

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 or 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 defined in each item respectively.

(i) Deleted.

(ii) The term "alien" 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 the documents listed in (a), issued by any authorized organization of the region as provided for by a 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 or the buying or selling of persons for the purpose of profit, indecency or threat to a person's life or body, or delivering, receiving, transporting or hiding such persons who have been kidnapped or bought or

- sold;
- (b) In addition to the acts listed in sub-item (a), placing persons under 18 years of age under one's own control for the purpose of profit, indecency or threat 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 a person's life or body.
 - (viii) The term "port of entry or departure" means a seaport or airport at which an alien enters or departs from Japan, as provided for by a Ministry of Justice ordinance.
 - (ix) The term "carrier" means an operator who is engaged in the business of transporting persons or goods by means of a vessel or aircraft between Japan and areas outside of Japan.
 - (x) The term "immigration inspector" means the immigration inspector provided for 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 (vi) (limited to the parts pertaining to Article 61-2-14, paragraph (1)).
 - (xiii) The term "immigration control officer" means the immigration control officer provided for in Article 61-3-2.
 - (xiv) The term "investigation into violations" means an investigation conducted by an immigration control officer into cases of violation of laws or regulations on entry, landing or residence of an alien.
 - (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) An alien may reside in Japan only under a status of residence determined by the permission for landing, the permission for acquisition or the permission for any changes thereof, except as otherwise provided for by the

Immigration Control and Refugee Recognition Act or other laws.

- (2) The categories of statuses of residence shall be as listed in Appended Tables I and II. An alien 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 an alien 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 an alien may reside as set forth in paragraph (1) (hereinafter referred to as "period of stay") shall be determined for each status of residence by a Ministry of Justice ordinance; and when the status of residence is one other than that of diplomat, official or permanent resident, the period of stay shall not exceed 3 years (5 years in the case of the status of residence of "Designated Activities" (except for those related to d. in the right-hand column of (5) of Appended Table I).

Chapter II ENTRY AND LANDING

Section 1 ENTRY OF AN ALIEN

(Entry of an Alien)

Article 3 (1) Any alien 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 provision 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) An alien 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 AN ALIEN

Article 4 Deleted

(Denial of Landing)

Article 5 (1) Any alien who falls under any of the following items shall be denied permission for landing in Japan.

- (i) A person who falls under any of the following categories of infections, which are provided for by the Act on Prevention of Infections and Medical Care for Patients with Infections (Act No. 114, 1998): Category 1 or Category 2 infections or new or reemerging influenza infections or designated infections (limited to the infections 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 Category 1 or Category 2 infections or new or reemerging influenza infections or designated infections 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 infection.
- (ii) A person who, due to a mental disorder, is 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 a Ministry of Justice ordinance 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 objects 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 municipality 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 persons or a number of persons.
- (vi) A person who illegally possesses any narcotics or psychotropic substances prescribed in the Narcotics and Psychotropic Substances Control Act (Act No. 14 of 1953), or marijuana prescribed in the Marijuana Control Act (Act No. 124 of 1948), or poppy, opium or poppy plants prescribed in the Opium Control Act (Act No. 71 of 1954), or stimulants or raw materials used to make stimulants as prescribed in the Stimulants Control Act (Act No. 252 of 1951), or any other apparatus used for smoking or eating 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) where the period set forth in the relevant provisions 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 of Article 24 (except for item (iv), sub-items (l) to (o), and items (iv)-3 and has not previously been deported from Japan or has not previously 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 those 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 (1) 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 of their being such officials
 - (b) A political party or organization which encourages illegal damage or destruction of public facilities
 - (c) A political party or organization which encourages acts of dispute such as stopping or preventing normal maintenance or operation of security facilities of a plant or place of work
 - (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 an alien 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 therein for any reasons other than those set forth in the items of the same paragraph, the Minister of Justice may deny his/her landing for the same reasons.

Chapter III PROCEDURES FOR LANDING

Section 1 EXAMINATION FOR LANDING

(Application for Landing)

Article 6 (1) Any alien (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 an alien for whom a visa issued by a Japanese consular officer shall be 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 an alien for whom the re-entry permission pursuant to the provisions of Article 26 has been granted or for the refugee travel document which has been issued pursuant to the provisions of Article 61-2-12.

(2) The alien set forth in the first sentence of the preceding paragraph shall apply for landing to 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 a Ministry of Justice ordinance.

(3) An alien who seeks to apply for landing as set forth in the preceding paragraph shall provide to an immigration inspector information for personal identification (fingerprints, photographs or other information as provided for by a Ministry of Justice ordinance that serves to identify the individual; the same shall apply hereinafter) in an electromagnetic form (an electronic form, a magnetic form or other forms that cannot be recognized by human perception; the same shall apply hereinafter) for use by a computer as provided for by a Ministry of Justice ordinance, which is utilized for personal identification of the applicant, pursuant to the provisions of the Ministry of Justice ordinance. 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 a Ministry of Justice ordinance as equivalent to a person listed in any 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 alien as to whether or not he or she conforms to each of the following conditions for landing in Japan. (With respect to an alien who has received re-entry permission pursuant to the provisions of Article 26, paragraph (1) or 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 alien and the visa affixed thereto, if such is required, must be valid.

(ii) The activities to be engaged in while in Japan stated in the application must not be false, and must fall under any of the activities listed in the right-hand column of Appended Table I (with respect to the activities listed in the right-hand column of Appended Table I (5) (only the part pertaining to d.), the proposed activities must be activities designated by the Minister of Justice in the Official Gazette), or the activities of a person with the 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 in "Long-Term Resident", the proposed position must be one of the positions designated by the Minister of Justice in the Official Gazette), 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) (only the part pertaining to b.), the activities shall conform to the conditions provided for by a Ministry of Justice ordinance 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 Ministry of Justice ordinance pursuant to the provisions of Article 2-2, paragraph (3).

(iv) The alien must not fall under any of the items of Article 5, paragraph (1).

(2) The alien 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, an alien 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 as 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 set forth in paragraph (1),

item (ii).

- (4) Notwithstanding the provisions of paragraph (1), if an alien who, an immigration inspector acknowledges does not fall under any item of paragraph (3) of the preceding Article, fails to provide information for personal identification pursuant to the provisions of the same paragraph, the inspector shall deliver the alien 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 an alien 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 a Ministry of Justice ordinance, may issue a certificate of eligibility stating that the alien 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 member of staff of the organization wishing to accept the alien concerned, or by some other agent, as provided for by a Ministry of Justice ordinance.

(Boarding of a Vessel or Aircraft)

Article 8 An immigration inspector may, when conducting the 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 an alien conforms to the conditions for landing prescribed in Article 7, paragraph (1), he shall endorse as such by affixing a seal of verification for landing in the passport of the alien.

- (2) In the case referred to the preceding paragraph, the determination of whether or not the alien 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 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 alien concerned and enter it clearly in his/her passport. However, this shall not apply in cases where the alien lands with the re-entry permission pursuant to the provisions of Article 26, paragraph (1), or if the alien lands with a refugee travel document issued pursuant to the provisions of Article 61-2-12, paragraph (1).

- (4) When an immigration inspector has found that an alien who falls under any

of the following items conforms to the conditions for landing prescribed in Article 7, paragraph (1), he may record the alien's name, date of landing, the port of entry or departure at which the alien lands or other data as provided for by a Ministry of Justice ordinance on a file used as a record, which is a substitute for the seal of verification for landing and that is available on a computer as provided for by a Ministry of Justice ordinance. 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 alien is registered pursuant to the provisions of paragraph (7) of this Article.
 - (ii) The alien has provided information for personal identification in an electromagnetic form pursuant to the provisions of the Ministry of Justice ordinance when making an application for landing.
- (5) Except for cases where a seal of verification for landing is affixed pursuant to the provisions of paragraph (1) or the prescribed data is recorded pursuant to the provision of the preceding paragraph, the immigration inspector shall deliver the alien 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 IV apply, an alien shall not land unless he/she has had his/her passport endorsed by the 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 he/she has had his/her prescribed data recorded pursuant to the provision of paragraph (4) of this Article.
- (7) If an alien residing in Japan who desires to depart from Japan with the intention of landing again in Japan falls under all of the following items (except for item (iii) in the case of a special permanent resident) and desires to have his/her prescribed data recorded pursuant to the provision of paragraph (4) of this Article at the port of entry or departure at which he/she lands, the Minister of Justice may make a registration to that effect pursuant to the provisions of a Ministry of Justice ordinance.
- (i) The alien has been granted a re-entry permit pursuant to the provisions of Article 26, paragraph (1) or 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 alien has provided information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
 - (iii) The alien 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 an alien pursuant to the provisions of Article 7, paragraph (4) or paragraph (5) of the preceding Article, promptly conduct a hearing on the alien.
- (2) The special inquiry officer shall, when he/she has conducted a hearing, prepare a record thereof.
- (3) The alien or a representative appearing upon his/her request may, in the course of the hearing, produce evidence and examine the witnesses.
- (4) The alien 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 alien, order the appearance of witnesses, put them under oath and seek testimony in accordance with the procedures provided for by a Ministry of Justice ordinance.
- (6) The special inquiry officer may make inquiries to public offices or to 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 alien 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 alien of the findings and order the alien 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 alien arrived. However, this shall not apply if the alien provides the special inquiry officer with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- (8) If the special inquiry officer finds, as a result of the hearing, that the alien (in the case of an alien who has been delivered to him/her pursuant to the provisions of Article 7, paragraph (4), this will only apply to an alien who, a special inquiry officer finds, falls under any item of Article 6, paragraph (3) or to an alien who provides the special inquiry officer with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance; 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 in the passport of the alien.
- (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 alien does not conform to the conditions for landing prescribed in Article 7, paragraph (1), he/she shall promptly notify the alien of the findings and the reason therefor, and inform the alien that he/she may file an objection pursuant to the provisions of the following Article.
- (11) If the alien, 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 alien 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 alien arrived.

(Filing of an Objection)

Article 11 (1) If an alien 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 a Ministry of Justice ordinance.

- (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 notify the supervising immigration inspector of such decision.
- (4) 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 with reason, immediately affix the seal of verification for landing in the passport of the alien.
- (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 alien 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 alien arrived.

(Special Cases of Decisions of 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 such alien if the alien concerned falls under any of the following items.

(i) He/She has received permission for re-entry.

(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 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 as prescribed in this Chapter, grant permission for provisional landing to an alien 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 alien.

(3) If the permission set forth in paragraph (1) is granted, the supervising immigration inspector may impose restrictions on the alien's residence and area of movement, oblige the alien to appear at a summons, and may impose other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance, 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 a Ministry of Justice ordinance.

(4) The deposit set forth in the preceding paragraph shall be returned to the alien concerned when the alien has received the seal of verification for landing pursuant to the provisions of Article 10, paragraph (8) or Article 11, paragraph (4), or when the alien 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 alien 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 alien has fled or failed to appear at a summons without justifiable reason, the supervising immigration inspector shall sequester the whole or in other cases part of the deposit set forth in the same paragraph pursuant to the provisions of a Ministry of Justice ordinance.

- (6) If the supervising immigration inspector has reasonable grounds to suspect that the alien who has been granted the permission as set forth in paragraph (1) is likely to flee, he/she may issue a written detention order and have the alien 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 alien granted permission for provisional landing"; and "the summary of the suspected offense" with "grounds for detention", respectively. In Article 41, paragraph (1), "shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period for only a further 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 "an alien granted permission for provisional landing".

(Place of Stay for an Alien 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 other reasons not imputable to the alien, a special inquiry officer or a supervising immigration inspector may permit the alien 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 a Ministry of Justice ordinance.
- (2) The special inquiry officer or the supervising immigration inspector shall, when he/she has designated 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 alien arrived.

Section 4 SPECIAL CASES OF LANDING

(Permission for Landing at a Port of Call)

- Article 14 (1) An immigration inspector may grant an alien (except for crew members) aboard a vessel or aircraft permission for landing at the port of call if he/she is to proceed via Japan to an area outside Japan, and desires 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 an alien who falls under any of the items of Article 5, paragraph (1).

- (2) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- (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 alien concerned.
- (4) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the alien's period of landing, area of movement and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

(Permission for Landing in Transit)

Article 15 (1) An immigration inspector may grant an alien (except for crew members) aboard a vessel permission for landing in transit upon an application from the captain of the vessel or the carrier who operates the vessel, when such alien desires 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 an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft, grant an alien (except for crew members) aboard the vessel or aircraft permission for landing in transit when such alien desires to proceed via Japan to an area outside Japan and to make a transit stop in order 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 alien entered Japan on board a vessel or aircraft other than the one on which the alien arrived in Japan.
- (3) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- (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 in the passport of the alien concerned.
- (5) In granting the permission set forth in paragraph (1) or (2), the immigration inspector may impose restrictions on the alien's period of landing, route to be

followed in transit and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance

- (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 have become crew members in Japan; hereinafter the same shall apply in this Article) who desires to land for a period not exceeding 15 days for the purpose of transferring to another vessel or aircraft (including boarding of a vessel or aircraft), rest, shopping or other similar purposes upon an application from 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 a Ministry of Justice ordinance.

- (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 into 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 an application from the captain of the vessel or the carrier who operates the vessel on which the alien is aboard, in accordance with the procedures provided for by a Ministry of Justice ordinance.

(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 an application from the carrier concerned, in accordance with the procedures provided for by a Ministry of Justice ordinance.

- (3) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.

- (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 a Ministry of Justice ordinance.
- (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 to do so, require the crew member to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- (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 a Ministry of Justice ordinance, 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 an alien aboard a vessel or aircraft for the purpose of undergoing medical treatment, an immigration inspector may grant permission for emergency landing to the alien concerned based on an application from 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 examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.

- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue an emergency landing permit to the alien concerned.
- (4) When the permission set forth in paragraph (1) has been granted, the captain of the vessel or aircraft or the carrier set forth in the same paragraph shall be liable to pay the costs of living, medical treatment, or the funeral service of the alien concerned and any other expenses incurred during the emergency landing.

(Landing Permission Due to Distress)

Article 18 (1) An immigration inspector may, if a vessel or aircraft is in distress and he/she finds it necessary for rescue and protection of alien victims on board the vessel or aircraft or any other emergency measures to be carried out, grant the alien concerned permission for landing due to distress based on an application from 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 from the captain of the vessel or aircraft which has carried out the rescue and protection of the alien 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 alien set forth in the preceding paragraph from a police official or coast guard officer.
- (3) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in paragraph (1) of this Article, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance. This will also apply if he/she finds it necessary to do so when taking delivery of the alien 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 alien concerned.
- (5) In granting the permission set forth in paragraph (1) or paragraph (2), the immigration inspector may impose restrictions on the alien's period of landing, area of movement and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

(Landing Permission for Temporary Refuge)

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

- (i) A person who has entered Japan on the grounds prescribed in Article 1,

paragraph A-(2) of the Refugee Convention or other equivalent grounds thereto after fleeing from a territory where his/her life, body or physical freedom was likely to be endangered.

- (ii) It would be appropriate for permission for temporary landing to be granted.
- (2) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue a landing permit for temporary refuge to the alien concerned.
- (4) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the alien's period of landing, residence, area of movement and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

Chapter IV RESIDENCE AND DEPARTURE

Section 1 RESIDENCE, CHANGE OF STATUS OF RESIDENCE, REVOCATION AND OTHER RELATED MATTERS

(Residence)

Article 19 (1) Any alien 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 set forth in paragraph (2) of this Article.

- (i) An alien who is a resident under 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 reward (except for rewards for lectures not given on a regular basis, incidental reward in daily life and other payments provided for by a Ministry of Justice ordinance; 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) An alien who is a resident under a status of residence listed in the left-hand column of Appended Tables I (3) and I (4): activities related to the management of business involving income or activities for which he/she receives reward.
- (2) When an application has been submitted by an alien who is a resident under a status of residence listed in the left-hand column of Appended Table I, in

accordance with the procedures provided for by a Ministry of Justice ordinance, to engage in activities related to the management of business involving income or activities for which he/she receives reward, which are not included in 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.

- (3) 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 an alien 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 reward pursuant to the provisions of a Ministry of Justice ordinance.

- (2) No one shall discriminate in employing an alien 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 reward.

(Change of Status of Residence)

Article 20 (1) Any alien who has a status of residence may have his/her status of residence changed (including the period of stay thereon; hereinafter the same shall apply in paragraphs (1) to (3)) (in the case of an alien 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 alien 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 of status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance. However, if he/she desires to have his status of residence changed to that of "Permanent Resident", he shall comply with the procedures pursuant to the provisions of Article 22, paragraph (1).
- (3) When an application for change of 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 status of residence on the strength of the documents submitted by the alien. 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) When the permission set forth in the preceding paragraph has been granted, if the alien has his/her passport in his/her possession, the Minister of Justice shall have an immigration inspector enter the new status of residence and period of stay in the passport of the alien, and if the alien does not have a passport in his/her possession, shall have the immigration inspector either issue to the alien a certificate of status of residence with the new status of residence and period of stay entered or enter the new status of residence and period of stay in the previously issued certificate of status of residence. In this case, the permission will become effective as of the time of entry or issuance.

(Extension² of Period of Stay)

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

- (2) Any alien 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 a Ministry of Justice ordinance.

- (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 alien.

- (4) When the permission set forth in the preceding paragraph has been granted, if the alien has his/her passport in his/her possession, the Minister of Justice shall have an immigration inspector enter the new period of stay in the passport of the alien, and if the alien does not have a passport in his/her possession shall have the immigration inspector either issue to the alien a certificate of status of residence with the status of residence and new period of stay entered or enter the new period of stay in the previously issued certificate of status of residence. In this case, the provisions of the second sentence of paragraph (4) of the preceding Article shall apply *mutatis mutandis*.

(Permission for Permanent Residence)

Article 22 (1) Any alien 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 a Ministry of Justice ordinance.

- (2) 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 the alien 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 cases of the spouse and children of Japanese nationals, of residents with permanent residence status or of special permanent residents.
- (i) The alien's behavior and conduct must be good.
 - (ii) The alien must have sufficient assets or skills to make an independent living.
- (3) When the permission set forth in the preceding paragraph has been granted, if the alien has his/her passport in his/her possession, the Minister of Justice shall have an immigration inspector repeal the status of residence and period of stay entered in the alien's passport and affix a seal of verification for permanent residence in his/her passport, and if the alien does not have his/her passport in his/her possession shall have the immigration inspector issue to the alien a certificate of status of residence with permission for permanent residence. In this case, the permission will become effective as of the time of affixing of the seal of verification or issuance of the certificate.

(Acquisition of Status of Residence)

- Article 22-2 (1) Any person who has renounced Japanese nationality or any alien who is to stay in Japan without following the procedures for landing as provided for 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) The alien prescribed in the preceding paragraph who wishes to stay in Japan for longer than the period set forth in the same paragraph, shall apply to the Minister of Justice for the acquisition of status of residence in accordance with the procedures pursuant to the provisions of a Ministry of Justice ordinance 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) and (4) shall apply mutatis mutandis to the procedures for an application to acquire status of residence prescribed in the preceding paragraph (except for an application to acquire the status of residence of permanent resident). In this case, "the change of status of residence" in Article 20, paragraph (3) shall be deemed to be replaced with "the 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 the application to acquire the status of residence as prescribed in paragraph (2). In this case, "to change his/her status of residence" in paragraph (1) of the preceding Article shall be deemed to be replaced with "to acquire his/her status of residence"; in the same paragraph "to change his/her status of residence to that" shall be deemed to be replaced with "to acquire his/her status of residence"; in paragraph (3) of the same Article "repeal the status of residence and period of stay entered in the alien's passport and affix a seal of verification for permanent residence in his/her passport" shall be deemed to be replaced with "affix a seal of verification for permanent residence in his/her passport".

Article 22-3 The provisions of paragraphs (2) to (4) of the preceding Article shall apply mutatis mutandis to an alien 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".

(Revocation³ of Status of Residence)

Article 22-4 (1) Where any of the following facts are found with respect to an alien 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 set forth in Article 61-2, paragraph (1)), the Minister of Justice may revoke the alien's status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance.

- (i) The alien has received, by deceit or other wrongful means, a seal of verification for landing (including the recording of the prescribed data pursuant to the provision of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section I or II, on the consideration that he/she does not fall under any of the items of Article 5, paragraph (1).
- (ii) The alien 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 I or II (limited to those with the decision of status of residence) or the permission pursuant to the provisions of this section (except for Article 19, paragraph (2)), and where two or more seals or permissions have been granted, the most recent; hereinafter the same shall apply in this item, the next item, and item (iv)),

on the consideration that the activities stated in the application for such permission, as those in which he/she intends to be engaged are not false and fall under any of the activities 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 alien 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 alien has received, by submitting or presenting a document that contains a false entry (including the 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 and 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) In addition to the cases listed in any of the preceding items, the alien 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 where the alien has justifiable reason for not engaging in the activities while residing in Japan).
- (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 alien.
 - (3) When having the designated immigration inspector hear the opinion pursuant to the provisions of the preceding paragraph, the Minister of Justice shall notify the alien, in advance, of the date and place of the hearing as well as the facts constituting the grounds for the revocation.
 - (4) The alien or a representative may appear on the date set forth in the preceding paragraph to state an opinion and submit evidence.
 - (5) When the alien fails to appear before the hearing set forth in paragraph (2) without 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 alien's opinion.
 - (6) When revoking the status of residence pursuant to the provisions of paragraph (1) (limited to those pertaining to item (iii) to item (v)), the Minister of Justice shall designate a period not exceeding 30 days within which the alien shall depart from Japan.
 - (7) When designating the period pursuant to the provisions of the preceding paragraph, the Minister of Justice may impose restrictions on the alien's residence and area of movement, and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

Section 2 CONDITIONS FOR RESIDENCE

(Carrying and Presentation of Passport or Permit)

- Article 23 (1) Any alien in Japan shall carry on his/her person at all times the passport or provisional landing permit, crew member's landing permit, emergency landing permit, landing permit due to distress, landing permit for temporary refuge or permit for provisional stay. However, this shall not apply if the alien carries on his/her person the alien registration certificate provided for in the Alien Registration Act (Act No. 125 of 1952).
- (2) The alien set forth in the preceding paragraph shall present his/her passport or permit set forth in the same paragraph to an immigration inspector, immigration control officer, police official, coast guard officer or any other official of the state or local public entity as provided for by a Ministry of Justice ordinance, if such official requests the presentation of the passport or permit in the execution of his/her duties.
- (3) The official prescribed in the preceding paragraph shall, in cases where he/she requests the presentation of the passport or permit set forth in paragraph (1), carry with him/her an identification card showing his/her official status and present it upon request.
- (4) The provisions referred to in the first sentence of paragraph (1) shall not apply to an alien under 16 years of age.

(Deportation)

- Article 24 Any alien 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 pertaining to item (i) or item (ii)).
- (ii)-3 A person who has received a designated period of stay pursuant to the provisions of Article 22-4, paragraph (6) (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, or has used, possessed, transferred or lent a forged or altered document or drawing or false document or drawing, or has arranged the transfer or lending thereof with the intent of helping another

- alien to illegally receive issuance of a certificate, a seal of verification for landing (including the recording of the prescribed data pursuant to the provision of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section I or II, permission for landing pursuant to the provisions of Chapter III, Section IV or the permission pursuant to the provisions of Section I of this chapter or Section III of the following chapter.
- (iii)-2 A person who the Minister of Justice determines, having reasonable grounds to believe as much, is likely to commit a criminal act for the purpose of intimidation of the general public and of governments (hereinafter in this item to be referred to as the "criminal act for the purpose of intimidation of the general public and of 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), the act of preparing for the criminal act for the purpose of intimidation of the general public and of governments, or the act of facilitating the criminal act for the purpose of intimidation of the general public and of governments.
- (iii)-3 A person whose entry into Japan shall be prevented pursuant to an international agreement.
- (iv) An alien 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) 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 reward 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 period of stay authorized without obtaining an extension or change thereof.
 - (c) A person who has committed trafficking in persons or incited or aided another to commit it.
 - (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 or a heavier punishment for violation of the provisions of laws and regulations relating to alien registration, except for those who have been found guilty with suspension of execution of sentence.
 - (g) A person who is a juvenile provided for by the Juvenile Act (Act No. 168 of

- 1948) and who has been sentenced on or after November 1, 1951, to imprisonment with or without work for not less than 3 years.
- (h) A person who has been 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 those persons listed in sub-items (d) to (h), a person who has been sentenced on or after November 1, 1951, to imprisonment with work or imprisonment for life or for a period of not less than 1 year. However, this shall not apply to those who have been found guilty with suspension of execution of sentence.
 - (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 stirred up, incited, or aided the illegal entry or illegal landing of another alien 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, or 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 installations or facilities.
 3. A political party or organization, which encourages acts of dispute such as stopping or preventing the normal maintenance or operation of security facilities of a plant or a place of work.
 - (n) A person who has prepared, distributed or exhibited printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization as prescribed in sub-item (1) or (m).
 - (o) In addition to those persons listed in sub-items (a) to (n), a person who, the Minister of Justice determines, has 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 sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, 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, or in the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters or Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters.
- (iv)-3 A person whose status of residence is "Temporary Visitor", and has illegally killed, injured, assaulted or threatened a person, or damaged or destroyed 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 municipality where the venue is to be located (this refers to "ward" where the Tokyo special wards exist or designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act) or to neighboring places provided for use to unspecified persons or a number of persons.
- (v) A person who has been granted permission for provisional landing and flees or fails to appear at a summons without justifiable reason in violation of the 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 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 Article 22-2, paragraph (1), without receiving permission pursuant to the provisions of Article 20, paragraphs (3) and (4), as applied mutatis mutandis to Article 22-2, paragraph (3) or pursuant to the provisions of Article 22-2, paragraphs (2) and (3), 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 who stays in Japan with permission granted pursuant to the provisions of Article 61-2-2, paragraph (1), or Article 61-2-3, but whose recognition of refugee status has been revoked pursuant to the provisions of Article 61-2-7, paragraph (1) (limited to those 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 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 alien who falls under any of item (ii)-3 of Article 24, sub-item (b) of item (iv), item (vi) or item (vii) of the preceding Article and also falls under all of the following items (hereinafter referred to as an "alien 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 I to Section III and Chapter V-2:

- (i) The alien has voluntarily appeared at an immigration office with the intention of departing from Japan promptly.
- (ii) The alien does not fall under any of item (iii) of Article 24, sub-items (c) to (o) of item (iv), item (viii) or item (ix) of the preceding Article.
- (iii) The alien has not been sentenced to imprisonment with or without work on the charge of a crime provided for 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 Picking Tools and Other Related Matters.

- (iv) The alien 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 alien is expected with certainty to depart from Japan promptly.

Section 3 DEPARTURE

(Procedures for Departure)

- Article 25 (1) Any alien (except for crew members but including those departing with the re-entry permission pursuant to the provisions of Article 26; 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 a Ministry of Justice ordinance at the port of entry or departure from which he/she departs from Japan.
- (2) The alien 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 made by an alien who desires to depart from Japan with the intention of proceeding to an area outside of Japan, when a notice has been received from relevant organizations that the alien falls under any of the following.
- (i) A person who is being prosecuted for a crime for which the death penalty or life sentence, 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 heavier penalty and has not been granted suspension of execution of sentence, and who must complete the sentence or must wait until being freed from completion of the sentence (except for those released on parole).
 - (iii) A person for whom a permit of provisional detention 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 to that effect the relevant organization from which the notice set forth in the preceding paragraph was received.

