

Immigration Control and Refugee Recognition Act

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

Chapter I General Provisions

(Purpose)

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

(Definition)

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

(i) Deleted.

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

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

(iii)-2 The term "refugee" means a refugee who falls under the provisions of Article 1 of the Convention relating to the Status of Refugees (hereinafter referred to as the "Refugee Convention") or the provisions of Article 1 of the Protocol relating to the Status of Refugees.

(iv) The term "Japanese consular officer" means a Japanese ambassador, minister or consular officer who is stationed in a foreign country.

(v) The term "passport" means any of the following documents:

(a) A passport, a refugee travel document or any other certificate in lieu of the passport (including a travel certificate issued by a Japanese consular officer) issued by the Japanese Government, a foreign government recognized by the Japanese Government or any authorized international organization.

(b) A document which is equivalent to one of the documents listed in (a), issued by any authorized organization of the region as provided for by Cabinet Order.

(vi) The term "crew member's pocket-ledger" means a mariner's pocket-ledger or any other equivalent document issued to a crew member by an authorized organization.

(vii) The term "trafficking in persons" means any of the following acts:

(a) The kidnapping, buying or selling of persons for the purpose of profit, indecency or threats to a person's life or body, or delivering, receiving,

- transporting or hiding such persons who have been kidnapped, bought or sold;
- (b) In addition to the acts listed in sub-item (a) above, placing persons under 18 years of age under one's control for the purpose of profit, indecency or threats to a person's life or body;
 - (c) In addition to the acts listed in sub-item (a), delivering persons under 18 years of age, knowing that they will be or are likely to be placed under the control of a person who has the purpose of profit, indecency or threat to their lives or bodies.
- (viii) The term "port of entry or departure" means a seaport or airport at which a foreign national enters or departs from Japan, as provided for by Ordinance of the Ministry of Justice.
 - (ix) The term "carrier" means an operator who is engaged in the business of transporting persons or goods by means of vessels or aircraft between Japan and areas outside of Japan.
 - (x) The term "immigration inspector" means an immigration inspector as provided in Article 61-3.
 - (xi) The term "supervising immigration inspector" means an immigration inspector of supervisory rank designated by the Minister of Justice.
 - (xii) The term "special inquiry officer" means an immigration inspector designated by the Minister of Justice and authorized to hold hearings.
 - (xii)-2 The term "refugee inquirer" means an immigration inspector designated by the Minister of Justice to execute the duties prescribed in Article 61-3, paragraph (2), item (ii) (limited to the parts pertaining to Article 22-4, paragraph (2), as applied mutatis mutandis to Article 61-2-8, paragraph (2)) and in item (vi) (limited to the parts pertaining to Article 61-2-14, paragraph (1)).
 - (xiii) The term "immigration control officer" means an immigration control officer as provided in Article 61-3-2.
 - (xiv) The term "investigation into violations" means an investigation conducted by an immigration control officer into violations of laws or regulations upon entry, landing or residence of a foreign national.
 - (xv) The term "immigration detention center" means the immigration detention center provided for in Article 13 of the Act for Establishment of the Ministry of Justice (Act No. 93 of 1999).
 - (xvi) The term "detention house" means the detention facility provided for in Article 61-6.

(Status of Residence and Period of Stay)

Article 2-2 (1) A foreign national may reside in Japan only under a status of residence (in the case of the status of residence of "Technical Intern Training",

including the category of item (i), sub-item (a) or (b) or item (ii), sub-item (a) or (b) listed in the right-hand column under "Technical Intern Training" of Appended Table I (2); the same shall apply hereinafter) determined by the permission for landing, the permission for acquisition or the permission for any changes thereof, except as otherwise provided in the Immigration Control and Refugee Recognition Act or other laws.

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

Chapter II Entry and Landing

Section 1 Entry of a Foreign National

(Entry of a Foreign National)

Article 3 (1) A foreign national who falls under any of the following items shall not enter Japan.

(i) A person who does not possess a valid passport (except for a crew member possessing a valid crew member's pocket-ledger).

