

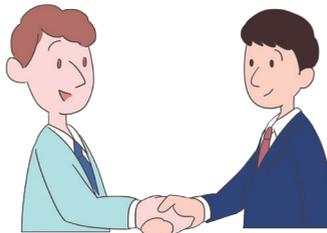
Foreign Workers Employment Manual



Tokyo Metropolitan Government
Office for Promotion of Citizen Safety

Contents

Introduction	1
Foreign nationals ineligible for employment	2
When hiring foreign nationals	3
What is a Residence Card?	4
Measures to spot forged Residence Cards	5
Information found on residence cards	6
What kinds of residence status are there?	8
About permits for extra-status activities	9
Other identity verification documents	10
What is “provisional release”?.....	11
How to check whether a foreign national can be employed legally	12
Notification to be made after employment	14
Complete visa applications online	14
Consequences of employing illegal workers	15
Frequently asked questions (FAQ)	16
Help for problems concerning the employment of foreign workers	17



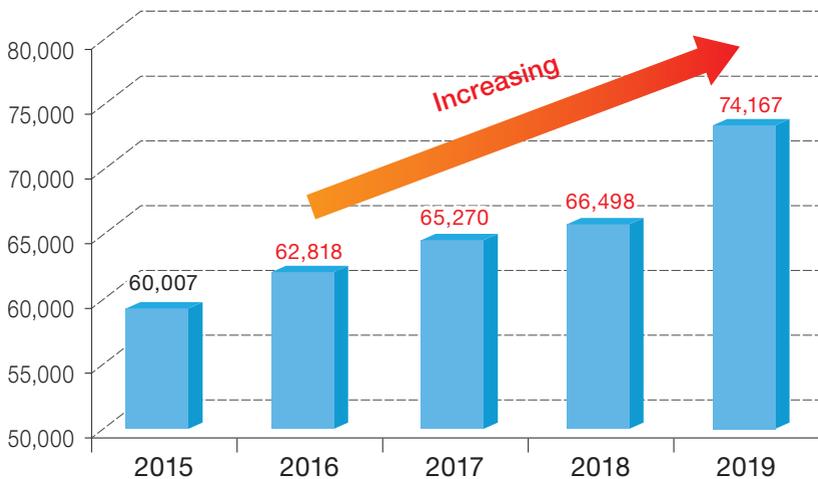
To all employers of foreign workers

Foreign nationals are permitted to work in Japan within the scope of residence statuses set forth in the Immigration Control and Refugee Recognition Act. When considering the employment of a foreign national, employers must therefore verify whether that person is legally permitted to work based on their Residence Card or other qualification.

The number of foreign workers in Japan reached an all-time high of around 1.46 million in October 2018. As of January 2019, roughly 74,000 are illegal foreign residents, many of whom are thought to be working illegally.

The Tokyo Metropolitan Government has therefore published this manual to encourage a deeper understanding of matters requiring special care when employing foreign workers, as well as to ask for your cooperation in helping us create an environment that prevents the employment of illegal workers.

Number of Overstayers



Source: Immigration Bureau, Ministry of Justice

Foreign nationals ineligible for employment

The following foreign nationals are not permitted to work.

1

Illegal foreign residents and those facing deportation

Examples:

- Overstayers and people entering Japan illegally
- People facing deportation

2

Foreigners whose Residence Status does not allow them to work and who have not received permission to work

Examples:

- People who entered Japan for a short-term stay for tourism, etc.
- Students and people applying for refugee status who have not received permission to work

3

Foreigners permitted to work but engaging in work beyond the scope of that specified in their Residence Status

Examples:

- People permitted to work as chefs or language school instructors working as unskilled workers at places such as factories
- Students working beyond the number of hours they are permitted to work



When hiring foreign nationals

1

First, check the person's Residence Card.

▶ P4-P5



2

Then, confirm his/her “period of stay” and “residence status.”

▶ P6-P7



3

Before determining their employment eligibility, also check for any “work restrictions” and “permission for extra status activities,” as well as “descriptions on the Certificate of Designation.”

▶ P6-P13



4

Finally, be sure to notify Hello Work (Public Employment Security Offices) after employing a foreign worker.

▶ P14

What is a Residence Card?

A Residence Card is issued to each foreign national who stays in Japan for mid- to long-term stays. Except for **Special Permanent Residents**, foreign nationals with no Residence Card are, in principle, not allowed to be employed.

Residence Cards are issued to those qualified as mid/long-term residents for which the following conditions do NOT apply.