(Re-entry Permission)

Article 26 (1) The Minister of Justice may grant re-entry permission to an alien in accordance with the procedures provided for by a Ministry of Justice ordinance upon an application from an alien residing in Japan (except for those who have received permission for provisional landing and those who have received the permission for landing provided for in Articles 14 to 18) and 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 permission as the said permission, based on an application from the alien, if considered to be 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 alien if the alien has his/her passport in his/her possession, or issue a re-entry permit pursuant to the provisions of a Ministry of Justice ordinance if the alien does not have his/her passport in his/her possession and is unable to acquire one for reason of being without nationality or any other reasons. 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 (including multiple re-entry permission), decide a valid period for the re-entry permission, which shall not exceed 3 years from the effective date of the permission.
- (4) 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 valid period of the permission, grant an extension of the valid period, based on an application from the alien, up to a period of 1 year and within 4 years from the effective date of the permission.
- (5) 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.
- (6) If the Minister of Justice finds that it is not appropriate to further grant multiple re-entry permission to an alien who has re-entered with multiple re-entry permission, the permission may be revoked while the said alien is in Japan.
- (7) The re-entry permit issued pursuant to the provisions of paragraph (2) shall be considered as a passport, only in cases of entry into Japan, based on the re-entry permission pertaining to the re-entry permit concerned.

Chapter V PROCEDURES FOR DEPORTATION
Section 1 INVESTIGATION INTO VIOLATIONS

(Investigation into Violations)

Article 27 An immigration control officer may, when he believes that an alien falls under any of the items of Article 24, conduct an investigation into any violation that may have been committed by such alien (hereinafter referred to as "suspect").

(Necessary Questioning and Requests for Information for Investigation into Violations)

Article 28 (1) An immigration control officer may conduct necessary questioning in order to attain the objectives of an investigation into any possible violation. However, compulsory dispositions may not be carried out unless special provisions are provided for in this Chapter and Chapter VIII.

(2) An immigration control officer may make requests to public offices or to public or private organizations for information on necessary matters connected with investigations into violations.

(Request for Appearance and Questioning of Suspects)

Article 29 (1) An immigration control officer may, in cases where it is necessary to conduct an investigation into any violation, request the appearance of a suspect and question him/her.

(2) In the case referred to in the preceding paragraph, the immigration control officer shall enter the suspect's statement on record.

(3) In entering the statement on record as set forth in the preceding paragraph, the immigration control officer shall have the suspect inspect it or the immigration control officer will read it aloud to the suspect and have him/her sign it, and shall affix his/her own signature thereto.

(4) In the case referred to in the preceding paragraph, if the suspect is unable to sign or refuses to sign the statement, the immigration control officer shall make an additional entry to such effect in the record.

(Request for Appearance of Witnesses)

Article 30 (1) An immigration control officer may, in cases where it is necessary to conduct an investigation into any violation, request the appearance of a witness and interview him/her.

(2) In the case referred to in the preceding paragraph, the immigration control officer shall enter the witness's statement on record.

(3) The provisions of paragraphs (3) and (4) of the preceding Article shall apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, "suspect" in paragraphs (3) and (4) of the preceding Article shall be deemed to be replaced with "witness".

(Inspection, Search and Seizure)

- Article 31 (1) An immigration control officer may, in cases where it is necessary to conduct an investigation into any violation, carry out an inspection, search or seizure with permission from a judge of the district court or summary court exercising jurisdiction over the area where his/her office is located.
- (2) In the case referred to in the preceding paragraph, in case of urgency, the immigration control officer may take such action as set forth in the same paragraph with permission from a judge of the district court or summary court exercising jurisdiction over the place subject to inspection, the persons or articles subject to search, or articles subject to seizure.
- (3) The immigration control officer shall, when he/she is to apply for the permission set forth in paragraph (1) or in the preceding paragraph, submit an application together with proof that indicates that a suspect is considered to fall under any of the items of Article 24, and if the immigration control officer is to inspect a place such as a residence other than that of the suspect, he/she shall submit proof that indicates the existence of circumstances which show the place is likely to be connected with the case of violation. If the immigration control officer is to search a person other than the suspect, an article, residence or other place of the person, he/she shall submit proof that indicates existence of circumstances which show that an article should be seized and that such article is likely to be connected with the case of violation, and if the immigration control officer is to seize an article of a person other than the suspect, he/she shall submit proof that indicates existence of circumstances which show that the article is likely to be connected with the case of violation.
- (4) When the application set forth in the preceding paragraph is submitted, a judge of a district court or summary court shall enter in the permit the place of inspection, the person or articles subject to search, articles to be seized, the position and name in full of the officer making the application, the valid period of the permit, and the name of the court with the name and seal of the judge, and deliver it to the immigration control officer.
- (5) The immigration control officer may deliver the permit set forth in the preceding paragraph to another immigration control officer and have him/her carry out the inspection, search or seizure.

(Necessary Dispositions)

Article 32 An immigration control officer may, in cases where it is necessary to conduct a search or seizure, remove locks, open seals, or carry out any other necessary measures.

(Carrying of an Identification Card)

Article 33 An immigration control officer shall carry his/her identification card with him/her and show it upon request to the person concerned when he/she conducts questioning, inspection, search or seizure.

(Attendance at a Search or Seizure)

Article 34 An immigration control officer shall, in the event that he/she conducts a search or seizure at a residence or building, ensure that the owner, lessee, custodian or a person who acts in the capacity of such person is present. If this cannot be done, he/she shall ensure that a neighbor or an official of the local government is present.

(Restriction on Hours)

Article 35 (1) An immigration control officer shall not enter any residence or building to conduct a search or seizure before sunrise or after sunset, unless the permit indicates that it may be conducted at night.

(2) An immigration control officer may, in the event that he/she has started the search or seizure before sunset, continue after sunset.

(3) An immigration control officer shall not be required to act pursuant to the restrictions prescribed in paragraph (1) when conducting a search or seizure at the following places:

(i) Any place which is considered to be commonly used for acts prejudicial to public morals.

(ii) A hotel, restaurant or any other place which the public is able to enter and leave at night; provided however, that this shall apply only during the hours when the place is open to the public.

(Prohibition of Entry and Exit)

Article 36 An immigration control officer may prohibit any person from entering or exiting the premises without permission while he/she is conducting questioning, inspection, search or seizure.

(Procedures for Seizure)

Article 37 (1) An immigration control officer shall, in the event that he/she has carried out a seizure, make a list of the articles seized and deliver it to the owner, holder, custodian or a person who acts in the capacity of such person.

(2) An immigration control officer shall, if he/she finds that there is no need to retain a seized article, return it promptly.

(Preparation of Records)

Article 38 (1) An immigration control officer shall, in the event that he/she has conducted an inspection, search or seizure, prepare a record thereof and have

the person required to be present inspect it, or the immigration control officer will read it aloud to the person and have him/her sign it, and shall affix his/her own signature thereto.

- (2) In the case referred to in the preceding paragraph, if the person present is unable to sign or refuses to sign the record, the immigration control officer shall make an additional entry to such effect in the record.

Section 2 DETENTION

(Detention)

Article 39 (1) An immigration control officer may, if he has reasonable grounds to believe that a suspect falls under any of the items of Article 24, detain the suspect pursuant to a written detention order.

- (2) The written detention order set forth in the preceding paragraph shall be issued upon an application from an immigration control officer by a supervising immigration inspector of the office to which the former is attached.

(Form of a Written Detention Order)

Article 40 In the written detention order set forth in paragraph (1) of the preceding Article, the name, place of residence, nationality of the suspect, a summary of the suspected offense, place of detention, valid period and date of issuance of the order, and other matters provided for in a Ministry of Justice ordinance shall be entered and a supervising immigration inspector shall sign his/her name and affix his/her seal thereto.

(Period and Place of Detention and Commission of Custody)

Article 41 (1) The period of detention determined pursuant to the written detention order shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period for only a further 30 days.

- (2) The place wherein the alien may be detained pursuant to the written detention order shall be an immigration detention center, detention house, or any other proper place designated by the Minister of Justice or by a supervising immigration inspector commissioned by the Minister of Justice.
- (3) A police official may, upon the request of a supervising immigration inspector who finds it necessary, place a suspect under custody in a detention facility.

(Procedures for Detention)

Article 42 (1) An immigration control officer shall, when he/she detains a suspect pursuant to a written detention order, show the detention order to the suspect.

- (2) In cases of urgency, an immigration control officer may, even if he/she is not in possession of a written detention order, detain a suspect by giving the suspect a summary of the suspected offense and informing him/her that the order has been issued, provided that the order shall be shown to the suspect as soon as possible.

(Cases of Emergency)

Article 43 (1) If an immigration control officer finds that there are reasonable grounds to believe that a person clearly falling under any of the items of Article 24 is likely to flee before issuance of a written detention order, the immigration control officer may detain him/her without a written detention order.

- (2) In cases where detention has been carried out as set forth in the preceding paragraph, the immigration control officer shall notify a supervising immigration inspector promptly of the grounds therefor and request the issuance of a written detention order.

- (3) In the case referred to in the preceding paragraph, if the supervising immigration inspector does not approve the detention set forth in paragraph (1), the immigration control officer shall immediately release the detained person.

(Delivery of the Suspect)

Article 44 If an immigration control officer has detained a suspect pursuant to the provisions of Article 39, paragraph (1), he/she shall deliver the suspect to an immigration inspector together with the records and evidence within 48 hours from the time he/she has taken the suspect into custody.

Section 3 EXAMINATION, HEARING AND FILING OF AN OBJECTION

(Examination by an Immigration Inspector)

Article 45 (1) An immigration inspector shall, when he/she has taken delivery of a suspect pursuant to the provisions of the preceding Article, promptly examine whether the suspect falls under the category of an alien subject to deportation (alien who falls under any of the items of Article 24 but does not fall under the category of an alien subject to a departure order; the same shall apply hereinafter).

- (2) The immigration inspector shall, in the event that he/she has held the examination set forth in the preceding paragraph, prepare a record thereof.

(Burden of Proof on the Suspect)

Article 46 Any suspect subject to the examination set forth in the preceding

Article, when he/she is suspected of falling under any of items (i) (except for the part pertaining to Article 3, paragraph (1), item (ii)), or (ii) in Article 24, shall have the burden of proof to establish that he/she does not fall under the item.

(Procedures after Examination)

- Article 47 (1) An immigration inspector shall immediately release a suspect when he/she has found, as a result of examination that the suspect does not fall under any of the items of Article 24.
- (2) When an immigration inspector finds, as a result of examination, that the suspect falls under the category of an alien subject to a departure order, he/she shall promptly notify a supervising immigration inspector of the findings. In this case, if the suspect has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), the immigration inspector shall immediately release the suspect.
- (3) When an immigration inspector finds, as a result of examination, that the suspect falls under the category of an alien subject to deportation, he/she shall promptly notify a supervising immigration inspector and the suspect of his/her findings in writing together with the statement of grounds for such findings.
- (4) When the immigration inspector submits the notice set forth in the preceding paragraph, he/she shall notify the suspect that the suspect may request a hearing pursuant to the provisions of Article 48.
- (5) In the case referred to in paragraph (3), if the suspect has no objection to the findings, the supervising immigration inspector shall, after having the alien sign a document with a statement that he/she will not request a hearing, promptly issue a written deportation order pursuant to the provisions of Article 51.

(Hearing)

- Article 48 (1) Any suspect who has received the notice set forth in paragraph (3) of the preceding Article may, if he/she has an objection to the findings set forth in the same paragraph, orally request a special inquiry officer for a hearing within 3 days from the date of notice.
- (2) An immigration inspector shall, when a request has been made for the hearing set forth in the preceding paragraph, submit the record set forth in Article 45, paragraph (2) and other pertinent documents to a special inquiry officer.
- (3) The special inquiry officer shall, when a request is made for the hearing set forth in paragraph (1), promptly notify the suspect of the time and place of the hearing and conduct the hearing.
- (4) The special inquiry officer shall, when a hearing is held as set forth in the

preceding paragraph, prepare a record of the hearing.

- (5) The provisions of Article 10, paragraphs (3) to (6) shall apply mutatis mutandis to the proceedings of the hearing set forth in paragraph (3).
- (6) When a special inquiry officer finds, as a result of the hearing, that the findings set forth in paragraph (3) of the preceding Article are not supported by factual evidence (limited to cases where the suspect does not fall under any of the items of Article 24), he/she shall immediately release the suspect.
- (7) When a special inquiry officer finds, as a result of the hearing, that the findings set forth in paragraph (3) of the preceding Article are not supported by factual evidence (limited to cases where the suspect falls under the category of an alien subject to a departure order), he/she shall promptly notify a supervising immigration inspector of the findings. In this case, if the suspect has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), the immigration inspector shall immediately release the suspect.
- (8) When a special inquiry officer finds, as a result of the hearing, that there is no error in the findings set forth in paragraph (3) of the preceding Article, he/she shall promptly notify the supervising immigration inspector and the suspect to that effect, and at the same time notify the suspect that the suspect may file an objection pursuant to the provisions of Article 49.
- (9) If the suspect, upon receipt of the notice set forth in the preceding paragraph, has no objection to the findings set forth in the same paragraph, the supervising immigration inspector shall have him/her sign a document with a statement that he/she will not file an objection and promptly issue the written deportation order pursuant to the provisions of Article 51.

(Filing of an Objection)

- Article 49 (1) Any suspect, upon receipt of the notice set forth in paragraph (8) of the preceding Article, may, in cases where he/she has an objection to the findings set forth in the same paragraph, file an objection with the Minister of Justice by submitting to a supervising immigration inspector, within 3 days from the date of receipt of the notice, a written statement containing the grounds for his/her complaint in accordance with the procedures provided for by a Ministry of Justice ordinance.
- (2) When the objection set forth in the preceding paragraph has been filed, a supervising immigration inspector shall submit to the Minister of Justice a record of the examination set forth in Article 45, paragraph (2), and a record of the hearing set forth in paragraph (4) of the preceding Article, and other pertinent documents.
 - (3) When the Minister of Justice has received the objection filed pursuant to the provisions of paragraph (1), he/she shall determine whether the objection is with reason and notify a supervising immigration inspector of his/her

determination.

