Act states that it is an obligation of foreigners (excluding those under 16 years of age) to carry their identification documents with them at all times and to present them on demand to the authorities, who, in their turn, are also to have an appropriate ID (Article 23). On the other hand, the law does not make it explicit that foreigners are protected from the confiscation of their documents by other persons. The guidelines by the Ministry of Health, Labor and Welfare for those who employ foreign workers is the only document that refers to this issue, although it also does not mention legal protection of foreign workers or their rights. It notes that employers should not keep foreign workers' passports or residence cards and have to return workers' valuables, if they keep any, after the workers' resignation (Article 4 par. 2 item 7).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 4.

Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: Existing laws do not explicitly provide for such a right. The Immigration Control Act states that it is an obligation of foreigners (excluding those under 16 years of age) to carry their identification documents with them at all times and to present them on demand to the authorities, who, in their turn, are also to have an appropriate ID (Article 23). On the other hand, the law does not make it explicit that foreigners are protected from the confiscation of their documents by other persons. The guidelines by the Ministry of Health, Labor and Welfare for those who employ foreign workers is the only document that refers to this issue, although it also does not mention legal protection of foreign workers or their rights. It notes that employers should not keep foreign workers' passports or residence cards and have to return workers' valuables, if they keep any, after the workers' resignation (Article 4 par. 2 item 7).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 4.

Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: Existing laws do not explicitly provide for such a right. The Immigration Control Act states that it is an obligation of foreigners (excluding those under 16 years of age) to carry their identification documents with them at all times and to present them on demand to the authorities, who, in their turn, are also to have an appropriate ID (Article 23). On the other hand, the law does not make it explicit that foreigners are protected from the confiscation of their documents by other persons. The guidelines by the Ministry of Health, Labor and Welfare for those who employ foreign workers is the only document that refers to this issue, although it also does not mention legal protection of foreign workers or their rights. It notes that employers should not keep foreign workers' passports or residence cards and have to return workers' valuables, if they keep any, after the workers' resignation (Article 4 par. 2 item 7).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 4.

Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: Existing laws do not explicitly provide for such a right. The Immigration Control Act states that it is an obligation of foreigners (excluding those under 16 years of age) to carry their identification documents with them at all times and to present them on demand to the authorities, who, in their turn, are also to have an appropriate ID (Article 23). On the other hand, the law does not make it explicit that foreigners are protected from the confiscation of their documents by other persons. The guidelines by the Ministry of Health, Labor and Welfare for those who employ foreign workers is the only document that refers to this issue, although it also does not mention legal protection of foreign workers or their rights. It notes that employers should not keep foreign workers' passports or residence cards and have to return workers' valuables, if they keep any, after the workers' resignation (Article 4 par. 2 item 7).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 23. / Ministry of Health, Labour and Welfare Notice No. 276. 2007. Art. 4.

5.6.2. Freedom of movement

IMMIGRANT_57: Freedom of movement within country.

Do asylum seekers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: Since asylum seekers stay in Japan under a provisional permission to stay or under a permission for temporary refuge, the Immigration Control Act reserves the right of the authorities to restrict the area of their movement in Japan when granting these permissions (Articles 61-2-4 par 3, 18-2 par 4). Once and if they receive a “designated activities” visa these restrictions may no longer apply.

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-4 and 18-4.

Do refugees have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: The Immigration Control Act only provides for the right of the authorities to restrict the area of movement for the persons who stay in Japan under a provisional or temporary permit, for the purpose of a transfer or who are supposed to leave Japan under a departure order or through deportation. Persons who have a valid residence status are not restricted. However, they are obliged to report the place of residence to the authorities or any changes thereof (Articles 19-7, 19-8, 19-9). Failure to do so constitutes one of the reasons sufficient for a revocation of the residence permit (Article 22-4 par. 1 items 8-10).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-7, 19-8, 19-9, and 22-4.

Do co-ethnics have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: The Immigration Control Act only provides for the right of the authorities to restrict the area of movement for the persons who stay in Japan under a provisional or temporary permit, for the purpose of a transfer or who are supposed to leave Japan under a departure order or through deportation. Persons who have a valid residence status are not restricted. However, they are obliged to report the place of residence to the authorities or any changes thereof (Articles 19-7, 19-8, 19-9). Failure to do so constitutes one of the reasons sufficient for a revocation of the residence permit (Article 22-4 par. 1 items 8-10).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-7, 19-8, 19-9, and 22-4.

Do domestic workers have the right to move freely within the country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: The Immigration Control Act only provides for the right of the authorities to restrict the area of movement for the persons who stay in Japan under a provisional or temporary permit, for the purpose of a transfer or who are supposed to leave Japan under a departure order or through deportation. Persons who have a valid residence status are not restricted. However, they are obliged to report the place of residence to the authorities or any changes thereof (Articles 19-7, 19-8, 19-9). Failure to do so constitutes one of the reasons sufficient for a revocation of the residence permit (Article 22-4 par. 1 items 8-10).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-7, 19-8, 19-9, and 22-4.

