

International Bankers Association of Japan – Statement on restrictions on the re-entry into Japan of non-Japanese nationals during the COVID-19 Pandemic

The International Bankers Association of Japan (IBAJ) represents 53 major non-Japanese global banking groups operating in Japan. We work closely with the Japanese financial authorities such as the Ministry of Finance, the Bank of Japan, and the Financial Services Agency. We also collaborate with the self-regulatory organizations including the Japan Securities Dealers Association and the Tokyo Stock Exchange in addition to other trade organizations such as the Japanese Bankers Association. IBAJ was founded over 35 years ago. IBAJ and our members are committed to supporting Japan and the Japanese people in dealing with the many societal and economic challenges now faced.

Managing the impacts of the COVID-19 pandemic is challenging for everyone. IBAJ and our members are grateful to the Japanese Authorities for the guidance and leadership shown during the pandemic.

We appreciate that the primary concern of the Japanese Authorities is the health and well-being of the Japanese People. As such we fully understand the reasons for the restricting movements across borders during the COVID-19 pandemic.

However, we would like to highlight some concerns that our members have regarding the lack of clarity in the current rules on re-entry to Japan for non-Japanese nationals compared to other jurisdictions as we feel this creates confusion and a risk of misinterpretation and could have a negative effect on the perception of Japan by its global partner countries.

This is best illustrated by comparing the current Japanese rules with examples of practices in other G7 countries.

COVID-19 Re-entry restrictions in Japan (summary) [based upon information on the Ministry of Foreign Affairs website as of 27 May 2020].

- Unless Exceptional Circumstances are proven, such non-Japanese nationals as categorized below will not be allowed to enter Japan. (Article 5.1.14 of the Immigration Control and Refugee Recognition Act of Japan).
- If you arrive in Japan from such countries, regions, cities or provinces as designated by the Japanese Authorities, you will not be allowed to enter Japan unless there are exceptional circumstances as defined below. If there are exceptional circumstances you may be allowed to enter. However, you will have to (i) take a PCR test and (ii) be self-quarantined for 14 days **at a location designated by the quarantine station.**
- “Exceptional Circumstances are as follows;
 - In the case of a “Permanent Resident”, “Spouse or Child of Japanese National”, “Spouse or Child of a Permanent Resident” or “Long Term Residents”, re-entry into Japan, whether or not they will be treated as persons in Exceptional Circumstances will depend on (i) the day they have departed Japan with Re-entry Permission as well as (ii) the countries or regions they have visited. In principle, however, those who are treated as persons in Exceptional Circumstances could enter Japan, even if they are from the countries or regions subject to entry bans.

1. Foreigners with the aforementioned residence status who have departed Japan with re-entry Permission by April 2, 2020, are treated in principle as persons in Exceptional Circumstances.
 2. Foreigners with the aforementioned status of residence who had departed Japan with Re-entry Permission (i) between April 3 and April 28, 2020 and then have stayed only in 38 countries added to the entry-ban measures on April 29, May 16 and May 27, (ii) between April 29 and May 15, 2020 and then have stayed only in 24 countries added to the entry-ban measures on May 16 and May 27, and (iii) between May 16 and May 26, 2020 and then have stayed only in 11 countries newly added to the entry-ban measures on May 27, 2020, are treated in principle as persons in Exceptional Circumstances.
- Foreigners with the aforementioned status of residence who had departed Japan with Re-entry Permission on or after May 27 will in principle **NOT be treated as persons in Exceptional Circumstances and be subject to entry-bans.**

[The details are found at: https://www.mofa.go.jp/ca/fna/page4e_001053.html.]

COVID-19 Re-entry restrictions in other G7 countries

Most countries have implemented temporary travel restrictions. However, the rules are generally based on residence status rather than nationality. Exemptions for humanitarian or other reasons are usually clearly defined and any additional exemptions that are not covered by the existing published definitions are explained.

European Union

The European Union has issued guidelines for its member states which I summarize below:

Scope

The temporary travel restriction should apply to all non-essential travel from third countries to the EU+ area ^{1NB.}.

The temporary travel restriction must exempt nationals of all EU Member States and Schengen Associated States, for the purposes of returning to their homes.