- (4) The supervising immigration inspector shall, upon receipt of a notice from the Minister of Justice of his/her determination that the objection is with reason (limited to cases where the suspect does not fall under any of the items of Article 24), immediately release the suspect.
- (5) When the supervising immigration inspector receives from the Minister of Justice a notice of the determination that the objection has been found to be with reason (limited to the cases where the suspect falls under the category of an alien subject to a departure order), the supervising immigration inspector shall, when issuing a departure order to the suspect pursuant to the provisions of Article 55-3, paragraph (1), immediately release the suspect..
- (6) The supervising immigration inspector shall, if he/she has received from the Minister of Justice a notice of the determination that the objection is without reason, promptly notify the suspect to that effect and issue a written deportation order pursuant to the provisions of Article 51.

(Special Cases of Determination by the Minister of Justice)

Article 50 (1) The Minister of Justice may, even if he/she finds that the objection filed is without reason, in making the determination set forth in paragraph (3) of the preceding Article, grant the suspect special permission to stay in Japan if the suspect falls under any of the following items:

- (i) He/She has obtained permission for permanent residence.
 - (ii) He/She has had in the past a registered domicile in Japan as a Japanese national.
 - (iii) He/She resides in Japan under the control of another due to trafficking in persons.
 - (iv) The Minister of Justice finds grounds for granting special permission to stay, other than the previous items.
- (2) In the case referred to in the preceding paragraph, the Minister of Justice may impose conditions, which he/she may deem necessary such as on the period of stay, pursuant to the provisions of a Ministry of Justice ordinance.
 - (3) The permission set forth in paragraph (1) shall be regarded as a determination that the objection filed is with reason with respect to the application of paragraph (4) of the preceding Article.

Section 4 ENFORCEMENT OF WRITTEN DEPORTATION ORDERS

(Form of Written Deportation Orders)

Article 51 A deportation order issued pursuant to the provisions of Article 47, paragraph (5), Article 48, paragraph (9) or Article 49, paragraph (6), or in accordance with the deportation procedures pursuant to the provisions of

Article 63, paragraph (1), shall contain the full name, age and nationality of the alien subject to deportation, reason for deportation, destination, date of issuance of the deportation order, and other matters as provided for by a Ministry of Justice ordinance, and the name and seal of a supervising immigration inspector shall be affixed thereto.

(Enforcement of Written Deportation Orders)

Article 52 (1) A written deportation order shall be enforced by an immigration control officer.

(2) A police official or coast guard officer may, upon the request of a supervising immigration inspector who finds it necessary due to shortage of immigration control officers, enforce a written deportation order.

(3) In enforcing a deportation order, an immigration control officer (including a police official or coast guard officer who enforces a written deportation order pursuant to the provisions of the preceding paragraph; hereinafter the same shall apply in this Article) shall show the deportation order or its copy to the alien subject to deportation and have him/her deported promptly to the destination provided for in the following Article. However, the immigration control officer shall deliver him/her to the carrier if the alien is to be sent back by the carrier pursuant to the provisions of Article 59.

(4) In the case referred to in the preceding paragraph, if a person for whom a deportation order has been issued desires to depart from Japan voluntarily at his/her own expense, the director of an immigration detention center or a supervising immigration inspector may permit him/her to do so based on an application from the said person. In this case, notwithstanding the entries in the written deportation order and the provisions of the following Article, the director of an immigration detention center or the supervising immigration inspector may decide the destination of the person based on his/her application.

(5) In the case referred to in the first sentence of paragraph (3), if the alien cannot be deported immediately, the immigration control officer may detain him/her in an immigration detention center, detention house, or any other place designated by the Minister of Justice or designated by a supervising immigration inspector commissioned by the Minister of Justice until such time as deportation becomes possible.

(6) In the case referred to in the preceding paragraph, the director of an immigration detention center or the supervising immigration inspector may, if it is found that the alien cannot be deported, release him/her with conditions as may be deemed necessary such as restrictions on the place of residence and area of movement and the obligation of appearing at a summons.

(Destinations of Deportation)

- Article 53 (1) Any person subject to deportation shall be deported to a country of which he/she is a national or citizen.
- (2) If the person cannot be deported to such country as set forth in the preceding paragraph, such person shall be deported to any of the following countries pursuant to his/her wishes:
- (i) A country in which he/she had been residing immediately prior to his/her entry into Japan.
 - (ii) A country in which he/she once resided before his/her entry into Japan.
 - (iii) A country to which the port, where he/she boarded the vessel or aircraft departing for Japan, belongs.
 - (iv) A country where his/her place of birth is located.
 - (v) A country to which his/her birthplace belonged at the time of his/her birth.
 - (vi) Any country other than those prescribed in the preceding items.
- (3) Except for cases where the Minister of Justice finds it considerably detrimental to the interests and public security of Japan, the countries set forth in the preceding two paragraphs shall not include the territories of countries as prescribed in the Refugee Convention, Article 33, paragraph (1).

Section 5 PROVISIONAL RELEASE

(Provisional Release)

- Article 54 (1) Any person detained pursuant to a written detention order or deportation order, his/her representative, curator, spouse, lineal relative or sibling may apply for provisional release to the director of the immigration detention center or a supervising immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance.
- (2) The director of the immigration detention center or a supervising immigration inspector may accord provisional release to the alien detained pursuant to a written detention order or deportation order upon the application set forth in the preceding paragraph or ex officio, taking into consideration such matters as circumstances, evidence produced in support of the application, character and the assets of the alien pursuant to the provisions of a Ministry of Justice ordinance, upon the alien paying a deposit not exceeding 3 million yen as provided for by a Ministry of Justice ordinance, and with conditions as may be deemed necessary, such as restrictions on the place of residence and area of movement and the obligation of appearing at a summons.
- (3) The director of the immigration detention center or a supervising immigration inspector, if he/she deems it appropriate, may permit a letter of guarantee submitted by a person other than the alien detained under a written detention order or deportation order to be substituted for the deposit. Such a letter of guarantee shall contain the amount of the deposit and a statement that the

deposit will be paid at any time.

(Revocation of Provisional Release)

- Article 55 (1) The director of an immigration detention center or a supervising immigration inspector may revoke a provisional release if the alien accorded provisional release has fled, he/she has reasonable grounds to suspect that the alien will attempt to flee, the alien fails to comply with an order to appear at a summons without justifiable reason, or has violated any of the conditions of provisional release.
- (2) The director of the immigration detention center or a supervising immigration inspector shall, if he/she revokes the provisional release pursuant to the provisions of the preceding paragraph, prepare a written revocation of provisional release and deliver it to an immigration control officer with the written detention order or deportation order attached.
- (3) The director of the immigration detention center or a supervising immigration inspector shall confiscate the deposit in whole if he/she revokes a provisional release on the grounds that the person may flee or has failed to comply with an order to appear at a summons without justifiable reason, and he/she shall confiscate the deposit in part if he/she revokes a provisional release on any other grounds.
- (4) If the provisional release of any person has been revoked, an immigration control officer shall show a written revocation of provisional release and a detention order or deportation order to such person and detain him/her at an immigration detention center, detention house, or any other place designated by the Minister of Justice or a supervising immigration inspector commissioned by the Minister of Justice.
- (5) An immigration control officer may, in cases of emergency, detain a person who is to have his/her provisional release revoked without a written revocation of provisional release and a detention order or deportation order, by informing him/her that the provisional release has been revoked. However, a written revocation of provisional release and a detention order or deportation order shall be shown to such person as soon as possible.

Chapter V-2 DEPARTURE ORDERS

(Examination Pertaining to Departure Orders)

- Article 55-2 (1) An immigration control officer shall, if he/she finds that there are reasonable grounds to believe that a suspect falls under the category of an alien subject to a departure order, notwithstanding the provisions of Article 39, send the case of violation pertaining to the suspect to an immigration inspector.
- (2) The immigration inspector shall, when he/she receives the case of violation

pursuant to the provisions of the preceding paragraph, immediately examine whether the suspect falls under the category of an alien subject to a departure order.

- (3) When the immigration inspector finds, as a result of the examination that the suspect falls under the category of an alien subject to a departure order he/she shall promptly notify a supervising immigration inspector of the findings.
- (4) The immigration inspector shall, if he/she finds that there are reasonable grounds to suspect that the suspect falls under the category of an alien subject to deportation, notify the immigration control officer of his/her findings and send the case of violation back to the immigration control officer.

(Departure Orders)

Article 55-3 (1) A supervising immigration inspector shall, if he/she has received the notice pursuant to the provisions of Article 47, paragraph (2), Article 48, paragraph (7), Article 49, paragraph (5), or paragraph (3) of the preceding Article, immediately order the suspect pertaining to the notice to depart from Japan. In this case, the supervising immigration inspector shall designate a period not exceeding 15 days within which the suspect shall depart from Japan.

- (2) When ordering departure pursuant to the provisions of the preceding paragraph, the supervising immigration inspector shall deliver a written departure order pursuant to the provisions of the following Article to the suspect.
- (3) When ordering departure pursuant to the provisions of paragraph (1), the supervising immigration inspector may, as provided for by a Ministry of Justice ordinance, impose restrictions on the suspect's place of residence and area of movement, and other conditions which the supervising immigration inspector may deem necessary.

(Form of Written Departure Orders)

Article 55-4 A written departure order delivered pursuant to the provisions of paragraph (2) of the preceding Article shall contain the full name, age and nationality of the alien who has been given a departure order, the reason for the departure order, the time limit for departure, the date of issuance of the departure order, and other matters as provided for by a Ministry of Justice ordinance, and the name and seal of a supervising immigration inspector shall also be affixed thereto.

(Extension of the Time Limit for Departure)

Article 55-5 Upon receiving notification from the alien who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1) that the alien is unable to depart from Japan by the time limit for departure in

accordance with the departure order, the supervising immigration inspector may, pursuant to the provisions of a Ministry of Justice ordinance, extend the time limit for departure, provided that the supervising immigration inspector finds reasons not imputable to the alien such as the operating schedule of the vessel or aircraft used for departure.

(Revocation of Departure Orders)

Article 55-6 The supervising immigration inspector may, when the alien who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1) violates any of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article, revoke the departure order.

Chapter VI RESPONSIBILITY OF THE CAPTAIN OF A VESSEL OR AIRCRAFT AND THE CARRIER

(Duty of Cooperation)

Article 56 The captain of a vessel or aircraft entering Japan and the carrier who operates such a vessel or aircraft shall cooperate with an immigration inspector in executing his/her duties such as immigration inspection.

(Duty of Checking Passports or Other Documents)

Article 56-2 The carrier who operates a vessel or aircraft entering Japan (or the captain of such vessel or aircraft in the absence of the carrier) shall, for the purpose of preventing aliens from illegally entering Japan, check the passport, crew member's pocket-ledger or re-entry permit possessed by aliens who intend to board the vessel or aircraft.

(Duty of Reporting)

Article 57 (1) The captain of a vessel or aircraft entering Japan shall, pursuant to the provisions of a Ministry of Justice ordinance, report in advance to an immigration inspector at the port of entry or departure where the vessel or aircraft will arrive the names of its crew members and passengers and other matters as provided for by a Ministry of Justice ordinance.

(2) The captain of a vessel or aircraft departing from Japan shall report upon the request of an immigration inspector at the port of entry or departure from which the vessel or aircraft departs matters pertaining to its crew members and passengers as prescribed in the preceding paragraph.

(3) The captain of a vessel or aircraft entering Japan shall, if he/she has knowledge of any alien aboard the vessel or aircraft without a valid passport, crew member's pocket-ledger or re-entry permit, report such information immediately to an immigration inspector at the port of entry or departure.

- (4) The captain of a vessel or aircraft entering Japan shall, if a crew member who has been granted the permission set forth in Article 16, paragraph (2) is on board, report immediately the name of the crew member and other matters provided for by a Ministry of Justice ordinance to an immigration inspector upon each arrival at a port of entry or departure.
- (5) The captain of a vessel or aircraft departing from Japan shall, at the request of an immigration inspector at the port of entry or departure from which the vessel or aircraft departs, report whether the person granted permission for landing in transit pursuant to the provisions of Article 15, paragraph (1), has returned to his/her vessel or aircraft, whether the person who received landing permission for crew members is aboard the correct vessel or aircraft, and whether any person who seeks to depart from Japan in violation of the provisions of Article 25, paragraph (2), or Article 60, paragraph (2) is aboard the vessel or aircraft.

(Duty of Prevention of Landing)

Article 58 The captain of a vessel or aircraft arriving in Japan shall, if he/she has knowledge of any alien prescribed in paragraph (3) of the preceding Article aboard the vessel or aircraft, prevent such alien from landing.

(Duty of Sending Back)

Article 59 (1) The captain of a vessel or aircraft or the carrier who operates a vessel or aircraft that has transported any alien falling under any of the following items shall promptly send such alien back out of Japan at his/her own expense and on his/her own responsibility by the same vessel or aircraft or any other vessel or aircraft owned by the same carrier:

- (i) Any person denied landing pursuant to the provisions of Chapter III, Section I or II.
- (ii) Any person deported for falling under any of Article 24, items (v) to (vi)-2.
- (iii) In addition to those prescribed in the preceding item, and among those who have been ordered within 5 years from the date of landing to be deported for falling under any of the items of Article 24, any alien regarding whom the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft can be considered as having had clear knowledge of the existence of grounds for deportation at the time of his/her landing.
- (2) In the case referred to in the preceding paragraph, if the carrier concerned cannot send the alien back by the vessel or aircraft prescribed in the same paragraph, he/she shall send the alien back promptly by some other vessel or aircraft on his/her own responsibility and at his/her own expense.
- (3) Notwithstanding the provisions of the preceding two paragraphs, concerning the expense and responsibility of the captain of the vessel or aircraft or the

carrier who operates the vessel or aircraft, a supervising immigration inspector may exempt the captain or the carrier from bearing all or part of the expenses and responsibility arising from keeping the alien who falls under paragraph (1), item (i) at a facility designated as provided by a Ministry of Justice ordinance as a place of stay pursuant to the provisions of Article 13-2, paragraph (1), provided that the alien concerned possesses a valid passport with a visa issued by a Japanese consular officer.