Do medical doctors have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: The Immigration Control Act only provides for the right of the authorities to restrict the area of movement for the persons who stay in Japan under a provisional or temporary permit, for the purpose of a transfer or who are supposed to leave Japan under a departure order or through deportation. Persons who have a valid residence status are not restricted. However, they are obliged to report the place of residence to the authorities or any changes thereof (Articles 19-7, 19-8, 19-9). Failure to do so constitutes one of the reasons sufficient for a revocation of the residence permit (Article 22-4 par. 1 items 8-10).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-7, 19-8, 19-9, and 22-4.

Do permanent residents have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: The Immigration Control Act only provides for the right of the authorities to restrict the area of movement for the persons who stay in Japan under a provisional or temporary permit, for the purpose of a transfer or who are supposed to leave Japan under a departure order or through deportation. Persons who have a valid residence status are not restricted. However, they are obliged to report the place of residence to the authorities or any changes thereof (Articles 19-7, 19-8, 19-9). Failure to do so constitutes one of the reasons sufficient for a revocation of the residence permit (Article 22-4 par. 1 items 8-10).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 19-7, 19-8, 19-9, and 22-4.

IMMIGRANT_58: Freedom to move outside the country.

Do asylum seekers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Asylum seekers are subject to stricter control than other proxies. Those who gained the permission to stay under the “designated activities” residence status after filing an application for asylum, cannot leave the country without acquiring re-entry permission (Order Article 29-4 par. 1 item 4). The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Act Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 26.

Number of months of absence allowed per year (asylum seekers):

Answer: Not applicable

Code: Not applicable

Explanation: Unspecified. Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Asylum seekers are subject to stricter control than other proxies. Those who gained the permission to stay under the “designated activities” residence status after filing an application for asylum, cannot leave the country without acquiring re-entry permission (Order Article 29-4 par. 1 item 4). The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Act Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 26.

Do refugees have the right to leave the country?

Answer: yes

Code: 1

Explanation: Refugees are not precluded from leaving Japan, but their movement is controlled. Under the Immigration Control Act (Article 61-2-12 par. 1) a Refugee is to apply for a Refugee travel document, if he wants to leave the country. The validity period of this document is 1 year (Article 61-2-12 par.3). A refugee can enter and depart from Japan within the validity period of the Refugee travel document without a re-entry permission (Article 61-2-12 par.4). The validity period for re-entry may be limited to 3 months or more and less than 1 year, but extendable by no more than 6 months (Article 61-2-12 par.5 and 6).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-12.

Number of months of absence allowed per year (refugees):

Answer: 12

Code: 12

Explanation: Refugees are not precluded from leaving Japan, but their movement is controlled. Under the Immigration Control Act (Article 61-2-12 par. 1) a Refugee is to apply for a Refugee travel document, if he wants to leave the country. The validity period of this document is 1 year (Article 61-2-12 par.3). A refugee can enter and depart from Japan within the validity period of the Refugee travel document without a re-entry permission (Article 61-2-12 par.4). The validity period for re-entry may be limited to 3 months or more and less than 1 year, but extendable by no more than 6 months (Article 61-2-12 par.5 and 6).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Art. 61-2-12.

Do co-ethnics have the right to leave the country?

Answer: yes

Code: 1

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2) Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Number of months of absence allowed per year (co-ethnics):

Answer: 12

Code: 12

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2) Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Do domestic workers have the right to leave the country?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of months of absence allowed per year (domestic workers):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2). Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Number of months of absence allowed per year (agricultural workers):

Answer: 12

Code: 12

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2) Beyond this period, a foreign resident

may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Do medical doctors have the right to leave the country?

Answer: yes

Code: 1

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2). Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Number of months of absence allowed per year (medical doctors):

Answer: 12

Code: 12

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2). Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Do permanent residents have the right to leave the country?

Answer: yes

Code: 1

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express

their intention to return to the immigration officer (Article 26-2). Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

Number of months of absence allowed per year (permanent residents):

Answer: 12

Code: 12

Explanation: Under the Immigration Control Act and its enforcement order, foreign residents have the right to leave the country, although their movement is controlled. Mid-to long-term residents are entitled to a special re-entry permit, which is granted automatically for a period of up to a year (so that it does not exceed the expiry date of their period of stay) when they leave the country and express their intention to return to the immigration officer (Article 26-2). Beyond this period, a foreign resident may apply for a re-entry permit, if he intends to leave Japan and return before the expiration of his period of stay. The permit length is at the discretion of the authorities and cannot exceed 5 years, although an extension for up to an extra year is possible (Article 26).

Sources: 出入国管理及び難民認定法 [Immigration Control and Refugee Recognition Act]. 1951. Arts 26 and 26-2.

5.6.3. Obligations

5.6.4. Military service

IMMIGRANT_59: Military service.

