

**Reform of Consular Affairs and  
New Approaches on Issues of Foreigners  
in the Changing World**

October 2004

Report of the Council on the Movement of People Across Borders

## **General Statement**

### **1. Introduction**

#### **(1) Advancement of globalization and interdependence**

In the international community of the 21<sup>st</sup> century, people, goods, money and information travel across borders with remarkable speed and the means by which such movement occurs are diversifying and becoming increasingly complex. For instance, the movement of people reveals that the number of Japanese nationals living overseas as of 2003 was 910,000 and the number of people who travelled overseas was 13.29 million. These figures have increased by approximately 47% and 20%, respectively, compared to those in 1990. Meanwhile, the number of foreigners visiting Japan is 5.72 million (63% higher than in 1990) and the number of foreigners living in Japan is over 1.85 million (72% higher than in 1990), which is nearly equivalent to 2% of Japan's population. The pace of globalization and deepening interdependence is not expected to dwindle, but instead to accelerate in the future.

The international community is exposed to the grave threat of terrorism around the world, including in Russia, beginning with the terrorist attacks in the United States (US) on September 11, 2001 and the situation in Iraq since 2003. The international community is also faced with threats that are more diverse and different in nature than those during the Cold War era, as proven by the particularly formidable threat posed to Asia in 2003 by the Severe Acute Respiratory Syndrome (SARS). The situation surrounding Japan is no exception and Japan needs to take a decisive approach as people-to-people exchanges deepen and expand.

Globalization and interdependence in the international community will advance further in the 21<sup>st</sup> century. In order to ensure its vigour and prosperity in the international community, Japan must enhance exchange and co-operation with other countries and build a dynamic, internationally attractive society through friendly competition with various countries. Furthermore, with a view to boosting its vitality, Japan must learn from and be positively stimulated by the perspectives and values that are different from its own. This is premised on securing the smooth exchange of persons between Japan and other countries, meaning that more Japanese nationals should go overseas and that Japan should accept more people from foreign countries.

## **(2) Importance of consular services**

The Council on the Movement of People Across Borders believes that the importance of consular services will converge on the aspect of the promotion of “smooth international exchanges of persons.” Consular services can play an extremely vital role in securing the safety of Japanese nationals travelling or living abroad and developing an enabling environment for them to conduct their activities, as well as spearheading domestic adjustments that are necessary for creating a Japan that foreigners will find attractive. In fact, it may be more appropriate to say that unless consular services fulfil this role and promote the smooth exchange of persons, it will be difficult for Japan to maintain stability and prosperity in the international community and realise a thriving future.

The Ministry of Foreign Affairs has so far placed priority on traditional diplomatic activities between nations and has not necessarily paid sufficient attention to consular services. However, as a result of the advancement of globalization and interdependence, consular services, which are at the forefront because they serve as the point of contact for Japanese nationals overseas, are becoming as vital as traditional diplomatic activities between nations. Moreover, it has become increasingly difficult to clearly differentiate the two areas since they are closely interrelated.

The accurate recognition of the importance of consular services must be the pillar of the reform of the Ministry of Foreign Affairs.

## **(3) Three important issues**

With this recognition, the Council on the Movement of People Across Borders has placed the reform of consular affairs as a pillar of the reform of the Ministry of Foreign Affairs and discussed the reform of consular affairs and issues related to foreigners. As a result of these discussions, the Council has established the following as the three current important issues concerning the consular services provided by the Ministry of Foreign Affairs.

- Enhancement of consular services that focus on people
- Safety measures and crisis management for Japanese nationals overseas
- Issues related to foreigners

## **2. Reform of consular affairs and issues related to foreigners**

Bearing in mind that consular services are becoming increasingly important, the Council has outlined concrete recommendations in Part I of this report, “Reform of Consular Affairs.”

In addition, given that issues related to foreigners (including issues concerning foreigners who are already living in Japan and the issue of accepting foreigners in Japan in the future) are also increasing in importance, the Council believes that the Ministry of Foreign Affairs should coordinate closely with the relevant ministries and agencies and strengthen policy measures. The Council has presented concrete recommendations on this topic in Part II of this report, “Issues Related to Foreigners.”

## **3. Establishment of the Consular Affairs Bureau**

(1) The Council welcomes the upgrading of the Consular and Migration Affairs Department to the Consular Affairs Bureau on August 1, 2004 and the reforms carried out by consular affairs-related institutions of the Foreign Ministry, including its own institutional reform. These are reflected in the discussions held in the Council, particularly in the New Services for Consular Affairs: Principles of Consulship (January 2003) and the Preliminary Report on the Reform of Consular Affairs (June 2003).

(2) The Council believes that it is essential to promote consular services with a sense of mission in order for reform to take root and bear fruit. The Council expects that the institutional reform brought about by the establishment of the Consular Affairs Bureau in August 2004 will attain the desired results.

## **Part I. Reform of Consular Affairs**

### **1. Basic concept**

Consular services are at the forefront since they serve as the point of contact for Japanese nationals overseas. What is important in reforming consular affairs is the changes and improvements at the level of concrete measures and actions. It is therefore essential to question whether the people's standpoint has been incorporated in both the process and content of discussion.