Chapter VI-2 INQUIRY INTO THE FACTS

(Inquiry into the Facts)

- Article 59-2 (1) The Minister of Justice may have an immigration inspector inquire into the facts, if necessary, in order to conduct dispositions relating to the issuance of a certificate pursuant to the provisions of Article 7-2, paragraph (1) or relating to permission pursuant to the provisions of Article 12, paragraph (1), Article 19, paragraph (2), Article 20, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), Article 50, paragraph (1), or Article 61-2-11, or relating to the revocation of status of residence pursuant to the provisions of Article 22-4, paragraph (1).
- (2) An immigration inspector may require an alien and other persons concerned to make an appearance, may ask questions, or request the presentation of documents, if necessary, for the inquiry set forth in the preceding paragraph.
- (3) The Minister of Justice or an immigration inspector 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).

Chapter VII DEPARTURE FROM AND RETURN TO JAPAN OF JAPANESE NATIONALS

(Departure of Japanese Nationals)

- Article 60 (1) Any Japanese national (except for crew members) who departs from Japan with the intention of proceeding to an area outside of Japan shall possess a valid passport and shall receive confirmation of departure from Japan from an immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance, at the port of entry or departure from which such person departs.
- (2) The Japanese national set forth in the preceding paragraph shall not depart

from Japan unless he/she has received confirmation of departure from Japan.

(Return to Japan of Japanese Nationals)

Article 61 Any Japanese national (except for crew members) who returns to Japan from an area outside of Japan shall possess a valid passport (a document that certifies Japanese nationality if he/she is unable to possess a valid passport) and shall receive confirmation of return to Japan by an immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance, at the port of entry or departure at which such person lands.

Chapter VII-2 RECOGNITION OF REFUGEE STATUS AND OTHER RELATED MATTERS

(Recognition of Refugee Status)

Article 61-2 (1) The Minister of Justice may, if an alien in Japan submits an application in accordance with the procedures provided for by a Ministry of Justice ordinance, recognize such person as a refugee (hereinafter referred to as "recognition of refugee status") based on the data submitted.

(2) When the recognition of refugee status has been made, the Minister of Justice shall issue a certificate of refugee status to the alien concerned in accordance with the procedures provided for by a Ministry of Justice ordinance; and if recognition of refugee status is denied, the alien shall be notified in writing with the reason attached.

(Permission Pertaining to Status of Residence)

Article 61-2-2 (1) The Minister of Justice shall, when he/she recognizes an alien as a refugee pursuant to the provisions of paragraph (1) of the preceding Article and the alien who has filed the application set forth in the same paragraph falls under the category of an alien without a status of residence (aliens other than those who are staying in Japan under a status of residence listed in the left-hand column of Appended Table I and Appended Table II, those who have been granted permission for landing for temporary refuge and have not stayed in Japan beyond the period stated in the permit, and special permanent residents; the same shall apply hereinafter), permit the alien to acquire the status of residence of "Long-Term Resident", unless the alien falls under any of the following items:

(i) The alien has filed the application set forth in paragraph (1) of the preceding Article 6 months after the date on which he/she landed in Japan (or the date on which he/she became aware of the fact that the circumstances in which he/she might have become a refugee arose while he/she was in

- Japan), unless there were unavoidable circumstances.
- (ii) The alien has not entered Japan directly from a territory where his/her life, body or physical freedom was likely to be persecuted on the grounds as prescribed in Article 1, paragraph A- (2) of the Refugee Convention, unless the circumstances in which he/she might have become a refugee arose while he/she was in Japan.
 - (iii) The alien falls under any of the persons listed in item (iii) or sub-items (c) to (o) of item (iv) of Article 24.
 - (iv) The alien has been sentenced, after entering Japan, to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, 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, 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 Picking Tools and Other Related Matters.
- (2) When an alien without a status of residence has filed the application set forth in paragraph (1) of the preceding Article and is denied recognition as a refugee or the permission set forth in the preceding paragraph is not granted, the Minister of Justice shall examine whether there are grounds for granting special permission to stay to the alien without a status of residence, and may grant special permission to stay if he/she finds such grounds.
- (3) When granting the permission set forth in the preceding two paragraphs, the Minister of Justice shall decide the status of residence and the period of stay, and have an immigration inspector issue to the alien without a status of residence a certificate of status of residence that states the status of residence and the period of stay. In this case, the permission shall become effective with the contents thereof and as of the time of issuance.
- (4) When granting the permission set forth in paragraph (1) or paragraph (2), the Minister of Justice shall revoke the permission for provisional landing or permission for landing pursuant to the provisions of Chapter III, Section IV, which has been granted to the alien.

Article 61-2-3 When an alien recognized as a refugee (except for those who have acquired a status of residence with the permission set forth in paragraph (2) of the preceding Article) files an application to change his/her status to that of "Long-Term Resident" pursuant to the provisions of Article 20, paragraph (2), or files an application to acquire the status of residence of "Long-Term Resident" pursuant to the provisions of Article 22-2, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-3), the

Minister of Justice shall, notwithstanding the provisions of Article 20, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), grant permission to the alien, unless the alien falls under item (i), paragraph (1) of the preceding Article.

(Permission for Provisional Stay)

Article 61-2-4 (1) The Minister of Justice shall, when an alien without a status of residence files the application set forth in Article 61-2, paragraph (1), permit the alien to provisionally stay in Japan, unless he/she falls under any of the following.

- (i) The alien has been granted permission for provisional landing.
 - (ii) The alien 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 or landing permission due to distress, and has not stayed in Japan beyond the period given in his/her passport or permit.
 - (iii) The alien has been permitted to stay in Japan pursuant to the provisions of Article 22-2, paragraph (1).
 - (iv) The alien fell under any of the persons listed in Article 5, paragraph (1), items (iv) to (xiv) when he/she entered Japan.
 - (v) There are reasonable grounds to suspect that the alien has fallen under any of the persons set forth in item (iii) or sub-items (c) to (o) of item (iv) of Article 24.
 - (vi) The alien has clearly fallen under any of Article 61-2-2, paragraph (1), item (i) or item (ii).
 - (vii) The alien has been sentenced, after entering Japan, to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, 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, the Act on Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools and Other Related Matters.
 - (viii) A written deportation order has been issued to the alien.
 - (ix) There are reasonable grounds to suspect that the alien is likely to flee.
- (2) When granting the permission set forth in the preceding paragraph, the Minister of Justice shall, pursuant to the provisions of a Ministry of Justice ordinance, decide the period of stay pertaining to the permission (hereinafter referred to as the "period of provisional stay"), and have an immigration

inspector issue to the alien without a status of residence a permit for provisional stay that states the period of provisional stay. In this case, the permission shall become effective with the contents thereof and as of the time of issuance.

- (3) When granting the permission set forth in paragraph (1), the Minister of Justice may, pursuant to the provisions of a Ministry of Justice ordinance, impose upon the alien without a status of residence restrictions on the place of residence, area of movement, activities, the obligation of appearing at a summons, and other conditions which may be considered necessary and, if deemed necessary, his/her fingerprints may be taken.
- (4) Upon receiving an application filed by an alien with the permission set forth in paragraph (1) to extend the period of provisional stay, the Minister of Justice shall permit the extension. In this case, the provisions of paragraph (2) shall apply *mutatis mutandis*.
- (5) When an alien with the permission set forth in paragraph (1) subsequently comes to fall under any of the following items, the period of provisional stay granted to the alien (including the period of provisional stay extended pursuant to the provisions of the preceding paragraph; the same shall apply hereinafter) shall be deemed to have terminated at the time he/she comes to fall under the item.
 - (i) The objection set forth in Article 61-2-9, paragraph (1) has not been filed against a denial of recognition of refugee status, and the period set forth in paragraph (2) of the same Article has passed.
 - (ii) The objection set forth in Article 61-2-9, paragraph (1) has been filed against a denial of recognition of refugee status, but the objection has been withdrawn or a decision has been made to deny or dismiss the objection.
 - (iii) The alien has been recognized as a refugee but has not been granted the permission set forth in Article 61-2-2, paragraph (1) or paragraph (2).
 - (iv) The permission set forth in paragraph (1) has been revoked pursuant to the provisions of the next Article.
 - (v) The application set forth in Article 61-2, paragraph (2) has been withdrawn.

(Revocation of Permission for Provisional Stay)

Article 61-2-5 When any of the facts listed in the following items are found with respect to an alien who has been granted the permission set forth in paragraph (1) of the preceding Article, the Minister of Justice may revoke the permission in accordance with the procedures provided for by a Ministry of Justice ordinance.

- (i) The alien fell under any of items (iv) to (viii) of paragraph (1) of the preceding Article when he/she was granted the permission set forth in the same paragraph.

- (ii) The alien has come to fall under item (v) or item (vii) of paragraph (1) of the preceding Article after he/she was granted the permission set forth in the same paragraph.
- (iii) The alien has violated the conditions imposed pursuant to the provisions of paragraph (3) of the preceding Article.
- (iv) The alien has, with the intention of being recognized as a refugee, submitted forged or altered materials or false materials, made false statements, or had persons concerned make false statements.
- (v) The alien has carried out procedures to receive the confirmation of departure set forth in Article 25.

(Relation with the Procedures for Deportation)

- Article 61-2-6 (1) The procedures for deportation provided for in Chapter V (including the procedures for deportation pursuant to the provisions of Article 63, paragraph (1); hereinafter the same shall apply in this Article) shall not be carried out with respect to an alien who has been granted the permission set forth in Article 61-2-2, paragraph (1) or paragraph (2), on the grounds that the alien fell under any of the items of Article 24 when he/she was granted the permission.
- (2) The procedures for deportation provided for in Chapter V shall be suspended with respect to an alien without a status of residence who has filed the application set forth in Article 61-2, paragraph (1), and has been granted the permission set forth in Article 61-2-4, paragraph (1), until the period of provisional stay pertaining to the permission has passed, even if there are reasonable grounds to suspect that the alien falls under any of the items of Article 24.
- (3) When the procedures for deportation provided for in Chapter V are carried out, deportation pursuant to the provisions of Article 52, paragraph (3) (including delivery pursuant to the proviso of the same paragraph and deportation pursuant to the provisions of Article 59) shall be suspended with respect to an alien without a status of residence who has filed the application set forth in Article 61-2, paragraph (1) and has not been granted the permission set forth in Article 61-2-4, paragraph (1) or whose period of provisional stay pertaining to the permission has passed (except for those who fall under items (i) to (iii) and item (v) of paragraph (5) of the same Article), until the alien falls under any of the cases listed in items (i) to (iii) of paragraph (5) of the same Article.
- (4) The provisions of Article 50, paragraph (1), shall not apply to the procedures for deportation provided for in Chapter V where they are carried out with respect to the alien prescribed in paragraph (2), who has come to fall under any of items (i) to (iii) of paragraph (5) of Article 61-2-4, or who is prescribed in the

preceding paragraph.

(Revocation of Recognition of Refugee Status)

Article 61-2-7 (1) When any of the facts listed in the following items are found with respect to an alien residing in Japan who has been recognized as a refugee, the Minister of Justice shall revoke the recognition of refugee status in accordance with the procedures provided for by a Ministry of Justice ordinance.

(i) The alien has been recognized as a refugee by deceit or other wrongful means.

(ii) The alien has come to fall under any of the cases listed in Article 1, C-(1) to (6) of the Refugee Convention.

(iii) The alien has taken an action listed in Article 1, F-(a) or (c) of the Refugee Convention after being recognized as a refugee.

(2) The Minister of Justice shall, when revoking the recognition of refugee status pursuant to the provisions of the preceding paragraph, notify the alien concerned in writing with the reason attached, and place a notice in the Official Gazette of the loss of effect of the certificate of refugee status and the refugee travel document pertaining to the alien.

(3) When an alien who has been issued a certificate of refugee status or a refugee travel document receives a notice of revocation of the recognition of refugee status pursuant to the provisions of the preceding paragraph, he must promptly return these certificates to the Minister of Justice.

(Revocation of the Status of Residence of an Alien Recognized as a Refugee)

Article 61-2-8 (1) When it is found that an alien residing in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II who is recognized as a refugee has obtained, by deceit or other wrongful means, the permission set forth in Article 61-2-2, paragraph (1) on the grounds that the alien does not fall under any of the items of the same paragraph, the Minister of Justice may revoke his/her status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance.

(2) The provisions of paragraphs (ii) to (vii) of Article 22-4 shall apply mutatis mutandis to the revocation of the status of residence pursuant to the provisions of the preceding paragraph. In this case, "immigration inspector" in paragraph (2) of the same Article shall be deemed to be replaced with "refugee inquirer", and "paragraph (1) (limited to those pertaining to item (iii) to item (v))" in paragraph (6) of the same Article shall be deemed to be replaced with "Article 61-2-8, paragraph (1)".

(Filing of an Objection)

Article 61-2-9 (1) If an alien has an objection to any of the following dispositions, he/she may file an objection with the Minister of Justice by submitting a document that states the matters provided for by a Ministry of Justice ordinance.

(i) Denial of recognition of refugee status.

(ii) Revocation of recognition of refugee status as pursuant to the provisions of Article 61-2-7, paragraph (1).

