

Effective Date: Within three years from the date of promulgation, July 15, 2009  
(provisional translation)

This is a provisional and unofficial translation of the Immigration Control and Refugee Recognition Act after the actual date of enforcement of the “law for partial amendment to the Immigration Control and Refugee Recognition Act and the Special Act on the Immigration Control of, Inter Alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan” which was passed and enacted at the regular Diet session of 2009, and promulgated on July 15, 2009.

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## **Immigration Control and Refugee Recognition Act**

(Cabinet Order No. 319 of October 4, 1951)

### **CHAPTER I GENERAL PROVISIONS**

(Purpose)

Article 1 The purpose of the Immigration Control and Refugee Recognition Act is to provide for equitable control over the entry into and departure from Japan of all persons and to consolidate the procedures for recognition of refugee status.

(Definition)

Article 2 The terms in the following items as used in the Immigration Control and Refugee Recognition Act and the orders pursuant to the Act shall have such meanings as are defined in each item respectively.

(i) Deleted.

(ii) The term "foreign national" means a person who does not have Japanese nationality.

(iii) The term "crew member" means a crew member of a vessel or aircraft.

- (iii)-2 The term "refugee" means a refugee who falls under the provisions of Article 1 of the Convention relating to the Status of Refugees (hereinafter referred to as the "Refugee Convention") or the provisions of Article 1 of the Protocol relating to the Status of Refugees.
- (iv) The term "Japanese consular officer" means a Japanese ambassador, minister or consular officer who is stationed in a foreign country.
- (v) The term "passport" means any of the following documents:
  - (a) A passport, a refugee travel document or any other certificate in lieu of the passport (including a travel certificate issued by a Japanese consular officer) issued by the Japanese Government, a foreign government recognized by the Japanese Government or any authorized international organization.
  - (b) A document which is equivalent to one of the documents listed in (a), issued by any authorized organization of the region as provided for by Cabinet Order.
- (vi) The term "crew member's pocket-ledger" means a mariner's pocket-ledger or any other equivalent document issued to a crew member by an authorized organization.
- (vii) The term "trafficking in persons" means any of the following acts:
  - (a) The kidnapping, buying or selling of persons for the purpose of profit, indecency or threats to a person's life or body, or delivering, receiving, transporting or hiding such persons who have been kidnapped, bought or sold;
  - (b) In addition to the acts listed in sub-item (a) above, placing persons under 18 years of age under one's control for the purpose of profit, indecency or threats to a person's life or body;
  - (c) In addition to the acts listed in sub-item (a), delivering persons under 18 years of age, knowing that they will be or are likely to be placed under the control of a person who has the purpose of profit, indecency or threat to their lives or bodies.
- (viii) The term "port of entry or departure" means a seaport or airport at which a foreign national enters or departs from Japan, as provided for by Ordinance of the Ministry of Justice.
- (ix) The term "carrier" means an operator who is engaged in the business of transporting persons or goods by means of vessels or aircraft between Japan and areas outside of Japan.
- (x) The term "immigration inspector" means an immigration inspector as provided in Article 61-3.
- (xi) The term "supervising immigration inspector" means an immigration inspector of supervisory rank designated by the Minister of Justice.
- (xii) The term "special inquiry officer" means an immigration inspector designated by the Minister of Justice and authorized to hold hearings.
- (xii)-2 The term "refugee inquirer" means an immigration inspector designated by the Minister of Justice to execute the duties prescribed in Article 61-3, paragraph (2), item (ii) (limited to the parts pertaining to Article 22-4, paragraph (2), as applied mutatis mutandis to Article 61-2-8, paragraph (2)) and in item (iii) (limited to the parts pertaining to Article 61-2-14,

paragraph (1)).

- (xiii) The term "immigration control officer" means an immigration control officer as provided in Article 61-3-2.
- (xiv) The term "investigation into violations" means an investigation conducted by an immigration control officer into violations of laws or regulations upon entry, landing or residence of a foreign national.
- (xv) The term "immigration detention center" means the immigration detention center provided for in Article 13 of the Act for Establishment of the Ministry of Justice (Act No.93 of 1999).
- (xvi) The term "detention house" means the detention facility provided for in Article 61-6.

(Status of Residence and Period of Stay)

- Article 2-2 (1) A foreign national may reside in Japan only under a status of residence (in the case of the status of residence of "Technical Intern Training", including the category of item(i), sub-item(a) or (b) or item(ii), sub-item (a) or (b) listed in the right-hand column under "Technical Intern Training" of Appended Table I(2); the same shall apply hereinafter.) determined by the permission for landing, the permission for acquisition or the permission for any changes thereof, except as otherwise provided in the Immigration Control and Refugee Recognition Act or other laws.
- (2) The categories of statuses of residence shall be as listed in the left hand column of Appended Table I (in the case that the status of residence of "Technical Intern Training", including the category of item (i), sub-item (a) or (b) or item (ii), sub-item (a) or (b) listed in the left-hand column under "Technical Intern Training" of Appended Table I(2); the same shall apply hereinafter.) and II. A foreign national residing in Japan under a status of residence listed in the left-hand column of Table I may engage in the activities listed in the right-hand column corresponding to that status, while a foreign national residing under a status of residence listed in the left-hand column of Table II may engage in the activities of a person with the status or position listed in the right-hand column corresponding to that status.
  - (3) The period during which a foreign national may reside as set forth in paragraph (1) (hereinafter referred to as "period of stay") shall be determined for each status of residence by Ordinance of the Ministry of Justice; and when the status of residence is one other than that of diplomat, official or permanent resident, the period of stay shall not exceed 5 years.

## **CHAPTER II ENTRY AND LANDING**

### **SECTION 1 ENTRY OF A FOREIGN NATIONAL**

(Entry of a Foreign National)

- Article 3 (1) A foreign national who falls under any of the following items shall not enter Japan.
- (i) A person who does not possess a valid passport (except for a crew member possessing a valid crew member's pocket-ledger).

- (ii) A person who intends to land in Japan without receiving a seal of verification for landing or undergoing the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4), or without obtaining authorized permission for landing (hereinafter referred to as "permission for landing") from an immigration inspector (except for those set forth in the preceding item).
- (2) A foreign national who seeks to become a crew member in Japan shall be deemed to be a crew member with regard to the application of the provisions of the preceding paragraph.

## SECTION 2 LANDING OF A FOREIGN NATIONAL

### Article 4 Deleted

#### (Denial of Landing)

Article 5 (1) Any foreign national who falls under any of the following items shall be denied permission to land in Japan.

- (i) A person who is suffering from any of the following categories of infectious diseases, which are provided for by the Act on Prevention of Infectious Diseases and Medical Care for Patients Suffering from Infectious Diseases (Act No. 114, 1998): Category 1 or Category 2 infectious diseases, new or reemerging influenza strains, or designated infectious diseases (limited to infectious diseases to which the provisions of Article 19 or 20 of the same Act shall apply mutatis mutandis, pursuant to the provisions of a Cabinet Order pursuant to the provisions of Article 7 of the same Act) including a person who is regarded as a patient of a Category 1 or Category 2 infectious disease, a new or reemerging influenza strain, or a designated infectious disease pursuant to the provisions of Article 8 of the same Act (including cases where it is applied mutatis mutandis pursuant to Article 7 of the same Act), or any person who has symptoms of a new infectious disease.
- (ii) A person who, due to a mental disability, is constantly unable to understand right from wrong or whose capacity for such understanding is significantly lacking, and is not accompanied by those persons provided for by Ordinance of the Ministry of Justice to assist him or her in engaging in activities in Japan.
- (iii) A person who is indigent or without a fixed dwelling place and is likely to become a burden on the Japanese Government or a local public entity because of an inability to make a living.
- (iv) A person who has been convicted of a violation of any law or regulation of Japan, or of any other country, and has been sentenced to imprisonment with or without work for 1 year or more, or to an equivalent penalty. However, this shall not apply to those convicted of a political offense.
- (v) A person who has been convicted of a violation of any law or regulation of Japan or of any other country relating to the control of narcotics, marijuana, opium, stimulants or psychotropic substances, and has been sentenced to a penalty.

- (v)-2 A person who has been convicted of a violation of any law or regulation of Japan or of any other country or has been deported from Japan pursuant to the provisions of the Immigration Control and Refugee Recognition Act or deported from any other country pursuant to the provisions of any law or regulation of that country for killing, injuring, assaulting or threatening a person, or damaging a building or other object in relation to the process or results of an international competition or a competition of an equivalent scale or an international conference (hereinafter referred to as "international competition") or with the intent of preventing the smooth operation thereof, and is likely to kill, injure, assault or threaten a person, or damage a building or other objects in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the city, town or village where the venue is located (this refers to "ward" in areas where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No.67 of 1947)) or to neighboring places provided for use to unspecified or a large number of persons.
- (vi) A person who illegally possesses any narcotics or psychotropic substances as prescribed in the Narcotics and Psychotropic Substances Control Act (Act No. 14 of 1953), marijuana as prescribed in the Marijuana Control Act (Act No. 124 of 1948), or poppy, opium or poppy plants as prescribed in the Opium Control Act (Act No. 71 of 1954), stimulants or raw materials used to make stimulants as prescribed in the Stimulants Control Act (Act No. 252 of 1951), or any apparatus used to smoke or eat opium.
- (vii) A person who has engaged in prostitution, or intermediation or solicitation of prostitutes for other persons or provision of a place for prostitution, or any other business directly connected to prostitution (except for those who have engaged in these businesses under the control of another due to trafficking in persons).
- (vii)-2 A person who has committed trafficking in persons or incited or aided another to commit it.
- (viii) A person who illegally possesses firearms, swords or other such weapons as prescribed in the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons (Act No.6 of 1958) or explosives as provided for by the Explosives Control Act (Act No.149 of 1950).
- (ix) A person who falls under any of (a) to (d) below where the period set forth in the relevant provision has not yet elapsed:
  - (a) A person who has been denied landing for any of the reasons prescribed in the provisions of either item (vi) or the preceding item:1 year from the date of denial.
  - (b) A person who has been deported from Japan for any of the reasons set forth in any of the items under Article 24 (except for item (iv), sub-items (l) to (o), and item (iv)-3) and who has not previously been deported from Japan or has not departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1), before the aforesaid date of deportation:5 years from the date of deportation.

