

Statement in Opposition to the Proposed Amendment to the Immigration Control Act Concerning the Significant Increase in Fees for the Extension of Period of Stay and the Introduction of JESTA

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Japan Lawyers Network for Refugees

On March 10, 2026, a proposed amendment to the Immigration Control and Refugee Recognition Act (hereinafter referred to as the "Proposed Bill") was submitted to the Diet and is currently under deliberation in the House of Councillors. This Proposed Bill enables an increase in fees for various residence-related applications such as the extension of period of stay, change of status of residence, and permission for permanent residence for foreign nationals currently residing in Japan. Our Network points out the issues within this Proposed Bill and opposes it for the following reasons.

1. The Significant Increase in Fees Related to Status of Residence

The current law sets the maximum limit for fees related to status of residence permits at 10,000 yen. Based on this, a Cabinet Order stipulates the fee for extending the period of stay or changing the status of residence at 6,000 yen (5,500 yen for electronic applications) and the fee for permanent residence permission at 10,000 yen. In contrast, the Proposed Bill raises the upper limit to 100,000 yen for the former and 300,000 yen for the latter. This enables an outrageous increase of 10 to 30 times the current amounts.

Fees for extending the period of stay and changing the status of residence were just increased from 4,000 yen to 6,000 yen on April 1, 2025, citing rising prices and labor costs. This previous adjustment should have indicated the reasonable extent of any fee increase. The Proposed Bill, introduced less than a year later, makes a 10- to 30-fold increase possible. As outlined below, there are grave doubts regarding its legitimacy and rationale.

1.1. Excessive Disadvantage for Current Residents Maintaining their Livelihoods

A status of residence is an essential legal standing for staying in Japan, and fees for residence-related permits are imposed on all foreign residents. This includes not only households of single workers but also families with children and elderly members. For such families, the financial burden could exceed 100,000 yen per year. This could lead

to a decline in their quality of life and, ultimately, force them into undocumented status due to an inability to pay the fees.

Fundamentally, residence permission should not be simplified as a mere favor granted to an individual. It requires sufficient respect from the perspective of realizing the rights to freedom of movement and residence, which are fundamental human behaviors. Furthermore, foreign residents bring tangible benefits to Japanese society, including community revitalization, cultural development through human interaction, and an augmented labor force.

Imposing such disadvantages on individuals who have already established the foundations of their lives in Japanese society and live as members of local communities, potentially forcing a decline in their quality of life or making them abandon their residence entirely simply because they are foreign nationals, is grossly unreasonable.

Moreover, uniformly imposing a high financial burden solely based on the attribute of being a foreign national lacks rationality. Among the residents are those who have lived in Japan since childhood, speak Japanese as their first language, and live in their communities without requiring special assistance. Forcing such individuals to bear the "special costs" required for accepting foreign nationals is demonstrably irrational.

1.2. Severe Disruption to the Continuation of Refugee Application Procedures

In particular, a drastic increase in fees for those living under the "Designated Activities" status of residence while their refugee applications are pending will make it exceptionally difficult to continue the application process.

The right of refugees to seek asylum in other countries is enshrined in Article 14 of the Universal Declaration of Human Rights and is a recognized right under the Convention Relating to the Status of Refugees, which stipulates the principle of non-refoulement, as well as the International Covenant on Civil and Political Rights.

Currently, individuals undergoing refugee application procedures are granted the "Designated Activities" status of residence, though some are not permitted to work. It is extremely difficult for them to continue paying residence extension fees every three or six months out of meager assets. Those who cannot pay may become undocumented

due to an inability to renew their status, or they may be forced to abandon their refugee applications altogether to avoid falling into undocumented status.

Historically, the reality has been that support organizations and other private entities have shouldered the renewal fees for refugee applicants who have no income. If fees are increased, this burden will ultimately be shifted to the private sector, including support organizations, creating a situation entirely misaligned with the nature and purpose of administrative fees. The financial resources of refugee support organizations are strictly limited; if fee expenditures increase, funds cannot be allocated to other essential needs like food, clothing, and shelter, echoing the issues raised in Section 1.1.

