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# Immigration Law and Policy of Japan in the Age of East Asian Community-Building\*

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*Japanese immigration law has been amended several times since 2000. These revisions aimed at coping with globalization and regionalization in East Asia. Since mobility is a critical issue for establishing a transnational labor market and ultimately a regional community, this article examines the interaction between Japanese immigration law, especially that of the Industrial Training and Technical Internship Program, and the struggle to build an East Asian Community. This article proposes enhancing the mutual recognition of certifications of skill as a means to promote the movement of people in the region.*

## Keywords

Immigration law, Mobility, East Asian Community, Industrial Training and Technical Internship Program, Mutual Recognition of Certifications

## I. Introduction

Japanese immigration law has been frequently amended since 2000. The Immigration Control and Refugee Recognition Act<sup>1</sup> was revised in 2001, 2004, 2005, 2006 and 2009. The overall trend has been providing immigrants with greater access to the Japanese labor market. The Tourism Nation Promotion Basic Plan<sup>2</sup> and the New Growth Strategy

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<sup>1</sup> Available at <http://www.moj.go.jp/ENGLISH/information/icrr-01.html> (last visited on Oct. 4, 2010).

<sup>2</sup> Available at <http://www.mlit.go.jp/kankocho/en/vision/plan.html> (last visited on Oct. 4, 2010).

(Basic Policy)<sup>3</sup> enumerated various measures to increase visitors to Japan. For example, the latter declared an annual target of 25,000,000 visitors – tourists as well as immigrants, to Japan by 2020,<sup>4</sup> from 7,711,828 in 2008.<sup>5</sup> In particular, the Japanese government has attempted to increase the number of ‘students’ to 300,000 by 2020.<sup>6</sup> In 2008, 138,514 college students, including undergraduate and graduate, and 41,313 pre-college students, vocational and language students, stayed in Japan.<sup>7</sup> Additionally, Japan removed a ban on Chinese group-tours in 2000 and individual-tour of Chinese in 2009. Furthermore, Japan is planning to relax the annual income requirement with regard to Chinese tourist visas, which is 250,000 Chinese Yuan.

The amendments were prompted by the needs to cope with globalization and the regionalization of East Asia. For example, the 2005 amendment was prepared for the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.<sup>8</sup> The amended Article 5, paragraph 1, item 7-2 of the Immigration Control Act stipulates that “a person who has committed trafficking in person shall be denied entry to Japan.”<sup>9</sup> “Trafficking in persons” is not specifically defined in any Japanese statute. Japanese courts refer the definition by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, a ratified international agreement. Article 3, paragraph 1 of the abovementioned Protocol defines “trafficking in persons”

<sup>3</sup> This is the cabinet decision made on December 30, 2009, available at [http://www.kantei.go.jp/foreign/topics/2009/1230strategy\\_image\\_e.pdf](http://www.kantei.go.jp/foreign/topics/2009/1230strategy_image_e.pdf) (last visited on Oct. 4, 2010).

<sup>4</sup> *Supra* note 2, at 5.

<sup>5</sup> IMMIGRATION BUREAU, MINISTRY OF JUSTICE OF JAPAN, 2009 IMMIGRATION CONTROL 2 (2009).

<sup>6</sup> Monbukagakusyo et al., *Ryugakusei 30 Man-Nin Keikaku, Kosshi* (July 29, 2008), <http://www.kantei.go.jp/jp/tyoukanpress/rireki/2008/07/29kossi.pdf> (last visited on Oct. 4, 2010; available only in Japanese). The 2009 reform of the Immigration Control Act created a resident status of ‘student’ consisted of the former ‘college student’ and ‘pre-college student.’

<sup>7</sup> *Supra* note 5, at 24.

<sup>8</sup> G.A. Res. 55/25, annex II, U.N.GAOR 55th Sess., Supp. No. 49, at 60, U.N. Doc. A45/49 (vol. I) (2001), available at [http://www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf) (last visited on Oct. 1, 2010). Japan has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Dec. 18, 1990.

<sup>9</sup> Other revisions concerning the prevention of trafficking in persons can be found in Article 5, paragraph 1, item 7-2 concerning the prevention of the trafficking in persons and Article 50, paragraph 1, item 3 concerning the special permission to stay for victims of trafficking in persons. Japan also revised its Penal Code, Law for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters. The National Police University started to give lectures on trafficking in persons. These measures were taken in accordance with Japan’s Action Plan of Measures to Combat Trafficking in Persons, released on December 7, 2004, available at [http://www.mofa.go.jp/policy/i\\_crime/people/action.pdf](http://www.mofa.go.jp/policy/i_crime/people/action.pdf) (last visited on Oct. 5, 2010). It is pointed out that ‘significant improvements’ in the prosecution of trafficking offenders can be observed. See U.S. Department of States, *2007 Country Reports on Human Rights Practices*, available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100522.htm> (last visited on Oct. 5, 2010). For details on human trafficking in Japan, see Yasuzo Kitamura, *Evolution of Antitrafficking in Persons Law and Practice in Japan: A Historical Perspective*, 14 TUL. J. INTL & COMP. L. 331 (2006).