- (c) A person (except for one listed in sub-item (b)) who has previously been deported from Japan for falling under any of the items of Article 24 (except for item (iv), sub-items (l) to (o), and item (iv)-3):10 years from the date of deportation.
  - (d) A person who has departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1):1 year from the date of departure.
  - (ix)-2 A person who has been sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapters XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan (Act No. 45 of 1907), or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), or the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters (Act No. 9 of 1930), or Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters(Act No. 65 of 2003) during his/her stay in Japan with the status of residence listed in the left-hand column of Appended Table I, who subsequently left Japan and whose sentence became final and binding when he or she was outside of Japan, and for whom 5 years have not yet elapsed from the date when the sentence became final and binding.
  - (x) A person who has been deported from Japan for falling under any of Article 24, item (iv), sub-items (l) to (o).
  - (xi) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any organization which attempts or advocates the same.
  - (xii) A person who organizes, or is a member of, or is closely affiliated with any of the following political parties or organizations:
    - (a) A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or of local public entities for the reason that they are such officials;
    - (b) A political party or organization which encourages illegal damage to or destruction of public facilities;
    - (c) A political party or organization which encourages acts of dispute such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace;
  - (xiii) A person who attempts to prepare, distribute, or exhibit printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization prescribed in item (xi) or the preceding item.
  - (xiv) In addition to those persons listed in items (i) to (xiii), a person whom the Minister of Justice has reasonable grounds to believe is likely to commit an act which could be detrimental to the interests or public security of Japan.
- (2) Even in cases where a foreign national seeking to land in Japan does not fall under any of the items of the preceding paragraph, if the country of which he or she is a national or citizen

denies landing to a Japanese national for any reason other than those set forth in the items of the preceding paragraph, the Minister of Justice may deny his/her landing for the same reason.

(Special Cases of Denial Landing)

Article 5-2 The Minister of Justice may make an exemption from applying the provision of the items (iv), (v), (vii), (ix) or (ix)-2 of paragraph (1) of the preceding Article to a particular foreign national pursuant to the provisions of an Ordinance of the Ministry of Justice when he/she has granted the foreign national re-entry permission pursuant to the provisions of Article 26, paragraph (1) or in any other case provided for by the provisions of an Ordinance of the Ministry of Justice and when he/she finds reasonable ground to do so. In this case, the foreign national is eligible for landing in Japan as long as he/she does not fall under any other items of paragraph (1) of the preceding Article.

### **CHAPTER III PROCEDURES FOR LANDING**

#### **SECTION 1 EXAMINATION FOR LANDING**

(Application for Landing)

- Article 6 (1) Any foreign national (except for a crew member; hereinafter the same shall apply in this section) who seeks to land in Japan shall possess a valid passport with a visa issued by a Japanese consular officer. However, a visa is not required for the passport of a foreign national for whom a visa issued by a Japanese consular officer is deemed unnecessary pursuant to an international agreement or through notification to that effect from the Japanese Government to a foreign government or for the passport of a foreign national for whom re-entry permission pursuant to the provisions of Article 26, paragraph (1) (including a foreign national who is deemed to be granted the re-entry permission pursuant to the provisions of Article 26-2, paragraph (1); the same shall apply hereinafter) has been granted or for whom a refugee travel document has been issued pursuant to the provisions of Article 61-2-12, paragraph (1).
- (2) The foreign national set forth in the first sentence of the preceding paragraph shall apply for landing with an immigration inspector at the port of entry or departure where he seeks to land and undergo an examination for landing in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (3) A foreign national who seeks to apply for landing as set forth in the preceding paragraph shall provide an immigration inspector with personal identification information (fingerprints, photographs or other information as provided for by Ordinance of the Ministry of Justice that serves to identify the individual; the same shall apply hereinafter) in an electromagnetic form (an electronic form, a magnetic form or any other form that cannot be recognized by human perception; the same shall apply hereinafter) for use by a computer as provided for by Ordinance of the Ministry of Justice which is utilized for personal identification of the applicant, pursuant to the provisions of the Ordinance of the Ministry of Justice. However, this

shall not apply to a person who falls under any of the following items:

- (i) A special permanent resident provided for by the Special Act on the Immigration Control of, Inter Alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (Act No. 71 of 1991) (hereinafter referred to as a "special permanent resident").
- (ii) A person who is under 16 years of age.
- (iii) A person who seeks to engage in Japan in an activity listed in the right-hand column under "Diplomat" or "Official" of (1) of Appended Table I.
- (iv) A person who is invited by the head of any national administrative organ.
- (v) A person provided for by Ordinance of the Ministry of Justice as equivalent to a person listed in either of the two items immediately preceding this item.

(Immigration Inspector's Examination)

Article 7 (1) When the application set forth in paragraph (2) of the preceding Article is made, an immigration inspector shall conduct an examination of the said foreign national as to whether or not he or she conforms to each of the following conditions for landing in Japan. (With respect to a foreign national who has been granted the re-entry permission pursuant to the provisions of Article 26, paragraph (1) or a foreign national possessing a refugee travel document pursuant to the provisions of Article 61-2-12, paragraph (1), only the conditions listed in the following items (i) and (iv) are to be applied.)

- (i) The passport possessed by the foreign national and the visa affixed thereto, if such is required, must be valid.
- (ii) The activities stated in the application to be engaged in while in Japan must not be false, and must fall under any of the activities listed in the right-hand column of Appended Table I (activities listed in the right-hand column of item(ii) "Technical Intern Training" of Appended Table II shall be excluded; with respect to the activities listed in the right-hand column of Appended Table I (5) (limited to the part pertaining to d.), the proposed activities must be activities designated by the Minister of Justice in a public notice), or the activities of a person with a status or position listed in the right-hand column of Appended Table II (the position listed in the right-hand column under "Permanent Resident" shall be excluded; with respect to the position listed under "Long-Term Resident", a proposed position must be a position designated by the Minister of Justice in a public notice), and with respect to those who intend to engage in the activities listed in the right-hand column of Appended Table I (2) and (4) and in the right-hand column of Appended Table I (5) (limited to the part pertaining to b.), the activities shall conform to the conditions provided for by Ordinance of the Ministry of Justice which shall be provided for in consideration of factors including but not limited to the effects on Japanese industry and public welfare.
- (iii) The period of stay stated in the application must conform to the provisions of the Ordinance of the Ministry of Justice pursuant to the provisions of Article 2-2, paragraph (3).
- (iv) The foreign national must not fall under any of the items of Article 5, paragraph (1)(in the case of a foreign national for whom the provisions of Article 5-2 have been applied, in the



case that, based on the specific grounds prescribed in the same Article, the foreign national falls under Article 5, paragraph (1), items (iv), (v), (vii), (ix) or (ix)-2, said foreign national must not fall under any of the items of the same paragraph based on grounds other than said specified grounds; the same shall apply hereinafter).

- (2) The foreign national subject to the examination set forth in the preceding paragraph shall prove that he or she conforms to the conditions for landing prescribed therein. In this case, a foreign national who seeks to engage in an activity listed in the right-hand column of (5) of Appended Table I (only the parts pertaining to (a) to (c)) shall use the certificate as provided for in the following Article to prove that he or she conforms to the conditions listed in item (ii) of the same paragraph.
- (3) The Minister of Justice shall consult with the heads of the relevant administrative organs in prescribing the Ordinance of the Ministry of Justice set forth in paragraph (1), item (ii).
- (4) Notwithstanding the provisions of paragraph (1), if a foreign national who, an immigration inspector acknowledges does not fall under any item of paragraph (3) of the preceding Article fails to provide personal identification information pursuant to the provisions of the same paragraph, the inspector shall deliver the foreign national to a special inquiry officer for a hearing pursuant to the provisions of Article 10.

(Certificate of Eligibility)

Article 7-2 (1) Upon advance application by a foreign national intending to land in Japan (except for those who intend to engage in the activities listed in the right-hand column corresponding to "Temporary Visitor" specified in Appended Table I (3)), the Minister of Justice, pursuant to the provisions of an Ordinance of the Ministry of Justice, may issue a certificate of eligibility stating that the foreign national concerned conforms to the conditions set forth in Article 7, paragraph (1), item (ii).

- (2) The application for issuance of a certificate of eligibility as set forth in the preceding paragraph may be made by a staff member of the organization wishing to accept the foreign national concerned, or by some other agent, as provided by Ordinance of the Ministry of Justice.

(Boarding of a Vessel or Aircraft)

Article 8 An immigration inspector may, when conducting an examination set forth in Article 7, paragraph (1), board a vessel or aircraft.

(Seal of Verification for Landing)

Article 9 (1) If, as a result of the examination, an immigration inspector finds that a foreign national conforms to the conditions for landing prescribed in Article 7, paragraph (1), he shall endorse the passport of the foreign national to that effect by affixing a seal of verification for landing thereto.

- (2) In the case referred to the preceding paragraph, the determination of whether the foreign

national falls under Article 5, paragraph (1), item (i) or item (ii) shall be made subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or by the Minister of Justice.

- (3) The immigration inspector shall, when affixing the seal of verification for landing set forth in paragraph (1), decide the status of residence and period of stay of the foreign national concerned and enter it clearly in his/her passport. However, this shall not apply in cases where the foreign national is granted the re-entry permission pursuant to the provisions of Article 26, paragraph (1), or if the foreign national possesses a refugee travel document issued pursuant to the provisions of Article 61-2-12, paragraph (1).
- (4) When an immigration inspector has found that a foreign national who falls under any of the following items conforms to the conditions for landing prescribed in Article 7, paragraph (1), he may record the foreign national's name, date of landing, the port of entry or departure at which the foreign national lands and other data as provided by Ordinance of the Ministry of Justice in a file available on a computer to be used as a record and substituted for the seal of verification for landing as provided for by Ordinance of the Ministry of Justice. In this case, notwithstanding the provisions of paragraph (1) of this Article, the immigration inspector does not have to affix the seal of verification set forth in the same paragraph.
- (i) The foreign national is registered pursuant to the provisions of paragraph (7) of this Article.
- (ii) The foreign national has provided personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice when applying for landing.
- (5) Except for cases where a seal of verification for landing is affixed pursuant to the provisions of paragraph (1) or where the prescribed data is recorded pursuant to the provisions of the preceding paragraph, the immigration inspector shall deliver the foreign national to a special inquiry officer for a hearing pursuant to the provisions of the following Article.
- (6) Except for cases where the special provisions of Section 4 apply, a foreign national shall not land unless he/she has had his/her passport endorsed with a seal of verification for landing pursuant to the provisions of paragraph (1) of this Article, paragraph (8) of the following Article or Article 11, paragraph (4), or where he/she has had his/her prescribed data recorded pursuant to the provisions of paragraph (4) of this Article.
- (7) If a foreign national residing in Japan wishes to depart from Japan with the intention of re-entering Japan and falls under all of the following items (except for item (iii) in the case of a special permanent resident) and wishes to have his/her prescribed data recorded pursuant to the provisions of paragraph (4) of this Article at the port of entry or departure at which he/she lands, the Minister of Justice may register to that effect pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (i) The foreign national who is granted the re-entry permit pursuant to the provisions of Article 26, paragraph (1) or the foreign national who possesses a refugee travel document which has been issued to him/her pursuant to the provisions of Article 61-2-12, paragraph (1).

