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JAPAN'S REVISED IMMIGRATION LAW OF 2018 AND ITS APPLICATION AFTER THE COVID-19 PANDEMIC

Abstract. One year before the COVID-19 pandemic, the Japanese government revised its immigration law to attract new foreign workers and deal with labor shortages in key sectors. In April 2019, the revision went into effect, and since then, Japan has been accepting foreign workers under two types of “specified skills” visas 特定技能 *tokutei ginō*. This article is devoted to the question how the Covid-19 pandemic has affected the adoption of the new immigration law and what impact this law may have on Japanese society after the end of the Covid-19 pandemic.

Keywords: *Japan's revised immigration law of 2018, Japan's new immigration law, tokutei ginō, specified skills visa, specified skills workers.*

INTRODUCTION

On May 5, 2023 the head of the UN World Health Organization (WHO) has declared an end to COVID-19 as a public health emergency, while emphasizing that it does not mean the disease is no longer a global threat¹.

According to his statement, for over 12 months, the pandemic “has been on a downward trend” with immunity increasing due to the highly effective vaccines developed in record time to fight the disease, and infections. Death rates have decreased and the pressure on once overwhelmed health systems has eased.

Shortly before this claim, on April 29, 2023 all border measures Japan had been doing to prevent the spread of COVID-19 were lifted.

The Ministry of Foreign Affairs of Japan claimed that from April 29, 2023 all travelers and returnees are no longer required to submit either a certificate of negative result of COVID-19 test conducted within 72 hours

¹ <https://www.who.int/news-room/speeches/item/who-director-general-s-opening-remarks-at-the-media-briefing---5-may-2023> Date of access: 09.06.2023

prior to departure, or a valid COVID-19 vaccination certificate of three doses or equivalent.

Moreover, previously implemented provisional measures including random sampling tests for all travelers and returnees arriving from China (excluding Hong Kong and Macau) by direct flights, was replaced with testing on arrival required only by those who show symptoms of COVID-19 (a measure applied to all travelers and returnees).

This lifting is a part of the easing of COVID-19 restrictions started in Japan at the end of 2022:

- *Single entry visa and multiple entry visa which have been issued by Embassies, Consulate-Generals and Consulates of Japan in all countries/regions and whose validity have been temporarily suspended have been resumed again from October 11, 2022.*

- *The visa exemption arrangements which have been temporarily suspended under the border measures have been resumed from October 11, 2022.*

- *The effect of Pre-Clearances (i.e. visa exemptions) granted by the Japanese Government to APEC Business Travel Card (ABTC)² issued by the following countries has been also resumed October 11, 2022³.*

It seems likely that Japanese immigration policy will soon return to pre-pandemic level.

The COVID-19 pandemic started at the end of 2019. One year before the pandemic, the Japanese government revised its immigration law to attract new foreign workers and deal with labor shortages in key sectors. In April 2019, the revision went into effect, and since then, Japan has been accepting foreign workers under two types of “specified skills” visas 特定技能 *tokutei ginō*.

THE KEY CHANGES AND THEIR POSSIBLE IMPACT ON JAPANESE SOCIETY

Under this status of residence, foreigners can be hired in 14 job fields:

- *Agriculture;*
- *Aviation;*
- *Building cleaning;*
- *Construction;*
- *Electronics & Electrical equipment;*
- *Fishing;*

² The APEC Business Travel Card (ABTC) is a travel document issued to business travelers who are citizens of APEC participating economies.

³ https://www.mofa.go.jp/ca/fna/page4e_001053.html Date of access: 10.06.2023

- *Food & drink manufacturing;*
- *Hospitality;*
- *Industrial machinery;*
- *Materials industry;*
- *Nursing;*
- *Restaurant catering/banqueting;*
- *Ship building;*
- *Vehicular maintenance.*

Foreigners who pass the relevant skills exam and the Japanese language proficiency test (JFT-Basic Test)⁴ are eligible for admission, and those who have completed the No. 2 technical trainee or higher are exempt from the test.

As we mentioned above there are two types of “specified skills” visa. The type I is more restricted, the type II gives more opportunities, however, it is harder to obtain as it limited only to two industries – construction or shipbuilding/ship machinery.

The differences can be presented in a table form⁵:

Specified Skill Worker (Type I)	Specified Skill Worker (Type II)
Work in Japan for 1 year, 6 months or 4 months (renewable but maximum stay up to 5 years in total)	3 years, 1 year or 6 months (renewable and no limitation to the length of stay)
You are not permitted to bring family to Japan	You are permitted to bring family to Japan
You receive Japanese language training	You already have Japanese language training

According to J. Akashi, the revision will change Japan’s foreign worker policy, long derided as a “side door”, allowing “trainees”, “technical trainees”, who cannot switch employers, and “third-generation descendants of Japanese” to work⁶. For at least two decades, Japan has responded to internal labor shortages in specific sectors and regions by admitting de-facto migrant workers under limited-term training or student visas [Akashi, 2020. P. 65]. By prohibiting long-term immigration, the government has sought to avoid the costs of education, integration, and inclusion.

⁴ It is also possible to use the Japanese Language Proficiency Test JLPT N4 result instead.

⁵ <https://www.moj.go.jp/isa/content/930005373.pdf> // A New Status of Residence “Specified Skilled Worker” has been created // Date of access: 20.06.2023

⁶ <https://www.mita-hyoron.keio.ac.jp/features/2019/07-2.html> // 2018年入管法改正—その政策的含意について // Date of access: 15.06.2023

VISA RESTRICTIONS DURING COVID-19 PANDEMIC

During the COVID-19 pandemic Japan has repeatedly introduced various restrictions regarding the issuance of visas, entering the country, the period of stay, etc. including but not limited to the following:

- *On March 19, 2020 the validity of single entry visa and multiple entry visa, including diplomatic and official visa of Japan was suspended.*
- *On December 26, 2020, the Government of Japan announced temporary suspension of new entry for foreign nationals from all countries and regions.*
- *On December 2, 2021 validity of visas already issued by December 2, 2021 was suspended (except for some statuses of residence).*

As a result, the total number of visas issued at all the Embassies and Consulates of Japan in 2020 was 1,118,025, a decrease of approximately 87% from 2019⁷. The total number of visas issued at all the Embassies, Consulates and Consular offices of Japan in 2021 was 90,306, a decrease of approximately 92% from 2020⁸. This decline in visa issuance has led to a decline in foreign workers in the Japanese labor market, including “specified skills workers”.

According to M. Toshihiro, nowhere was the impact of the COVID-19 crisis on Japan more apparent than in the country’s fast-growing international community⁹. In the manufacturing and service sectors, slowdowns and shutdowns are having a disproportionate impact on foreign workers. In agriculture and food processing, legal constraints on the mobility of foreign “trainees,” combined with a temporary ban on immigration, are exacerbating labor shortages.

CONCLUSION

Some researchers criticize the review of the law, because the recruitment of new workers is limited to few certain industries.

Moreover, as part of the new immigration policy, it is planned to invite about 345,000 new foreign workers in five years¹⁰. However, the invitation

⁷ https://www.mofa.go.jp/press/release/press24e_000033.html // Number of Visas Issued in 2020 // Date of access: 18.06.2023

⁸ https://www.mofa.go.jp/press/release/press4e_003127.html // Number of Visas Issued in 2021 // Date of access: 18.06.2023

⁹ <https://www.nippon.com/en/in-depth/d00572/> // COVID-19 and the Crisis in Japanese Immigration Policy // Date of access: 21.06.2023.

¹⁰ https://www.washingtonpost.com/world/japan-passes-controversial-new-immigration-bill-to-attract-foreign-workers/2018/12/07/a76d8420-f9f3-11e8-863a-8972120646e0_story.html // Japan passes controversial new immigration bill to attract foreign workers // Date of access: 13.06.2023.

of 70,000 new foreign workers in one year will become a small part of the Japanese labor market, which has more than 60 million employees¹¹.

On the other hand, the acceptance of “specified skilled workers” can be expanded and operated in the future, especially after the end of COVID-19 pandemic. To explain the point it is enough to look back at the history of Japan’s acceptance of technical interns, who used to be the main amount of foreign workers. The acceptance started in 1993, about a quarter of a century ago. At the time the system was launched, there were less than 20 recognized occupations, and only several thousand people were accepted each year. “Employment” was limited to a maximum of one year (approximately two years if combined with training).

Currently, 80 occupations (144 types of work) are open to technical intern trainees. In addition, they are allowed to work for up to five years after temporarily returning to Japan. In 2018, the number of foreigners who entered Japan as technical intern trainees reached 150,000. There is no guarantee that the developments observed in technical intern training will not appear only in “specified skills”.

As the presence of foreign workers is a crucial stabilizing force in this fragile, rapidly aging society, it is very likely that the new type visa of “specified skills workers” might be extended to more industries in the nearest future.

References

1. Akashi J. The 2018 Amendment and Historical Perspectives on Japan’s Immigration Control: Changes and Continuities [明石 純一. 2018年法改正と入国管理をめぐる歴史観: 変化と連続性] // 移民政策研究 Vol. 12. 2020. pp. 65-79.
2. Akashi J. The 2018 Immigration Law Reform and the Future of Multicultural Coexistence [明石 純一. 2018年入管法改正と多文化共生のこれから] // 別冊愛. 2020. pp. 3-13.
3. Bachri A.S., Kusri D., Augustine F.Z. Factors Influencing the Successful Implementation of Prospective Ginou Jisshuu and Tokutei Ginou Careworkers’ Training // 4th International Conference on Language, Literature, Culture, and Education ICOLLITE 2020 // pp. 7-13.

Electronic Sources

3. Mitahyoron Online // Akashi J. The 2018 Immigration Law Reform: Its Policy Implications [明石 純一. 2018年入管法改正—その政策的含意について] //

¹¹ <https://www.mita-hyoron.keio.ac.jp/features/2019/07-2.html> // 2018年入管法改正—その政策的含意について // Date of access: 15.06.2023.

- URL: <https://www.mita-hyeron.keio.ac.jp/features/2019/07-2.html> // Date of access: 18.06.2023.
4. The website of the Ministry of Foreign Affairs of Japan (multiple sources) // URL: <https://www.mofa.go.jp/ca/> // Date of access: 15.06.2023.
 5. Nippon.com // Menju T. COVID-19 and the Crisis in Japanese Immigration Policy // URL: <https://www.nippon.com/en/in-depth/d00572/> // Date of access: 13.06.2023
 5. World Health Organization // WHO Director-General's opening remarks at the media briefing. URL: <https://www.who.int/news-room/speeches/item/who-director-general-s-opening-remarks-at-the-media-briefing---5-may-2023> // Date of access: 15.06.2023.