The Ministry of Foreign Affairs has already initiated reform of consular affairs and implemented a series of new measures. Some of these measures call for further development in both "hard" and "soft" aspects, with even more adequate resources, or require expanding the breadth and depth of action based on novel ideas.

In light of these concepts, the Council focused its recommendations on the level of concrete measures and actions, considering the measures that have already been implemented with respect to reform of consular affairs and focusing on matters that should be recognised and implemented as future tasks. The three concrete proposals are as follows:

- Recommendations for the Enhancement of Consular Services that Focus on People
- Recommendations to Ensure the Safety and Emergency Response for Japanese Nationals Overseas
- Recommendations for Enhancement of Ability of Consular Officials and Increase Their Expertise

### **2. Concrete recommendations**

#### **(1) Enhancement of Consular Services that Focus on People**

In order to enhance consular services from the people's standpoint, the Council makes the following recommendations (a) through (i):

- (a) From the people's standpoint and using private-sector liaison services as a point of reference, the consular teller windows of the Ministry of Foreign Affairs and overseas

establishments, which have been regarded as difficult to approach, should be made friendly, easy-to-understand and accessible to the people. The entire Ministry of Foreign Affairs must alter its awareness in order to make this happen.

- (b) Consular contact points are the point of contact with the people as well as the first “face of Japan” that foreigners visiting Japan encounter. The persons in charge should give greater consideration to how they treat the people visiting consular contact points, including the language they use, and strive to maintain a sincere response.
- (c) The consular services of the Ministry of Foreign Affairs should draw lessons from the various views and information on better services through activities including the acceptance of staff from local government, introduction of the Advisor on Consular Affairs system and an honorary consul system that harnesses personnel from the other country.
- (d) Visiting services by consular officials of overseas establishments should be enhanced in order to improve convenience for Japanese nationals in remote areas. In addition, the heads of overseas establishments should take the initiative to improve communication between the overseas establishments and Japanese nationals in remote areas.
- (e) The use of information technology (IT) should be promoted to improve users’ convenience. This includes electronic applications for passports and certificates, electronic filing of Overseas Residential Registration to overseas establishments, a “mail magazine” (an e-mail newsletter) for Japanese resident overseas and making use of this to send information on living overseas.
- (f) Efforts should be made to improve convenience for Japanese resident overseas by simplifying registration and voting procedures in the overseas voting system.
- (g) The interests of Japanese resident overseas should be protected and promoted through measures including the conclusion of treaties to prevent double taxation and to ensure equity in the pension burden, and agreements with other countries to facilitate the conversion of driver’s licenses. In addition, steps should be taken to understand the needs of Japanese resident overseas so they will be able to receive as much as possible the same level of convenience as is provided by the administrative services of the domestic competent authorities.

- (h) Responding to the changing international environment, efforts should be made to introduce at the earliest possible date IC passports in compliance with meet international standards in order to contribute to international measures to prevent crime involving travel documents, enhance the reliability of Japanese passports and ensure the speedy and smooth passage of Japanese travellers through border controls.
- (i) Unfortunately, a growing number of Japanese nationals have become involved in crime overseas as the number of people who travel overseas increases. At the same time, the number of Japanese nationals accused of being in violation of the law in foreign countries is also increasing. There is a need for the Ministry of Foreign Affairs to urge Japanese nationals to comply with local laws and improve the dissemination of information on various countries and regions.<sup>(Note)</sup>

## **(2) Ensuring the safety and emergency response for Japanese nationals overseas**

In order to ensure the safety and emergency response for Japanese nationals overseas, the Council makes the following recommendations (a) through (e):

- (a) In order to realise a crisis-resilient Ministry of Foreign Affairs, it is necessary to strengthen a system by which overseas establishments can deal with crises round-the-clock. A system allowing information sharing and coordination between overseas establishments and Japanese nationals overseas should be routinely established and developed, on the premise of the need to respond to emergency situations depending on the circumstances around the world. The Ministry of Foreign Affairs should also co-operate with the relevant organisations including Japanese Associations in conducting the necessary simulations within the possible range, and holding meetings on evacuation routes and other areas. Close contacts should also be maintained with friendly countries.
- (b) The Government must continue to make every effort to protect Japanese nationals overseas since it is one of the essential tasks of the Government of Japan. Nonetheless, given that there are limits to what the Government of Japan and the Ministry of Foreign Affairs can do overseas, where it has no sovereignty, it is vital for every person to fully recognise the risks and to either act carefully to avoid encountering risks as much as

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<sup>(Note)</sup> The number of Japanese residents overseas was 911,062 as of October 1, 2003. The number of cases where Japanese nationals received protection in 2003 was 14,473 (33.9% increase compared to 10 years ago). Of these cases, Japanese nationals were victims of crime in 6,253 cases (10.0% increase compared to 10 years ago) and Japanese nationals were perpetrators of crime in 609 cases (88.5% increase compared to 10 years ago).

possible or to be aware that every person will be responsible for his or her own safety. For this reason, the Government should continue to devise the content of information and ways to disseminate it to ensure that people will effectively take note of overseas travel information and reminders and make appropriate decisions about their actions. The Government should also strive to publicise information to educate the people with a view to fostering a high level of awareness about their safety.