This exemption must apply to:

- all EU citizens and citizens of the Schengen Associated States and their family members;
- third-country nationals who are long-term residents under the Long-term Residence Directive
- persons deriving their right to reside from other EU Directives or national law or who hold national long-term visas.
- other travelers with an essential function or need, including:

^{1NB.} The "EU+ area" should include all Schengen Member States (including Bulgaria, Croatia, Cyprus, and Romania), as well as the four Schengen Associated States. It would also include Ireland and the United Kingdom if they decide to align.

- Healthcare professionals, health researchers and elderly care professionals;
- Frontier workers;
- Transport personnel engaged in haulage of goods and other transport staff to the extent necessary; -
- Diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions; -
- Passengers in transit; - Passengers travelling for imperative family reasons;
- Persons in need of international protection or for other humanitarian reasons.

Coordinated and reinforced health checks should be carried out for the individuals allowed to enter the EU+ area.⁷

Individual country examples based on the EU guidelines

France

For travelers arriving from outside the European area (all countries of the world except European Union member States, the United Kingdom, Andorra, Iceland, Lichtenstein, Monaco, Norway, San Marino, Switzerland, Vatican City), the principle which remains in place today, and until further notice, is the border closure and therefore the ban on entry.

However, French nationals or permanent residents in France may, enjoy continued access to French territory, as may certain specific categories of people set out on the website of the Ministry of the Interior. The latter includes:

- Agricultural seasonal workers;
- Third country nationals, who are holders of a French or European residence permit or valid long-stay visa, having their primary residence in France or transiting through France to reach their residence in a country of the European Union or assimilated;
- Third country nationals, transiting less than 24 hours in an international area to reach their country of origin and who are holders of a travel document to this country;
- Diplomatic mission staff, or international organisations staff working in headquarters or offices located in France, accompanied by their spouse and children;
- Healthcare workers supporting the fight against COVID-19;
- Flight and cargo crews, or travelling as a passenger to their departure base;
- Foreign nationals ensuring the international carriage of goods;
- Goods carriers including seamen.

Germany

Entry by a third-country national together with a spouse or registered civil partner who is a German or EU national or a citizen of the United Kingdom, Liechtenstein, Switzerland, Norway or Iceland to travel to or take up abode in a dwelling in Germany is permitted if the entry requirements (e.g. a long-stay visa) are met. The same applies to accompaniment of a German child as a custodial parent, even if the other parent remains outside Germany.

The cross-border flow of goods continues to be permitted. Cross-border commuters are also allowed to enter and leave the country, and cross-border travel to return to one's place of residence is permitted. It is also permissible to enter Germany in order to serve in an important role (e.g. health and care workers). While travellers still need a valid reason for entering Germany, more allowances

will be made for travel for family-related and personal reasons. Travellers without a valid reason for travel are not permitted to enter Germany. In the case of travellers with symptoms that could indicate infection with the coronavirus, the necessary measures will be taken in coordination with the public health authorities. The decision whether to allow entry at the border is at the discretion of the border official. Travellers must adhere to the quarantine rules of the relevant federal state of Germany.

United Kingdom

From 8 June, there will be new rules in place for entering the UK because of coronavirus (COVID-19). The rules are for residents and visitors. When these rules are in place, you will:

- need to provide your journey and contact details when you travel to the UK
- not be allowed to leave the place you are staying for the first 14 days you are in the UK except in very limited situations (known as 'self-isolating').

USA

Citizens and lawful permanent residents of the United States, certain family members, and other individuals who meet specified exceptions, who have been in one of the countries listed above in the past 14 days will be allowed to enter the United States through one of 13 airports.

Some exceptions include, but are not limited to: foreign diplomats traveling to the United States on A or G visas and certain family members of U.S. citizens or lawful permanent residents including; spouses, children (under the age of 21), parents (provided that his/her U.S. citizen or lawful permanent residents child is unmarried and under the age of 21), and siblings (provided that both the sibling and the U.S. citizen or lawful permanent resident are unmarried and under the age of 21). There is also an exception for air and sea crew traveling to the United States on C, D or C1/D visas. For the full list of exceptions please refer to the proclamations.

Our suggestions

1. Non-Japanese nationals with longer term residence visas or working visas should be subject to the same re-entry and quarantine requirements as Japanese nationals.
2. The existing rules on re-entry should be amended to provide greater clarity.

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