- (ii) The foreign national has provided personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (iii) The foreign national does not fall under any of the items of Article 5, paragraph (1) at the time of such registration.

## **SECTION 2 HEARING AND FILING OF AN OBJECTION**

(Hearing)

- Article 10 (1) A special inquiry officer shall, when he/she has taken delivery of a foreign national pursuant to the provisions of Article 7, paragraph (4) or paragraph (5) of the preceding Article, promptly conduct a hearing on the foreign national.
- (2) The special inquiry officer shall, when he/she has conducted a hearing, prepare a record thereof.
  - (3) The foreign national or a representative appearing upon his/her request may, in the course of the hearing, produce evidence and examine witnesses.
  - (4) The foreign national may have the attendance of one of his/her relatives or acquaintances with the permission of the special inquiry officer.
  - (5) The special inquiry officer may, ex officio or upon the request of the foreign national, order the appearance of witnesses, put them under oath and seek testimony in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
  - (6) The special inquiry officer may make inquiries of public offices or of public or private organizations and request submission of reports on necessary facts if found necessary for the hearing.
  - (7) When the special inquiry officer finds, as a result of the hearing, that the foreign national who has been delivered to him/her pursuant to the provisions of Article 7, paragraph (4) does not fall under any of the items of paragraph (3) of Article 6, he/she shall promptly notify the foreign national of his/her findings and order the foreign national to depart Japan, and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived. However, this shall not apply if the foreign national provides the special inquiry officer with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
  - (8) If the special inquiry officer finds, as a result of the hearing, that the foreign national (in the case of a foreign national who has been delivered to him/her pursuant to the provisions of Article 7, paragraph (4), this will only apply to a foreign national who, a special inquiry officer finds, falls under any item of Article 6, paragraph (3) or to a foreign national who provides the special inquiry officer with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice; hereinafter the same shall apply in paragraph (10)) conforms to the conditions for landing as prescribed in Article 7, paragraph (1), the special inquiry officer shall immediately affix the seal of verification for landing to the passport of the foreign national.

- (9) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to the seal of verification for landing set forth in the preceding paragraph.
- (10) If the special inquiry officer finds, as a result of the hearing, that the foreign national does not conform to the conditions for landing prescribed in Article 7, paragraph (1), he/she shall promptly notify the foreign national of his/her findings and the reasons therefor, and shall inform the foreign national that he/she may file an objection pursuant to the provisions of the following Article.
- (11) If the foreign national, upon receipt of the notice set forth in the preceding paragraph, has no objection to the findings set forth in the preceding paragraph, the special inquiry officer shall order the foreign national to depart from Japan after he/she has signed a statement that he/she will not file an objection and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

(Filing of an Objection)

- Article 11 (1) If a foreign national who has received the notice set forth in paragraph (10) of the preceding Article has an objection to the findings, he/she may, within 3 days from receipt of the notice, file an objection with the Minister of Justice by submitting a document with a statement of his/her complaint to a supervising immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (2) If the objection set forth in the preceding paragraph is filed, the supervising immigration inspector shall submit to the Minister of Justice the records of the hearing as set forth in paragraph (2) of the preceding Article and other pertinent documents.
- (3) When the Minister of Justice has received the objection pursuant to the provisions of paragraph (1), he/she shall decide whether or not the objection is with reason and shall notify the supervising immigration inspector of such decision.
- (4) The supervising immigration inspector shall, upon receiving notice of a decision from the Minister of Justice to the effect that the objection is with reason, immediately affix the seal of verification for landing to the passport of the foreign national.
- (5) The provisions of Article 9, paragraph (3) shall apply mutatis mutandis to the affixing of the seal of verification for landing set forth in the preceding paragraph.
- (6) The supervising immigration inspector shall, if he/she has received from the Minister of Justice a notice of a decision to the effect that the objection is without reason, inform the foreign national promptly of the decision and order him/her to depart from Japan, and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

(Special Cases of Decisions by the Minister of Justice)

- Article 12 (1) In making a decision as set forth in paragraph (3) of the preceding Article, the Minister of Justice may, even if he/she finds that the objection filed is without reason, grant special permission for landing to the foreign national concerned if he/she falls under any of

the following items.

- (i) He/she has received re-entry permission.
  - (ii) He/she has entered Japan under the control of another due to trafficking in persons.
  - (iii) The Minister of Justice finds that circumstances exist that warrant the granting of special permission for landing.
- (2) The permission set forth in the preceding paragraph shall be regarded, with respect to the application of paragraph (4) of the preceding Article, as a decision to the effect that the objection filed was with reason.

### **SECTION 3 PROVISIONAL LANDING AND OTHER RELATED MATTERS**

(Permission for Provisional Landing)

- Article 13 (1) A supervising immigration inspector may, if he/she finds it specifically necessary during the process of the procedures for landing prescribed in this Chapter, grant permission for provisional landing to a foreign national until completion of the procedures.
- (2) If the supervising immigration inspector grants the permission set forth in the preceding paragraph, he/she shall issue a provisional landing permit to the foreign national.
  - (3) If the permission set forth in paragraph (1) is granted, the supervising immigration inspector may impose restrictions on the foreign national's place of residence and area of movement, oblige the foreign national to appear upon receiving a summons, and may impose other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice, and have him/her pay a deposit in Japanese currency not exceeding 2 million yen or an equivalent amount in a foreign currency provided for by Ordinance of the Ministry of Justice.
  - (4) The deposit set forth in the preceding paragraph shall be returned to the foreign national concerned when the foreign national receive a seal of verification for landing pursuant to the provisions of Article 10, paragraph (8) or Article 11, paragraph (4), or when the foreign national is ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or (11) or Article 11, paragraph (6).
  - (5) If the foreign national who has been granted the permission set forth in paragraph (1) has violated the conditions imposed pursuant to the provisions of paragraph (3), and if the foreign national has fled or failed to appear at a summons without a justifiable reason, the supervising immigration inspector shall confiscate the whole or in other cases part of the deposit set forth in the same paragraph pursuant to the provisions of an Ordinance of the Ministry of Justice.
  - (6) If the supervising immigration inspector has reasonable grounds to suspect that a foreign national who has been granted the permission set forth in paragraph (1) is likely to flee, he/she may issue a written detention order and have the foreign national detained by an immigration control officer.
  - (7) The provisions of Articles 40, 41 and Article 42, paragraph (1) shall apply mutatis mutandis to the detention pursuant to the provisions of the preceding paragraph. In this case, "the written detention order set forth in paragraph (1) of the preceding Article" in Article 40 shall

be deemed to be replaced with "the written detention order set forth in Article 13, paragraph (6)"; "the suspect" with "the foreign national granted permission for provisional landing"; and "the summary of the suspected offense" with "grounds for detention", respectively. In Article 41, paragraph (1), the passage, "shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period once for an additional 30 days" shall be deemed to be replaced with "for a period of time preceding the completion of procedures for landing provided for in Chapter III which the supervising immigration inspector finds to be necessary"; and in paragraph (3) of the same Article and Article 42, paragraph (1), "a suspect" shall be deemed to be replaced with "a foreign national granted permission for provisional landing".

(Place of Stay for a Foreign National Ordered Exclusion)

- Article 13-2 (1) In the event that the exclusion which has been ordered pursuant to the provisions of Article 10, paragraph (7) or (11) or Article 11, paragraph (6) cannot be carried out due to the operating schedule of the vessel or aircraft or for other reasons not imputable to the foreign national, a special inquiry officer or a supervising immigration inspector may permit the foreign national to stay in a designated facility in the vicinity of the port of entry or departure for a designated period, pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (2) The special inquiry officer or the supervising immigration inspector shall, when designating the facility and the period set forth in the preceding paragraph, likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

#### **SECTION 4 SPECIAL CASES OF LANDING**

(Permission for Landing at a Port of Call)

- Article 14 (1) An immigration inspector may grant a foreign national (except for crew members) aboard a vessel or aircraft permission for landing at a port of call if he/she is to proceed via Japan to an area outside Japan and wishes to land and stay for not more than 72 hours in an area in the vicinity of the port of entry or departure upon an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft. However, this shall not apply to a foreign national who falls under any of the items of Article 5, paragraph (1) (this excludes the case where the provisions of Article 5-2 have been applied for a foreign national who falls under any of the items of Article 5, paragraph (1) based on the specific grounds set forth in Article 5-2 and no other grounds; the same shall apply hereinafter).
- (2) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall affix a seal of verification for landing at the port of call in the passport of the foreign national concerned.
- (4) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the foreign national's period of landing, area of movement and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.

(Permission for Landing in Transit)

Article 15 (1) An immigration inspector may grant a foreign national (except for crew members) aboard a vessel permission for landing in transit upon application by the captain of the vessel or the carrier who operates the vessel, when such foreign national wishes to land temporarily for sightseeing purposes while the vessel is in Japan, and to return to said vessel at another port of entry or departure at which the vessel is scheduled to call.

- (2) An immigration inspector may, upon application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft, grant a foreign national (except for crew members) aboard the vessel or aircraft permission for landing in transit when such foreign national wishes to proceed via Japan to an area outside Japan and to depart from Japan within 3 days of his/her entry into Japan from another port of entry or departure in the vicinity of the port at which the said foreign national entered Japan on board a vessel or aircraft other than the one on which the foreign national arrived in Japan.
- (3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall affix a seal of verification for landing in transit to the passport of the foreign national concerned.
- (5) In granting the permission set forth in paragraph (1) or (2), the immigration inspector may impose restrictions on the foreign national's period of landing, transit route and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) The provisions of the proviso to paragraph (1) of the preceding Article shall apply mutatis mutandis in the cases referred to in paragraphs (1) and (2) of this Article.