- 1) People permitted to stay in Japan for three months or less
- 2) People granted Temporary Visitor status
- 3) People granted Diplomat or Official status
- 4) Staff granted extra-status activities from the Japan-based offices of the Taiwan-Japan Relations Association (including Taipei Economic and Cultural Representative Office in Japan), or of the Permanent General Mission of Palestine in Japan, and their family members
- 5) Special Permanent Residents
- 6) People with no residence status

Examples of those qualified to have a Residence Card

- Spouses of Japanese nationals
- People of Japanese ancestry
- Employees at Japanese companies, etc.
- Technical interns
- Students attending schools in Japan
- Permanent residents, etc.

Examples of those not qualified to have a Residence Card

- Tourists
- Diplomats
- Illegal residents, etc.

Sample

日本国政府 在留カード
GOVERNMENT OF JAPAN RESIDENCE CARD
氏名 TURNER ELIZABETH
NAME
生年月日 1985年12月31日 性別 女 F、国籍・地域 米国
DATE OF BIRTH Y M D SEX NATIONALITY/REGION
住居地 東京都千代田区霞が関1丁目1番1号霞が関ハイツ202号
ADDRESS
在留資格 留学
STATUS Student
就労制限の有無 就労不可
在留期間(満了日) 4年3月(2023年07月01日)
PERIOD OF STAY (DATE OF EXPIRATION) Y M D
許可の種類 在留期間更新許可(東京出入国在留管理局長) <MOJ>
許可年月日 2019年04月01日 交付年月日 2019年04月01日
このカードは 2023年07月01日まで有効

Number

Validity period

Residence Cards have “validity periods”.

Permanent Residents and Highly Skilled Professionals (ii)

Those 16 or over 7 years from date of issue

Those under 16 Until their 16th birthday

Other individuals

Those 16 or over Until the expiration of the period of stay

Those under 16 Until the expiration of the period of stay or the individual's 16th birthday, whichever comes first

For more information about renewing Residence Cards or similar matters, please inquire with your nearest Immigration Bureau office.

Measures to spot forged Residence Cards

The MOJ graphic changes to green.

Tilting the card up and down should change the MOJ graphic from pink to green.



The left side changes to pink

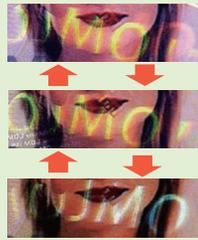
Tilting the card up and down changes the color from green to pink.



The hologram moves in 3D



Tilting the card left and right should cause the MOJ hologram to move left and right in 3D.



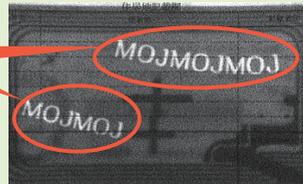
The text alternates between black and white

When tilting the card 90°, the text in the silver hologram should alternate between black and white.



Watermark text is visible

Hold the front of the card up to a strong light in a dark room and you should be able to see "MOJMOJ..." watermark text as shown at right.



Be careful of forgeries

You can check the validity of Residence Cards and more!

A number of Residence Card forgeries have been noted in recent years. Fortunately, you can verify whether a card number is valid by visiting the Checking Residence Card Validity page on the Immigration Service Agency of Japan's website and filling out all required fields, including Residence Card numbers.

<https://lapse-immi-moj.go.jp/>

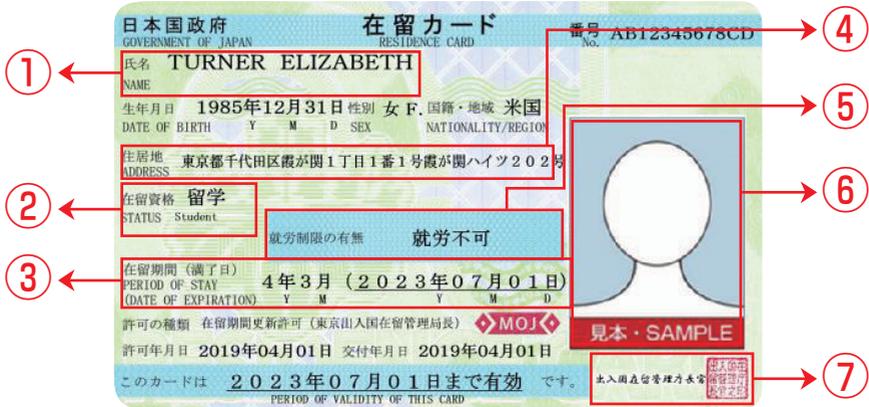
Specifications for Residence Cards and other documents are made available on the Immigration Service Agency of Japan's website. Products are available that can read the data stored on the IC chips in Residence Cards, etc. These allow for verifying whether the cards are genuine by comparing the registered image to information on the physical card.