Do asylum seekers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Japan has no conscription, recruitment in Self-Defense forces is exam-based and competitive (Self-Defense Forces Act, Article 35). Hence, there are no obligations for immigrants related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

Do refugees have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Japan has no conscription, recruitment in Self-Defense forces is exam-based and competitive (Self-Defense Forces Act, Article 35). Hence, there are no obligations for immigrants related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

Do co-ethnics have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Japan has no conscription, recruitment in Self-Defense forces is exam-based and competitive (Self-Defense Forces Act, Article 35). Hence, there are no obligations for immigrants related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

Do domestic workers have the obligation to comply with military service?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Japan has no conscription, recruitment in Self-Defense forces is exam-based and competitive (Self-Defense Forces Act, Article 35). Hence, there are no obligations for immigrants related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

Do medical doctors have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Japan has no conscription, recruitment in Self-Defense forces is exam-based and competitive (Self-Defense Forces Act, Article 35). Hence, there are no obligations for immigrants related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

Do permanent residents have the obligation to comply with military service?

Answer: no military service in state of reception

Code: 97

Explanation: Japan has no conscription, recruitment in Self-Defense forces is exam-based and competitive (Self-Defense Forces Act, Article 35). Hence, there are no obligations for immigrants related to compulsory military service.

Sources: 自衛隊法 [Self-Defense Forces Act]. 1954. Art. 35.

5.6.5. Social service

IMMIGRANT_60: Social service.

Do asylum seekers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do refugees have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do co-ethnics have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do domestic workers have the obligation to comply with social service?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

Do permanent residents have the obligation to comply with social service?

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

5.6.6. Taxes

IMMIGRANT_61: Income taxes.

Do asylum seekers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: All non-permanent residents living in Japan for one year or more are liable to pay income taxes on domestically sourced and any other income paid in Japan or remitted to Japan from abroad under the Income Tax Act (Article 2 par. 1 items 3 and 4; Article 5 par. 1, Article 7 par. 1 item 2). The tax rate is progressive, varying between 5% (on income after deductions under 1 950 000 yen) and 45% (on income after deductions over 40 mln yen) (Article 89). The tax rate does not depend on the occupation of a person, but residence status and income only. To avoid double taxation on the same income, however, foreign residents who pay foreign income tax are allowed to credit certain amount of the foreign income tax against their Japanese income tax (Article 95). Residents whose estimated tax amount for the year (based on the income and tax of the previous year) exceed 150 thousand yen must pay the income tax in two pre-payments (third of the estimated tax each trimester) and submit a final income tax return to settle the remainder in the end of the year. Persons whose total income does not exceed total deductions and persons who receive salary income subject to withholding tax at source from only one payer not exceeding 20 million yen in that year and who have no other income exceeding 200,000 yen do not, as a rule, need to file an income tax return (Articles 104, 120-121).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 5, 7, 89, 95, 104, and 120-121.

Do refugees have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: All non-permanent residents living in Japan for one year or more are liable to pay income taxes on domestically sourced and any other income paid in Japan or remitted to Japan from abroad under the Income Tax Act (Article 2 par. 1 items 3 and 4; Article 5 par. 1, Article 7 par. 1 item 2). The tax rate is progressive, varying between 5% (on income after deductions under 1 950 000 yen) and 45% (on income after deductions over 40 mln yen) (Article 89). The tax rate does not depend on the occupation of a person, but residence status and income only. To avoid double taxation on the same income, however, foreign residents who pay foreign income tax are allowed to credit certain amount of the foreign income tax against their Japanese income tax (Article 95). Residents whose estimated tax amount for the year (based on the income and tax of the previous year) exceed 150 thousand yen must pay the income tax in two pre-payments (third of the estimated tax each trimester) and submit a final income tax return to settle the remainder in the end of the year. Persons whose total income does not exceed total deductions and persons who receive salary income subject to withholding tax at source from only one payer not exceeding 20 million yen in that year and who have no other income exceeding 200,000 yen do not, as a rule, need to file an income tax return (Articles 104, 120-121).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 5, 7, 89, 95, 104, and 120-121.

Do co-ethnics have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: All non-permanent residents living in Japan for one year or more are liable to pay income taxes on domestically sourced and any other income paid in Japan or remitted to Japan from abroad under the Income Tax Act (Article 2 par. 1 items 3 and 4; Article 5 par. 1, Article 7 par. 1 item 2). The

tax rate is progressive, varying between 5% (on income after deductions under 1 950 000 yen) and 45% (on income after deductions over 40 mln yen) (Article 89). The tax rate does not depend on the occupation of a person, but residence status and income only. To avoid double taxation on the same income, however, foreign residents who pay foreign income tax are allowed to credit certain amount of the foreign income tax against their Japanese income tax (Article 95). Residents whose estimated tax amount for the year (based on the income and tax of the previous year) exceed 150 thousand yen must pay the income tax in two pre-payments (third of the estimated tax each trimester) and submit a final income tax return to settle the remainder in the end of the year. Persons whose total income does not exceed total deductions and persons who receive salary income subject to withholding tax at source from only one payer not exceeding 20 million yen in that year and who have no other income exceeding 200,000 yen do not, as a rule, need to file an income tax return (Articles 104, 120-121).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 5, 7, 89, 95, 104, and 120-121.

