

Question Sheet No. 49

Questions regarding the SPECIAL PERMISSION FOR
RESIDENCE to people engaging in the PETITION FOR
RECONSIDERATION

Hereby, according to Article 74 of the Parliament Act, I submit the above mentioned questions.

November 11, 2013

Kazuyuki HAMADA

To Mr. Masaaki YAMAZAKI, Speaker of the House of Councilors

Questions regarding the SPECIAL PERMISSION FOR RESIDENCE to people engaging in the PETITION FOR RECONSIDERATION

The 'Guidelines regarding the SPECIAL PERMISSION FOR RESIDENCE' (In the following referred to as the 'Guidelines'.) were revised in July, 2009. According to a report by the Asahi Shimbun, 'cases having been refused permission in the past too will be judged according the new policy in case of reapplication' (July 10, 2009).

Until now, the SPECIAL PERMISSION FOR RESIDENCE was granted after the issue of a Deportation Order through the PETITION FOR RECONSIDERATION requesting SPECIAL PERMISSION FOR RESIDENCE. Only among cases supported by the Non-Profit Organization ASIAN PEOPLE'S FRIENDSHIP SOCIETY, the SPECIAL PERMISSION FOR RESIDENCE was granted to 12 families, 44 people between December, 2009 and November, 2011.

However, since 2012, almost no SPECIAL PERMISSION FOR RESIDENCE has been granted through the PETITION FOR RECONSIDERATION. From results of an October, 2013 hearing conducted by APFS among lawyers engaged in cases of foreign nationals and organizations supporting foreign nationals, it is clear that almost no SPECIAL PERMISSION FOR RESIDENCE has been granted through the PETITION FOR RECONSIDERATION since 2012.

People in application for Refugee Recognition are also included among those who have a Deportation Order issued against them. Also, on July 6, 2013, 75 Filipino nationals were deported to the Philippines on a charter flight, contrary to the fact that they were objecting deportation.

In view that while our country's society keeps its vitality and develops sustainably, it also borrows vitality from the Asian region, the government has come up with an active policy for immigration. Hence, I ask the following questions focusing on the implementation of the SPECIAL PERMISSION FOR RESIDENCE to people engaging in the PETITION FOR RECONSIDERATION.

1. Will the SPECIAL PERMISSION FOR RESIDENCE be granted in cases engaging in the PETITION FOR RECONSIDERATION?
2. Can we assume that the Guidelines will apply in cases engaging in the PETITION FOR RECONSIDERATION too?
3. Are there children in cases where the PETITION FOR RECONSIDERATION has been recognized? If there are, from how old to how old, what is the range of the children's age?
4. Disclose the number of cases in which the SPECIAL PERMISSION FOR RESIDENCE was granted through the PETITION FOR RECONSIDERATION in FY2010, FY2011, FY2012 and FY2013.
5. Can we assume that the positive elements in the Guidelines are taken into consideration when the SPECIAL PERMISSION FOR RESIDENCE is granted for conditions requiring SPECIAL PERMISSION FOR RESIDENCE after refusal of Refugee Recognition? Clarify the position of the government.
6. 75 Filipino nationals were deported on a charter flight on July 6, 2013. Are there plans for this fiscal year to execute other deportations on charter flights again? If there are, what are the destinations? Also, disclose the standards for selecting deportees and that how many people are scheduled for deportation.

Answer Sheet No. 49

Cabinet Questioning 185 No. 49

November 19, 2013

Shinzo ABE, Prime Minister

To Mr. Masaaki YAMAZAKI, Speaker of the House of Councilors

I am attaching the answer paper for the *Questions regarding the SPECIAL PERMISSION FOR RESIDENCE to people engaging in PETITION FOR RECONSIDERATION* submitted by Mr. Kazuyuki HAMADA, Member of the House of Councilors.

Answer paper for the *Questions regarding the SPECIAL PERMISSION FOR RESIDENCE to people engaging in the PETITION FOR RECONSIDERATION* submitted by Mr. Kazuyuki HAMADA, Member of the House of Councilors

On 1., 2. And 5.

Although the ‘PETITION FOR RECONSIDERATION’ in question is not a legal process regulated in the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951. In the following referred to as the ‘Immigration Act’.), we are aware of that this factual act (In the following referred to only as the ‘FACTUAL ACT’.) in which foreign nationals who have a Deportation Order issued against them, including people who have been refused Refugee Recognition, based on changes of circumstances after these measures, request the cancellation of these measures and the SPECIAL PERMISSION FOR RESIDENCE, is referred to as the ‘PETITION FOR RECONSIDERATION’.

The ‘Guidelines regarding the SPECIAL PERMISSION FOR RESIDENCE’ (In the following referred to as the ‘Guidelines’.), that were established by the Immigration Bureau, Ministry of Justice in October, 2006 and revised in July, 2009, are showing the points to be taken into consideration when the Minister of Justice or the Director of a Regional Immigration Bureau (In the following referred to as the ‘Minister of Justice etc.’), based on the 1st Paragraph of Article 50 or the 2nd Paragraph Article 61 2-2 of the Immigration Act, makes a judgment whether to grant the SPECIAL PERMISSION FOR RESIDENCE to foreign nationals at his or her discretion.

On the other hand, with regard to people engaging the FACTUAL ACT, while the Minister of Justice etc., in view of circumstances risen after the issue of a Deportation Order, in case if not cancelling this applied measure and not granting residence in our land seem to cause serious humanitarian problems, may cancel this measure and grant the SPECIAL PERMISSION FOR RESIDENCE, this judgment, just like the judgment whether to grant the SPECIAL PERMISSION FOR RESIDENCE based on the 1st Paragraph of Article 50 or the 2nd Paragraph Article 61 2-2 of the Immigration Act, is

left at the discretion of the Minister of Justice etc. However, with regard to foreign nationals who already have a Deportation Order issued against them and who are in a position that they should be forced out of our country in the first place, given the character of the act of cancelling these applied measures based on circumstances risen later, is left at an even wider range of discretion than the judgment whether to grant the SPECIAL PERMISSION FOR RESIDENCE based on the 1st Paragraph of Article 50 or the 2nd Paragraph Article 61 2-2 of the Immigration Act, hence we do not think of applying the Guidelines upon making such judgments.

On 3.

Although there are people who are less than 20 years old among those who were granted the SPECIAL PERMISSION FOR RESIDENCE after engaging in the FACTUAL ACT and having cancelled measures of a Deportation Order issue, since we do not have statistics about these people in the inquired form, it is difficult to answer.

On 4.

Since we do not have statistics about the FACTUAL ACT in the inquired form, it is difficult to answer.

On 6.

With regard to the inquiry, since there is a risk that it may pose obstacles for executing deportation duties, we would like to refrain from answering.