http://www.immi-moj.go.jp/news-list/120424_01.html



Information found on residence cards

Sample – Front side



①	Name	While names must generally be written in Latin script, those who write their name in kanji may also include kanji. However, only the individual's real names may be included here.
②	Residence Status	No Residence Card is issued to any foreign national without a residence status.
③	Period of Stay (Date of Expiration)	Individuals may remain in Japan until the expiration date of their period of stay. Those who stay in Japan beyond the expiration date fall into illegal resident status. However, while waiting for an application result (see ⑨), foreign nationals are allowed to stay with ② residence status for two months after the expiration date, or until the result is announced.
④	Address	Changes are recorded on the back of the card.
⑤	Work Restrictions	<p>Work restrictions are indicated as in the examples below.</p> <p>「就労制限なし」(No work restrictions) → No restrictions apply to work performed by the holder.</p> <p>「在留資格に基づく就労活動のみ可」 (Allowed only to engage in work based on residence status) → The holder is allowed to engage only in work specified according to the residence status in ②.</p> <p>「指定書により指定された就労活動のみ可」 (Allowed only to engage in work designated in the Certificate of Designation) → Please also check the individual's Certificate of Designation to ensure that the work is allowed for in the Certificate (see page 10).</p> <p>「就労不可」(Not allowed to work) → The holder cannot work or be employed. However, if the “Permit for Extra-status Activities” (see ⑧) on the back permits the holder to work, he/she is allowed to work and be employed within the limits specified in the permit.</p>
⑥	ID Photo	No ID photo is shown on the card if the expiration date is before the cardholders' 16th birthday.

Check Residence Card before employing a foreign national!

Sample - Back side

The image shows the back side of a Japanese Residence Card. It is divided into several sections. At the top, it says '住居地記載欄' (Residence Information Section). Below this, there are three columns: '届出年月日' (Date of registration), '住居地' (Residence), and '記載者印' (Issuing Authority Seal). The '届出年月日' is '2019年4月1日'. The '住居地' is '東京都港区港南5丁目5番30号'. The '記載者印' is '東京都港区長'. Below these are two rows for '資格外活動許可欄' (Permit for Extra-Status Activities) and '在留期間更新等許可申請欄' (Permit for Stay Renewal, etc.). The '資格外活動許可欄' contains the text '許可: 原則週28時間以内・風俗営業等の従事を除く' (Permitted: Up to 28 hours per week, excluding adult entertainment industry work, etc.). The '在留期間更新等許可申請欄' contains the text '在留資格変更許可申請中' (Applying for change of residence status).

8

9

10

Sample

在留カード後日交付
Residence card will be
issued at a later date
日本国入国審査官
Immigration Inspector, Japan

⑦ Issuing Organization	“Minister of Justice” will be shown for Residence Cards issued on or before March 31, 2019.
⑧ Permit for Extra-Status Activities	<p>If the holder is granted permission, that fact is indicated here as shown in the following example.</p> <p>「許可:原則週28時間以内・風俗営業等の従事を除く」 (Permission: Up to 28 hours a week, excluding adult entertainment industry work, etc.)</p> <p>→ Even individuals working multiple part-time jobs may not exceed a total of 28 hours of work per week.</p> <p>「許可:資格外活動許可書に記載された範囲内の活動」 (Permission: Work within the scope specified in the Permit for Extra-Status Activities)</p> <p>→ If a Residence Card has this, check the individual's Permit for Extra-Status Activities (see page 9).</p>
⑨ Application Record	This space will also be used to indicate whether the individual is currently applying for a period of stay renewal or residence status change. While waiting for an application result, foreign nationals are allowed to stay with ② residence status for two months after the expiration date, or until the result is announced.
⑩ “Residence Card will be issued at a later date” stamp	Residence Cards are issued at the same time as immigration procedures only at New Chitose, Narita, Haneda, Chubu, Kansai, Hiroshima, and Fukuoka airports. When landing at other airports, etc., the “Residence Card will be issued at a later date” stamp is placed on the passport. In such cases, mid- and long-term residents will receive their Residence Cards in the mail from the Immigration Service Agency of Japan after they register their place of residence with their local municipal office.

What kinds of residence status are there?

Residence Status

Residence status examples (occupations, etc.)

● Residence statuses with no activity restrictions

Permanent Resident	Persons permitted by the Ministry of Justice to be permanent residents (excluding Special Permanent Residents)
Spouse or Child of Japanese National	Spouse, child by birth, or specially adopted child of a Japanese national
Spouse or Child of Permanent Resident	Individual that is a spouse or child by birth of a Permanent Resident or Special Permanent Resident and that was born and continues to live in Japan
Long Term Resident	Third-generation Japanese descendants, third-world country settlement refugees, war-displaced Japanese with Chinese citizenship, etc.