(Landing Permission for Crew Members)

Article 16 (1) An immigration inspector may grant landing permission for crew members to a foreign crew member (including those who became crew members in Japan; hereinafter the same shall apply in this Article) who wishes to land for a period not exceeding 15 days for the purpose of transferring to another vessel or aircraft (including the boarding of a vessel or aircraft), rest, shopping or other similar purposes upon application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft (including the vessel or aircraft

- he/she is to board) in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (2) An immigration inspector may grant landing permission for crew members to a crew member who falls under any of the following items if he/she finds that there are reasonable grounds to do so:
- (i) Where a foreign crew member of a vessel placed on regular service between Japan and other countries or of other vessels frequently entering Japanese ports of entry and departure wishes to land in Japan for rest, shopping or other similar purposes on multiple occasions within 1 year from the date of permission, upon application by the captain of the vessel or the carrier who operates the vessel on which the foreign national is aboard, in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
  - (ii) Where a foreign crew member of a carrier engaged in regular airline services between Japan and other countries wishes to land in Japan for a period not exceeding fifteen days from each arrival date for rest, shopping or other similar purposes and to depart from the same airport of entry or departure as a crew member of an aircraft belonging to the same carrier on multiple occasions within 1 year from the date of permission, upon application by the carrier concerned, in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a crew member's landing permit to the crew member concerned.
- (5) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the crew member's period of landing, area of movement (including the route to be followed in transit) and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) The provisions of the proviso to Article 14, paragraph (1), shall apply mutatis mutandis in the cases referred to in paragraphs (1) and (2) of this Article.
- (7) When the crew member who has been granted the permission set forth in paragraph (2) of this Article intends to land based on such permission, the immigration inspector may, if he/she finds it necessary, require the crew member to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (8) When the crew member who has been granted the permission set forth in paragraph (2) intends to land based on such permission, and when the immigration inspector finds that the crew member falls under any of the items of Article 5, paragraph (1), the immigration inspector shall revoke the permission immediately.
- (9) In addition to the cases referred to in the preceding paragraph, the immigration inspector may



revoke the permission, in accordance with the procedures provided for by Ordinance of the Ministry of Justice, if the immigration inspector finds it inappropriate to continue granting the permission concerned. In this case, when the crew member is in Japan, the immigration inspector shall designate a period within which the crew member shall return to his/her ship or depart from Japan.

(Permission for Emergency Landing)

- Article 17 (1) In the case of disease or any other accident which urgently requires the landing of a foreign national aboard a vessel or aircraft for the purpose of medical treatment, an immigration inspector may grant permission for emergency landing to the foreign national concerned based on an application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft until the cause thereof ceases to exist, subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.
- (2) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue an emergency landing permit to the foreign national concerned.
- (4) When the permission set forth in paragraph (1) is granted, the captain of the vessel or aircraft or the carrier set forth in the same paragraph shall be liable to pay the living expenses, medical treatment expenses, and/or funeral expenses of the foreign national concerned and any other expenses incurred during the emergency landing period.

(Landing Permission Due to Distress)

- Article 18 (1) If a vessel or aircraft is in distress and an immigration inspector finds it necessary for the rescue and protection of foreign victims on board the vessel or aircraft or for any other emergency response measures, he/she may grant the foreign nationals concerned landing permission due to distress based on an application by the mayor of the city, town or village which is carrying out the rescue and protection work pursuant to the provisions of the Sea Casualties Rescue Act (Act No. 95 of 1899), or upon an application by the captain of a vessel or aircraft which has carried out the rescue and protection of the foreign victims, the captain of the vessel or aircraft in distress or the carrier who operates the vessel or aircraft.
- (2) The immigration inspector shall grant permission for landing due to distress immediately, notwithstanding the provisions of the preceding paragraph, when he/she has taken delivery of the foreign national set forth in the preceding paragraph by a police official or coast guard officer.
- (3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in paragraph (1) of this Article, he/she may require the

foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice. This will also apply if he/she finds it necessary when taking delivery of the foreign national pursuant to the provisions of the preceding paragraph.

- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a landing permit due to distress to the foreign national concerned.
- (5) In granting the permission set forth in paragraph (1) or paragraph (2), the immigration inspector may impose restrictions on the foreign national's period of landing, area of movement and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.

(Landing Permission for Temporary Refuge)

Article 18-2 (1) An immigration inspector may grant landing permission for temporary refuge upon an application by a foreign national aboard a vessel or aircraft who is deemed to fall under all of the following items:

- (i) A person who has entered Japan for the reasons prescribed in Article 1, paragraph A-(2) of the Refugee Convention or other reasons equivalent thereto after fleeing from a territory where his/her life, body or physical freedom were threatened.
- (ii) It would be appropriate for temporary landing permission to be granted.
- (2) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue a landing permit for temporary refuge to the foreign national concerned.
- (4) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the foreign national's period of landing, place of residence, area of movement and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.

## **CHAPTER IV RESIDENCE AND DEPARTURE**

### **SECTION 1 RESIDENCE**

#### **Subsection 1 Activities during residence**

(Scope of Activities)

Article 19 (1) Any foreign national who is a resident under a status of residence listed in the left-hand column of Appended Table I shall not engage in the activities set forth in the following items, with regard to the categories identified therein, except for cases where he/she engages in them with permission as set forth in paragraph (2) of this Article.

- (i) A foreign national who is a resident with a status of residence listed in the left-hand

column of Appended Tables I (1), I (2) and I (5): activities related to the management of business involving income or activities for which he/she receives remuneration (except rewards for lectures not given on a regular basis, incidental remuneration received in the course of everyday life and other remuneration provided for by Ordinance of the Ministry of Justice; the same shall apply hereinafter), which are not included in those activities listed in the right-hand column of those tables corresponding to each status of residence.

- (ii) A foreign national who is a resident with a status of residence listed in the left-hand column of Appended Tables I (3) and I (4): activities related to the management of a business involving income or activities for which he/she receives remuneration.
- (2) When an application has been submitted by a foreign national who is a resident with a status of residence listed in the left-hand column of Appended Table I, in accordance with the procedures provided for by Ordinance of the Ministry of Justice, to engage in activities related to the management of business involving income or activities for which he/she receives remuneration, which are not included among those activities listed in the right-hand column of the same table, the Minister of Justice may grant permission if he/she finds reasonable grounds to do so to the extent that there is no impediment to the original activities under the status of residence. In this case, the Minister of Justice may impose conditions necessary for the permission.
- (3) The Minister of Justice may revoke the permission in accordance with the procedures provided for by Ordinance of the Ministry of Justice when a foreign national, to whom permission was granted based on the preceding paragraph, violates conditions imposed on him/her pursuant to the provisions of the same paragraph, or in the event that it is found to be inappropriate to continue granting permission to the foreign national.
- (4) Any foreign crew member who has been granted permission for landing pursuant to the provisions of Articles 16 to 18 shall continue to be regarded as a crew member, after ceasing to be a crew member through discharge, as long as he/she remains in Japan.

(Certificate of Authorization for Employment)

- Article 19-2 (1) When an application has been submitted by a foreign national residing in Japan, the Minister of Justice may issue a document which certifies the eligibility of the applicant for activities related to the management of business involving income or activities for which he/she receives remuneration pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (2) No one shall discriminate in employing a foreign national for failure to show or submit the certificate set forth in the preceding paragraph, when it is evident that the person concerned is authorized to engage in activities related to the management of business involving income or activities for which he/she receives remuneration.

### **Sub-section 2 Medium to Long-term Residence**

(Medium to Long-term Resident)

Article 19-3 The Minister of Justice shall issue a residence card to a foreign national other than those falling under any of the following items (hereinafter called a "medium to long-term resident"), who resides in Japan under a status of residence.

- (i) A person whose period of stay is granted for not more than 3 months
- (ii) A person whose status of residence is granted as "Temporary Visitor"
- (iii) A person whose status of residence is granted as "Diplomat" or "Official"
- (iv) A person who, pursuant to an Ordinance of the Ministry of Justice, is found as equivalent to foreign nationals listed in any of the preceding three items.

(Matters to be entered in the Residence Card)

Article 19-4 (1) Matters to be entered in the residence card is as follows

- (i) Name, date of birth, sex and nationality or region prescribed in Article 2, item (v), sub-item (b).
  - (ii) Place of Residence (Address of main residence in Japan; the same shall apply hereinafter)
  - (iii) Status of residence, period of stay and date of expiration of the period of stay
  - (iv) Type of permission and date of permission
  - (v) Number of the residence card, date of issuance and date of expiration of the validity period
  - (vi) Recognition/nonrecognition or conditions of working per status of residence
  - (vii) In the case a person obtained the permission pursuant to the provisions of Article 19, paragraph (2), that effect
- (2) Number of the residence card specified in the provisions of item (v) of the preceding paragraph, shall be determined different number for each issuance (including reissuance) of the residence card pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (3) Residence card shall, pursuant to an Ordinance of the Ministry of Justice, contain photograph of a medium to long-term resident. In this case, the Minister of Justice may, pursuant to the provisions of Article 6, paragraph (3) or the provisions of laws and regulations pursuant to the provisions of an Ordinance of the Ministry of Justice, use photograph which are provided by the medium to long-term resident.
- (4) In addition to what is prescribed in the preceding three paragraphs, a form of residence card, what shall be indicated on the residence card and other necessary matters shall be determined by an Ordinance of the Ministry of Justice.
- (5) The Minister of Justice may record all or part of the information of matters listed in each items of paragraph (1) and what shall be indicated on the card pursuant to the provisions of the preceding two paragraphs pursuant to the provisions of an Ordinance of the Ministry of Justice.

(Validity Period of Residence Card)

Article 19-5 (1) Validity period of residence card shall be, in accordance with the categories listed in the following items for a medium to long-term resident to be issued, the period where the designated date set by each items elapses.

- (i) A permanent resident (except for a foreign national listed in the following item): the day on which 7 years have elapsed from the date of issuance of residence card.
  - (ii) A foreign national who is a permanent resident and less than 16 years of age when a residence card is issued (except for a foreign national who is issued with a residence card pursuant to the provisions of Article 19-10, paragraph (2) applied mutatis mutandis in Article 19-11, paragraph (3); the same shall be applied at item (iv)): birthday of 16 years of age (in the case when the foreign national's birthday is February 29, birthday of the foreign national in the year other than those in leap year shall be deemed to February 28; the same shall apply hereinafter).
  - (iii) A foreign national other than a permanent resident (except for a foreign national listed in the following item): the date of expiration of the period of stay.
  - (iv) A foreign national other than a permanent resident and less than 16 years old at the date of issuance of a residence card: expiration date of the period of stay or birthday of 16 years old, whichever comes first.
- (2) In the case where the validity period of residence card is until the end of the period on which the expiration date of the period of stay elapses pursuant to the provisions of item (iii) or item (iv) of the preceding paragraph, when a medium to long-term resident issued with a residence card may reside in Japan beyond the expiration date of the period of stay pursuant to provisions of Article 20, paragraph (5) (including the case applied mutatis mutandis in Article 21, paragraph (iv); the same shall be applied in this paragraph, Article 24, item (iv)-(b) and Article 26, paragraph (4)), the validity period of the residence card shall be until the end of the term on which the medium to long-term resident may reside pursuant to the provisions of Article 20, paragraph (5).