(2) The period as provided for in Article 45 of the Administrative Complaint Investigation Act (Act No. 160 of 1962) for the objection set forth in the preceding paragraph shall be within 7 days from the date on which the alien received the notice set forth in Article 61-2, paragraph (2), or Article 61-2-7, paragraph (2).

(3) When making a decision on the objection set forth in paragraph (1), the Minister of Justice shall, as provided for by a Ministry of Justice ordinance, consult with the refugee examination counselors.

(4) When making the decision pursuant to the provisions of Article 47, paragraph (1) or paragraph (2) of the Administrative Complaint Investigation Act regarding the objection set forth in paragraph (1), the Minister of Justice shall clearly state, in the reason to be attached to the decision, a summary of the opinions of the refugee examination counselors set forth in the preceding paragraph.

(5) The refugee examination counselors may request the Minister of Justice to give the petitioner or intervenor opportunities to present his/her opinion orally. In this case, the Minister of Justice shall immediately give him/her such opportunities.

(6) The refugee examination counselors may observe the procedures in which the petitioner for objection or intervenor presents his/her opinion pursuant to the proviso of Article 25, paragraph (1), as applied mutatis mutandis pursuant to Article 48 of the Administrative Complaint Administrative Act, or the preceding paragraph, and may question the petitioner or intervenor.

(Refugee Examination Counselors)

Article 61-2-10 (1) The Ministry of Justice shall have a certain number of refugee examination counselors who are to present their opinions on the recognition of refugee status with respect to the objection pursuant to the provisions of paragraph (1) of the preceding Article.

(2) The refugee examination counselors shall be appointed by the Minister of Justice from among persons of reputable character who are capable of making fair judgments on the objection pursuant to the provisions of paragraph (1) of the preceding Article and have an academic background in law or current international affairs.

- (3) The term of the refugee examination counselors shall be for 2 years, and they may be reappointed.
- (4) The refugee examination counselors shall execute their duties on a part-time basis.

(Special Provisions on Permanent Residence Permits for Refugees)

Article 61-2-11 If a person who has been recognized as a refugee has applied for permanent residence as set forth in Article 22, paragraph (1), the Minister of Justice may grant permission, notwithstanding the provisions of the main part of paragraph (2) of the same Article, and even if the person does not conform to item (ii) of the same paragraph.

(Refugee Travel Document)

Article 61-2-12 (1) The Minister of Justice shall, if an alien residing in Japan who has been recognized as a refugee seeks to depart from Japan, issue a refugee travel document based on an application from such alien, in accordance with the procedures provided for by a Ministry of Justice ordinance. However, this shall not apply if the Minister of Justice finds that there is the possibility of the person committing acts detrimental to the interests and public security of Japan.

- (2) Any alien who is to be issued with a refugee travel document in Japan pursuant to the provisions of the preceding paragraph while possessing a refugee travel document issued by a foreign country shall submit the foreign refugee travel document before receiving the refugee travel document.
- (3) The valid period of the refugee travel document set forth in paragraph (1) shall be 1 year.
- (4) A person who has been issued with the refugee travel document set forth in paragraph (1) may enter and depart from Japan within the valid period of the refugee travel document. In this case, the re-entry permission pursuant to the provisions of Article 26 will not be required.
- (5) In the case referred to in the preceding paragraph, if the Minister of Justice deems it necessary, the valid period for entry with the refugee travel document may be limited to over 3 months and within 1 year.
- (6) The Minister of Justice may, if a person who has departed from Japan with the refugee travel document set forth in paragraph (1) has reasonable grounds for not being able to enter Japan within the valid period of the refugee travel document, extend the valid period of the document by a period not exceeding 6 months based on an application from the person concerned.
- (7) The extension set forth in the preceding paragraph shall be entered in the refugee travel document and the administrative work shall be entrusted to a Japanese consular officer.

- (8) The Minister of Justice may, if he/she finds that there is the possibility of the person who has been issued the refugee travel document set forth in paragraph (1) committing an act detrimental to the interests or public security of Japan, order the person while he/she is in Japan to return the refugee travel document within a time limit pursuant to the provisions of a Ministry of Justice Ordinance.
- (9) The refugee travel document ordered to be returned pursuant to the provisions of the preceding paragraph shall lose its effect at the time it is returned or at the time it passes the expiration date set forth in the same paragraph if it is not returned. In this case, the Minister of Justice shall, if it is not returned within the time limit set forth in the same paragraph, place a notice in the Official Gazette of the loss of effect of the refugee travel document concerned.

(Return of the Certificate of Refugee Status Following Issuance of a
Deportation Order)

Article 61-2-13 If an alien residing in Japan who has been recognized as a refugee receives a deportation order pursuant to the provisions of Article 47, paragraph (5), Article 48, paragraph (9) or Article 49, paragraph (6), or through the procedures for deportation pursuant to the provisions of Article 63, paragraph (1), the alien shall promptly return the certificate of refugee status and refugee travel document in his/her possession to the Minister of Justice.

(Inquiry into the Facts)

Article 61-2-14 (1) The Minister of Justice may have a refugee inquirer inquire into the facts, if necessary for the recognition of refugee status, the granting of permission pursuant to the provisions of Article 61-2-2, paragraph (1) or paragraph (2), Article 61-2-3 or Article 61-2-4, paragraph (1), the revocation of permission pursuant to the provisions of Article 61-2-5, the revocation of recognition of refugee status pursuant to the provisions of Article 61-2-7, paragraph (1), or the revocation of status of residence pursuant to the provisions of Article 61-2-8, paragraph (1).

- (2) The refugee inquirer may request the persons concerned to make an appearance, may ask questions or request the presentation of documents, if necessary, for the inquiry set forth in the preceding paragraph.
- (3) The Minister of Justice or the refugee inquirer 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).

Chapter VIII AUXILIARY PROVISIONS

(Immigration Inspector)

Article 61-3 (1) Immigration detention centers and regional immigration bureaus shall have immigration inspectors assigned.

(2) The duties of an immigration inspector shall be as follows:

(i) To conduct examinations and hearings pertaining to landing and deportation as well as examination of departure orders.

(ii) To hear opinions pursuant to the provisions of Article 22-4, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)).

(iii) To issue written detention orders or written deportation orders.

(iv) To carry out provisional release of detainees under written detention orders or written deportation orders.

(v) To deliver departure orders pursuant to the provisions of Article 55-3, paragraph (1).

(vi) To conduct inquiries into facts prescribed in Article 59-2, paragraph (1) and Article 61-2-14, paragraph (1).

(3) An immigration inspector of a regional immigration bureau may, if he/she deems it necessary, execute his/her duties outside the area over which the regional immigration bureau exercises its jurisdiction.

(Immigration Control Officer)

Article 61-3-2 (1) Immigration detention centers and regional immigration bureaus shall have immigration control officers assigned.

(2) The duties of an immigration control officer shall be as follows:

(i) To conduct investigations into cases of violation relating to entry, landing or residence.

(ii) To detain, escort and send back those persons who are subject to enforcement of written detention orders and deportation orders.

(iii) To guard immigration detention centers, detention houses and any other facility.

(3) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to an immigration control officer.

(4) The immigration control officer shall, in the application of the National Public Service Act (Act No. 120 of 1947) be deemed a member of the police force.

(5) The ranks of immigration control officers shall be separately provided for by a Cabinet Order until such time as the position classifications may be decided pursuant to the provisions of the Act on the Position Classification Plan for National Public Service Officers (Act No. 180 of 1950).

(Carrying and Use of Weapons)

Article 61-4 (1) An immigration inspector and an immigration control officer

may carry weapons in executing their duties.

(2) An immigration inspector and an immigration control officer may use their weapons with respect to execution of their duties within the limits judged to be reasonably necessary according to the circumstances. However, they shall not injure a person except in any of the following cases.

(i) The case falls under Article 36 or 37 of the Penal Code.

(ii) The person subject to enforcement of a written detention order or deportation order attempts to resist the immigration inspector or immigration control officer executing his/her duties with respect to such person, or a third person resists the immigration inspector or immigration control officer in an attempt to let the said person escape, and the immigration inspector or immigration control officer has reasonable grounds to believe that there are no alternative means to prevent such resistance or escape.

(Uniform and Identification Card)

Article 61-5 (1) An immigration inspector and an immigration control officer shall, when they execute their duties, except as otherwise provided for by laws and regulations, wear their respective uniforms or carry with them a proper identification card indicating their official status.

(2) The identification card set forth in the preceding paragraph shall be shown upon request to the person against whom the immigration inspector or immigration control officer is to execute his/her duties.

(3) The forms of the uniform and identification card set forth in paragraph (1) shall be provided for by a Ministry of Justice ordinance.

(Detention House)

Article 61-6 The regional immigration bureaus shall be equipped with a detention house for detaining persons who are subject to enforcement of written detention orders.

(Treatment of Detainees)

Article 61-7 (1) A person detained in an immigration detention center or detention house (hereinafter referred to as "detainee") shall be given maximum liberty consistent with the security requirements of the immigration detention center or the detention house.

(2) The detainee shall be provided with prescribed bedding and supplied with prescribed food.

(3) The supplies furnished to the detainee shall be adequate and the accommodation of the immigration detention center or detention house shall be maintained in sanitary conditions.

- (4) The director of an immigration detention center or regional immigration bureau may, when he/she considers it necessary for the security or sanitation purposes of the immigration detention center or detention house, examine the body, personal effects or clothing of the detainee, and may retain the detainee's personal effects or clothing.
- (5) The director of the immigration detention center or regional immigration bureau may, when he/she considers it necessary for the security of the immigration detention center or detention house, inspect any communications the detainee may send or receive, and may prohibit or restrict such sending or receipt.
- (6) In addition to those matters prescribed in the preceding paragraphs, necessary matters pertaining to the treatment of detainees shall be provided for by a Ministry of Justice ordinance.

(Cooperation of Other Administrative Organs)

- Article 61-8 (1) The director general of an internal bureau of the Ministry of Justice, as provided for by a Cabinet Order, or the director of an immigration detention center or a regional immigration bureau may request necessary cooperation from the National Police Agency, the Metropolitan Police Department, Prefectural Police Headquarters, the Japan Coast Guard, Customs, Public Employment Office and other relevant administrative organs with regard to the execution of duties pertaining to immigration control and recognition of refugee status.
- (2) Any relevant administrative organ whose cooperation has been requested pursuant to the provisions of the preceding paragraph shall comply with the request to the extent that such action will not interfere with the performance of its primary functions.

(Provision of Information)

- Article 61-9 (1) The Minister of Justice may provide foreign authorities in charge of the duties corresponding to those duties of immigration control and recognition of refugee status provided for by the Immigration Control and Refugee Recognition Act (hereinafter referred to as the "foreign immigration authorities" in this Article) with information deemed helpful for the execution of their duties (limited to those corresponding to the duties of immigration control and recognition of refugee status provided for by the Immigration Control and Refugee Recognition Act; hereinafter the same shall apply in the next paragraph).
- (2) Upon the provision of information pursuant to the provisions of the preceding paragraph, appropriate measures shall be taken to ensure that the information is not used for purposes other than helping the foreign immigration authorities

execute their duties.

- (3) Upon receiving a request from foreign immigration authorities, the Minister of Justice may, notwithstanding the provisions of the preceding paragraph, give consent for the information provided pursuant to the provisions of paragraph (1) to be used for the investigation or adjudication⁴ of a foreign criminal case pertaining to the request, except in any of the following cases.
- (i) The crime subject to the investigation or adjudication of the criminal case in the request is a political crime or the request appears to have been made for the purpose of conducting the investigation or adjudication of a political crime.
 - (ii) The act pertaining to the crime subject to the investigation or adjudication of the criminal case in the request would not constitute a crime pursuant to Japanese laws or regulations if it were committed in Japan.
 - (iii) The foreign country that has made the request has not assured that it will accept a similar request from Japan.
- (4) When giving the consent set forth in the preceding paragraph, the Minister of Justice shall, in advance, receive confirmation from the Minister of Foreign Affairs that the request does not fall under item (iii) of the preceding paragraph.

(Basic Plan for Immigration Control)

- Article 61-10 (1) The Minister of Justice shall formulate a basic plan for the control of the entry and residence of aliens (hereinafter referred to as the "Basic Plan for Immigration Control"), in order to exercise equitable control over immigration affairs.
- (2) The Basic Plan for Immigration Control shall provide for the following matters:
- (i) Matters relating to aliens entering into and residing in Japan.
 - (ii) Matters relating to guidelines for the control of entry and residence of aliens.
 - (iii) Matters necessary for implementation of the control of entry and residence of aliens, in addition to those matters listed in the preceding two paragraphs.
- (3) Prior to the formulation of the Basic Plan for Immigration Control, the Minister of Justice shall consult with the heads of relevant administrative organs.
- (4) The Minister of Justice shall announce without delay an outline of the Basic Plan for Immigration Control when it has been formulated.
- (5) The provisions of the preceding two paragraphs shall apply *mutatis mutandis* to modifications of the Basic Plan for Immigration Control.

Article 61-11 The Minister of Justice shall endeavor to exercise equitable control

over the entry into and departure from Japan of aliens, based on the Basic Plan for Immigration Control.

(Furnishing of Information)

- Article 62 (1) Any person may, if he/she has knowledge of an alien whom he/she believes to fall under any of the items of Article 24, report such information.
- (2) Any official of the Government or a local public entity shall, if he/she has come to have knowledge of such an alien set forth in the preceding paragraph in the execution of his/her duties, report such information.
- (3) In cases of the alien set forth in paragraph (1) who is serving a sentence and is to be released due to completion of the sentence, discontinuance of execution of the sentence or for any other reason (except for release on parole), or in cases where such alien is to be released from a juvenile prison or a women's guidance home after receiving the disposition prescribed in Article 24, paragraph (1), item (iii) of the Juvenile Act or in Article 17 of the Anti-Prostitution Act (Act No. 118 of 1956), the head of the correctional institution shall report such information immediately.
- (4) The district offenders rehabilitation commission, in cases of the alien set forth in paragraph (1) who is serving a sentence or has been committed to a juvenile prison under the disposition prescribed in Article 24, paragraph (1), item (iii) of the Juvenile Act or to a women's guidance home under the disposition prescribed in Article 17 of the Anti-Prostitution Act, when granting release on parole, or provisional release from a juvenile prison or women's guidance home, shall report such information immediately.
- (5) The information set forth in the preceding four paragraphs shall be submitted, orally or in writing, to an authorized immigration inspector or immigration control officer.