● Residence statuses with permission to work (only specified activities)

Diplomat	Ambassador, minister, consul general of a foreign government, and family members
Official	Officer of a foreign government or international organization, and family members
Professor	University professor or lecturer
Artist	Composer, painter, writer, etc.
Religious Activities	Missionary dispatched by an overseas religious group, etc.
Journalist	Journalist or cameraman of a foreign press agency
Highly Skilled Professional	People with highly specialized capabilities
Business Manager	Manager or supervisor of a company
Legal/Accounting Services	Lawyer or certified public accountant, etc.
Medical Services	Physician, nurse, dentist, etc.
Researcher	Researcher at a government-related organization, a company, etc.
Instructor	Language instructor at a junior high school, high school, etc.
Engineer / Specialist in Humanities / International Services	Mechanical engineer, interpreter, designer, language instructor at a private company, marketing employee, etc.
Intra-company Transferee	Transferee from an overseas business office
Nursing Care	Certified care worker
Entertainer	Actor/actress, singer, dancer, professional athlete, etc.
Skilled Labor	Foreign chef, sports trainer, airline pilot, precious metal processor, etc.
Specified Skilled Worker	Workers in specified industries (care worker; building cleaning & management; sokeizai industry; machine parts & tooling industries; industrial machinery industries; electric, electronics, and information industries; construction industry; shipbuilding and ship machinery industries; automobile repair and maintenance; aviation industry; accommodation industry; agriculture; fishery & aquaculture; manufacture of food and beverages; food service industry)
Technical Intern Training	Technical Intern

● Residence statuses with no permission to work

Cultural Activities	Researcher of Japanese culture, etc.
Temporary Visitor	Tourist, conference guest, etc.
Student	Student of a university, junior college, technical college, or senior high, junior high, elementary, vocational, or other school
Trainee	Trainee
Dependent	Spouse or child supported by a foreign national residing in Japan

● Residence statuses allowing only work related to designated activities

Designated Activities

Activities which are specifically designated by the Minister of Justice for each foreign individual (includes domestic staff of a diplomat, etc.; working holiday participants; those who will continue job-hunting after university graduation, etc.; candidates for foreign nurse or certified caregiver positions in accordance with economic partnership agreements)

Listed above are typical occupations. As some occupations are not listed here, please inquire with your local Immigration Bureau office for more information.

About permits for extra-status activities

Before working in fields outside of those permitted by their residence status, those who have residence statuses with work restrictions must first get a Permit for Extra-Status Activities. There are two means for verifying the existence of these permits: ① Approval seals stamped on passports and ② the Permits for Extra-Status Activities themselves. Permit possession is also indicated on the back of Residence Cards (see page 7).

Sample ①



Sample ②



Extra-status activities permitted for international students and others whose Residence Cards show “就労不可” (ineligible to work) in the Work Restrictions space (see page 6) are shown in the table below.

Residence Status	Working hours permitted per week	Working hours permitted during long holidays provided for in the rules of that academic institution
Student	Up to 28 hours	Up to 8 hours per day
Dependent		/
Designated Activities (People who are still seeking jobs or are working as a dependent of the Residence Cardholder)		
Cultural Activities	Case-by-case basis	/

***However, they are not allowed to work in adult entertainment businesses!**
(These businesses include cabarets, bars, game houses, “love hotels,” and dance halls/nightclubs.)

Other identity verification documents

In addition to Residence Cards, the following may be used to verify status of residence or permitted work activities, etc.

① Landing Permission

Foreign nationals who have received or renewed their permission to enter Japan (land) will receive this stamp in their passport at the airport, etc. The stamp indicates status of residence, period of stay, and stay expiration date, etc.

Sample

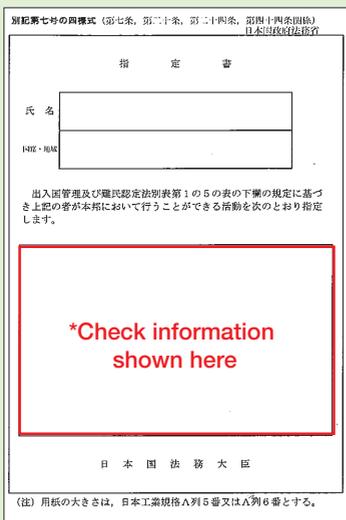


② Certificate of designation

This is issued to individuals with either a Specified Skilled Labor or Designated Activities residence status, etc. Among other information, these certificates indicate activities that may be engaged in while in Japan.