(Issuance of Residence Cards accompanied with Initial Landing)

Article 19-6 The Minister of Justice shall, pursuant to the provisions of an Ordinance of the Ministry of Justice, have an immigration inspector issue a residence card to a foreign national who becomes a medium to long-term resident by obtaining a seal of verification for permission of landing or a special permission (limited to those with the decision of status of residence) pursuant to the provisions of Chapter III, Section 1 or 2.

(Notification of Place of Residence after Initial Landing)

Article 19-7 (1) A medium to long-term resident prescribed in the provisions of the preceding Article shall notify the Minister of Justice of the place of residence through the mayor of city, town or village of his/her place of residence (this refers to "ward" in areas where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act: special ward; the same shall apply hereinafter) within 14 days from the date of his/her settlement to the place of residence in accordance with the procedures provided for by an Ordinance of the Ministry of Justice as submitting his/her residence card to the mayor of city, town or village.

- (2) In case when a medium to long-term resident submits his/her residence card pursuant to the provisions of the preceding paragraph, mayor of city, town or village shall enter his/her place of residence (including records as stipulated in Article 19-4, paragraph (5)) on the residence card and return it to him/her.
- (3) When a medium to long-term resident prescribed in the Paragraph (1) submits a notification pursuant to the provisions of the Basic Resident Registration Act, Article 30-46 (Act No.81 of 1967) with a residence card, such notification shall be deemed as a notification pursuant to the provisions of the paragraph (1).

(Notification of Place of Residence accompanied with change of Status of Residence and others)

Article 19-8 (1) A medium to long-term resident, who has become such resident initially by the permission pursuant to the provisions of Article 20, paragraph (3), main clause (including the case applying mutatis mutandis in Article 22-2, paragraph (3) (including the case applying mutatis mutandis in Article 22-3), Article 21, paragraph (3), Article 22, paragraph (2) (including the case applying mutatis mutandis in Article 22-2, paragraph (4) (including the case applying mutatis mutandis in Article 22-3)), Article 50, paragraph (1) or Article 61-2-2, paragraph (1) or paragraph (2) shall notify the Minister of Justice of his/her place of residence through the mayor of city, town or village of his/her place of residence within 14 days from the date of his/her settlement to the place of residence (in case who has already decided the place of residence, the date of the permission), in accordance with the procedures provided for by an Ordinance of the Ministry of Justice.

- (2) Provisions of the preceding Article, paragraph (2) shall apply mutatis mutandis in the case a residence card is submitted pursuant to the provisions of the preceding paragraph.
- (3) When a medium to long-term resident prescribed in the paragraph (1) submits a notification pursuant to the provisions of the Basic Resident Registration Act, Article 30-46 or Article 30-47 with a residence card, such notification shall be deemed as a notification pursuant to the provisions of the paragraph (1).
- (4) In the case a foreign national prescribed in Article 22-2, paragraph (1) or Article 22-3 submits a copy of residential certificate or certification of descriptions of a residential certificate prescribed in the Basic Resident Registration Act, Article 12, paragraph (1), as making an application pursuant to the provisions of Article 22-2, paragraph (2) (including the case of applying mutatis mutandis in Article 22-3), to the Minister of Justice, it is deemed that notification was made pursuant to provisions under paragraph (1) when the permission by the provisions under Article 20, paragraph (3), main clause which apply mutatis mutandis in Article 22-2, paragraph (3) (including the case of applying mutatis mutandis in Article 22-3) or the permission by provisions under Article 22, paragraph (2) which apply mutatis mutandis in Article 22-2, paragraph (4) (including the case of applying mutatis mutandis in Article 22-3) is granted.

(Notification of change in Place of Residence)

Article 19-9 (1) When a medium to long-term resident changes the place of residence, he/she shall notify the Minister of Justice of his/her new residence (it means the place of residence after changed; the same shall apply hereinafter) through mayor of city, town or village within 14 days from the date of his/her movement to the new residence.

(2) Provisions of Article 19-7, paragraph (2) shall apply mutatis mutandis in the case a residence card is submitted pursuant to the provisions of the preceding paragraph.

(3) When a medium to long-term resident prescribed in the paragraph (1) submits a notification pursuant to the provisions of the Basic Resident Registration Act, Article 22, Article 23 or Article 30-46 with a residence card, such notification shall be deemed as a notification pursuant to the provisions of the paragraph(1).

(Notification of change in matters other than Place of Residence)

Article 19-10 (1) When matters listed in Article 19-4, paragraph (1), item (i) are changed, a medium to long-term resident shall notify the Minister of Justice of the change in such matters within 14 days from the date of such change taking place, in accordance with the procedures provided for by an Ordinance of the Ministry of Justice.

(2) When a notification under the preceding paragraph is made, the Minister of Justice shall have an immigration inspector issued a new residence card.

(Renewal of the Validity Period of a Residence Card)

Article 19-11 (1) A medium to long-term resident issued with a residence card shall apply for the renewal of the validity period of the residence card to the Minister of Justice from 2 months before expiration date of the validity period of such residence card (in case where the expiration date of the validity period is set at birthday of 16 years of age, from 6 months before the date) to the expiration date of the validity period (referred to as "Renewal Period" in the next paragraph), in accordance with the procedures provided for by an Ordinance of the Ministry of Justice, except for the case where the validity period of a residence card is set at expiration date of the period of stay for such a medium to long-term resident.

(2) A medium to long-term resident may apply for the renewal of the validity period of the residence card to the Minister of Justice even prior to the Renewal Period in accordance with the provisions provided for by an Ordinance of the Ministry of Justice when it is supposed to be difficult to apply within the Renewal Period pursuant to the provisions of preceding paragraph.

(3) Provisions of the preceding Article, paragraph (2) shall apply mutatis mutandis in the case when the application is made pursuant to the provisions of the preceding two paragraphs.

(Reissuance of Residence Card due to Loss, etc)

Article 19-12 (1) When a medium to long-term resident issued with a residence card lost its possession of the card due to loss, theft, destruction or other cause, he/she shall apply for

reissuance of residence card to the Minister of Justice within 14 days from the day he/she notices the fact (in the case where he/she notices the fact while out of Japan from the date he/she firstly enters Japan after that), in accordance with the procedures provided for by an Ordinance of the Ministry of Justice.

(2) Provisions of Article 19-10, paragraph (2) shall apply mutatis mutandis in the case when the application is made pursuant to the provisions of the preceding paragraphs.

(Reissuance of Residence Card due to Defacement or Damage)

Article 19-13 (1) When a residence card is particularly damaged or defaced, or its record prescribed in the provisions of the Article 19-4, paragraph (5) is damaged, a medium to long-term resident issued with the residence card may apply for reissuance of a residence card to the Minister of Justice in accordance with the procedures provided for by an Ordinance of the Ministry of Justice. When a medium to long-term resident issued with a residence card wishes to replace the residence card due to other than those of damage or defacement (except for the case recognized as not just cause), the case shall be treated in the same way.

(2) The Minister of Justice may order to a medium to long-term resident who possesses a residence card which is particularly destroyed or defaced or record of which prescribed in the provisions of the Article 19-4, paragraph (5) is damaged to apply for reissuance of a residence card.

(3) A medium to long-term resident who is given a mandate pursuant to the provisions of the preceding paragraph shall apply for reissuance of a residence card to the Minister of Justice within 14 days from the day of the mandate, in accordance with the procedures provided for by an Ordinance of the Ministry of Justice.

(4) Provisions of Article 19-10, paragraph (2) shall apply mutatis mutandis in the case when the application is made pursuant to the provisions of paragraph (1) or the preceding paragraph.

(Lapse of Residence Card)

Article 19-14 A residence card shall cease to be effective when it falls under any of the following items.

(i) When a medium to long-term resident issued with a residence card became a non medium to long-term resident.

(ii) When the validity period for a residence card expired.

(iii) When a medium to long-term resident issued with a residence card (except for a resident who obtained re-entry permission pursuant to the provisions of Article 26, paragraph (1)) received confirmation of departure from Japan by an immigration inspector at the port of entry or departure, pursuant to provisions of Article 25, paragraph (1).

(iv) When a medium to long-term resident issued with a residence card and obtained re-entry permission pursuant to the provisions of Article 26, paragraph (1), departed from Japan, but did not re-enter Japan during the validity period for re-entry permission.

(v) When a medium to long-term resident issued with a residence card was issued with a new



residence card.

(vi) When a medium to long-term resident issued with a residence card died.

(Return of Residence Card)

Article 19-15 (1) A medium to long-term resident issued with a residence card shall return the residence card to the Minister of Justice when the residence card in possession ceases to be effective by corresponding the provisions of the preceding Article, item(i), (ii) or (iv), within 14 days from the date these events occurred.

(2) A medium to long-term resident issued with a residence card shall return the residence card immediately to the Minister of Justice when the residence card in his/her possession ceases to be effective by corresponding the provisions of the preceding Article, item(iii) or (v).

(3) A medium to long-term resident issued with a residence card shall return the residence card to the Minister of Justice when he/she discovers his/her lost residence card after the card ceases to be effective pursuant to the provisions of the preceding Article (except for item (vi)) within 14 days from the day of discovery.

(4) When a residence card ceases to be effective pursuant to the provisions of the preceding Article, item (vi), relatives or housemates of the deceased medium to long-term resident shall return the residence card to the Minister of Justice within 14 days from the date of the death (in the case where the residence card is discovered after the death, from the date of discovery).

(Notification about assigned organizations, divorce and death of a spouse)

Article 19-16 Depending on the categories of status of residence listed in the following items, a medium to long-term resident shall notify the Minister of Justice of the events prescribed in each category and matters as provided for by an Ordinance of the Ministry of Justice within 14 days from the date of such events taking place.

(i) Professor, Investor/Business Manager, Legal/Accounting Services, Medical Services, Instructor, Intra-company Transferee, Technical Intern Training, Student or Training: change in name or location, or extinction of the public or private organization in Japan in which he/she conducts activities listed in the right-hand column of Appended Table I depending on status of residence or renouncement or transfer from the organization.

(ii) Researcher, Engineer, Specialist in Humanities/International Services, Entertainer (limited to the case of engaging in activities pertaining to the status of residence based on a contract with public or private organization in Japan) or Skilled Labor: change in name or location or extinction of the public or private organization in Japan, which are the other party to a contract with the resident, or expiration of the contract or conclusion of a new contract with the organization.

(iii) Dependent (limited to a person who can conduct daily activities as his/her spouse), Designated Activities (limited to a person who can conduct daily activities as his/her spouse as specified on c. right-hand column of Appended Table I-(5)), Spouse or Child of Japanese National (limited to a person who is a spouse of Japanese) or Spouse or Child of Permanent

Resident (limited to a person who is a spouse of who resides in Japan in status of residence of a permanent resident or a special permanent resident (hereinafter referred to as "permanent or special permanent resident"): divorce or bereavement from the spouse.

