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# Immigration and Nationality Law News

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This newsletter is intended to provide general information regarding recent developments in immigration and nationality law. The views expressed are not necessarily those of the International Bar Association.

## JAPAN

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# Slow but steady change in Japan: an aging society amid a perpetual economic slump and a declining population

About two years ago, a group of Liberal Democratic Party (LDP) lawmakers announced plans to tackle the issues arising from increasing Japan's declining population by accepting large numbers of new immigrants. The current fertility rate per woman in Japan is approximately 1.2, whereas a minimum rate of 2.1 would be necessary merely to sustain the existing population. Due to a rapidly aging society, some recent alarming research has shown that the population of working adults in Japan will have decreased by 46 per cent by the year 2055. The LDP proposal calls for the number of non-Japanese citizens in the country to increase from the current 2.2 million (or 1.7 per cent of the overall population of 128 million) by ten per cent over the next 50 years.

Japan's pension system cannot be sustained without a large influx of immigrants into the country. There will be only 1.3 working people to support every retiree in the near future. The plan was released in July 2008 when Mr Fukuda was the prime minister, then succeeded by Mr Aso who came and went when Japan was still the world's second largest economy. The LDP, after almost 50 consecutive years of being the ruling party is about to fade away before the pension system collapses. Currently, the Democratic Party of Japan (DPJ) has formed a coalition government with the Social Democratic Party (SDPJ) and another smaller party.

In 2010 China will surpass Japan as the world's second largest economy. China, Japan's gigantic neighbour, has been sending skilled workers, students, brides, as well as tourists to Japan in recent years, where they have spent money on shopping and sightseeing. This powerful continental neighbour may be a potential adversary in the future for the Japanese Defense Forces and the US military in Japan since

the Quadrennial Defence Review (QDR) released in February by the US Department of Defence mentioned an increasing Chinese power.

China and Japan are two countries that have recently had very close ties relating to economic trade and the mobility of labour. However, it is difficult to imagine that Japan will keep on receiving such large numbers of immigrants from China if tensions should arise and the Chinese economy continues to grow. There is also an important ongoing contentious issue between the US and Japan regarding the relocation of the US Marine Corps Air Station in Okinawa.

**Table comparing the number of foreign residents from major countries living in Japan in 1998 to those resident at the end of 2008.**

	1998	2008
China	272,230	656,377
Korea*	638,828	589,239
Brazil	222,217	312,582
Philippines	105,308	210,617
Peru	41,317	59,723
USA**	42,774	52,683
Others	189,442	337,205
<b>Total</b>	<b>1,512,116</b>	<b>2,218,416</b>

\* Both from South and North Korea

\*\* Besides the above registered, over 94,000 of military service people, civilian employees, and family members are stationed in Japan out of immigration and alien registration control (data by Minister of Foreign Affairs, January 2008)

### **How will Japan's immigration policy change?**

The DPJ's policies seem to take a more socialistic approach to the problem of the declining population by providing direct cash aid such as a child support allowance as well as offering free education for children up to high school age. While the number of foreign visitors and immigrants coming to Japan started to decrease in 2008 due to the global recession, both the ruling DPJ and a fading LPD stopped discussions regarding increasing immigration as voters' concerns became concerned with today's jobs rather than tomorrow's pension problems. The present Hatoyama government has not yet announced any strong policies relating to immigrant workers to help industries and corporations while Mr Ozawa, one of the most powerful politicians has repeatedly stated that local voting rights should be given to non-Japanese permanent residents of Japan.

It was on 15 July 2009, in the last days of the LDP administration, that an amendment changing the Immigration Control Act was promulgated. Some minor revisions have already taken effect but most of the drastic changes are scheduled to come into force by July 2012 and include the following changes.

#### ***Residence Cards and a New Foreign Resident Immigration Management System***

The Resident Cards (RCs) will replace the current Alien Registration Cards (ARCs).

RCs will be issued by the immigration bureau at ports of entry when applicants for residency receive landing permission or at regional immigration offices when foreign residents receive permission for a change of visa status, extension of period of stay, or acquire the status of residency. The RC will be equipped with an IC chip to prevent forgery and alteration, and the chip will record all relevant information on the card.

A fine would be imposed on a person who fails to notify the municipal office of a change in address within 14 days. The status of residency could be revoked if there is a failure to report the address change within 90 days. All immigration and residency information on foreign residents will be centralised by immigration authorities in the new management system.

#### ***Maximum period of stay***

The maximum period of stay for working permit holders will be increased to five years from the current three years.

As long as the foreign resident is engaged in the same type of job, these periods of stay can be further extended as is the case with the current law.

#### ***Presumed permit of re-entry***

Re-entry permission applications may not be required. A foreign national with a residence card will be basically exempt from having to apply for a re-entry permit when leaving Japan as long as he/she re-enters Japan within a year of his/her departure. It will be called 'Presumed Permit of Re-entry'.

### **Conclusion**

Mrs Keiko Chiba, the current Minister of Justice, comes from the former Socialist Party and started her career as a human rights activist lawyer. The DPJ's approach appears to differentiate from the approach of the LDP. The LDP's plan would attempt to boost the economy and support the pension system by accepting increased numbers of foreign workers to help pay social insurance premiums to support the aging society, while the DPJ may advocate the human rights of non-Japanese citizens. The above amendments, focusing on more effective control over foreign residents in Japan, may conflict with Mrs Chiba's policies. In the meantime there is a small possibility that the DPJ could form another coalition and immigration policies could be altered again supporting corporations in hiring more foreign workers. Japanese citizens are not sure whether they will be able to receive their full pension on retirement and at the same time they are apprehensive about proposed policy changes regarding immigration, foreign diplomacy and the economy. In the meantime, their lives will continue on the drifting lonely islands between China and the US with an astronomical national government deficit of over US\$12 trillion.