However, check these certificates carefully as simply having this certificate does not always mean an individual is eligible to work.

Sample



③ Certificate of authorization for employment

These are issued when applied for by foreign nationals legally permitted to work. These allow potential employers to know what kinds of work a foreign national is permitted to do. However, individuals should not be disadvantaged by refusing to present this certificate.

Sample



What is “provisional release”?

Provisional release occurs when a person who is in the midst of the deportation process or who is already scheduled to be deported for having violated the Immigration Control and Refugee Recognition Act is released temporarily, due to health issues or various other issues, instead of being held in an Immigration Service Agency of Japan detention facility, as is policy. People who are under provisional release are provided a provisional release permit. The permit does not provide resident status, however, and people under provisional release are in principle not allowed to work.

As such, individuals for whom “Prohibited from work or activities for which compensation is received” is noted on the back of their provisional release permit are not permitted to work. Even those without this condition on their provisional release permits may not work, unless the individual has a Residence Card that permits them to work.

Sample – Front side

別記第六十七号様式（第四十九条関係）
（表） 番 号 ○○第29-00号
年 月 日 2019年5月10日

日本国政府法務省

仮 放 免 許 可 書

出入国管理及び難民認定法第51条第2項の規定により、仮放免します。



見本-SAMPLE

1 氏 名 Taylor Carly

2 生 年 月 日 1985 年 1 月 1 日

3 国 籍 ・ 地 域 ○○国

4 住 居 地 東京都港区港南5丁目5番30号

5 仮放免の条件：裏面に記載のとおり。

出入国在留管理庁 入国審査官
入国在留管理庁主任審査官

入 管 太 郎

署 名

(注) 用紙の大きさは、日本工業規格A列4号とする。

Sample – Back side

(裏)

仮 放 免 の 条 件

(1) 住居
表記住居地に同じ

(2) 行動範囲
住居地の都道府県及び○○出入国在留管理局出頭の際の出頭経路

(3) 出頭を命じられたときは、指定された日時及び場所に出頭しなければなりません。

(4) 仮放免の期間
平成30年5月10日から平成30年○月○日○時まで

(5) その他
職業又は報酬を受ける活動に従事できない。

注 意

ア 住居を変更するときは、あらかじめ入国審査官又は主任審査官の承認を受けなければなりません。

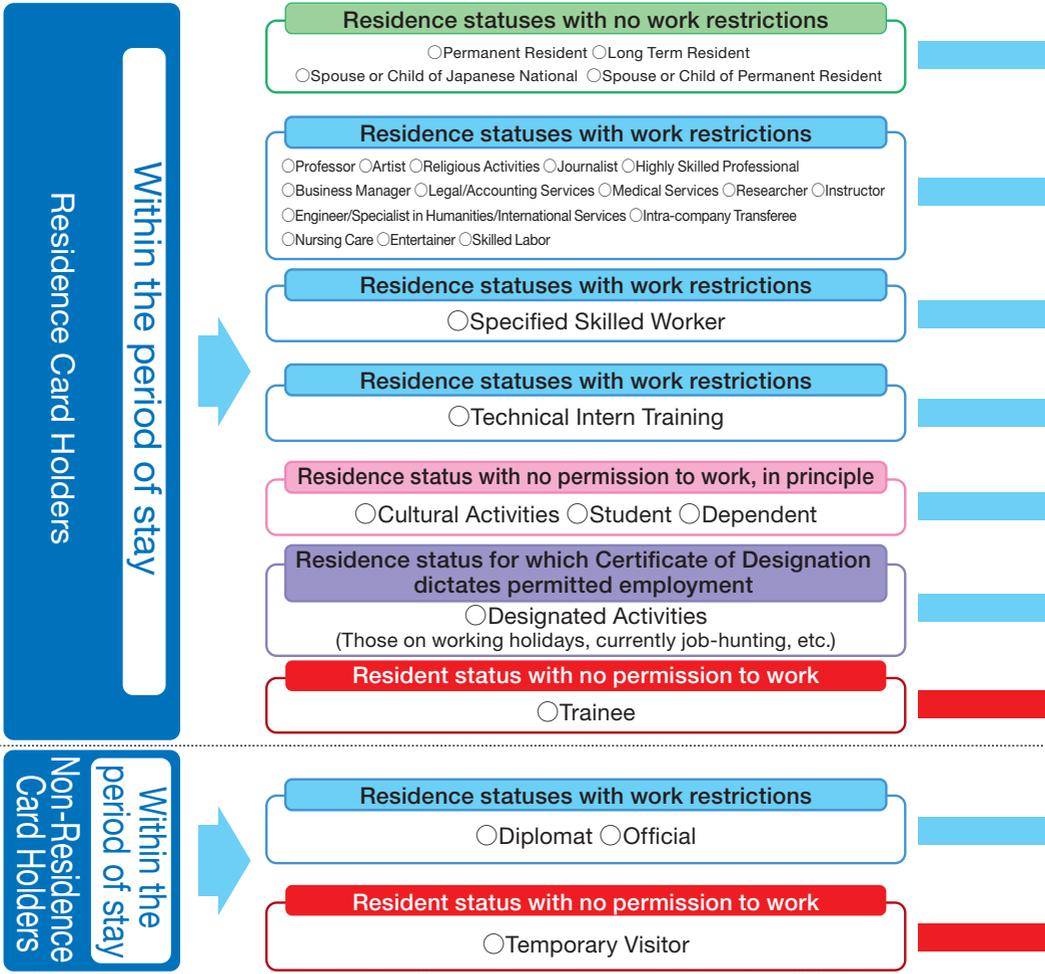
イ 旅行等の理由により行動範囲を拡大する必要があるときは、あらかじめ入国審査官又は主任審査官の承認を受けなければなりません。