(Notification by assigned organizations)

Article 19-17 Public or private organization in Japan where a medium to long-term resident under status of residence as specified in Appended Table I is accepted and other institutes specified by an Ordinance of the Ministry of Justice (except for business proprietors who shall notify pursuant to the provisions of Article 28, paragraph (1) of the Employment Countermeasures Act (Act No.132 of 1966)) shall endeavor to notify the Minister of Justice of the commencement and termination of acceptance of such medium to long-term resident and other particulars relating to accepting situations pursuant to provisions of an Ordinance of the Ministry of Justice.

(Continuous grasp of information about medium to long-term residents)

Article 19-18 (1) In order to continuously grasp family relationship, residency and activity status of medium to long-term residents, the Minister of Justice shall organize information about medium to long-term residents which are acquired pursuant to the provisions of the Immigration Control and Refugee Recognition Act and other laws and regulations such as name in full, date of birth, nationality, residency, assigned organization and other necessities for residence control.

- (2) The Minister of Justice shall endeavor to keep the information, prescribed in the preceding paragraph, to be accurate and latest in content.
- (3) The Minister of Justice shall not acquire or keep information prescribed in paragraph (1), exceeding the minimum necessary for attaining the purpose of residence control and in handling such information, keep in mind of protecting individual right and interests.

(Inquiry into the Facts)

Article 19-19 (1) The Minister of Justice may have officials inquire into the facts, which is supposed to notify pursuant to the provisions of this Subsection when it is necessary for continuously grasping the information about a medium to long-term resident.

- (2) An immigration inspector or immigration control officer may request the persons concerned to make an appearance or may ask questions or request the presentation of documents, when it is necessary for the inquiry set forth in the preceding paragraph.
- (3) The Minister of Justice, an immigration inspector or an immigration control officer may make inquiries to public offices or to public or private organizations and request submission of reports on necessary facts in relation to the inquiry set forth in paragraph (1).

## **SECTION 2 CHANGE AND REVOCATION OF STATUS OF RESIDENCE AND OTHER RELATIVE MATTERS**

(Change of Status of Residence)

- Article 20 (1) Any foreign national residing under a certain status of residence may have such status of residence (including the relevant period of stay; hereinafter the same shall apply in paragraphs (1) to (3) and in the following Article) changed (in the case of a foreign national residing under the status of residence of "Technical Intern Training" (limited to those pertaining to items (ii), sub-item (a) or (b) in the right hand column pertaining to "Technical Intern Training" in Appended Table I-(2)), including a change to a different public or private organization in Japan designated by the Minister of Justice, and in the case of a foreign national residing under the status of residence of "Designated Activities," including a change in the activities specifically designated by the Minister of Justice with respect to the person concerned).
- (2) Any foreign national who wishes to have his/her status of residence changed pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for the change in the status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice. However, if he/she wishes to have his/her status of residence changed to that of "Permanent Resident", he/she shall comply with the procedures pursuant to the provisions of Article 22, paragraph (1).
- (3) When an application for a change of a status of residence has been submitted as set forth in the preceding paragraph, the Minister of Justice may grant permission only when he/her finds that there are reasonable grounds to grant the change of the status of residence on the strength of the documents submitted by the foreign national. However, in the case of an application submitted by a person whose status of residence is "Temporary Visitor", permission shall not be granted unless the application is made based on special unavoidable circumstances.
- (4) In the case of granting permission pursuant to the provisions of the preceding paragraph, the Minister of Justice shall, depending on categories listed in the following each item, take measures as specified in each item. In this case, that permission shall become effective with the content of a residence card, a certificate of status of residence or passport when the residence card or the certificate is issued or the passport or the certificate is entered pursuant to any of the following items.
- (i) In the case of a foreign national pertaining to such permission continuously falls under a medium to long-term resident or newly falls under a medium to long-term resident: have an immigration inspector issue a residence card to such foreign national.
- (ii) In the case of other than those listed in the preceding items, if a foreign national pertaining to such permission possesses a passport: have an immigration inspector enter a new status of residence and the period of stay on such passport.
- (iii) In the case of other than those listed in item (i), if a foreign national pertaining to such permission does not possess a passport: have an immigration inspector issue a certificate of status of residence on which new status of residence and the period of stay are entered or enter a new status of residence and the period of stay on a certificate of status of residence

which has been already issued.

- (5) In the case where an application pursuant to the provisions of paragraph (2) is made (except for an application by a foreign national who is granted permission with a period of stay of not more than 30 days), if the disposition for the application has not been made by the expiration date of the period of stay for the status of residence which the foreign national had at the time of the application, such foreign national may, even after the expiration date of the period of stay, reside in Japan continuously under such status of residence until the date the disposition is made or 2 months from the date of the expiration of the previous period of stay, whichever comes first.

(Special Provision for Change of a Status of Residence to "Technical Intern Training")

Article 20- 2 (1) Change of a status of residence to "Technical Intern Training" (limited to the status of residence pertaining to item (ii), sub-item (a) or (b) of the right-hand column under "Technical Intern Training" of Appended Table I (2)) may not be accepted, notwithstanding the provisions of the preceding Article, paragraph (1), if a foreign national has not resided in Japan with a status of residence under "Technical Intern Training" (limited to the status of residence pertaining to item (i), sub-item (a) or (b) of the right-hand column under "Technical Intern Training" of the same Appended Table).

- (2) When the Minister of Justice receives an application for a change of a status of residence to "Technical Intern Training" (limited to the status of residence pertaining to item (ii), sub-item (a) or (b) of right-hand column under "Technical Intern Training" of Appended Table I (2)) pursuant to the provisions of the preceding Article, paragraph (2), he/she may not grant permission for such change, unless the foreign national conforms to the conditions provided for by Ordinance of the Ministry of Justice.
- (3) The Minister of Justice shall consult with the heads of the relevant administrative organs in prescribing the Ordinance of the Ministry of Justice set forth in the preceding paragraph.

(Extension of Period of Stay)

Article 21 (1) Any foreign national residing in Japan may, without changing his/her status of residence, have his/her period of stay extended.

- (2) Any foreign national who wishes to have his/her period of stay extended pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for an extension of such period in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (3) When the application set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that there are reasonable grounds to grant the extension of the period of stay on the strength of the documents submitted by the foreign national.
- (4) The provisions of Article 20, paragraph (4) shall apply mutatis mutandis to permission pursuant to the provisions of the preceding paragraph, and the provisions of the same Article,

paragraph (5) shall apply mutatis mutandis to an application pursuant to the provisions of paragraph (2), respectively. In this case, "a new status of residence and the period of stay" in paragraph (4), item (ii) or (iii) of the same Article shall be deemed to be replaced with "the status of residence and new period of stay".

(Permission for Permanent Residence)

Article 22 (1) Any foreign national who wishes to change his/her status of residence to that of "Permanent Resident" shall apply to the Minister of Justice for permission for permanent residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(2) When an application as set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that the foreign national conforms to the following items and that his/her permanent residence will be in accordance with the interests of Japan. However, the following items do not have to be conformed to in the case of spouses and children of Japanese nationals, of residents with permanent residence status or of special permanent residents.

(i) The foreign national's behavior and conduct must be good.

(ii) The foreign national must have sufficient assets or skills to make an independent living.

(3) When the Minister of Justice grants the permission set forth in the preceding paragraph, he/she shall have an immigration inspector issue a residence card to a foreign national concerned. In this case, the permission will become effective as of the time when the residence card is issued.

(Acquisition of Status of Residence)

Article 22-2 (1) Any person who has renounced Japanese nationality, or any foreign national who is to stay in Japan without following the procedures for landing provided in the preceding Chapter, through birth or for any other cause, may, notwithstanding the provisions of Article 2-2, paragraph (1), continue to stay in Japan without acquiring a status of residence for a period not exceeding 60 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.

(2) A foreign national as described under the preceding paragraph who wishes to stay in Japan beyond the period set forth in the same paragraph shall apply to the Minister of Justice for the acquisition of a status of residence in accordance with the procedures pursuant to the provisions of an Ordinance of the Ministry of Justice within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.

(3) The provisions of Article 20, paragraphs (3), main clause and (4) shall apply mutatis mutandis to the procedures for an application to acquire a status of residence prescribed in the preceding paragraph (except for an application to acquire the status of residence of permanent resident). In this case, "change of a status of residence" in Article 20, paragraph (3), main clause shall be deemed to be replaced with "acquisition of status of residence".

(4) The provisions of the preceding Article shall apply mutatis mutandis to the procedures for an application to acquire the status of residence of permanent resident, in the course of an application to acquire the status of residence as prescribed in paragraph (2). In this case, in paragraph (1) of the same Article "change his/her status of residence to that" shall be deemed to be replaced with "acquire his/her status of residence".

Article 22-3 The provisions of paragraphs (2) to (4) of the preceding Article shall apply mutatis mutandis to a foreign national who has received permission for landing for the temporary refuge prescribed in Article 18-2, paragraph (1), only in cases where he/she is to reside under any status of residence listed in the left-hand column of Appended Table I or II. In this case, "within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause" in paragraph (2) of the preceding Article shall be deemed to be replaced with "within the period of landing pertaining to the permission for landing".

(Revocation of Status of Residence)

Article 22-4 (1) Where any of the following facts are found with respect to a foreign national residing in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II (except for those recognized as refugees as set forth in Article 61-2, paragraph (1)), the Minister of Justice may revoke the foreign national's status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

- (i) The foreign national has received, by deceit or other wrongful means, a seal of verification for landing (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section 1 or 2, on the consideration that he/she does not fall under any of the items of Article 5, paragraph (1).
- (ii) The foreign national has received, by deceit or other wrongful means, a seal of verification for landing (a seal of verification for landing or special permission pursuant to the provisions of Chapter III, Section 1 or 2 (limited to those with a decision of status of residence) or permission pursuant to the provisions of this section, and where two or more seals or permissions have been granted, the most recent; hereinafter the same shall apply in this paragraph), on the consideration that the activities stated as those in which he/she intends to be engaged in the application for such permission are not false, and such activities fall under any of those listed in the right-hand column of Appended Table I or the activities of a person with the status or position listed in the right-hand column of Appended Table II.
- (iii) In addition to the cases listed in the preceding two items, the foreign national has received, by deceit or other wrongful means, a seal of verification for landing.
- (iv) In addition to the cases listed in the preceding three items, the foreign national has received, by submitting or presenting a document that contains a false entry (including a certificate pursuant to the provisions of Article 7-2, paragraph (1), obtained by submitting or

presenting a document or drawing that contains a false entry or a visa obtained for the passport by submitting or presenting a document or drawing that contains a false entry), or a drawing that contains a false entry, a seal of verification for landing.

