From Starting a Business to Applying for Permanent Residency

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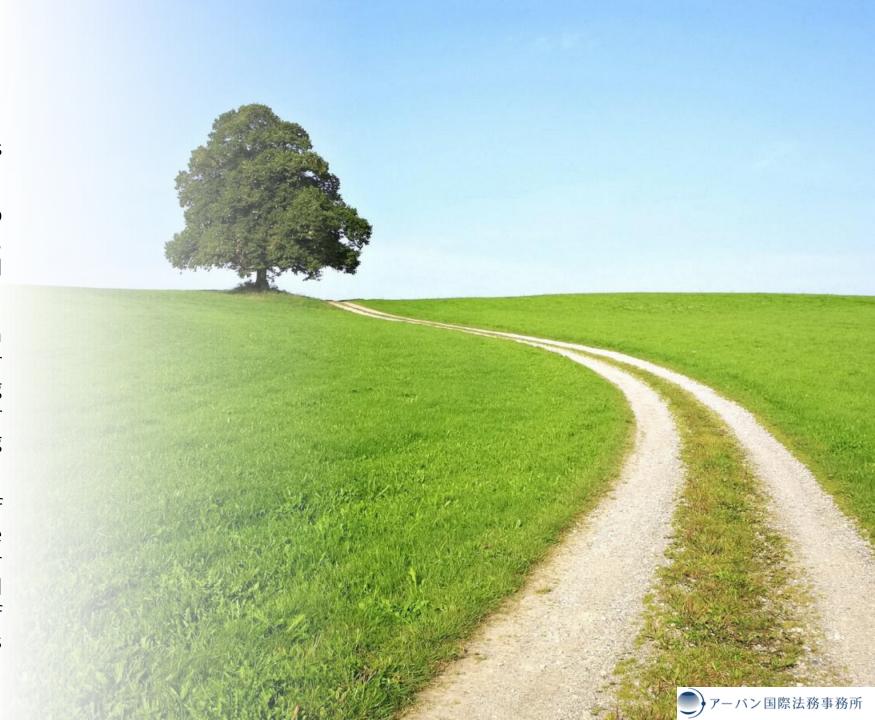
Summary

The path to permanent residency is a long one.

It is important not to give up, but to steadily set an appropriate salary, correctly pay your taxes on time, and continue to do everything needed.

If you go about obtaining your visa in the wrong way, it may lead to your visa renewal application being refused, or permission for permanent residency taking a long time.

Today I will talk about the process of establishing a company and the acquisition of a Business Manager visa. I will also introduce the general flow towards the final goal of permanent residency, and the points to note along the way.



Establishing a Company as a Foreign National

Corporation (separate management and capital) LLC (management and capital together)

- If the founder/executive is within Japan
 - →It will go more smoothly if there are collaborators (founders and executives) in Japan as well.
- If the founder/executive is not in Japan.
 - →If there is no founder/executive in Japan, it will take time and effort to apply for office rentals. In addition, a signature certificate and a Japanese translation of any attached documents that are written in a foreign language will be required separately.

The Establishment Process

- 1. Advance Preparation
 - Determining the company basics (see attached "Establishment check sheet")
 - Preparing the representative seal for the company (if possible, also prepare a bank seal and a square seal)
- 2. Drawing up the Articles of Incorporation
- 3. Certifying the Articles of Incorporation (Notary Office)
- 4. Paying the initial capital (investment)
- Applying for registration
 (Company establishment should be completed within 7 ~ 14 days)

Post-Establishment Procedures

- Notify the tax office (Country, Prefecture, City) of establishment
- Notification of the Establishment of a Company Covered by Social Insurance and Welfare Pension
- Establish Work-Related Injury and Employment Insurance (if there are employees)
- Report company address to a Government Office
- If the representative's address has changed, register the change of address
- Open a Corporate Bank Account

etc.

Opening a Company Bank Account

A question I am frequently asked is how to **set up a Company Bank Account** after establishing a company. I recommend consulting with the bank, where you would like to set up your account, before applying.

- To open an individual bank account, normally, you need to have resided in Japan for longer than 6 months
- Online banks are relatively less strict in regards to opening an account. UI
 Bank is the online bank of the Tokyo Kiraboshi Financial Group.
 (https://www.uibank.co.jp/)
- You can open an account and transfer money in multiple languages
- To set up an account please consider applying to online banks such as the Tokyo Kiraboshi Bank. (https://www.kiraboshibank.co.jp/hojin/)
- It can take between two weeks to half a year to set up a Corporate Account



What is a Business Manager Visa?

• The person who manages the business of a company in Japan = representative director, etc. of a company (Generally 1 person, but depends on the scale of the company)

OR

• Branch managers, general managers, etc. who engage in business management activities *Details regarding this type of application are omitted in this presentation.