ウ 上記の条件に違反したときは、仮放免を取り消し、保証金の全部又は一部を没収することがあります。

エ 出頭の際は、本許可書を持参して下さい。

Check information shown here

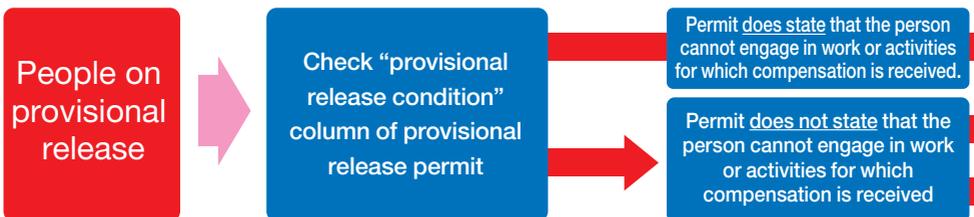
How to check whether a foreign national can be employed legally

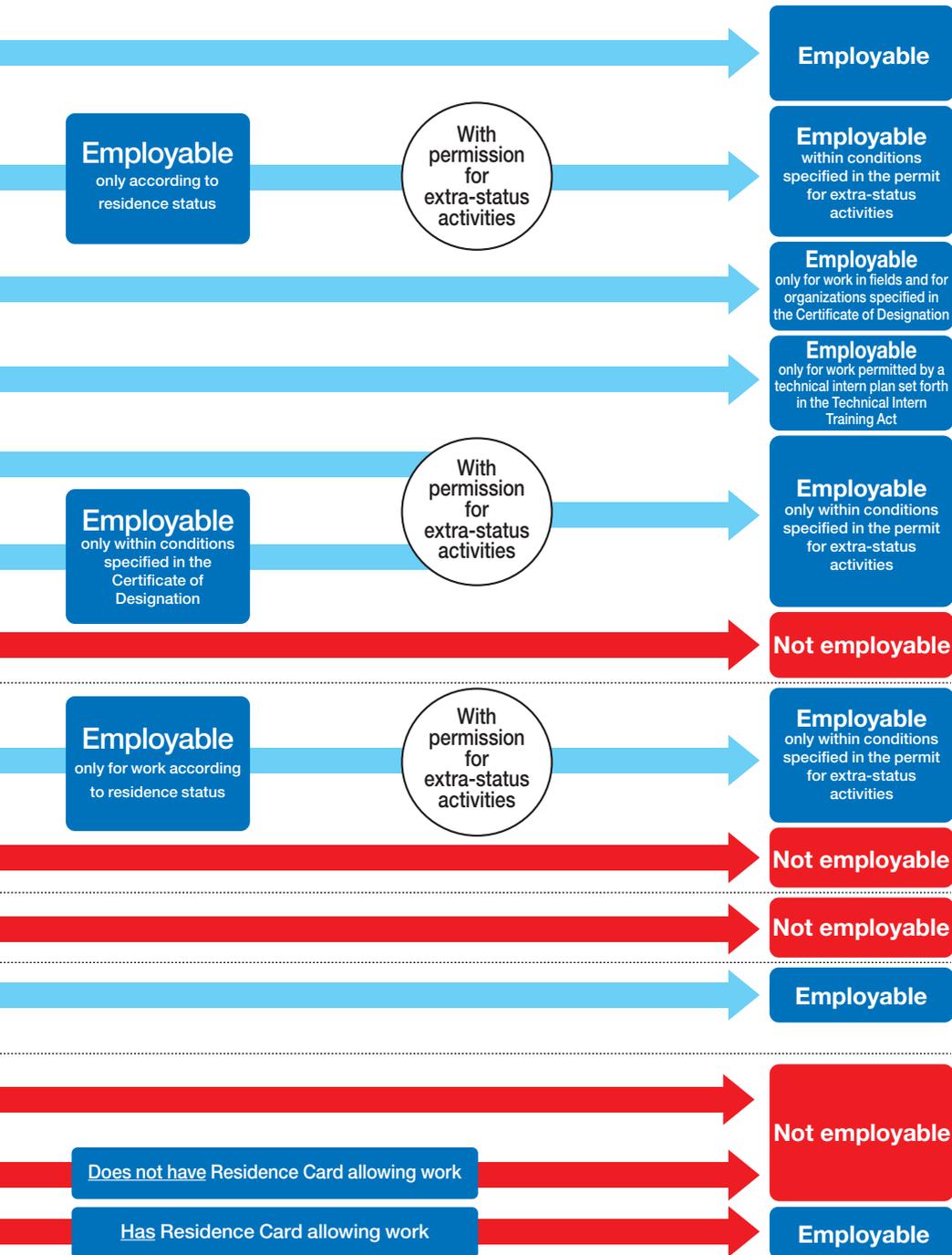


Period of residence expired

Special permanent resident

*Special Permanent Resident receive Special Permanent Resident Certificates instead of Residence Cards.





Notification to be made after employment

System for reporting foreign national employment status

In accordance with the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Occupational Life, all organizations employing foreign workers must report when such persons (except persons with Special Permanent Resident, Diplomat, or Official status) join or leave the employment of the organization. The name, residence status, periods of stay, etc. must be reported to their Hello Work.

If you fail to submit notification or make false notification...

You will be punished with a fine of up to ¥300,000

	Foreign nationals insured by employment insurance	Foreign nationals not insured by employment insurance
Report To	The Hello Work supervising the business that conducts employment insurance procedures for the foreign national	The Hello Work supervising the region containing the business site (store, factory, etc.) where the foreign national works
Report By	<p><u>Incoming employees</u> Same as the deadline for submitting Notification of Acquisition of Employment Insurance Qualification (up to the 10th of the following month)</p> <p><u>Outgoing employees</u> Same as the deadline for submitting Notification of Loss of Employment Insurance Qualification (within 10 days of the following day)</p>	Both incoming and outgoing employees: up to the last day of the following month

We also accept online notifications!

System for Reporting Foreign National Employment Status

Search



<https://hgaikokujin.hellowork.go.jp/report/001010.do?action=initDisp&screenId=001010>

Complete residence applications online

The Immigration Service Agency of Japan has begun accepting online residence applications.

Eligible residence statuses	Available application procedures	User eligibility