(Relation with Criminal Procedures)

Article 63 (1) In cases of procedures provided for by laws and regulations related to criminal suits, enforcement of sentences, or treatment of the inmates of juvenile prisons or the women's guidance home being carried out for any alien subject to deportation, procedures for deportation may be taken against such alien pursuant to the provisions of Chapter V (except for Section II, and Articles 52 and 53) applicable mutatis mutandis, even when he/she is not being detained. In this case, "request the appearance of the suspect" in Article 29, paragraph (1), shall be deemed to be replaced with "request the appearance of the suspect or make a visit in person", and "when a suspect has been delivered to him/her pursuant to the provisions of the preceding Article" in Article 45, paragraph (1), shall be deemed to be replaced with "when, as a result of investigation into violations, he/she has reasonable grounds to believe that the

suspect falls under the category of an alien subject to deportation".

- (2) In cases of a written deportation order having been issued pursuant to the provisions of the preceding paragraph, the enforcement of such order shall be carried out after the procedures pursuant to the provisions of laws and regulations related to criminal suits, enforcement of sentences or treatment of the inmates of juvenile homes or the women's guidance home have been completed. However, the enforcement of such order may be carried out with the approval of the Prosecutor-General or the Superintending Prosecutor even when the alien is still serving his/her sentence.
- (3) If an immigration inspector, when carrying out the examination set forth in Article 45 or Article 55-2, paragraph (2), finds reasonable grounds to believe that the suspect has committed a crime, he/she shall file a formal accusation against him/her with a public prosecutor.

(Delivery of the Suspect)

- Article 64 (1) If a public prosecutor has taken delivery of a suspect for an offense set forth in Article 70 but has decided not to institute prosecution, he/she shall release the suspect and deliver him/her to an immigration control officer upon presentation of a written detention order or deportation order.
- (2) The head of the correctional institution shall, in the case referred to in Article 62, paragraph (3) or (4), if a written detention order or deportation order has been issued to the alien concerned, at the time of his/her release deliver him/her to the immigration control officer concerned upon presentation of a written detention order or deportation order.

(Special Cases to the Code of Criminal Procedure)

- Article 65 (1) A judicial police officer may, in cases where he/she has arrested or taken delivery of a suspect for any of the offenses set forth in Article 70, or of a flagrant offender for such offense and only in cases where a written detention order is issued and the person is not suspected of any other criminal offense, deliver the suspect to an immigration control officer together with the pertinent documents and evidence, notwithstanding the provisions of Article 203 of the Code of Criminal Procedure (Act No. 131 of 1948) (including cases where it is applied mutatis mutandis pursuant to the provisions of Articles 211 and 216 thereof).
- (2) In the case referred to in the preceding paragraph, the procedure for delivering a suspect shall be taken within 48 hours from the time when the suspect was taken into custody.

(Reward for Providing Information)

Article 66 If a person has furnished information pursuant to the provisions of

Article 62, paragraph (1), and if such information has led to issuance of a written deportation order, the Minister of Justice may grant such person a reward of an amount not exceeding 50,000 yen pursuant to the provisions of a Ministry of Justice ordinance. However, this shall not apply to cases where the information was based on facts of which an official of the Government or a local public entity came to have knowledge in the execution of his/her duties.

(Fees)

Article 67 An alien shall pay a fee not exceeding 10,000 yen as separately provided for by a Cabinet Order to the Government for entry, issuance or a seal of verification pertaining to any of the following permits:

- (i) Permission for change of status of residence pursuant to the provisions of Article 20.
- (ii) Permission for extension of period of stay pursuant to the provisions of Article 21.
- (iii) Permission for permanent residence pursuant to the provisions of Article 22.
- (iv) Re-entry permission pursuant to the provisions of Article 26 (including permission for extension of the valid period).

Article 67-2 Any alien who is issued the certificate of authorization for employment pursuant to the provisions of Article 19-2, paragraph (1), shall pay a fee in the amount as provided for by a separate Cabinet Order, which shall be determined by calculating the actual expenses.

Article 68 (1) An alien shall pay a fee when obtaining a refugee travel document pursuant to the provisions of Article 61-2-12, paragraph (1) or when obtaining an extension of the valid period entered in the refugee travel document pursuant to the provisions of paragraph (7) of the same Article.

(2) The amount of the fee prescribed in the preceding paragraph shall be separately provided for by a Cabinet Order pursuant to the provisions of paragraph (3) of the annex of the Refugee Convention.

(Entrustment to a Ministerial Ordinance)

Article 69 The procedures for the enforcement of the provisions of Chapter II through to this chapter and other necessary matters for enforcement thereof shall be provided for by a Ministry of Justice ordinance.

(Delegation of Authority)

Article 69-2 The authority of the Minister of Justice provided for by the Immigration Control and Refugee Recognition Act may be delegated to the

director of a regional immigration bureau pursuant to the provisions of a Ministry of Justice ordinance. However, this shall not apply to the authorities prescribed in Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), the authorities prescribed in Article 22-4, paragraph (1) (limited to those pertaining to the status of permanent resident), and the authorities prescribed in Article 61-2-7, paragraph (1) and Article 61-2-11.

(Transitional Measures)

Article 69-3 In cases of enactment of an order or revision or abolition pursuant to the provisions of the Immigration Control and Refugee Recognition Act, the order may provide for necessary transitional measures, (including transitional measures regarding penal provisions) insofar that such measures are judged to be reasonably necessary for enactment, revision or abolition of the order.

Chapter IX PENAL PROVISIONS

Article 70 (1) Any person falling under any of the following items shall be punished with imprisonment with or without work for not more than 3 years or a fine not exceeding 3 million yen, or shall be subject to the cumulative imposition of imprisonment with or without work and a fine.

- (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.
- (iii) A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to those pertaining to item (i) or item (ii)) and has stayed in Japan.
- (iii)-2 A person who has received a designation of period pursuant to the provisions of Article 22-4, paragraph (6) (including cases where it is applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)) and has stayed in Japan beyond the period designated.
- (iv) 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 has received reward in violation of the provisions of Article 19, paragraph (1).
- (v) A person who has stayed in Japan beyond the period of authorized stay without obtaining an extension or change thereof.
- (vi) A person who has been granted permission for provisional landing and has fled or failed to appear at a summons without justifiable reason in violation of the conditions imposed pursuant to the provisions of Article 13, paragraph (3).

- (vii) 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, and has stayed in Japan beyond the period entered in his/her passport or permit.
 - (vii)-2 A person, who has been designated a period for departure pursuant to the provisions of Article 16, paragraph (9), and has not returned to his/her vessel or departed from Japan within that period.
 - (viii) A person prescribed in Article 22-2, paragraph (1), who has stayed in Japan beyond the period prescribed in Article 22-2, paragraph (1), without receiving permission pursuant to the provisions of Article 20, paragraphs (3) and (4) applied mutatis mutandis to Article 22-2, paragraph (3), or pursuant to the provisions of Article 22, paragraphs (2) and (3), applied mutatis mutandis to Article 22-2, paragraph (4) .
 - (viii)-2 A person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), and has stayed in Japan beyond the time limit for departure pertaining to the departure order.
 - (viii)-3 A person whose departure order has been revoked pursuant to the provisions of Article 55-6 and has stayed in Japan.
 - (viii)-4 A person who has been granted the permission set forth in Article 61-2-4, paragraph (1), and has stayed in Japan beyond the period of provisional stay.
 - (ix) A person who was recognized as a refugee by deceit or other wrongful means.
- (2) Any person listed in the preceding items (i) or (ii) who has landed and stayed illegally in Japan, shall be punished in the same manner.

Article 70-2 Any person who has committed any of the offenses set forth in items (i), (ii), (v), (vii) of paragraph (1) or paragraph (2) of the preceding Article, may be exempt from penalty if the evidence produced applies to each of the following items. However, this shall be limited to the cases where after having committed the act pertaining to the crime, a report was submitted without delay in the presence of an immigration inspector corresponding to the following items:

- (i) He/She is a refugee.
- (ii) He/She entered Japan directly from a territory where his/her life, body or physical freedom was likely to be persecuted on the grounds prescribed in Article 1, paragraph A-(2) of the Refugee Convention.
- (iii) The act pertaining to the crime was committed because of reasonable grounds for the preceding item.

Article 71 Any person who has departed or has attempted to depart from Japan in violation of the provisions of Article 25, paragraph (2), or Article 60, paragraph (2), shall be punished with imprisonment with or without work for not more than 1 year or a fine not exceeding 300,000 yen, or shall be subject to the cumulative imposition of imprisonment with or without work and a fine.

Article 72 Any alien falling under any of the following items shall be punished with imprisonment with work for not more than 1 year or a fine not exceeding 200,000 yen, or shall be subject to the cumulative imposition of imprisonment and a fine.

- (i) When a person taken into custody pursuant to a written detention order or deportation order has escaped.
- (ii) When a person released pursuant to the provisions of Article 52, paragraph (6) has fled or has failed to appear at a summons without justifiable reason in violation of the conditions imposed pursuant to the provisions of the same paragraph.
- (iii) When a person permitted to land for temporary refuge has escaped in violation of the conditions imposed pursuant to the provisions of Article 18-2, paragraph (4).
- (iii)-2 When a person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1) has escaped in violation of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article.
- (iii)-3 When a person who has been given the permission set forth in Article 61-2-4, paragraph (1) has fled or has failed to appear at a summons without justifiable reason, in violation of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article.
- (iv) When a person has failed to return the certificate of refugee status or refugee travel document in violation of the provisions of Article 61-2-7, paragraph (3), or Article 61-2-13.
- (v) When a person who has been ordered to return the refugee travel document pursuant to the provisions of Article 61-2-12, paragraph (8) has failed to return it within the period pursuant to the provisions of the same paragraph.

Article 73 Except for the cases to which the provisions of Article 70, paragraph (1), item (iv) are to be applied, any person who has been engaged in activities related to the management of business involving income or other activities for which he/she has received reward in violation of the provisions of Article 19, paragraph (1) shall be punished with imprisonment with or without work for not more than 1 year or a fine not exceeding 2 million yen, or shall be subject to the cumulative punishment of imprisonment with or without work and a fine.

Article 73-2 (1) Any person falling under any of the following items shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 3 million yen, or shall be subject to the cumulative imposition of imprisonment and a fine.

(i) A person who has had an alien engage in illegal work in connection with business activities.

(ii) A person who has placed an alien under his/her control for the purpose of having the alien engage in illegal work.

(iii) A person who has repeatedly arranged on a regular basis the procurement of an alien to engage in illegal work or the act set forth in the preceding item.

(2) The illegal work set forth in the preceding paragraph means activities which violate the provisions of Article 19, paragraph (1), or activities committed by those listed in Article 70, paragraph (1), items (i) to (iii)-2, (v), (vii), (vii)-2, or (viii)-2 to (viii)-4, and for which he/she has received reward or other income.

Article 74 (1) Any person who has had collective stowaways (those aliens in groups who intend to land in Japan without obtaining permission for landing from an immigration inspector, or intend to land obtaining permission for landing from an immigration inspector by deceit or other wrongful means; the same shall apply hereinafter) under his/her control enter into Japan or land in Japan shall be punished with imprisonment with work for not more than 5 years or a fine not exceeding 3 million yen.

(2) In cases where the person has committed the crime set forth in the preceding paragraph for the purpose of profit, he/she shall be punished with imprisonment with work for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen.

(3) Attempts of the crimes set forth in the preceding two paragraphs (limited to the part pertaining to the act of having the stowaways land) shall be punished.

Article 74-2 (1) Any person who has transported collective stowaways under his/her control heading toward Japan, or who has transported them to a place of landing in the territory of Japan, shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 2 million yen.

(2) In cases where the person has committed the crime set forth in the preceding paragraph for the purpose of profit, he/she shall be punished with imprisonment with work for not more than 7 years and a fine not exceeding 5 million yen.

Article 74-3 Any person who has prepared vessels or aircraft for criminal use with the intention of committing the crime set forth in Article 74, paragraph

(1) or (2), or the preceding Article shall be punished with imprisonment with work for not more than 2 years or a fine not exceeding 1 million yen. The same shall be applied to any person who knowingly provided vessels or aircraft for criminal use.

Article 74-4 (1) Any person who has received, from another person who committed the crimes set forth in Article 74, paragraph (1) or (2), all or some of the aliens aided to land, or who has transported, harbored, or has enabled the aliens received to escape, shall be punished with imprisonment with work for not more than 5 years or a fine not exceeding 3 million yen. Any person who has received all or some of the aliens from the person who originally received them, or who has transported, harbored or has enabled the aliens received to escape, shall be punished in the same manner.

(2) In cases where the person has committed the crime set forth in the preceding paragraph for the purpose of profit, he/she shall be punished with imprisonment with work for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen.

(3) Attempts of the crimes set forth in the preceding two paragraphs shall be punished.

Article 74-5 Any person who has made preparations with the intention of committing the crimes set forth in the preceding Article, paragraph (1) or (2), shall be punished with imprisonment with work for not more than 2 years or a fine not exceeding 1 million yen.

Article 74-6 Any person who has made the acts prescribed in Article 70, paragraph (1), item (i) or (ii) (hereinafter referred to as "illegal entry or landing") easier to commit for the purpose of profit shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 3 million yen, or shall be subject to the cumulative imposition of imprisonment and a fine.