- (c) In order to boost its capacity to protect Japanese nationals overseas, the Ministry of Foreign Affairs should reinforce previous relations with local or domestic experts (private-sector risk management company experts, lawyers, mental health care specialists, forensic pathologists and forensic anthropologists, and infectious disease specialists in cases such as SARS,) that have been developed to date, harness these relations, and utilise the relations for preventive purposes.
- (d) Consular facilities with many cases of Japanese nationals receiving protection should boost their capacity to respond to requests for protection and inquiries from Japanese nationals overseas through measures including enhancing 24-hour telephone services by harnessing private-sector vitality and outsourcing this work to the private sector.
- (e) The Ministry of Foreign Affairs should promote exchanges of opinion with national and local government institutions in foreign countries and overseas establishments of friendly countries there, among others, to allow Japanese overseas establishments to gather and disseminate information on remote areas and protect Japanese nationals abroad. The Ministry of Foreign Affairs should also develop a human network of educational institutions, friendship societies, local Japanese nationals and people of Japanese descent. Furthermore, a system that allows the swift dispatch of consuls to remote areas should be developed.

### **(3) Enhancement of the ability of consular officials and increase their expertise**

There is a need to enhance the ability of consular officials responsible for consular services and increase their expertise in all aspects of the two areas mentioned above and implement appropriate measures. To this end, the Council makes the following recommendations (a) through (d):

- (a) The training of consular officials, which should be gradual and thorough, should be strengthened to enable them to act with common sense and be considerate toward others

as a matter of course, take the necessary responses to crises and provide essential support, cultivate legal knowledge for dealing appropriately with a broader range of consular services and knowledge that meets the needs of the times.

- (b) In cases where consuls are brought in from other ministries, agencies and local governments, they should undergo training for a substantial duration so that they can appropriately engage in consular services in a working environment that is different from their previous one.
- (c) The right persons should be put in the right places when assigning personnel in the Consular Affairs Bureau of the Ministry of Foreign Affairs and consular officials in overseas establishments, utilising the bidding system within the Ministry of Foreign Affairs. Steps should be taken to resolve the problem of overseas establishments without any consuls and continued efforts to increase the number of personnel in the field of consular services in overseas establishments are necessary. It is also desirable to put the right persons in the right places using the title of Special Assistant for Consular Issues offered under the Special Assistant nomination system.
- (d) In addition to the concrete measures described above, it is necessary to continue reinforcing the function of consular affairs from both the “hard” (institutional and resources) and “soft” (people’s awareness and capacity, way of working and organisational culture) aspects in order for the Ministry of Foreign Affairs to tackle the aforementioned issues of priority.

## **2. Toward the future**

The Council requests the following to ensure that these recommendations are fully reflected.

- (1) The former Consular and Migration Affairs Department of the Ministry of Foreign Affairs and current Consular Affairs Bureau have promoted reform for the past several years. To ensure that the trend of reform advances smoothly, steps must be taken to achieve further results from reform through policy evaluation. To this end, the Council requests that a review be conducted after a certain period of time has passed and that the results of the review be released.
- (2) The trend of reform must not wane or lose momentum. Continued efforts, bearing in

mind the people's needs, are indispensable in advancing reform. The Council would like to emphasise that these continued efforts will only become possible when overseas establishments and the Ministry of Foreign Affairs as a whole reform their awareness and give their full support.

## **Part II. Issues Related to Foreigners**

### **1. Basic thinking**

The Council held discussions on issues related to foreigners based on the following basic thinking.

- There are currently almost 2 million foreigners living in Japan and this number is expected to steadily increase. With this background, in considering issues related to foreigners, concrete discussions should be held, avoiding ambiguity as much as possible.
- It is necessary to squarely face the various issues encountered by foreigners currently living in Japan and to take concrete measures for such issues as employment, relations with the local community and children's education.
- It is essential to form a national consensus on how Japan should accept foreigners in an orderly manner, while paying attention to the people's surging interest in public security and order of society.
- In considering issues related to foreigners, it is important to keep in mind a norm that foreigners who live in Japan must be accepted as members of society without alienation, whether they live temporarily or long-term in Japan. This is also vital for Japan to be evaluated as an open country in the international community. For this purpose, it is desired that continuous appeal to the general public as well as addressing various educational opportunities be made in order to raise every Japanese national's awareness on this point.

The issues related to foreigners are both short-term and long-term in nature in a wide range of areas. The council categorises them broadly into the following three points in order to facilitate understanding of this situation.

