



UNITED NATIONS
**HUMAN RIGHTS
TREATY BODIES**

HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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12 May 2025

Excellency,

I write to you further to the reply of 25 September 2024 on the Committee's letter of 25 June 2024 regarding the information received under its early warning and urgent action procedure related to the amendments of 2024 to the Immigration Control and Refugee Recognition Act and its potential impact on non-citizens with permanent resident status living in Japan.

The Committee thanks the State party for its response to the letter and takes note of the information provided, according to which:

- The Diet passed the amendments to the Immigration Control and Refugee Recognition Act (the amended Act) during its 213th session, and were promulgated on 21 June 2024;
- Under the amended Act, the status of permanent residence will not be revoked merely for forgetting to carry a residence card or to file an application for its renewal;
- The amended Act does not stipulate non-payment of taxes and of other public dues under unavoidable circumstances – such as illness or unemployment – as a ground for revocation of permanent residence where a fault cannot be attributed to the individual, but restricts revocation of this status to malicious cases, which include intentional non-payment despite having the ability to pay;
- The amended Act does not stipulate minor infringements of laws and ordinances as grounds for revocation, but only cases where an offender is sentenced to imprisonment for certain serious offenses, including robbery and murder, and in cases where an individual commits a crime of negligence or is sentenced to a fine, the resulting punishment would not constitute a ground for revocation;
- Under the amended Act, even in the case in which a foreign national with permanent residence meets the grounds for revocation of his or her status of residence, the Minister of Justice shall, in principle, grant a different status, such as long-term residence, rather than immediately revoking the status of residence and expelling the individual from Japan, allowing such individuals to continue to stay in Japan with a different residence status;
- If a permanent resident is dissatisfied with the decision to change or revoke the status of residence, he or she may seek a court's decision by initiating administrative legal proceedings;

H.E. Mr. Atsuyuki Oike
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- The amended Act stipulates that if officials of the government or of a local public entity become aware of an individual with a permanent residence who they believe falls under any of the grounds for revocation of the status of residence, that individual “may be reported” (emphasis added) to the Immigration Services Agency; in other terms, the amended Act requests but does not require the officials to report the individual;
- Permanent residents have opportunities to state their opinions and produce evidence in person or through their representatives during revocation procedures, which protect the rights of foreign nationals through due process of law, and enables the Immigration Services Agency to accurately ascertain the facts and carefully determine the necessity of revocation of the status of residence;
- Even if the status of permanent residence is revoked, in principle, the spouse or child residing in Japan with the status of “Spouse or Child of Permanent Resident” can continue to reside with the same status or that of “Long-Term Resident”;
- The Diet adopted a supplementary resolution for the amended Act that obliges thorough examination of individual circumstances of permanent residents, including the stability of their lives and the seriousness of the violation of laws and regulations committed, in order to avoid unreasonable infringement of their interests. It also provides for publication of new guidelines on specific instances where the status of permanent residence could be revoked, for the purpose of careful application of the provisions, and to give due consideration to the status of residence of their family members.

The Committee also takes note of the information provided by the State party that it intends to manage the permanent residence system appropriately, and that it has already taken appropriate measures to address the concerns of the Committee. In this regard, the Committee encourages the State party to ensure that the implementation of the amended Immigration Control and Refugee Recognition Act does not have any disproportionate impact on the human rights of non-citizens living on Japan, including those with permanent residence status, notably the rights protected under the Convention as well as other relevant international standards. The Committee would like to kindly inform the State party that these matters will be discussed in the context of the consideration of its next periodic report under the simplified reporting procedure.

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.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, reading "Balcerzak" with a flourish at the end.

Michal Balcerzak
Chair

Committee on the Elimination of Racial Discrimination