Those with residence statuses (excluding diplomats, specified skill laborers, and temporary visitors) as indicated in Supplementary Table 1 of the Immigration Control and Refugee Recognition Act	<ol style="list-style-type: none"> Application for Extension of Period of Stay Applications for Re-entry Permit made concurrently with <ol style="list-style-type: none"> Applications for Permit for Extra-Status Activities made concurrently with ① 	<p>The following individuals who have received requests from a foreign national or their legal proxy</p> <ol style="list-style-type: none"> Workers at an organization employing foreign nationals that satisfies certain conditions, including that foreign nationals are properly employed and foreign national employment status is being reported Lawyers or administrative scrivener who have received a request from an organization described in ①

Completing procedures online requires advance registration.

Online residence application system

Search



<http://www.immi-moj.go.jp/tetuduki/zairyukanri/onlineshinsei.html>

Consequences of employing illegal workers

Legal Sanctions

Offense of aiding and abetting illegal employment

If you employ a foreign national who is not permitted to work, or assist in such illegal employment, you will be punished with **imprisonment for up to 3 years** or a **fine of up to ¥3 million, or both.**

*Foreign employers found to have aided illegal employment practices shall be subject to **deportation.**



Social Sanctions

With the recent focus on measures for corporate compliance, employers found to have employed illegal workers will lose the trust of their clients, business partners, and industry organizations, and **the business's corporate image may be severely damaged.**

Frequently asked questions (FAQ)

Q Will a company be punished even if it didn't know that the foreign national it hired was an illegal worker?

A Even if a company does not know that the foreign national it employed is an illegal worker, the company will be punished for negligence that includes failing to check the foreign national's Residence Card. Make sure to conduct a thorough check of the person's Residence Card, etc. to determine whether you can employ them legally.