- Issues related to foreigners residing in Japan
- Issue of accepting foreign workers
- Expansion of personal exchange, measures against crime and terrorism and ensuring public security

## **2. Issues related to foreigners residing in Japan**

### **(1) Current situation of foreigners in Japan**

People of Korean origin still account for the largest share of foreigners in Japan, but this number is gradually declining. Meanwhile, there has been virtually consistent growth in the number of the so-called “newcomers,” including Chinese, Brazilians, Filipinos and Peruvians, which constitute the second largest portion of foreigners. Although it is necessary to continue considering the issues concerning people of Korean origin, the Council has focused its discussions on the issues faced by newcomers in employment, social insurance, education and other areas as they are of grave concern and must be tackled as urgent issues. Improving the situations in these areas is also essential in creating a society in which foreigners will be able to live with a sense of security, while Japan is to accept more foreigners in the future.<sup>(Note)</sup>

### **(2) Issues faced by foreigners in Japan**

Among foreigners who live for a relatively long period of time in Japan, the issues faced by the people of Japanese descent, who live in concentrated numbers in certain regions, have become particularly apparent. To be more specific, these issues include employment instability, unequal employment conditions, non-registration for social insurance, school non-attendance by compulsory education age children and frequent crimes including those committed by the youths.

The relevant government authorities have taken a variety of measures to respond to these issues. Nonetheless, the Government needs to adopt a set of comprehensive measures rooted in a deeper strategy that surpasses jurisdictions of individual ministries and agencies, since these issues faced by foreigners involve a wide range of ministries and agencies within the Government. Neglecting or taking the wrong approach to these issues may result in a negative impact on bilateral relations with the countries concerned or on Japan’s image overseas. The Government thus needs to acknowledge foreigners in Japan, including people of Japanese descent, as members of society and sincerely address these issues.

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<sup>(Note)</sup> According to the number of registered aliens in 2001-2003, there were about 632,000 resident North Koreans and Koreans from the ROK in 2001, 625,000 in 2002 and 614,000 in 2003. There were about 381,000 resident Chinese in 2001, 424,000 in 2002 and 462,000 in 2003. As for Brazilians, there were about 266,000 in 2001, 268,000 in 2002 and 275,000 in 2003. There were about 157,000 Filipinos in 2001, 169,000 in 2002 and 185,000 in 2003. Peruvians numbered about 50,000 in 2001, 52,000 in 2002 and 54,000 in 2003.

**(3) The Council makes the following recommendations (a) through (c):**

**(a) Improvement of conditions concerning employment, residence, social security and other matters concerning foreigners in Japan**

An accurate account of each foreigner’s working conditions, living conditions, whether or not he or she has registered for social insurance and whether or not his or her children are going to school, among other matters, is the premise for foreigners in Japan to enjoy workers’ rights and protection under social insurance as well as administrative services including education for compulsory education age children.

The present legal system to address these matters include the residence status system of the Immigration Bureau, the voluntary System for Reporting on the Employment Situation of Foreigners by the Ministry of Health, Labour and Welfare and alien registration system in municipalities. However, in order to grasp the situation surrounding foreigners more effectively, it is necessary to take efficient and effective measures, that surpass the jurisdictions of each relevant ministry and agency including the possibility of involving a wide range of relevant legal structures.

Background

1. To grasp foreigners’ working conditions

The current “System for Reporting on the Employment Situation of Foreigners” is a voluntary reporting system by employers. The System requests employers to co-operate in reporting. based on Article 34 of “the Employment Security Act Enforcement Regulations”, which authorises the Minister for Health, Labour and Welfare to grasp the overall trend of the employment of foreign workers for the purpose of appropriate and smooth adjustment of labour demand and supply. Hence, each foreign worker’s personal information is not accounted for or managed by the System.

2. Confirming status of residence of foreigners at the time of employment

In the event that an employer employs foreigners who are not entitled to work, the employer will be penalised under the Immigration Control and Refugee Recognition Act (hereinafter referred to as the “Immigration Control Act”). Furthermore, under the “Guideline concerning Employment and Working Condition for Foreign Workers” employers are supposed to confirm that the foreigners hold status of residence which permits them to work by checking their passports, alien registration certificates and other

document before hiring them. However, this is a voluntary measure.

### 3. Thorough compliance with obligation of registering for social insurance

With respect to the problem of non-registration for social insurance, the relevant authorities have been so far striving to encourage employers who employ foreigners to register for social insurance so that social insurance be applied appropriately to foreigners. Nonetheless, the situations in the cities in which concentrated numbers of foreigners live reveal that many foreigners still have not registered for social insurance.

### 4. Thorough compliance with labour-related laws by employers

In principle, labour-related laws apply as long as a person works in Japan, regardless of whether he or she is Japanese or a foreigner. However, it is true that the regulations stipulated in the labour-related laws (Labour Standards Law, Minimum Wage Law, Temporary Staff Services Law, Employment Security Law, Unemployment Insurance Law, etc.) are not necessarily complied with in relation to some foreigners due to the employers' lack of awareness.

### 5. Grasping foreigners' living conditions

It is essential to accurately know where foreigners live in order for local governments to provide administrative services in the fields such as education, social welfare and housing for foreigners. Under the current situation, however, it is difficult to grasp where all of the foreigners live, as it would take such measures as conducting field surveys for all foreigners.