Do domestic workers have to pay income taxes in state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do agricultural workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: All non-permanent residents living in Japan for one year or more are liable to pay income taxes on domestically sourced and any other income paid in Japan or remitted to Japan from abroad under the Income Tax Act (Article 2 par. 1 items 3 and 4; Article 5 par. 1, Article 7 par. 1 item 2). The tax rate is progressive, varying between 5% (on income after deductions under 1 950 000 yen) and 45% (on income after deductions over 40 mln yen) (Article 89). The tax rate does not depend on the occupation of a person, but residence status and income only. To avoid double taxation on the same income, however, foreign residents who pay foreign income tax are allowed to credit certain amount of the foreign income tax against their Japanese income tax (Article 95). Residents whose estimated tax amount for the year (based on the income and tax of the previous year) exceed 150 thousand yen must pay the income tax in two pre-payments (third of the estimated tax each trimester) and submit a final income tax return to settle the remainder in the end of the year. Persons whose total income does not exceed total deductions and persons who receive salary income subject to withholding tax at source from only one payer not exceeding 20 million yen in that year and who have no other income exceeding 200,000 yen do not, as a rule, need to file an income tax return (Articles 104, 120-121). Same system as described above. In addition, persons with income from full-time farming may be eligible to preferential system of prepayments (although this does not affect the overall annual amount). Persons who are recognized (through a separate application) as Special Farming Income Earners (those for whom over 70% of gross income are derived from a business involving agricultural production and whose farming income by 1 September exceeds 70% of the annual farming income (Article 2 par. 1 item 35)) are allowed to only make one prepayment as half of the estimated tax sum in the second trimester (i.e. skip the first payment and pay a smaller amount beforehand) (Article 107).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 5, 7, 89, 95, 104, and 120-121.

Do medical doctors have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: All non-permanent residents living in Japan for one year or more are liable to pay income taxes on domestically sourced and any other income paid in Japan or remitted to Japan from abroad under the Income Tax Act (Article 2 par. 1 items 3 and 4; Article 5 par. 1, Article 7 par. 1 item 2). The tax rate is progressive, varying between 5% (on income after deductions under 1 950 000 yen) and 45% (on income after deductions over 40 mln yen) (Article 89). The tax rate does not depend on the occupation of a person, but residence status and income only. To avoid double taxation on the same income, however, foreign residents who pay foreign income tax are allowed to credit certain amount of the foreign income tax against their Japanese income tax (Article 95). Residents whose estimated tax amount for the year (based on the income and tax of the previous year) exceed 150 thousand yen must pay the income tax in two pre-payments (third of the estimated tax each trimester) and submit a final income tax return to settle the remainder in the end of the year. Persons whose total income does not exceed total deductions and persons who receive salary income subject to withholding tax at source from only one payer not exceeding 20 million yen in that year and who have no other income exceeding 200,000 yen do not, as a rule, need to file an income tax return (Articles 104, 120-121).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 5, 7, 89, 95, 104, and 120-121.

Do permanent residents have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: The overall system is similar to other categories. However, unlike non-permanent residents, permanent residents have to pay income tax from all types of income they receive (i.e. including income received abroad and not remitted to Japan) (Article 7 par. 1, item 1).

Sources: 所得税法（非居住者，外国法人関連部分 [Income Tax Act (Provisions Related to Nonresidents and Foreign Corporations)]. 1965. Art. 2, 5, 7, 89, 95, 104, and 120-121.

5.7. Administration

IMMIGRANT_62: Existence of immigrant integration agency in state of reception.

Existence of institution/agency with competencies for immigrant policies:

Answer: no

Code: 0

Explanation: The Ministry of Justice and the Immigration Bureau do not include any bodies that are responsible for immigrants' integration or other affairs beyond their entry.

Sources: Ministry of Justice. "About the Ministry of Justice: Structure, Historical Background, Number of Regular Personnel, and Budget". Accessed July 12, 2019. <http://www.moj.go.jp/content/001262557.pdf>.

Name of the institution with competencies for immigrant policies in original language:

Answer: Not applicable

Name of the institution with competencies for immigrant policies in English:

Answer: Not applicable

Access to antidiscrimination body.

Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):

Answer: No

Code: 0

Explanation: Such institutions are underdeveloped in Japan overall. According to the Human Rights Watch Annual Report for 2018, Japan "has no law against racial, ethnic, or religious discrimination, or discrimination based on sexual orientation or gender identity, and accepts an extremely small number of refugees each year. Japan also has no national human rights institutions". However, there is a system of Administrative Evaluation Bureau (AEB) Administrative Counseling (within the Ministry of Internal Affairs and Communications), which receives complaints, opinions and requests from citizens regarding the central government administration. It functions as a type of ombudsman system and is a member of International Ombudsman Institute. Although, the official explanations about the system only refer to "citizens" (broad term "shimin" is used, which can be translated as "residents" too), all the materials are also translated into English and there is a separate consulting service in English too. Consulting is free and confidential, official documents contain no explicit restrictions on who can use the service.