Furthermore, according to materials submitted by the Immigration Services Agency on May 12 of this year, there are no residence fees required for refugee applicants in at least the UK, Canada, France, and Germany. This reveals that the justification of "referencing the fees in other countries" is unfounded.

Raising fees for refugee applicants presents a severe conflict with Japan's international obligation to protect refugees.

1.3. Functioning as a De Facto Tax and Violating the Principle of Taxation by Law

Traditionally, fees for the extension of the period of stay and similar procedures were considered a counter-performance for the administrative services provided.

Meanwhile, a monetary payment imposed by the state on all individuals meeting certain criteria—based on its taxing power and aimed at raising funds to cover its overall expenses, rather than functioning as a counter-performance for a specific service—constitutes a tax, even if it is nominally called a "fee."

The increased fees for extensions of the period of stay and other procedures are intended not only to cover the actual costs of the procedures but also, combined with JESTA fees, to serve broadly as "financial resources for foreign national policies," such as Japanese language education. Furthermore, they are reportedly intended to partially fund free high school education and cover the shortfall from abolishing the former provisional rate of the gasoline tax. If these are the intended uses, the payment fundamentally loses its character as a counter-performance for a service and must be

classified as a tax.

If it operates as a tax, the requirements for taxation, such as the tax base and tax rate, must be clearly defined by law according to the Principle of No Taxation Without Law under Article 84 of the Constitution. Because the Proposed Bill only stipulates the maximum limit for the fees, it violates Article 84.

Additionally, if it is a tax, it must be levied according to the ability to pay (tax-bearing capacity) under the Principle of Tax Equality in Article 14 of the Constitution. The proposed amendment, with the exception of some reduction or exemption measures, uniformly determines the amount by the status of residence without considering the individual's ability to pay, thereby violating Article 14.

For the fee for the extension of the period of stay to remain strictly a fee, a significant increase exceeding the actual administrative cost is impermissible. In other words, a substantial fee increase is not allowed if its true purpose is to secure financial resources for foreign national policies unrelated to the extension procedures, much less to fill gaps in measures aimed at reducing the broader public financial burden amid inflation.

2. The Introduction of JESTA May Exclude Asylum Seekers

JESTA (Japan Electronic System for Travel Authorization), included in the Proposed Bill, is a system that screens travelers based on information provided online in advance and denies landing permission to those who do not obtain authorization. It has been explained that the purpose of introducing JESTA is to prevent the entry of individuals intending to illegally overstay and to streamline screening procedures for the growing number of tourists visiting Japan. However, it is highly unlikely that an intent to overstay can be accurately determined simply through pre-entry questions. There are grave concerns that the system will be operated to arbitrarily deny entry based on specific attributes. Particularly for individuals from countries with many asylum seekers, coupled with Japan's extremely low refugee recognition rate compared to other nations, there is a severe risk they will be preemptively presumed to be intending to overstay.

Fundamentally, as our Network pointed out in our Proposal Demanding the Provision of Appropriate Protection Opportunities and Due Process for Asylum Seekers at Airports (August 8, 2025), Japanese authorities have historically employed methods

that intentionally leave asylum seekers in undocumented statuses to encourage their departure, such as denying them a status of residence upon landing or refusing to change their status after an application is filed.

If JESTA is implemented, there is currently no prospect of the criteria for authorization being made public, and the possibility that it will be used to exclude asylum seekers in advance cannot be denied. As stated above, the right of refugees to seek asylum is universally recognized in international law, starting with Article 14 of the Universal Declaration of Human Rights, and this right must never be restricted.

3. Conclusion

For the reasons stated above, we strongly oppose the Proposed Bill, which introduces a significant increase in fees related to the status of residence and implements JESTA. As emphasized, transnational human movement is fundamentally grounded in the universal rights to freedom of movement and residence, and it brings immense benefits to Japanese society, including social revitalization and cultural development. With this in mind, we demand the establishment of a legal framework oriented toward inclusion rather than exclusion.

[Translated by Amnesty International Japan , Immigration and Multicultural Coexistence Team]