### 6. Confirming that foreigners are paying taxes, registering for social insurance and their children are receiving education

Some foreigners living in Japan fail to pay taxes, to register for social insurance or to secure educational opportunities for their children. These people may be penalised in accordance with the relevant laws, but in reality, it is extremely difficult to effectively apply penalties against offenders.

## (b) Assurance of educational opportunities for foreigners' children of compulsory school-age

According to reference material created by the Committee for Localities with a Concentrated Foreign Populate, 20-30% of foreigners' children who are of compulsory school-age are not attending school. It has been pointed out that it is crucial to know the actual situation concerning these children of foreigners and secure opportunities for them to receive education either in Japanese schools or schools for foreigners.

- Further promote a system of accepting children of foreigners in public elementary and junior-high schools

If the children of foreigners wish to attend public elementary or junior-high schools, they are admitted free of charge and are secured of their opportunity to receive the same education as Japanese children. Nevertheless, there are many children of foreigners who have entered schools but are unable to sufficiently understand the Japanese language. For this reason, there is a need to further promote measures of accepting children of foreigners in public elementary and junior high schools, including measures to further enhance Japanese language education (allocation of teachers that can teach Japanese language, assistance personnel who understand the foreign children's native languages and counsellors, etc.).

- Coordination among administrative bodies, local communities, companies and others to improve education of children of foreigners

The problems regarding education of children of foreigners stem from a wide range of factors including language issues, lack of awareness of guardians, lack of information on education and economic issues. Therefore, in order to enhance the relevant measures including Japanese language education, provision of information on education by distributing guidebooks, counselling and support on education and life-related problems, as well as career and employment guidance, it is necessary for the relevant administrative bodies and the relevant institutions to co-operate in implementing measures. The relevant administrative bodies include national and local governments that are responsible for education, immigration control and other matters, while the relevant institutions include local community-based organisations such as schools, non-profit organisations (NPO) and non-government organisations (NGO) and business corporations.

- Relaxing standards for approving the establishment of “miscellaneous schools”

As of May 2003, there are 111 schools for foreigners that have been approved as “miscellaneous schools” under the “School Education Law”. However, as Brazilian schools, which many children of Japanese descent attend, are unapproved as “miscellaneous schools”, they are not eligible for various preferential tax measures or advantages including fare discounts for student commuter passes for public transportation provided by the Japan Railway Company (JR) and other companies.

In order for an institution to be approved as a “miscellaneous school”, in accordance with Article 83 of the School Education Law, it must obtain approval from the prefectural governor, which is the competent authority over various private schools. In June 2004, Ministry of Education, Culture, Sports, Science and Technology relaxed the criteria for establishing miscellaneous schools. As a result, a miscellaneous school whose entire school grounds and buildings belong to another school can be established while, previously, only a

part of the grounds and buildings could belong to another school. It is therefore necessary for prefectures, which are the competent authorities, to take appropriate measures such as relaxing regulations relevant to the establishment of miscellaneous schools, in response to this change in the criteria, taking into account the regional circumstances and other factors.

(c) Assistance for foreign workers and their families in language education and other areas

- There is a need to further enhance preliminary training (providing information on work, lifestyle and other areas, language education, etc.) for foreign workers and their families that plan to come to Japan in order to facilitate their adaptation to life in Japan.
- It is necessary for national and local governments to co-operate with business corporations that employ foreigners, local communities and others, to support foreign workers and their families after their arrival in Japan, in such field as language education.

**(4) Heightening awareness of those who accept foreigners**

In accepting foreigners, Japanese society at all levels must continue striving to develop an environment that further fosters understanding of diverse thinking and values. To this end, Japanese society will promote education in schools that cultivates a respect for a wide spectrum of thinking and values, and will make efforts that a similar approach be taken in the training offered by local governments and business corporations.

**3. Issues of accepting foreign workers**

**(1) The reality and future ideals concerning the acceptance of foreign workers**

(a) With respect to the acceptance of foreign workers, the government takes a stance of “more actively promoting the acceptance of foreign workers in professional or technical fields”, while concerning the acceptance of what are called unskilled workers, the government considers that “it is essential to cope with this issue with thorough deliberation based on a consensus among the Japanese people” and that “it is not appropriate to consider the acceptance of foreign workers from the viewpoint of simply making up for labour shortage resulting from lower birth-rate and an aging population and that it is important to first promote improvement in the working environment for the elderly, women etc., so that they can participate actively as well as promote labour-saving, improvement in efficiency

and employment management etc.” (Ninth Employment Measures Basic Plan, Cabinet decision on August 13, 1999).

However, a look at the estimated 760,000 foreigner workers currently working in Japan by their residence status reveals that about 185,000 foreign workers are in “professional and technical fields” (among them a little over 64,000 people are in “entertainment”), about 233,000 are “people of Japanese descent” and about 220,000 are “illegal foreign residents.” Among these workers, a large proportion of people of Japanese descent are presumed to be working in relatively unskilled jobs. It has been also pointed out that in some cases, contrary to the objective of the technical internship training program, trainees and others are simply treated as part of the labour force.

(b) The Council recommends the following.