Article 74-6-2 (1) A person falling under any of the following items shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 3 million yen, or shall be subject to the cumulative imposition of imprisonment with work and a fine.

(i) A person who, for the purpose of aiding another to commit illegal entry or landing, has received a refugee travel document, travel certificate, crew member's pocket-ledger or re-entry permit issued by an authorized organization of Japan by deceit or other wrongful means.

(ii) A person who has possessed, offered or received the following documents for

the purpose of aiding another to commit illegal entry or landing.

- (a) Fraudulent documents produced as a passport (except for passports prescribed in Article 2, items (i) and (ii) of the Passport Act and travel certificates prescribed in Article 19-3, paragraph (1) of the same act; hereinafter the same shall apply in this paragraph), crew member's pocket-
ledger or re-entry permit.
- (b) A passport, crew member's pocket-
ledger or re-entry permit that is
invalid to the person who commits illegal entry or landing.
- (iii) A person who, for the purpose of violating the provisions of Article 70,
paragraph (1), item (i) or (ii), has received a refugee travel document, travel
certificate, crew member's pocket-
ledger or re-entry permit issued by an
authorized organization in Japan by deceit or other wrongful means.
- (iv) A person who has possessed, offered or received the following documents
for the purpose of violating the provisions of Article 70, paragraph (1), item
(i) or (ii).
 - (a) Fraudulent documents produced as a passport, crew member's pocket-
ledger or re-entry permit.
 - (b) A passport, crew member's pocket-
ledger or re-entry permit that is
invalid to the possessor.
- (2) Any person who has committed the crime set forth in the provisions of item (i)
or (ii) of the preceding paragraph for the purpose of profit shall be punished
with imprisonment with work for not more than 5 years and a fine not
exceeding 5 million yen.

Article 74-6-3 Attempts to commit the crimes (except for the part pertaining to
possession) set forth in the preceding Article shall be punished.

Article 74-7 Crimes set forth in Article 73-2, paragraphs (1) and (2), Article 74-2
(except for the part pertaining to transportation within Japanese territory),
Article 74-3 and the preceding three Articles shall comply with the cases set
forth in Article 2 of the Penal Code.

- Article 74-8 (1) Any person who has harbored or enabled the aliens who fall
under either Article 24, item (i) or item (ii) to escape for the purpose of
allowing the aliens to avoid deportation, shall be punished with imprisonment
with work for not more than 3 years or a fine not exceeding 3 million yen.
- (2) In cases where a person has committed the crime set forth in the preceding
paragraph for the purpose of profit, he/she shall be punished with
imprisonment with work for not more than 5 years and a fine not exceeding 5
million yen.
 - (3) Attempts to commit the crime set forth in the preceding two paragraphs shall

be punished.

Article 75 Any person who has failed to appear without justifiable reason, refused to testify or swear an oath or has given false testimony in violation of the provisions of Article 10, paragraph (5) (including cases where it is applied *mutatis mutandis* pursuant to Article 48, paragraph (5)) shall be punished with a fine not exceeding 200,000 yen.

Article 76 Any person who falls under any of the following items shall be punished with a fine not exceeding 100,000 yen.

- (i) A person who does not carry a passport or a permit on his person in violation of the provisions of Article 23, paragraph (1) (except for special permanent residents).
- (ii) A person who has refused to present a passport or a permit in violation of the provisions of Article 23, paragraph (2).

(Concurrent Impositions)

Article 76-2 In cases where the representative of a juridical person, the agent of a juridical person or of a person, the employee of a juridical person or a person, or any other person working for a juridical person or a person, has committed the crimes set forth in Article 73-2 to 74-6, the crimes set forth in Article 74-6-2 (except for paragraph (1), items (iii) and (iv)) or attempts thereof, or crimes set forth in Article 74-8 in relation to the business of the juridical person or the person, the juridical person or the person, along with the person who has committed the crime, shall be punished with the fine of each provision.

(Civil Fines)

Article 77 Any person who falls under any of the following items shall be punished with a civil fine not exceeding 500,000 yen.

- (i) A person who has refused to undergo or has obstructed the examination or any other duties which are executed by an immigration inspector in violation of the provisions of Article 56.
- (i)-2 A person who has, in violation of the provisions of Article 56-2, let aliens enter Japan, without checking their passport, crew member's pocket-ledger or re-entry permit.
- (ii) A person who fails to make a report or makes a false report in violation of the provisions of Article 57, paragraph (1) or (2), fails to make a report in violation of the provisions of paragraph (3) of the same Article, or fails to make a report or makes a false report in violation of the provisions of paragraph (4) or (5) of the same Article.
- (iii) A person who has failed to take preventive measures against landing in

violation of the provisions of Article 58.

(iv) A person who has neglected to send back an alien in violation of the provisions of Article 59.

Article 77-2 Any special permanent resident who does not carry a passport or a permit on his/her person in violation of the provisions of Article 23, paragraph (1), shall be punished with a civil fine not exceeding 100,000 yen.

(Confiscation)

Article 78 Any vessel or aircraft or vehicle used for a criminal act prescribed in Article 70, paragraph (1), item (i), Article 74, Article 74-2 or Article 74-4 which is owned or possessed by an offender shall be confiscated. However, this shall not apply if the vessel or aircraft or the vehicle is owned by a person other than the offender and falls under any of the following:

(i) If it is recognized that the person has had ownership of the vessel or aircraft or the vehicle since the time the crime was committed without previous knowledge of the commitment of the crimes set forth in Article 70, paragraph (1), item (i), Article 74, Article 74-2 or Article 74-4.

(ii) If it is recognized that the vessel or aircraft or the vehicle was acquired after the crime prescribed in the preceding item was committed, without knowledge that it had been involved in a crime.

Appended Table I (Re: Art. 2-2, 5, 7, 7-2, 19, 22-3, 22-4, 24, 61-2-2 and 61-2-8)

(1)

Status of Residence	Authorized Activities
Diplomat	Activities on the part of constituent members of diplomatic missions or consular offices of foreign governments hosted by the Japanese Government; activities on the part of those who are provided with similar privileges and/or immunities as are granted to diplomatic missions pursuant to treaties or international customary practices; and activities on the part of their family members belonging to the same household.
Official	Activities on the part of those who engage in the official business of foreign governments or international organizations recognized by the Japanese Government; and activities on the part of their family members belonging to the same household (except for the activities listed in the right-hand column under this table's "Diplomat" column).
Professor	Activities for research, guidance of research or education at a college, an equivalent educational institutions or a college of technology (kotosenmongakko).

Artist	Activities for the arts that provide income, including music, the fine arts, literature, etc. (except for the activities listed in the right-hand column under the "Entertainer" column of Table (2)).
Religious Activities	Missionary and other religious activities conducted by foreign religious workers dispatched by a foreign religious organization.
Journalist	News coverage and other journalistic activities conducted based on a contract with a foreign journalistic organization.

(2)

Status of Residence	Authorized activities
Investor/Business Manager	Activities to commence the operation of international trade or other business, to invest in international trade or other business and to operate or manage that business, or to operate or manage international trade or other business on behalf of the aliens (including the foreign juridical persons; hereinafter the same shall apply in this section) who have begun such an operation or have invested in such a business (except for the activities to engage in the operation or management of the business which is not allowed without the legal qualifications listed in the right-hand column of this table's "Legal/Accounting Services" column).
Legal/Accounting Services	Activities to engage in legal or accounting business, which is required to be carried out by registered foreign lawyers (Gaikokuhojimubengoshi) or certified public accountants (Gaikokukoninkaikeishi) or those with other legal qualifications.
Medical Services	Activities to engage in medical treatment services, which are required to be undertaken by physicians, dentists or those with other legal qualifications.
Researcher	Activities to engage in research based on a contract with a public or private organization in Japan (except for the activities listed in the right-hand column of the "Professor" column of Table (1)).
Instructor	Activities to engage in language instruction and other education at an elementary school, lower secondary school, upper secondary school, secondary educational school (chutokyoikugakko), school for special needs education, advanced vocational school (senshugakko), vocational school (kakushugakko) or other educational institution equivalent to a vocational school in facilities and curriculum.

Engineer	Activities to engage in services, which require technology and/or knowledge pertinent to physical science, engineering or other natural science fields, based on a contract with a public or private organization in Japan (except for the activities listed in the right-hand column of the "Professor" column of Table (1) and except for the activities listed in the right-hand column of the "Investor/Business Manager", "Medical Services", "Researcher", "Instructor", "Intra-company Transferee" and "Entertainer" columns of this table).
Specialist in Humanities/International Services	Activities to engage in services, which require knowledge pertinent to jurisprudence, economics, sociology or other human science fields or to engage in services which require specific ways of thought or sensitivity based on experience with foreign culture, based on a contract with a public or private organization in Japan (except for the activities listed in the right-hand column of the "Professor", "Artist" and "Journalist" columns of Table (1), and except for the activities listed in the right-hand column of the "Investor/Business Manager", "Legal/Accounting Services", "Medical Services", "Researcher", "Instructor", "Intra-company Transferee" and "Entertainer" columns of this table).
Intra-company Transferee	Activities on the part of a personnel who is transferred to a business office in Japan for a limited period of time from a business office established in a foreign country by a public or private organization which has a head office, branch office or other business office in Japan and who engages at this business office in the activities listed in the right-hand column of the "Engineer" and "Specialist in Humanities/International Services" columns of this table.
Entertainer	Activities to engage in theatrical performances, musical performances, sports or any other form of show business (except for the activities listed in the right-hand column of the "Investor/Business Manager" column of this table).
Skilled Labor	Activities to engage in services, which require industrial techniques or skills belonging to special fields based on a contract with a public or private organization in Japan.

(3)

Status of Residence	Authorized Activities
Cultural Activities	Academic or artistic activities that provide no income, or activities for the purpose of pursuing specific studies on Japanese culture or arts, or activities for the purpose of learning and acquiring Japanese culture or arts under the guidance of experts (except for the activities listed in the right-hand column of the "College Student", "Pre-college Student" and "Trainee" columns of Appended Table (4)).

Temporary Visitor	Sightseeing, recreation, sports, visiting relatives, inspection tours, participating in lectures or meetings, business contact or other similar activities during a short period of stay in Japan.
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(4)

Status of Residence	Authorized Activities
College Student	Activities to receive education at a college or an equivalent educational institution, specialized courses of study at an advanced vocational school (senshugakko), educational institutions designated for preparing persons who have completed 12 years of education at a school in a foreign country to enter a college, or a college of technology (kotosenmongakko).
Pre-college Student	Activities to receive education at an upper secondary school (including the latter course of a secondary educational school (chutokyoikugakko), high school course of a school for special needs education, higher or general course of an advanced vocational school (senshugakko), or a vocational school (kakushugakko) (except for the educational institution prescribed in the "College Student" column of this table) or other educational institution which is equivalent to a vocational school in facilities and curriculum.
Trainee	Activities to learn and acquire technology, skills or knowledge at a public or a private organization in Japan (except for the activities listed in the right-hand column of the "College Student" and "Pre-college Student" columns of this table).
Dependent	Daily activities on the part of the spouse or unmarried minor who is supported by the alien staying in Japan with the status of residence referred to in the left-hand column of Appended Tables (1), (2) or (3) (except for "Diplomat", "Official" and "Temporary Visitor") or staying with the status of residence of "College Student", "Pre-college Student" or "Trainee" in this table.

(5)

Status of Residence	Authorized Activities
Designated Activities	Activities which are specifically designated by the Minister of Justice for aliens as activities that fall under any of the following a. to d.

	<p>a. Activities conducted based on a contract with a public or private organization in Japan (an organization conducting business activities that meet the requirements provided for by a Ministry of Justice ordinance of contributing to the efficient promotion of research or the development of industries related to specific fields requiring sophisticated expertise and which is an organization specifically designated by the Minister of Justice) for research, guidance of research, or education in such specific fields at the facilities of such an organization (in the case of education, only that which is provided at a college, an equivalent educational institution or a college of technology (kotosenmongakko) or in addition, the self-employment activities of managing a business related to research, guidance of research or education in such specific fields.</p> <p>b. Activities conducted based on a contract with a public or private organization in Japan (an organization conducting business activities that meet the requirements provided for by a Ministry of Justice ordinance of contributing to the development of industries related to information processing (information processing prescribed in Article 2, paragraph (1) of the Act on Promotion of Information Processing (Act No. 90 of 1970); hereinafter the same shall apply) and which is an organization specifically designated by the Minister of Justice) of engaging in information-processing-related services which require technology and/or knowledge pertinent to natural science fields or human science fields at an office of such an organization (an office of the other organization in cases where he/she is dispatched to another organization by such an organization as a temporary worker as prescribed in Article 2, item (ii) of the Act on Ensuring Proper Operation of the Manpower Dispatching Business and Improvement of Working Conditions of a Temporary Worker (Act No. 88 of 1985)).</p> <p>c. Daily activities on the part of the spouse or unmarried minor who is supported by the alien engaging in the activities listed in a. or b.</p> <p>d. Activities other than those listed in a. to c.</p>
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Appended Table II (Re: Art. 2-2 ,7, 22-3, 22-4, 61-2-2, and 61-2-8)

Status of Residence	Personal Status or Position for Which Residence is Authorized
Permanent Resident	Those who are permitted permanent residence by the Minister of Justice.
Spouse or Child of Japanese National	The spouses of Japanese nationals, the children adopted by Japanese nationals pursuant to the provisions of Article 817-2 of the Civil Code (Act No.89 of 1896) or those born as the children of Japanese nationals.

Spouse or Child of Permanent Resident	The spouses of those who stay with the status of residence of "Permanent Resident" or "Special Permanent Resident" (hereinafter referred to as "permanent or special permanent resident"), those born as children of a permanent or special permanent resident in Japan who has been residing in Japan.
Long-Term Resident	Those who are authorized to reside in Japan with a designation of period of stay by the Minister of Justice in consideration of special circumstances.