

REFERENCE: CERD/EWUAP/2024/CS/cs/ks

25 June 2024

Excellency,

I write to inform you that the Committee considered information received under its early warning and urgent action procedure, related to a draft bill partially amending the Immigration Control and Refugee Recognition Act and its potential impact on non-citizens with permanent resident status living in Japan.

According to the information received:

- Currently, in order to acquire permanent resident status without limitation on the period of stay, non-citizen residents in Japan have to comply with particularly stringent requirements and undergone strict examinations;
- Among these requirements, the applicant must have resided in Japan for at least 10 years, of which at least 5 years must be in employment status or residence status (such as the status of spouse or child of a Japanese national, or of a permanent resident and long-term resident), and comply with other equally rigorous requirements such as tax payment obligations;
- Under the current law, permanent resident status could be revoked when a person is sentenced to a prison term exceeding one year, but the new draft bill will broaden the grounds for revocation, among others, in the following cases:
 - Breaching the Immigration Control Act by, for instance, not fulfilling the obligation to carry at all times the residence card and to apply for its renewal;
 - Failure to pay taxes or social security fees;
 - Minor infringement of laws and regulations;
- The draft bill also stipulates that after the permanent residence permit is revoked, the change to another status of residence may not be permitted, opening the possibility that mid- to long-term resident status will not be granted, depriving a permanent resident of a stable living foundation in Japan;
- The draft bill also requires national and local government officials, including those working for agencies that provide basic and administrative services, to report any non-citizen who they believe fall under the grounds for revocation of permanent resident status to the Immigration Services Agency;

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- At the end of 2023, there are 891,569 permanent residents, or about 26% of all non-citizens living in Japan, and the size of the potential target population for revocation of permanent resident status is quite large. In addition, the revocation of permanent resident status would also apply to the more than 50,000 foreign residents with "spouse and child" permanent residency;
- Many organizations that protect the rights of non-citizens have voiced their concerns about the broad grounds and the drastic consequences that the draft bill introduces and their adverse impact on permanent residents in Japan, including when these non-citizens become unable to pay their taxes due to illness or unemployment.

The Committee is concerned about the above-mentioned allegations and the disproportionate impact that the amendments to the Immigration Control and Refugee Recognition Act could have on the human rights of non-citizens with permanent residence status living on Japan, notably the rights protected under the International Convention on the Elimination of All Forms of Racial Discrimination.

In this regard, the Committee recalls its [General Recommendation No. 30 \(2004\)](#) on discrimination against non-citizens, in which it calls upon States parties to ensure that:

- The implementation of legislation does not have a discriminatory effect on non-citizens (para. 7);
- Immigration policies do not have the effect of discriminating against persons on the basis of race, colour, descent, or national or ethnic origin (para. 9);
- Particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization, and to pay due attention to possible barriers to naturalization that may exist for long-term or permanent residents (para. 13);
- Laws concerning deportation or other forms of removal of non-citizens from the jurisdiction of the State party do not discriminate in purpose or effect among non-citizens on the basis of race, colour or ethnic or national origin, and that non-citizens have equal access to effective remedies, including the right to challenge expulsion orders, and are allowed effectively to pursue such remedies (para. 25).

In light of the above, and in accordance with Article 9 (1) of the Convention and Article 65 of its Rules of Procedure, the Committee requests the State party to provide information on the abovementioned allegations and to submit its response by 2 August 2024, including information on any measures to ensure the protection of non-citizens living with permanent resident status in the State party, in particularly any steps taken or envisaged to review or repeal the amendments introduced by the aforementioned draft bill.

Finally, the Committee requests the State party to submit its 12th to 14th periodic reports overdue since 14 January 2023.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Japan, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Michal Balcerzak
Chair

Committee on the Elimination of Racial Discrimination