Sources: Administrative Counseling Division, Administrative Evaluation Bureau, Ministry of Internal Affairs and Communication. "Japanese Ombudsman System". Accessed July 12, 2019. http://www.soumu.go.jp/main_content/000458949.pdf. / Human Rights Watch. "World Report 2019: Rights Trends in Japan". Accessed July 12, 2019. <https://www.hrw.org/world-report/2019/country-chapters/japan>. / Ministry of Internal Affairs and Communications. "MIC Administrative Counseling Center (English Leaflet)". Accessed July 12, 2019. http://www.soumu.go.jp/main_content/000615229.pdf.

6. Immigrant citizenship and nationality

6.1. Immigrant nationality

6.1.1. Immigrant dual nationality

IMNAT_1: Renunciation of previous nationality.

Does the country require applicants to naturalization by residence to renounce their previous nationality?

Answer: Yes

Code: 0

Explanation: The Nationality Act (Article 5 par. 1 item 5) states that acquisition of Japanese nationality through naturalization is impossible unless a person has no nationality or renounces his former nationality. An exception can be made when a person cannot give up former nationality, despite his intention, if special circumstances concerning a person's familial relationship or circumstances with a Japanese national are found (Article 5 par. 2).

Sources: 国籍法 [Nationality Act]. 1950. Art. 5.

Citizenship can be withdrawn only if person resides outside the country:

Answer: No

Code: 0

Explanation: The law does not make a distinction between Japanese nationals by birth and by naturalization in this case. The Nationality Act provides for sanctions if a person failed to formally select Japanese nationality and make a declaration renouncing another one, but sanctions for failing to renounce another nationality are not applied in practice. The Act states that a person who did not select Japanese nationality within two years after reaching 20 years of age or acquiring second nationality will receive a notice from the Minister of Justice and will lose Japanese nationality if it is not selected according to the formal procedure within a month after the notice (Articles 14 and 15). After making a selection a Japanese citizen has to "endeavor to renounce" his foreign nationality (Article 16 par 1). The law only provides for one instance when a person who failed to actually renounce his former nationality may be deprived of his Japanese nationality: when he becomes a public officer in a foreign state and the Minister of Justice deems that this post is markedly contrary to the purpose of the selection of Japanese nationality (Article 16 par. 2). In addition, the Act only contains penal provisions related to false notifications for acquiring nationality for children acknowledged by Japanese parents but does not make any such provisions for failing to renounce former nationality (Article 20). The media reports also suggest that the law is not enforced when it comes to dual citizenship, although the authorities try to track the cases of Japanese citizens' naturalization abroad (The Japan Times).

Sources: 国籍法 [Nationality Act]. 1950. Art. 14, 15, 20, and 16. / Sakura Murakami, and Cory Baird. "Dual Citizenship in Japan". Accessed July 7, 2019. <https://features.japantimes.co.jp/dualcitizenship/>.

Are there exceptions?

Answer: For some countries non-renunciation is tolerated because of those countries inalienable nationality

Code: 2

Explanation: The Nationality Act (Article 5 par. 1 item 5) states that acquisition of Japanese nationality through naturalization is impossible unless a person has no nationality or renounces his former nationality. An exception can be made when a person cannot give up former nationality, despite his intention, if special circumstances concerning a person's familial relationship or circumstances with a Japanese national are found (Article 5 par. 2).

Sources: 国籍法 [Nationality Act]. 1950. Art. 5.

IMNAT_1_1: Sanctions.

Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?

Answer: Yes

Code: 1

Explanation: The law does not make a distinction between Japanese nationals by birth and by naturalization in this case. The Nationality Act provides for sanctions if a person failed to formally select Japanese nationality and make a declaration renouncing another one, but sanctions for failing to renounce another nationality are not applied in practice. The Act states that a person who did not select Japanese nationality within two years after reaching 20 years of age or acquiring second nationality will receive a notice from the Minister of Justice and will lose Japanese nationality if it is not selected according to the formal procedure within a month after the notice (Articles 14 and 15). After making a selection a Japanese citizen has to "endeavor to renounce" his foreign nationality (Article 16 par 1).

The law only provides for one instance when a person who failed to renounce his former nationality may be deprived of his Japanese nationality: when he becomes a public officer in a foreign state and the Minister of Justice deems that this post is markedly contrary to the purpose of the selection of Japanese nationality (Article 16 par. 2). In addition, the Act only contains penal provisions related to false notifications for acquiring nationality for children acknowledged by Japanese parents but does not make any such provisions for failing to renounce former nationality (Article 20). The media reports also suggest that the law is not enforced when it comes to dual citizenship, although the authorities try to track the cases of Japanese citizens' naturalization abroad (The Japan Times).