Conditions of the Business Manager Visa (1)

• As proof of the stability and continuity of activities, it is necessary for the income earned from administration or management activities to be sufficient to support the individual's livelihood (a monthly salary above ¥250,000 is desirable)

If the company is new, a detailed Business Plan, and a Profit and Loss forecast (at least 2 years) are necessary

Documents that show proof of sales (such as contracts with other companies), as well as clients, inventory or price lists, organization charts and other documents showing dealings with other companies should be submitted.

• The applicant must be substantially engaged in the business affairs

Conditions of a Business Manager Visa (2)

- Business premises must be in Japan and be separate from your living space. Presently this is being judged very strictly.
- The business must meet one of the following criteria:
- 1. Have at least two full-time employees residing in Japan
 - Full-time employees can be Japanese Nationals, Permanent Foreign Residents, Special Permanent Residents, or Spouses of Japanese Nationals or Permanent Foreign Residents. Business Manager visa applicants are not considered full-time employees.
- 2. Have Capital of ¥5,000,000 or more
 - Personal funds are preferable, but money borrowed from relatives or friends can be used to obtain a Business Manager visa. However, the capital must be funds that will be used for business purposes, and investments made for show are not permitted.
- 3. The scale of the business is equivalent to 2. above.

Renewing a Business Manager Visa

- What the Immigration Bureau emphasizes when judging the renewal of a visa is the "Stability and Continuity of Business." If there have been any changes of circumstance since acquiring the current visa, such as large differences between expected and actual sales, changes in the business plan or business content, or a change of business address etc., details must be provided at the time of renewal application, along with the reasons for said changes.
- Essentially a decision will be made after a comprehensive assessment of corporate financial statements. It is not unusual for companies to be in the red for the first term after establishment, and this alone will not be a reason for rejection. However, operating at a loss for two continuous terms, not recording any operating profits or having excessive debt will call the continuity of the business into question, and there is a possibility the visa renewal will be denied.
- On the other hand, if the company has been profitable for two or more consecutive terms, a 3-year Business Manager visa may be more likely to be granted based on a comprehensive assessment of the manager's personal history and the company's management situation.

What is Permanent Residency?

- A status of residence that allows you to stay in Japan indefinitely
- No visa renewal required
- Permanent residents are expected to spend their lives in Japan, so there are no work restrictions.

Conditions of Permanent Residency

- 1. Being of good conduct
- 2. Possessing sufficient assets or skills to earn an independent livelihood
- 3. The individual's permanent residence is deemed to be in the interests of Japan
- A) In principle, you must reside in Japan continuously for at least 10 years. Within this period, you must spend at least 5 consecutive years with a work or residence status. *Some exceptions apply
- B) Never been fined or imprisoned
- C) Appropriate fulfillment of public obligations (mainly tax and insurance related)
- D) You are staying in Japan with the longest possible period of stay for your current status of residence.
- E) There is no risk of being harmful from the viewpoint of public health



From Highly Skilled Professional to Permanent Resident (A Shortcut)

- The Point Calculation Table is to the right →
 If you add up the points from the various conditions you meet, and the total exceeds 70 points, you will be recognized as a "highly skilled professional" and may be eligible to obtain permanent residency in 1 to 3 years.
- Going from highly skilled professional to permanent resident is **recommended**.



Q: After purchasing real estate /minpaku (private lodging) can I ask someone else to manage the property?

A: This will not be possible, as the conditions of the "Business Manager" visa state that you must be able to manage all aspects of the business yourself.

Q: What percentage of permanent residency applications are approved?

A: In the most recent year (2020), it was about 50%. However, that number is declining yearly, so please refer to the next page.

- Looking at the PR permission rate, you can see that although it was 70.9% in 2015, it decreased to 51.7% in 2020.
- → Inspections and conditions are becoming stricter by the year



Q: Is there a way to increase the chance that your permanent residency application will be accepted? A: Obtain permits or subsidies for business management from the government. An increase in your individual salary, or receipt of awards.

Q: How long does it take to be notified of the result of permanent residency application?

A: If all goes well, about 4 months after application.

Q: My permanent residency application was denied. Is it possible to re-apply? If so, how long should I wait to re-apply?

A: You can re-apply as many times as you like. There is no specific length of time to wait, but be sure to check the reason for the previous denial and make corrections before reapplying.

Reference Material

- Establishment Checklist (see appendix)
 (English Version, Chinese Version)
- Highly-Skilled Foreign Professionals Point Calculation Table (see appendix)
 - from the Immigration Bureau Homepage



Work your way to Permanent Residency with the right plan!