Q After employing a foreign national, or after a foreign employee resigns, does the company need to notify anyone?

A When employing a foreign national (excluding Special Permanent Residents and Diplomats or Official status holders), or when a foreign employee leaves work, the employer must notify Hello Work. Please note that if the employer fails to do so, he/she may be fined up to ¥300,000.

Q A foreign national with more than six months left on his/her period of stay and with Engineer and Specialist in Humanities/International Services status has become unemployed and is applying for the job of interpreter/translator at our company. Can we employ this person? Moreover, when a foreign national changes jobs, does the employer need to request permission from the Immigration Service Agency of Japan?

A A foreign national with Engineer and Specialist in Humanities/International Services status can change jobs and be employed as an interpreter/translator within his/her period of stay, without permission from the Immigration Bureau. However, a foreign national that changes jobs should notify the Immigration Service Agency of Japan of this fact. Such employers are advised to have workers apply for a Certificate of Authorization for Employment at the Immigration Service Agency of Japan so that the Agency can determine whether the new job falls within the scope of the person's resident status.

Q Our foreign employee with Skilled Labor status applied for permission for extension of the period of stay before the period expires, but we are afraid the period will expire before the result is announced. Can we continue to employ this person?

A When the result of the application for change of residence status or extension of period of stay is not announced before the relevant period expires, the applicant can stay in Japan with the same status for up to two months after the date of expiration, and you can continue employing him/her. However, if there application for change of residence status/extension of period of stay is denied, the person will lose their past resident status. In such cases the person must follow the rules specified in the notification.

Help for problems concerning the employment of foreign workers

Please use the following help lines to resolve any problems you may have concerning the employment of foreign workers.

To inquire about hiring foreign workers, etc.

Tokyo Metropolitan Government Labor Emergency Call 110	0570-00-6110
Shinjuku Shinjuku Foreigners' Employment Assistance and Guidance Center	03-3204-8609
Tokyo Employment Service Center for Foreigners	03-5339-8625

To inquire about required procedures, including those for resident status, Residence Cards, and permission for extra status activities

Immigration Information Center	0570-013904
Consultation Support Center for Foreign Residents	03-3202-5535

Foreign Residents' Advisory Center (for foreign nationals in Tokyo)

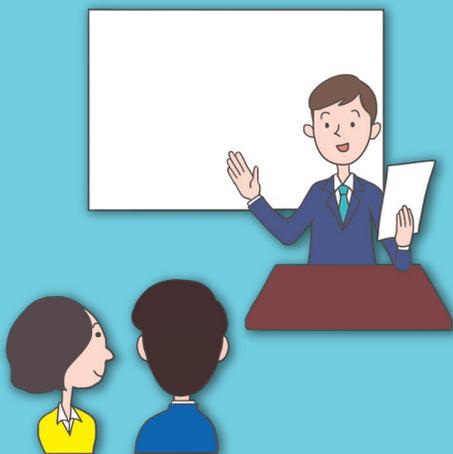
English (Mon. - Fri.)	03-5320-7744
Chinese (Tue. and Fri.)	03-5320-7766
Korean (Wed.)	03-5320-7700

If you have information concerning illegal foreign residents, please contact the Tokyo Regional Immigration Services Bureau or your nearest police department

Tokyo Regional Immigration Services Bureau ...03-5796-7256

Useful websites

Ministry of Justice	http://www.moj.go.jp/
Immigration Services Agency of Japan	http://www.moj.go.jp/nyuukokukanri/kouhou/nyukan_index.html
Ministry of Health, Labour and Welfare	https://www.mhlw.go.jp/
Tokyo Labor Bureau	https://jsite.mhlw.go.jp/tokyo-roudoukyoku/home.html



The Tokyo Metropolitan Government sends out instructors without any charge to educate business owners and personnel managers about preventive measures against the employment of illegal workers.

If you are interested in such an opportunity, contact us at the address or number below.

This manual is a free download from the Tokyo Metropolitan Government Office for Promotion of Citizen Safety website.



Foreign Workers Employment Manual

Search

<http://www.tomin-anzen.metro.tokyo.jp/chian/chiankaizen/gaikokujin/koyoumanyuaru/index.html>



Issued by Public Safety Section, Safety Promotion Division,
Tokyo Metropolitan Government Office for Promotion of Citizen Safety
2-8-1 Nishi-Shinjuku, Shinjuku-ku, Tokyo 163-8001 Tel: 03-5388-2279

Issued Nov, 2019

Registration Number (31) 36

リサイクル適性 (A)
この印刷物は、印刷用の紙へ
リサイクルできます。