Sources: 国籍法 [Nationality Act]. 1950. Art. 14, 15, 20, and 16. / Sakura Murakami, and Cory Baird. "Dual Citizenship in Japan". Accessed July 7, 2019. <https://features.japantimes.co.jp/dualcitizenship/>.

6.1.2. Emigrant dual nationality for immigrants who naturalized

IMNAT_2: Emigrant dual nationality for naturalized immigrants.

Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: Under the Nationality Act, a Japanese citizen (by birth or naturalization) loses Japanese nationality once he chooses to acquire a foreign one (Article 11).

Sources: 国籍法 [Nationality Act]. 1950. Art. 11.

6.1.3. Loss of nationality after residence abroad for naturalized immigrants

IMNAT_3: Loss after residence abroad for naturalized immigrants

For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad

Answer: No provision

Code: 1

Explanation: The Nationality Act contains no such provisions (unless an emigrant acquires foreign nationality, as explained above). Besides, the Constitution of Japan provides for an inviolable right of citizens to emigrate (Article 22 par. 2).

Sources: 日本国憲法 [The Constitution of Japan]. Art. 22. 1947.

After how many years abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.4. Unrestrictive jus soli

IMNAT_4: Unrestrictive jus soli.

Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?

Answer: No

Code: 0

Explanation: A person born in Japan is recognized as a Japanese citizen by birth if either of his parents is a Japanese citizen, or if a person's father died but was a Japanese citizen at the time of

death, or if a person's parents are unknown or have no nationality (Article 2). A person born in Japan can also receive Japanese citizenship by naturalization (Article 6 item 2, Article 8 item 4).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2, 6, and 8.

6.1.5. Qualified jus soli

IMNAT_5: Qualified jus soli.

Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?

Answer: No

Code: 0

Explanation: According to the Nationality Act, it is the parents' nationality, not their birthplace, that is the main criterion for acquiring nationality by birth in Japan (Article 2). Yet, a person born in Japan may be permitted to naturalize if his father or mother were also born in Japan (excluding adoptive parents) and if the person himself had a domicile or residence in Japan for three years or more (Article 6 item 2) and meets other conditions for naturalization as in Article 5 (a person is over 20 years of age, is of good conduct, makes his own living or is supported by a spouse, has no other nationalities or renounced them and is not involved in advocacy or organizations advocating or planning against the Japanese Constitution or government).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2 and 6.

6.1.6. Standard naturalization procedure for immigrants due to residence

IMNAT_6: Ordinary naturalization.

Does the country provide for standard naturalization procedure for immigrants due to residence in it?

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. Residence criteria vary across articles. The standard naturalization procedure (Article 5) requires that a person: Continuously had a domicile in Japan for at least 5 years; Is at least 20 years old and has the capacity to act according to his/her national law; Is a person of good conduct; Can make a living himself or with support of a spouse or a relative; Does not have another nationality or has to give it up due to the acquisition of the Japanese nationality; Is not engaged in advocacy against the Constitution of Japan or the government and is not a member of any organization planning or advocating to destroy them. The criteria for persons who have familial relationship with Japanese citizens (child, spouse), who were born in Japan, are long-term residents or provided distinguished service in Japan are moderated (Articles 6-9). [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for

acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Number of years of residence required for naturalization:

Answer: 5

Code: 5

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Number of continuous years of residence required for naturalization:

Answer: 5

Code: 5

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. Residence criteria vary across articles. The standard naturalization procedure (Article 5) requires that a person: Continuously had a domicile in Japan for at least 5 years [...] [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Permanent residence status is required for naturalization:

Answer: No

Code: 0

Explanation: It is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional.

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Renunciation of previous nationality is required:

Answer: Renunciation requirement except where no release by country of current citizenship or otherwise not possible

Code: 0.75

Explanation: The Nationality Act (Article 5 par. 1 item 5) states that acquisition of Japanese nationality through naturalization is impossible unless a person has no nationality or renounces his former nationality. An exception can be made when a person cannot give up former nationality, despite his intention, if special circumstances concerning a person's familial relationship or circumstances with a Japanese national are found (Article 5 par. 2).

Sources: 国籍法 [Nationality Act]. 1950. Art. 5.

Language condition for naturalization:

Answer: No language condition in the law

Code: 0

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. Residence criteria vary across articles. The standard naturalization procedure (Article 5) requires that a person: Continuously had a domicile in Japan for at least 5 years; Is at least 20 years old and has the capacity to act according to his/her national law; Is a person of good conduct; Can make a living himself or with support of a spouse or a relative; Does not have another nationality or has to give it up due to the acquisition of the Japanese nationality; Is not engaged in advocacy against the Constitution of Japan or the government and is not a member of any organization planning or advocating to destroy them. The criteria are moderated for persons who have familial relationship with Japanese citizens (child, spouse), who were born in Japan, are long-term residents or provided distinguished service in Japan (Articles 6-9). [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Civil knowledge is a requisite for naturalization:

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. Residence criteria vary across articles. The standard naturalization procedure (Article 5) requires that a person: Continuously had a domicile in Japan for at least 5 years; Is at least 20 years old and has the capacity to act according to his/her national law; Is a person of good conduct; Can make a living himself or with support of a spouse or a relative; Does not have another nationality or has to give it up due to the acquisition of the Japanese nationality; Is not engaged in advocacy against the Constitution of Japan or the government and is not a member of any organization planning or advocating to destroy them. The criteria are moderated for persons who have familial relationship with Japanese citizens (child, spouse), who were born in Japan, are long-term residents or provided distinguished service in Japan (Articles 6-9). [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Clean criminal record is a requisite:

Answer: Specific good character clause applying only to naturalization applicants OR no crimes carrying sentences of less than 1 years

Code: 0.75

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. Residence criteria vary across articles. The standard naturalization procedure (Article 5) requires that a person: Continuously had a domicile in Japan for at least 5 years; Is at least 20 years old and has the capacity to act according to his/her national law; Is a person of good conduct; Can make a living himself or with support of a spouse or a relative; Does not have another nationality or has to give it up due to the acquisition of the Japanese nationality; Is not engaged in advocacy against the Constitution of Japan or the government and is not a member of any organization planning or advocating to destroy them. The criteria are moderated for persons who have familial relationship with Japanese citizens (child, spouse), who were born in Japan, are long-term residents or provided distinguished service in Japan (Articles 6-9). [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

Economic resources as requisite for naturalization:

Answer: Includes employment condition or no welfare dependency ONLY at time of application

Code: 0.75

Explanation: Conditions for naturalization are established in Articles 5-8 of the Nationality Act. Residence criteria vary across articles. The standard naturalization procedure (Article 5) requires that a person: Continuously had a domicile in Japan for at least 5 years; Is at least 20 years old and has the capacity to act according to his/her national law; Is a person of good conduct; Can make a living himself or with support of a spouse or a relative; Does not have another nationality or has to give it up due to the acquisition of the Japanese nationality; Is not engaged in advocacy against the Constitution of Japan or the government and is not a member of any organization planning or advocating to destroy them. The criteria are moderated for persons who have familial relationship with Japanese citizens (child, spouse), who were born in Japan, are long-term residents or provided distinguished service in Japan (Articles 6-9). [Note: it is important to mention that the standard period of residence prerequisite for naturalization (5 years) is smaller than the period of residence prerequisite for acquiring permanent residence (10 years), which indicates that naturalization in practice is exceptional]

Sources: 国籍法 [Nationality Act]. 1950. Art. 5-9.

6.1.7. Socialization based acquisition of citizenship

IMNAT_7: Naturalization by socialization.

Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?

Answer: No provision

Code: 0

Explanation: The Nationality Act provides for naturalization of children of Japanese citizens with domicile in Japan, adopted children of Japanese citizens with domicile in Japan for a year or more and stateless children with domicile in Japan for at least three years (Article 8 items 1,2,4). The Act also does not apply the age criterion (minimum 20 years of age) for naturalization of spouses of Japanese citizens, who had a domicile in Japan for at least 3 years or who maintained a domicile in Japan for at least a year and if at least 3 years have elapsed since the marriage of this person (Article 7). The Act does not make provisions related to other forms of socialization.

Sources: 国籍法 [Nationality Act]. 1950. Art. 7 and 8.

6.1.8. Special procedure for immigrants with very long residence in country

IMNAT_8: Long residence.

Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?

Answer: No

Code: 0

Explanation: The Nationality Act provides for naturalization of persons who currently have a domicile in Japan, who have continuously had a residence in Japan for ten years or more (Article 6 item 3) and meet other standard conditions as in Article 5 (a person is over 20 years of age, is of good conduct, makes his own living or is supported by a spouse, has no other nationalities or renounced them and is not involved in advocacy or organizations advocating or planning against the Japanese Constitution or government).

Sources: 国籍法 [Nationality Act]. 1950. Art. 6.

6.1.9. Preferential naturalization for immigrants from specific countries

IMNAT_9: Preferential naturalization by country.

Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?

Answer: No

Code: 0

Explanation: There are no such provisions in the Nationality Act.

Sources: Not applicable

6.1.10. Cultural affinity/Ethnic ties

IMNAT_10: Preferential naturalization due to cultural or ethnic ties.

Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?

Answer: No

Code: 0

Explanation: The Nationality Act does not include any references to culture and does not explicitly mention ethnicity. However, since it sets the nationality of parents as the key criterion for defining the nationality of children and establishes more lenient procedures for acquiring nationality by persons who are children of Japanese nationals (Articles 6.1, 8.1), children of Japanese parents or former Japanese nationals could be seen as co-ethnics, indeed. The rules are also simplified for those persons who lost Japanese nationality, excluding those who acquired it through naturalization (Article 8.3). All the same, there are no specific provisions for the groups that are defined as co-ethnics elsewhere (Nikkei, for example).