- (v) By deceit or other wrongful means, receiving permission under provisions of Article 50, paragraph (1), or Article 61-2-2, paragraph (2) (except for the case where after obtaining such permission, he/she has received permission provided for by those provisions or seal of verification for landing).
  - (vi) The foreign national residing under a status of residence listed in the left-hand column of Appended Table I has failed to continue to engage in the activities listed in the right-hand column corresponding to that status for three months or more while residing in Japan (except for cases in which the foreign national has justifiable grounds for not engaging in the activities while residing in Japan).
  - (vii) A foreign national who resides in Japan with the status of residence of "Spouse or Child of Japanese National"(limited to a person who is in a status of Japanese spouse (except for the case, concurrently of holding a status of specially adopted child of Japanese national (refer to a specially adopted child pursuant to the provisions of Article 817-2 of the Civil Code (Act No. 89 of 1896); the same shall apply hereinafter) or a person who is in a status of a person born as a child of Japanese national)) or a person who resides in Japan with the status of residence of "Spouse or Child of Permanent Resident" (limited to a person who is in a status of spouse of permanent or special permanent resident (except for the case, concurrently of a person who was born in Japan as a child of permanent or special permanent resident, and then holding a status of residence as a person of residing in Japan continuously) has failed to continue to engage in the activities of a person with a status under a spouse of a Japanese national, a permanent or special permanent resident for six months or more while residing in Japan (except for cases in which the foreign national has justifiable grounds for not engaging in the activities while residing in Japan).
  - (viii) In the case where a foreign national who has become a medium to long-term resident initially by receiving a seal of verification for landing or special permission pursuant to the provisions of Chapter III, Section 1 or 2, permission under the provision in this Section, or permission under the provision in Article 50, paragraph (1) or Article 61-2-2, paragraph (2) has not made a notification, within 90 days from obtaining a seal of verification for landing or special permission, to the Minister of Justice of his/her place of residence (except for cases in which the foreign national has justifiable grounds for not making the notification).
  - (ix) In the case where a medium to long-term resident left his/her place of residence notified to the Minister of Justice and he/she has not made a notification of the new residence to the Minister of Justice within 90 days from leaving the place of residence (except for cases in which he/she has justifiable grounds for not making the notification).
  - (x) In the case where a medium to long-term resident notified the Minister of Justice of a false place of residence.
- (2) When revoking the status of residence pursuant to the provisions of the preceding paragraph,

the Minister of Justice shall have an immigration inspector that he/she has designated hear the opinion of the foreign national.

- (3) The Minister of Justice shall serve the foreign national, in advance, of the written notice of a hearing in which the facts constituting the grounds for the revocation and the date and place of the hearing are described when having a designated immigration inspector hear the opinion pursuant to the foreign national's provisions of the preceding paragraph. Provided, however, in case of urgency, the Minister of Justice may have an immigration inspector or immigration control officer notify orally of the date and place of the hearing as well as matters to be entered in the written notice of a hearing.
- (4) The foreign national or his/her representative may appear on the date set forth in the preceding paragraph to state an opinion and submit evidence.
- (5) When the foreign national fails to appear at the hearing set forth in paragraph (2) without a justifiable reason, the Minister of Justice may, notwithstanding the provisions of the same paragraph, revoke the status of residence pursuant to the provisions of paragraph (1) without hearing the foreign national's opinion.
- (6) The Minister of Justice shall conduct revocation of the status of residence by serving a written notice of revocation of status of residence.
- (7) When revoking the status of residence pursuant to the provisions of paragraph (1) (except for item (i) and (ii)), the Minister of Justice shall designate a period not exceeding 30 days within which the foreign national shall depart from Japan.
- (8) When designating the period pursuant to the provisions of the preceding paragraph, the Minister of Justice may impose restrictions on the foreign national's residence and area of movement, and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (9) The Minister of Justice shall enter the period designated pursuant to the provisions of paragraph (7) and conditions imposed pursuant to the provisions of the preceding paragraph on a written notice of revocation of status of residence prescribed in paragraph (6).

(Consideration in Procedures for Revocation of Status of Residence)

Article 22-5 In the case where the Minister of Justice revokes the status of residence of foreign nationals prescribed in preceding Article, paragraph (1), due to the findings of the fact listed in the same paragraph, item (vii), he/she shall consider giving such foreign national an opportunity of an application for a change of status of residence set forth in the provisions of Article 20, paragraph (2) or application for a permission for permanent residence set forth in the provisions of Article 22, paragraph (1).

### **SECTION 3 CONDITIONS FOR RESIDENCE**

(Carrying and Presentation of Passport)

Article 23 (1) A foreign national staying in Japan shall carry his/her passport on his/her person



at all times (for a foreign national listed in one of the following items, the document specified in the respective item). However, this shall not apply if the foreign national carries his/her residence card on his/her person provided for by the following paragraph.

- (i) A person who has been granted permission for provisional landing: provisional landing permit
  - (ii) A person who has been granted landing permission for crew members: crew member's landing permit and passport or crew member's pocket-ledger
  - (iii) A person who has been granted permission for emergency landing: emergency landing permit
  - (iv) A person who has been granted landing permission due to distress: landing permit due to distress
  - (v) A person who has been granted landing permission for temporary refuge: landing permit for temporary refuge
  - (vi) A person who has been granted permission for provisional stay: permit for provisional stay
- (2) A medium to long-term resident shall receive and carry on his/her person a residence card, which the Minister of Justice issued, or a mayor of city, town or village returned at all times.
- (3) The foreign national set forth in the preceding two paragraphs shall present his/her passport , crew member's pocket-ledger, permit or residence card (hereinafter referred to as "Passport" in this Article) as set forth in those provisions to an immigration inspector, immigration control officer, police official, coast guard officer or any other official of a state or local public entity as provided for by Ordinance of the Ministry of Justice, if such official requests presentation of the Passport in the execution of his/her duties.
- (4) The official prescribed in the preceding paragraph shall, in cases where he/she requests presentation of the Passport, carry with him/her an identification card showing his/her official status and present it upon request.
- (5) A foreign national, who is under 16 years of age, shall not be required to carry his/her Passport on his/her person, notwithstanding the provisions of paragraph (1), main clause and paragraph (2).

(Deportation)

Article 24 Any foreign national who falls under any of the following items may be deported from Japan in accordance with the procedures provided for in the following Chapter.

- (i) A person who has entered Japan in violation of the provisions of Article 3.
- (ii) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.
- (ii)-2 A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to those provisions pertaining to item (i) or (ii)).
- (ii)-3 A person who has received a designated period of stay pursuant to the provisions of Article 22-4, paragraph (7) (including cases where it is applied mutatis mutandis to Article

- 61-2-8, paragraph (2)) and has stayed in Japan beyond the designated period.
- (iii) A person who has forged or altered a document or drawing, has prepared a false document or drawing, has used, possessed or offered a forged, altered, or false document or drawing, or has incited or aided another to engage in any of the aforementioned acts with the intent of helping another foreign national to illegally obtain a certificate, a seal of verification for landing (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4)), special permission pursuant to the provisions of Chapter III, Section 1 or 2, permission for landing pursuant to the provisions of Chapter III, Section 4 or the permission pursuant to the provisions of Section 1, 2 of this chapter or Section 3 of the following chapter.
- (iii)-2 A person who the Minister of Justice determines, based on reasonable grounds, is likely to commit a criminal act for the purpose of intimidating the general public and governments (hereinafter to be referred to in this item as a "criminal act for the purpose of intimidating the general public and governments") provided for in Article 1 of the Act for Punishment of the Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments (Act No. 67 of 2002), prepare to commit a criminal act for the purpose of intimidating the general public and governments, or facilitate a criminal act for the purpose of intimidating the general public and governments.
- (iii)-3 A person whose entry into Japan is required to be prevented pursuant to an international agreement.
- (iii)-4 A person who has engaged in any of the acts listed in (a) to (c) below, or has incited or aided another to engage in any of the listed acts.
- (a) Having foreign nationals engage in illegal work (activities which violate the provisions of Article 19, paragraph (1), or activities engaged in by foreign nationals listed in Article 70, paragraph (1), item (i) to item (iii)-2, item (v), item (vii), item (vii)-2 or from item (viii)-2 to item (viii)-4, and for which the foreign national has received remuneration or other income) in connection with business activities.
- (b) Placing a foreign national under his/her control for the purpose of having the foreign national engage in illegal work.
- (c) Arranging on a regular basis the procurement of a foreign national to engage in illegal work or the act set forth in the sub-item (b).
- (iii)-5 A person who has conducted any of the acts listed in the following (a) to (d), incited, or aided another to engage in any of the listed acts.
- (a) For the purpose of uttering, to forge or alter a residence card or special permanent resident certificate provided for by the Special Act on the Immigration Control of, Inter Alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan, Article 7, paragraph (1) (hereinafter referred to as a "special permanent resident certificate") or to offer, receive or possess a forged or altered residence card or special permanent resident certificate.
- (b) For the purpose of uttering, to offer, receive or possess a residence card or special

- permanent resident certificate bearing the name of another person, or to offer his/her own named residence card.
- (c) To utter a forged or altered residence card or special permanent resident certificate or a residence card or special permanent resident certificate bearing the name of another person.
  - (d) For the purpose of forging or altering a residence card or special permanent resident certificate, to prepare equipments or materials.
- (iv) A foreign national residing in Japan (except for those to whom permission for provisional landing, permission for landing at a port of call, permission for landing in transit, landing permission for crew members, or landing permission due to distress has been granted) who falls under any of the following sub-items (a) to (o).
- (a) A person who is clearly found to be engaged solely in activities related to the management of business involving income or activities for which he/she receives remuneration in violation of the provisions of Article 19, paragraph (1) (except for those under the control of another due to trafficking in persons).
  - (b) A person who has stayed in Japan beyond the authorized period of stay (including the period for which a person may reside in Japan pursuant to the provisions of Article 20, paragraph (5). The same shall apply in Article 26, paragraph (1) and Article 26-2, paragraph (2).) without obtaining an extension or change thereof.
  - (c) A person who has committed trafficking in persons or has incited or aided another to commit trafficking in persons.
  - (d) A person who has been punished for violation of the provisions of paragraph (1) (except for item (vi)) to paragraph (3) of Article 23 of the Passport Act (Act No. 267 of 1951).
  - (e) A person who has been punished for violation of the provisions of Articles 74 to 74-6-3, or 74-8.
  - (f) A person who has been sentenced to imprisonment without work or a heavier punishment for violation of the provisions of Article 73.
  - (g) A person who is a juvenile as defined by the Juvenile Act (Act No. 168 of 1948) and who was sentenced on or after November 1, 1951, to imprisonment with or without work for a maximum period exceeding 3 years.
  - (h) A person who was convicted on or after November 1, 1951, for violation of a provision of the Narcotics and Psychotropic Substances Control Act, the Marijuana Control Act, the Opium Control Act, the Stimulants Control Act, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation (Act No. 94 of 1991) or Part II, Chapter XIV of the Penal Code (Act No. 45 of 1907).
  - (i) In addition to persons listed in sub-items (d) to (h), a person who was sentenced on or after November 1, 1951, to imprisonment with or without work for life or for a period of exceeding 1 year. However, this shall not apply to those who were found guilty with suspension of execution of sentences.