Even if the conventional policy on the acceptance of foreign workers is to be maintained, a national consensus that can be applied over a long period of time must be attained, on how to cope with the issue of acceptance of unskilled workers by having full deliberation on the points including, for example, whether it is appropriate or not to consider ways to implement a managed introduction of unskilled workers using a sector-by-sector approach. In so doing, attention should be paid to prevent labour market segmentation, a phenomenon found in Europe and the US where certain types of jobs are likely to be assigned to foreigners.

**(2) Expanding acceptance of foreign workers in professional and technical fields**

(a) While making efforts to utilise domestic labour to a fuller extent, it is essential to promote the acceptance of foreign workers in professional or technical fields from the viewpoint of maintaining Japan’s vitality. In addition, it is vital to further improve the environment for hosting excellent foreign workers.

More specifically, the acceptance of professional and technical foreign workers in new fields needs to be promoted in the ongoing negotiations for the economic partnership agreements (EPAs) with East Asian countries. There is also a need to improve the implementation regulations and criteria of the residence status system, bearing in mind factors including ensuring stability in the legal status of foreigners working in Japan in order to expand the acceptance of excellent personnel from overseas.

(b) The aim of concluding the EPAs with East Asian countries is not only attaining economic benefits, but also building broader regional co-operative relations. One of the strong requests that the partner countries have raised is promoting and facilitating the “movement of natural persons,” which contributes to reinforcing economic relations. To be more concrete, there are requests for Japan to accept more foreign workers in professional and technical fields such as medical care and welfare.

The Council recommends the following.

- Vigorous steps should be taken to accept foreign workers in professional and technical fields. In the event that it is decided through the EPA negotiations that foreign workers will be accepted in such new fields as nursing and caregiving, preparations should be made to ensure that this will not create new domestic problems, bearing in mind the prevention of illegal employment, illegal stays and other crimes.
  
- When there is a domestic request in Japan, it should be considered if it is adequate to offer a certain level of training and language education, either in Japan or their country of origin, to the foreign workers who will be accepted in Japan.

(c) Improving the implementation regulations and criteria of the residence status system

The Council recommends the following.

- Reviewing the implementation regulations and criteria of the residence status for working in Japan in professional and technical fields

Background  
The Three-Year Program for Promoting Regulatory Reform states as follows. “In formulating the third edition of the Basic Plan for Immigration Control which is planned to be formulated in 2005, considerations should be made on such points as categories of skilled personnel to be accepted and concrete manner of acceptance, with a view to acquiring a wide range of skilled personnel that Japan needs, while paying attention to possible influence on the labour market in Japan. In so doing, a variety of angles, including social cost should be taken into account.” In this connection, it has been pointed out that relaxing the implementation regulations and criteria of the residence status for foreigners working in Japan in professional and technical fields (“Engineer,” “Specialist in

Humanities International Services,” “Intercompany Transferee,” “Investor Business Manager,” etc.) is needed. It has been also pointed out that in order to make it easier for foreign students studying in Japan to find jobs in Japan relaxation of certain requirements is needed. (Under the current regulations, foreign students are required to match their prospective job sectors and positions with their majors at universities.)

- Extending the maximum period of stay permitted under the residence status regulations

#### Background

The maximum period of stay that is permitted under the current residence status regulations at any one time is three years for foreign workers working in Japan in professional and technical fields. It has been pointed out, however, that it is necessary to grant longer periods of stay in order for skilled personnel, who contribute to Japan’s prosperity, to concentrate on their work under stable circumstances. On this point, “the Three-Year Program for Promoting Regulatory Reform” states that, taking into account such factors as introduction of the residence status revocation system, its implementation and development of a survey system, considerations should be made, with the aim of reaching a conclusion in FY2006, on extending the maximum period of stay to about five years for skilled personnel, after taking necessary measures such as setting certain requirements on work place of these foreign workers.

- Improving the transparency of and relaxing the conditions for granting permanent resident status

#### Background

Permanent residency is granted, after the requirements stipulated by the Immigration Control Act are met by a person, only when it is deemed “that the issuance of permanent residence to the said person is in accordance with the interests of Japan.” In this respect, the “Three-Year Program for Promoting Regulatory Reform” states that efforts will be made to establish guidelines for requirements for permanent residency by the end of FY2004.

### **(3) Improving the Training and Technical Internship Training Programs**

- (a) It has been pointed out that some divergence, such as abusing the program for the sake of securing low-wage, unskilled workers, are observed in the implementation of the Training and Technical Internship Training Programs, that aims to promote technology transfer to

developing countries. A number of issues have surfaced such as the increase in disappearance cases in trainee and technical interns, problems concerning training allowances for trainees and wages for technical interns and the problem of non-subscription to social insurance by technical interns who have an obligation to do so.

(b) The Council recommends the following.<sup>(Note)</sup>

- Appropriate selection of trainees

Securing truly motivated trainees is the first step to have a sound implementation of the Program. For this purpose, efforts must be made to further improve selection of trainees in the deployment process, by making sure that Japanese institutions that accept trainees would choose honest, reliable institutions in the partner countries that are responsible for selection and deployment of the trainees.

- Enhancing an appropriate acceptance system

Necessary measures should be taken to provide comprehensive instruction on a more appropriate system of accepting trainees to entities that carry out “Association Management” training programs, which account for the majority of whole training programs.

#### **4. Expansion of personal exchanges, measures against crime and terrorism and ensuring public security**

The procedures of entry into Japan by foreigners on temporary visits should be further facilitated from the view point of promoting personal exchanges and tourism in Japan. Although there is a need to adopt measures against crime and terrorism and ensure public security including stricter implementation of immigration control and other relevant measures, they must not impede personal exchanges that ought to be promoted. The Government must realise both policy objectives striking a balance between these two requests.

##### **(1) Expansion of personal exchanges**

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<sup>(Note)</sup> These have been requests from both the trainees and the Japanese companies that accept them to extend the technical internship training period and re-accepting trainees. It has been pointed out, however, that implementing (3) (b) above is of top priority, in view of the objective of the Training and Technical Internship Training Programs.

(a) There is a need to expand personal exchanges and promote tourism in Japan, through measures such as further relaxing immigration control-related procedures, including visa procedures for neighbouring countries and regions in particular.

(b) The Council recommends the following.

- Keeping in mind illegal stays and other problems, temporary visitor's visa should be exempted for people of the Republic of Korea (ROK) and Taiwan, from which there are many visitors to Japan.
- The areas in China for which visas will be issued for group tours should be expanded.
- Exemptions of visa and visa fees for school excursions should be promoted with a view to expanding exchanges between youth, who will be the leaders in the next generation.
- The screening for issuance of the status of residence for college students and pre-college students should be strictly implemented, while paying attention to the need to ensure that students who truly intend to study will not be excluded. At the same time, measures to support the acceptance of students (scholarships, housing, application of the student discount system, etc.) should be further enhanced in coordination with the relevant institutions.

**(2) Measures against crime and terrorism and ensuring public safety**

(a) Application of stricter immigration control

Japan has been actively participating in the efforts to establish international standards for IC passports in the International Civil Aviation Organization (ICAO). The major industrialised countries are preparing to introduce IC passports in a few years time. The US government requires by its law, as a condition for continuing the existing visa waiver program, that countries under this program must introduce IC passports with biometric identifiers. In addition, the US has announced a policy of collecting biometric information on facial image and fingerprints from almost all foreigners entering the US. The European Union (EU) is also considering tightening immigration control by using biometric information for residence permits and other purposes.

The Council recommends the following.

- Based on its own accord, Japan will strive to introduce IC passports that comply with international standards at an early date in order to contribute to international endeavours

to prevent crime involving travel documents, enhance the reliability of Japanese passports thereby ensuring the speedy and smooth passage of Japanese travellers through border control.

- Inter-agency discussions on appropriate immigration control measures should be held taking into account the relevant international trends. In the discussion, due consideration needs to be given to protection of personal information and human rights.

(b) Strengthening actions against illegal residents and foreigners' crimes and prevention of human rights infringements against foreigners

The Government aims to reduce the number of illegal residents by half in the next five years. The Government is strengthening actions against illegal residents and crimes committed by some foreigners. These measures are important for foreigners residing legally in Japan to be treated fairly as well. It is also important to prevent human rights infringements against foreigners and to give humanitarian consideration on a case-by-case basis.

The Council recommends the following.

- Anti-crime measures will be steadily implemented based on the "Action Plan," formulated by the Ministerial Meeting Concerning Measures Against Crimes, with the aim of appropriately controlling and preventing crimes committed by foreigners. In so doing, due consideration will be paid to protection of foreigners' human rights.
- Further efforts will be made to expose brokers and employers that offer illegal work, as mentioned in the Action Plan, with a view to preventing human rights infringements against foreign workers, including human trafficking. Furthermore, considerations will be made concerning the revision of the implementation regulations and criteria for landing permission in order to prevent human trafficking and to strengthen protection of victims.
- Human trafficking is a grave human rights infringement. In order to eradicate human trafficking, it is necessary to promptly conclude the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime and to take legislative and other measures toward the conclusion of the said Protocol.

It has been decided that an action plan for combating trafficking in persons, concerning prospective legislation and the protection of victims will be formulated within the year of 2004 by the Prime Minister's Office Coordination Mechanism on Trafficking in Persons. In so doing, the necessary measures must be taken, such as further use of

existing shelters, bearing in mind that foreign victims who were previously subject to deportation for illegal stays are entitled to protection as victims of human trafficking.

#### **5. Improvement of government posture to deal with issues related to foreigners**

The Council recommends that the Government establish a comprehensive framework that surpasses jurisdictions of individual ministries and agencies, in order to deal with the issues mentioned in 2-4 above.