Sources: 国籍法 [Nationality Act]. 1950. Art. 6.1, 8.1 and 8.3.

6.1.11. Spousal transfer

IMNAT_11: Spousal transfer.

Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: Article 7 of the Nationality Act states that spouses of Japanese nationals may be naturalized if they continuously maintained domicile in Japan for at least 3 years and have residence in Japan or if they continuously maintained domicile in Japan for at least a year and at least three years have elapsed since their marriage. Apart from these criteria, a foreign spouse is also to meet other standard naturalization criteria as in Article 5 (a person of good conduct, makes his own living or is supported by a spouse, has no other nationalities or renounced them and is not involved in advocacy or organizations planning or advocating against the Japanese Constitution or government) (Article 7).

Sources: 国籍法 [Nationality Act]. 1950. Art. 7.

6.1.12. Filial transfer

IMNAT_12: Filial transfer.

Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: The Nationality Act (Article 8 item 1) allows naturalization of a child (excluding an adopted child) of a Japanese citizen, if this child has a domicile in Japan, even if he does not meet the age (over 20 years of age), residence (at least 5 years) and income (capable of making a living oneself or with support of a spouse or relatives) requirements from Article 5 of the same Act.

Sources: 国籍法 [Nationality Act]. 1950. Art. 8.

6.1.13. Special naturalization for refugees

IMNAT_13: Refugees.

Does the country facilitate the acquisition of nationality by a refugee in its territory?

Answer: No

Code: 0

Explanation: There are no such provisions in the Nationality Act.

Sources: 国籍法 [Nationality Act]. 1950.

6.1.14. Naturalization for special achievements/talents

IMNAT_14: Special talents.

Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?

Answer: Yes

Code: 1

Explanation: The Nationality Act provides for naturalization of persons who have provided distinguished service in Japan, even if they do not meet the 5-year domicile requirement in Article 5 of the Act. Permission requires the Minister of Justice to acquire approval from the Parliament (Article 9). Neither the Act, nor the Enforcement Ordinance define “distinguished service”.

Sources: 国籍法 [Nationality Act]. 1950. Art. 9.

6.1.15. Naturalization due to investment/financial assets

IMNAT_15: Special talents.

Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?

Answer: No

Code: 0

Explanation: There are no such provisions in the Nationality Act.

Sources: Not applicable

6.1.16. Transfer to other relatives

IMNAT_16: Transfer to other relatives.

Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?

Answer: No

Code: 0

Explanation: There are no such provisions in the Nationality Act.

Sources: Not applicable

6.1.17. Nationality for the stateless

IMNAT_17: Stateless.

Does the country facilitate the naturalization of a stateless person in its territory?

Answer: No

Code: 0

Explanation: The Nationality Act only makes provisions for naturalization of stateless children (Article 2 item 3 and Article 8 item 4).

Sources: 国籍法 [Nationality Act]. 1950. Art. 2 and 8.

6.1.18. Nationality for regularized immigrants

IMNAT_18: Regularization.

Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?

Answer: No differentiation

Code: 0.5

Explanation: There are no such provisions in the Nationality Act.

Sources: 国籍法 [Nationality Act]. 1950.

6.1.19. Naturalization possible even if applicant had irregular status before

IMNAT_19: Irregular status.

Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?

Answer: No

Code: 0

Explanation: The Nationality Act does not make any specific provisions for naturalization of formerly irregular migrants. According to the standard naturalization procedure, a person applying for Japanese nationality is to be of good conduct (Article 5 item 3), which the irregular status of a migrant, being a penal offence, defies.

Sources: 国籍法 [Nationality Act]. 1950. Art. 5.

6.2. Immigrant citizenship

6.2.1. Restrictions on citizenship for naturalized immigrants

IMCIT_1: Restrictions for naturalized immigrants.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?

Answer: No

Code: 0

Explanation: Public Offices Election Act does not make a distinction between naturalized and regular citizens and does not restrict passive or active election rights of the former.

Sources: 公職選挙法 [Public Offices Election Act]. 1950.

For how long are the restrictions applied?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office posts?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized

IMCIT_2. Loss or suspension of citizenship.

Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: Neither the Nationality Act, nor the Public Offices Election Act contain such provisions.

Sources: Not applicable

Are these rights recovered upon return?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals

IMCIT_3: Restrictions for naturalized immigrants who are dual nationals.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?

Answer: No

Code: 0

Explanation: No provision on this exists specifically. In principle, only persons who have no nationality apart from the Japanese one can naturalize (Article 5 par. 1 item 5). Yet, an exception can be made for persons who are unable to give up their former nationality (Article 5 par. 2). Beyond that, the Act states that a person who selected the Japanese nationality only has to “endeavour to renounce” his foreign nationality (Article 16 par 1) and provides no penalties for those who fail to do that.

Sources: 国籍法 [Nationality Act]. 1950. Art. 5 and 16.

How long do the restrictions apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office post?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions (beyond electoral and public office posts).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable