

# *Immigration Guide*

## *Japan*

*PwC International Assignment Services*



### *Landing Permission/Entry Visa*

Nationals from countries with a Visa Exemption Arrangement with Japan can apply for landing permission upon arrival at the immigration checkpoint. Temporary Visitor status is typically granted for 90 days. However, this may vary according to nationality and the purpose of entry.

Landing permission is granted at the Japan immigration checkpoint and differs from a visa. The landing permission authorises entry to Japan. A visa does not guarantee permission to enter Japan, but is one of the conditions for an application to enter Japanese territory from the airport upon arrival.

Japan's Ministry of Foreign Affairs website provides a list of countries with visa exemption arrangements.

[http://www.mofa.go.jp/j\\_info/visit/visa/short/novisa.html](http://www.mofa.go.jp/j_info/visit/visa/short/novisa.html)

### *Business Visitor*

Foreign nationals can enter Japan as a Temporary Visitor provided the scope of their business activities is limited to:

- Meetings
- Negotiations
- Attending seminars
- Fact finding missions
- Exploring business opportunities

The Immigration Authorities may question the purpose of entry and stay in Japan of a foreign national who frequently travels in and out of Japan on business as a Temporary Visitor. If the individual is not able to provide satisfactory reasons to support entry under the Temporary Visitor status, landing permission may not be granted.

## *Work Visa*

Foreign nationals who stay and work in Japan either for short-term or long-term are required to obtain a Work Visa prior to commencing an assignment in Japan.

## *Application Process*

### ***Certificate of Eligibility and Work Visa***

The applicant is required to obtain a Certificate of Eligibility (CoE) through their host offices in Japan prior to applying for the Work Visa at the Consulate General of Japan generally in the home country or other foreign country of residence. The CoE is valid for three months from the date of issuance.

An assignee (and relevant family members) who obtains a Japan visa with the CoE is required to enter Japan within that period. The CoE must be submitted to the Japanese consulate together with the Work Visa application forms.

### ***Residency Management System***

This will apply to medium to long-term foreign national residents with the exception of those falling under any of the following categories:

- 1) Persons granted permission to stay for less than three months such as “Temporary Visitor” status
- 2) Persons granted “Diplomat” or “Official” status
- 3) Persons recognised by Ministry of Justice ordinances as equivalent to individuals in the aforementioned points 1 and 2
- 4) Special permanent residents
- 5) Persons with no resident status who are illegally staying in Japan.

The major points under the law are as follows:

- A Residence Card is granted by the immigration entry clearance
- The allowed periods of stay will be granted from a range of three months to five years
- The Re-entry Permit is not required to return to Japan if each travel period outside the country is within one year.

The Residence Card has better tracking capabilities with an IC chip embedded for purposes of anti-counterfeiting. In addition, foreign residents are listed in the Basic Resident Registration along with Japanese residents in the local city offices.

In line with the introduction of the system, further penalties, revocation of resident status and deportation are included and expected to be enforced. Concerning the penalty on promoting illegal work, employers will be punished even in cases where the employer is unaware of the violation due to negligence.

## *Status of Residence of Work*

All foreigners who intend to work in Japan must obtain a valid working status prior to commencing work. This is the case irrespective of where the individual is being remunerated or where their employment contract is signed. The duration of the assignment is also not a factor; therefore, strictly speaking, even if someone is coming to work for a day or two, a working status is required.

The assignee's job title and responsibilities while working in Japan would determine the appropriate working status. Examples include: 'Business Manager', 'Intra-company Transferee', 'Engineer/Specialist in Humanities/International Services'. If the assignee's spouse or parent is a Japanese national, 'Spouse or Child of Japanese National' may be an option.

Many expatriates may be willing to sponsor foreign national domestic helpers during their assignment in Japan. However, due to strict criteria, this may be approved only for limited expatriates under the current Japanese immigration rules.

The period of stay can be extended by applying for an extension of period of stay. When an assignment is completed, the individual is required to surrender the Residence Card at the airport during departure. This will conclude the individual's residency in Japan.

### ***'Highly Skilled Professional' status***

This policy would adopt a Points-Based Preferential System for highly qualified foreign professionals. Under this system, foreign nationals who aggregate more than 70 points per a points-based criteria would be recognised as "highly qualified foreign professionals" and preferential immigration treatment is available for them. The points are accumulated based on their educational and occupational background, expected annual income, position, Japanese language ability, research performance, awards granted, and some other criteria. In the event an individual aggregates less than 70 points, the standard working immigration status will be applicable.

The activities of the highly qualified foreign nationals would be classified into three categories, such as (a) Academic research activities, (b) Advanced specialised/technical activities, and (c) Business management activities. They will be given the resident status of "Highly Skilled Professional (i)", which allows certain advantages and benefits such as:

- Multiple authorised activities
- Shorten the period to become eligible for Permanent Resident (five years)
- Expedited application procedure by the immigration authority
- Permission for spouse to work
- Permission to have their parents accompany them under certain conditions
- Permission to employ a domestic helper under certain conditions.

The applications for the points-based preferential system are available for foreign nationals who wish to enter Japan going forward as well as those who are already in Japan with employment immigration status. After having the 'Highly Skilled Professional (i)' over three years, the foreign national will be eligible to change the status to 'Highly Skilled Professional (ii)' which grants indefinite period of stay.

## *Accompanying Family Members*

A foreigner's non-working spouse or children must apply for Dependant status to enable them to reside in Japan.

If an accompanying spouse intends to work, they have the option to apply to work (up to 28 hours per week) through 'Permission to Engage in an Activity Other than that Permitted by the Status of Residence Previously Granted' (tied to the approved Dependant status) or to secure a Working Status separately through their own employer.

A common law spouse or domestic partner is not eligible for Dependent status and may need to stay in Japan under Temporary Visitor status for 90 days.

## *Application Process Overview*

For the CoE application, this include a photo (3x4 cm), a copy of passport details page, resume, educational certificates, assignment contract/employment letter, host office information such as company registration, financial report, and company brochure. Depending on the type of Work Visa, additional documents may be required. Depending on the operational volume of the host organisation, the documentation may be simplified.

Marriage and birth certificates are required for dependant family members' applications. Applications for adopted children or children from different marriages are likely to require submission of additional documents and completion of further application forms.

## *Timeline*

The processing time for the Certificate of Eligibility application is approximately two to five weeks at the Regional Immigration Bureau for the organisations with certain volume of operations in Japan, however it would vary based on the type of immigration status and personal background, and several days for a visa application at the Japanese Consulate. The combined process takes approximately four to seven weeks including international courier delivery period.

## *Alternative Immigration Options*

Other options available to foreigners seeking to reside in Japan may include:

### ***Spouse or Child of Japanese National***

Different documentation would be required. This status of residence does not require sponsorship by an employer, as it is tied to the individual applicant. The duration granted for this status can be six months to five years. Applicants who qualify under this category would not be subject to limitation on employment and work related activities.

### ***Permanent Residence (PR)***

Certain categories of foreigners are eligible to apply for PR. There is no limitation on employment and work related activities.

## *Non-Compliance*

The employing company and/or the individual would be subject to a fine and imprisonment if found guilty of immigration non-compliance. In addition, the individual may be removed and banned from Japan.

## *Contact*

This Guide is intended to provide a general overview of the immigration requirements and options for foreigners seeking to reside and work in Japan. For advice relating to a specific immigration matter, please contact:

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