- (j) A person who engages or has engaged in prostitution, or intermediation or solicitation of prostitutes for others, or provision of a place for prostitution, or any other business directly connected to prostitution (except for those under the control of another due to trafficking in persons).
- (k) A person who has instigated, incited, or aided the illegal entry or illegal landing of another foreign national into Japan.
- (l) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any other organization, which attempts or advocates the same.
- (m) A person who organizes, is a member of, or is closely affiliated with any of the following political parties or other organizations:
  - 1. A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or local public entities for the reason of their being such officials.
  - 2. A political party or organization which encourages illegal damage or destruction of public facilities.
  - 3. A political party or organization which encourages acts of dispute, such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace.
- (n) A person who has prepared, distributed or exhibited printed materials, motion pictures, or any other documents or drawings whose purpose is to attain the objectives of any political party or organization prescribed in sub-item (1) or (m).
- (o) In addition to those persons listed in sub-items (a) to (n), any other person who the Minister of Justice determines to have committed acts detrimental to the interests or public security of Japan.
- (iv)-2 A person who is staying in Japan with a status of residence listed in the left-hand column of Appended Table I and has been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, in the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters or in Article 15 or 16 of the Act on Prohibition of Possession of Special Lock Picking Tools, and Other Related Matters and has been sentenced to imprisonment with or without work.
- (iv)-3 A person whose status of residence is "Temporary Visitor" who has illegally killed, injured, assaulted or threatened a person, or damaged or destroyed a building or other object in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the city, town or village where the venue is located or to

neighboring places provided for use to unspecified or a large number of persons.

- (vi)-4 A person who resides in Japan as a medium to long-term resident and has been sentenced to imprisonment with work on the charge of a crime provided for by Article 71-2 or 75-2.
- (v) A person who has been granted permission for provisional landing and flees or fails to appear at a summons without a justifiable reason in violation of conditions imposed pursuant to the provisions of Article 13, paragraph (3).
- (v)-2 A person who has been ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or (11), or Article 11, paragraph (6) but does not depart without delay.
- (vi) A person who has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crew members, permission for emergency landing, landing permission due to distress or landing permission for temporary refuge, but stays in Japan beyond the period entered in his/her passport or landing permit.
- (vi)-2 A person who has been designated a period for departure pursuant to the provisions of Article 16, paragraph (9), but does not return to his/her vessel or depart from Japan within that period.
- (vii) A person prescribed in Article 22-2, paragraph (1) who stays in Japan beyond the period prescribed in said paragraph without receiving permission pursuant to the provisions of Article 20, paragraphs (3), main clause, as applied mutatis mutandis to Article 22-2, paragraph (3) or pursuant to the provisions of Article 22-2, paragraphs (2), as applied mutatis mutandis to Article 22, paragraph (4).
- (viii) A person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), but stays in Japan beyond the time limit for departure pertaining to the departure order.
- (ix) A person whose departure order has been revoked pursuant to the provisions of Article 55-6.
- (x) A person staying in Japan with permission granted pursuant to the provisions of Article 61-2-2, paragraph (1), or Article 61-2-3, whose recognition of refugee status has been revoked pursuant to the provisions of Article 61-2-7, paragraph (1) (limited to the provisions pertaining to item (i) or item (iii)).

Article 24-2 (1) The Minister of Justice shall seek the opinions of the Minister of Foreign Affairs, the Commissioner General of the National Police Agency, the Director-General of the Public Security Intelligence Agency and the Commandant of the Japan Coast Guard prior to making the decision prescribed in the provisions of item (iii)-2 of the preceding Article.

(2) The Minister of Foreign Affairs, the Commissioner General of the National Police Agency, the Director-General of the Public Security Intelligence Agency or the Commandant of the Japan Coast Guard may express his/her opinion to the Minister of Justice pertaining to the decision prescribed in the provisions of item (iii)-2 of the preceding Article.

(Departure Order)

Article 24-3 Any foreign national who falls under (ii)-3 of Article 24, sub-item (b) under item (iv), item (vi) or item (vii) of the preceding Article and also falls under all of the following items (hereinafter referred to as a "foreign national subject to a departure order") shall, notwithstanding the provisions of the same Article, be ordered to depart from Japan in accordance with the procedures provided for in Chapter V, Section 1 to Section 3 and Chapter V-2:

- (i) The foreign national has voluntarily appeared at an immigration office with the intention of departing from Japan promptly.
- (ii) The foreign national does not fall under any of items (iii) to item (iii)-5, sub-items (c) to (o) of item (iv), item (viii) or item (ix) of Article 24.
- (iii) The foreign national has not been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, Articles 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Articles 15 or 16 of the Act on Prohibition of Possession of Special Lock Picking Tools and Other Related Matters and sentenced to imprisonment with or without work.
- (iv) The foreign national has no past record of being deported from Japan or of departing from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1).
- (v) The foreign national is expected with certainty to depart from Japan promptly.

#### **SECTION 4 DEPARTURE**

(Procedures for Departure)

Article 25 (1) Any foreign national (except for crew members; the same shall apply in the following Article) who is to depart from Japan with the intention of proceeding to an area outside of Japan shall receive confirmation of departure from an immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice at the port of entry or departure from which he/she departs Japan.

- (2) The foreign national set forth in the preceding paragraph shall not depart from Japan unless he/she has received confirmation of departure.

(Deferment of Confirmation of Departure)

Article 25-2 (1) An immigration inspector may defer confirmation of departure for up to 24 hours after the application for confirmation set forth in the preceding Article has been submitted by a foreign national who wishes to depart from Japan with the intention of proceeding to an area outside of Japan when he/she receives notice from a relevant organization that the foreign national falls under any of the following:

- (i) A person who is being prosecuted for a crime for which the death penalty or a life sentence, or imprisonment with or without work for 3 years or more, may be imposed; or a person for whom an arrest warrant, subpoena, detention warrant, or warrant of detention for examination has been issued.
  - (ii) A person who has been sentenced to imprisonment or a more severe penalty and has not been granted suspension of execution of sentence, until said person has completed the sentence or until he/she ceases to fall subject to the execution of the sentence (except for those released on parole).
  - (iii) A person for whom a provisional detention permit or a detention permit has been issued pursuant to the provisions of the Act on Extradition (Act No. 68 of 1953).
- (2) An immigration inspector shall, when he/she has deferred confirmation of departure pursuant to the provisions of the preceding paragraph, immediately notify the relevant organization from which the notice set forth in the preceding paragraph was received to that effect.

(Re-entry Permission)

- Article 26 (1) The Minister of Justice may grant re-entry permission to a foreign national in accordance with the procedures provided for by Ordinance of the Ministry of Justice upon an application from the foreign national residing in Japan (except for a foreign national who has received permission for provisional landing and who has received the permission for landing provided for in Articles 14 to 18) who is to depart from Japan with the intention of re-entering Japan prior to the date of expiration of his/her period of stay (or the period within which he/her is eligible to stay in cases where he/she has no fixed period of stay). In this case, the Minister of Justice may grant multiple re-entry permissions based on an application from the foreign national if considered appropriate.
- (2) The Minister of Justice shall, when granting the permission set forth in the preceding paragraph, have an immigration inspector affix a seal of verification for re-entry in the passport of the foreign national if the foreign national has his/her passport in his/her possession, or issue a re-entry permit pursuant to the provisions of an Ordinance of the Ministry of Justice if the foreign national does not have his/her passport in his/her possession and is unable to acquire one for reason of being without nationality or for any other reason. In this case, the permission shall become effective as of the date written on the seal of verification or the re-entry permit.
  - (3) The Minister of Justice shall, when granting re-entry permission, decide a valid period for the re-entry permission, which shall not exceed 5 years from the effective date of the permission.
  - (4) The Minister of Justice may extend such validity period of the permission until the end of the period that the foreign national may reside pursuant to the provisions of Article 20, paragraph (5) if he/she finds that there are reasonable grounds to do so ,in the case of receiving an application from a foreign national with re-entry permission pursuant to the provisions of Article 20, paragraph (2) or Article 21, paragraph (2).

- (5) The Minister of Justice may, if he/she finds that a person who has left Japan with re-entry permission has reasonable grounds for not being able to re-enter within the validity period of the permission, grant an extension of the validity period, based on an application from the foreign national, of up to 1 year within 6 years from the effective date of the permission.
- (6) The permission set forth in the preceding paragraph shall be entered in the passport or the re-entry permit, and the administrative work shall be entrusted to a Japanese consular officer.
- (7) If the Minister of Justice finds that it is not appropriate to grant further re-entry permission to a foreign national, the permission may be revoked while said foreign national is in Japan.
- (8) The re-entry permit issued pursuant to the provisions of paragraph (2) shall be treated as a passport, only in cases of entry into Japan, based on the re-entry permission pertaining to the re-entry permit concerned.

(Deemed Re-entry Permission)

- Article 26-2 (1) If a foreign national, who resides in Japan with a status of residence (except for foreign nationals listed in Article 19-3, item (i) and (ii)) and possesses a valid passport (except for a refugee travel document prescribed in Article 61-2-12, paragraph (1)), (in the case of a medium to long-term resident, limited to a person who possesses a residence card), pursuant to the provisions of an Ordinance of the Ministry of Justice, departs from Japan stating his/her intention to re-entering Japan to an Immigration Inspector, notwithstanding the provisions in the preceding Article, paragraph (1), such foreign national shall be deemed to receive the re-entry permission as specified in the same paragraph. Provided, however, this shall not apply to a person who falls under any of the categories provided for by the provisions of an Ordinance of the Ministry of Justice, that re-entry permission is necessary for equitable control over immigration affairs.
- (2) The validity period of re-entry permission, which a foreign national is deemed to receive pursuant to the provisions of the preceding paragraph, notwithstanding the provisions of the preceding Article, paragraph (3), shall be 1 year from the date of departure from Japan (in a case where the expiration date of the period of stay comes prior to the elapse of 1 year from the date of departure, such validity period shall be until the date of expiration of the period of stay).
  - (3) With respect to the re-entry permission which a foreign national is deemed to receive, the provisions under the preceding Article, paragraph (5) shall not apply.