(END)

## Record and Agenda of Past Meetings

2002

October 18 First General Assembly  
Agenda: Operating the Council and items for discussion

December 12 Second General Assembly  
Agenda: “Consular Reform” and “What Consular Services Can or Cannot Do”

2003

January 28 First meeting of the Subcommittee on the Reform of Consular Affairs  
Agenda: (1) Compiling the “New Services for Consular Affairs (Principles of Consulship)”  
(2) Crisis management concerning the protection of Japanese nationals

January 28 Announcement of the “New Services for Consular Affairs (Principles of Consulship)”

February 5 First meeting of the Subcommittee on the Reform of the Foreign Nationals’ Affairs  
Agenda: (1) How to proceed with future discussions  
(2) Issues concerning the entry of foreigners into Japan

March 25 Third General Assembly  
Agenda: Issues related to foreigners  
(Note: Discussion based on deliberations held by the First meeting of the Subcommittee on the Reform of the Foreign Nationals’ Affairs)

April 15 Second meeting of the Subcommittee on the Reform of Consular Affairs  
Agenda: Issues and circumstances surrounding passport services

- May 21 Third meeting of the Subcommittee on the Reform of Consular Affairs  
 Agenda: Issues and circumstances surrounding consular services (children's education, medical care, overseas voting, etc.)
- June 18 Fourth General Assembly  
 Agenda: Preliminary report on past discussions on the reform of consular affairs
- June 30 Announcement of the "Preliminary Report" on the Reform of Consular Affairs
- October 1 Second meeting of the Subcommittee on the Reform of the Foreign Nationals' Affairs  
 Agenda: Various issues concerning foreigners living in Japan and people of Japanese descent on short- and medium-term stays
- November 19 Fifth General Assembly  
 Agenda: Various issues concerning foreigners living in Japan and people of Japanese descent on short- and medium-term stays
- 2004
- February 12 Third meeting of the Subcommittee on the Reform of the Foreign Nationals' Affairs  
 Agenda: Various issues concerning foreigners living in Japan and people of Japanese descent on long-term stays
- March 31 Sixth General Assembly  
 Agenda: Various issues concerning foreigners living in Japan and people of Japanese descent on long-term stays
- May 12 Fourth meeting of the Subcommittee on the Reform of Consular Affairs  
 Agenda: Issue of Japanese nationals held hostage in Iraq and reform of consular affairs

- May 14 Fourth meeting of the Subcommittee on the Reform of the Foreign Nationals' Affairs  
Agenda: Issue of accepting foreign workers and circumstances and countermeasures against crime committed by foreigners
- May 28 Fifth meeting of the Subcommittee on the Reform of the Foreign Nationals' Affairs  
Agenda: Employment, work-related issues and social security of foreign workers in Japan and issues related to foreigners from the viewpoint of external relations
- June 9 Seventh General Assembly  
Agenda: Overview of the report on the reform of consular affairs
- June 21 Sixth meeting of the Subcommittee on the Reform of the Foreign Nationals' Affairs  
Agenda: Issues concerning education for foreigners
- July 26 Eighth General Assembly  
Agenda: Outline of the report on issues related to foreigners
- September 9 Fifth meeting of the Subcommittee on the Reform of Consular Affairs  
Agenda: Compiling the report on the reform of consular affairs
- September 16 Seventh meeting of the Subcommittee on the Reform of the Foreign Nationals' Affairs  
Agenda: Compiling the report on issues related to foreigners
- October 5 Ninth General Assembly  
Agenda: Compiling the report

## Council on Movement across Borders Member List

(in order of the Japanese syllabary)

Masako Uemoto	Vice President, Japanese Trade Union Confederation (JTUC-RENGO)
Yoichi Okita	Professor, National Graduate Institute for Policy Studies
Tadao Kano	Freelance Political Journalist; Professor, Faculty of Policy Studies, Tokushima Bunri University
Yasuyuki Kitawaki	Mayor of Hamamatsu , Shizuoka Prefecture
Sachio Kinugasa	Baseball Commentator
Kazuo Kumagai	Senior Adviser, Hitachi Ltd.
Keiko Sakurai	Professor, Faculty of Law, Gakushuin University
Kazuyo Sakuragi	Representative, Japan Jurist League for Cambodia; Member, Committee on International Relations, Japan Federation of Bar Associations
Gunei Sato	Professor, Center for Research in International Education, Tokyo Gakugei University
Sakutaro Tanino	Director, Toshiba Corporation
Kazuo Tsukada	Executive Director, Central Union of Agricultural Cooperatives (JA-ZENCHU)
Kazuaki Tezuka	Professor of Land-Social Law, Law School of Chiba University
Kiyoshi Terashima	President, Institution for Transport Policy Studies
Kazuhiro Nakatani	Professor of International, Law University of Tokyo
Kyoko Nakayama	Former Special Advisor to the Cabinet
Makoto Nii	Former Editorial Bureau Chief, Kyodo News; Visiting Professor, Hakuoh University
Suzuko Nishihara	Professor, College of Culture and Communication, Tokyo Woman's Christian University
Keishuk Park	Professor, Department of Geography, Faculty of Humanity and Social Sciences, Mie University
Yoshio Yazaki	President, National Hospital Organization
Taizo Yokoyama	President, Japan Overseas Development Corporation

Total 20 Members

: Chair of the Council

: Deputy Chair of the Council