

# Statement Calling for Humane Special Residence Permits for Undocumented Persons

At a press conference on 4 August, Mr Ken Saito, Minister of Justice, announced a special residence permit for children born in Japan and their families living in Japan undocumented, stating that undocumented persons who meet 'certain requirements' will be granted residence status uniformly. This can be considered the first general amnesty in Japan. While we appreciate such a response from the standpoint of ensuring the rights and dignity of migrants, it is also important to note that some children are excluded from this regularisation due to parental circumstances such as 'illegal' entry/landing or criminal records. In addition, children and young people who are in almost the same situation but who are already over the age of 18 or who came to Japan as a child (born outside Japan) and their families are also excluded from the scope of the measure. We see this as a serious problem.

Article 50 of the Immigration Control and Refugee Recognition Act (Immigration Control Act) provides for special exceptions to the decision of the Minister of Justice. Although a special residence permit (individual amnesty) was considered as a "discretionary decision" of the Minister of Justice, the Guideline for Special Residence Permit (hereinafter referred to as the "Guideline") was formulated and published in October 2006 and revised in July 2009 in line with the passage of the revised Immigration Control Act.

In June 2023, the revised Immigration Control Act was passed to facilitate the repatriation of refugee applicants and other "repatriation evaders", and its supplementary resolution stated that "in formulating guidelines for special residence permits, due consideration shall be given to the interests of children, family unity, marital relations with Japanese or special permanent residents, and statelessness". This was specified as a "matter of special consideration".

Among the "deportation evaders" who cannot leave Japan are children and young people who came to Japan when they were small children and grew up in Japan, people who are married to a Japanese citizen or a foreign resident in Japan, people who are supporting a child and spouse living in Japan, and people whose families live together in no other place than Japan because their families are of different nationalities. There are many foreigners who do not fall within the scope of this special measure, but who have "circumstances that prevent them from returning" and are seeking regular residence in Japan.

The Ministry of Justice has stated in the Second and Third Basic Plans for Immigration Control (March 2000 and March 2005) that it will take appropriate measures for undocumented foreigners with "ties to Japanese society", giving full consideration to humanitarian aspects. **We again urge the Minister of Justice to apply the special residence permit to all undocumented persons who live in this society as their "home", including those who have no family members, from a humanitarian perspective**, in accordance with the policy stated in the Basic Plan and based on the supplementary resolution of the revised Immigration Control Act.

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Solidarity Network with Migrants Japan (SMJ)