(ii) A person who intends to land in Japan without receiving a seal of verification for landing or undergoing the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4), or without obtaining authorized permission for landing (hereinafter referred to as "permission for landing") from an immigration inspector (except for those set forth in the preceding item).

(2) A foreign national who seeks to become a crew member in Japan shall be deemed to be a crew member with regard to the application of the provisions of

the preceding paragraph.

Section 2 Landing of a Foreign National

Article 4 Deleted

(Denial of Landing)

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

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

deported from any other country pursuant to the provisions of any law or regulation of that country for killing, injuring, assaulting or threatening a person, or damaging a building or other object in relation to the process or results of an international competition or a competition of an equivalent scale or an international conference (hereinafter referred to as "international competition") or with the intent of preventing the smooth operation thereof, and is likely to kill, injure, assault or threaten a person, or damage a building or other object in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the 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 or a large number of persons.

- (vi) A person who illegally possesses any narcotics or psychotropic substances as prescribed in the Narcotics and Psychotropic Substances Control Act (Act No. 14 of 1953), marijuana as prescribed in the Marijuana Control Act (Act No. 124 of 1948), or poppy, opium or poppy plants as prescribed in the Opium Control Act (Act No. 71 of 1954), stimulants or raw materials used to make stimulants as prescribed in the Stimulants Control Act (Act No. 252 of 1951), or any apparatus used to smoke or eat opium.
- (vii) A person who has engaged in prostitution, or intermediation or solicitation of prostitutes for other persons or provision of a place for prostitution, or any other business directly connected to prostitution (except for those who have engaged in these businesses under the control of another due to trafficking in persons).
- (vii)-2 A person who has committed trafficking in persons or incited or aided another to commit it.
- (viii) A person who illegally possesses firearms, swords or other such weapons as prescribed in the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons (Act No. 6 of 1958) or explosives as provided for by the Explosives Control Act (Act No. 149 of 1950).
- (ix) A person who falls under any of (a) to (d) below where the period set forth in the relevant provision has not yet elapsed:
 - (a) A person who has been denied landing for any of the reasons prescribed in the provisions of either item (vi) or the preceding item: 1 year from the date of denial.
 - (b) A person who has been deported from Japan for any of the reasons set forth in any of the items under Article 24 (except for item (iv), sub-items (1) to (o), and item (iv)-3) and who has not previously been deported from

- Japan or has not departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1), before the aforesaid date of deportation: 5 years from the date of deportation.
- (c) A person (except for one listed in sub-item (b)) who has previously been deported from Japan for falling under any of the items of Article 24 (except for item (iv), sub-items (1) 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 that they are such officials;
 - (b) A political party or organization which encourages illegal damage to or destruction of public facilities;
 - (c) A political party or organization which encourages acts of dispute such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace;
 - (xiii) A person who attempts to prepare, distribute, or exhibit printed matters,

motion pictures, or any other documents or drawings to attain the objectives of any political party or organization prescribed in item (xi) or the preceding item.

(xiv) In addition to those persons listed in items (i) to (xiii), a person whom the Minister of Justice has reasonable grounds to believe is likely to commit an act which could be detrimental to the interests or public security of Japan.

(2) Even in cases where a foreign national seeking to land in Japan does not fall under any of the items of the preceding paragraph, if the country of which he or she is a national or citizen denies landing to a Japanese national for any reason other than those set forth in the items of the preceding paragraph, the Minister of Justice may deny his/her landing for the same reason.

(Special Cases of Denial of Landing)

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

Chapter III Procedures for landing

Section 1 Examination for Landing

(Application for Landing)

Article 6 (1) Any foreign national (except for a crew member; hereinafter the same shall apply in this Section) who seeks to land in Japan shall possess a valid passport with a visa issued by a Japanese consular officer. However, a visa is not required for the passport of a foreign national for whom a visa issued by a Japanese consular officer is deemed unnecessary pursuant to an international agreement or through notification to that effect from the Japanese Government to a foreign government or for the passport of a foreign national for whom re-entry permission pursuant to the provisions of Article 26 has been granted or for whom a refugee travel document has been issued pursuant to the provisions of Article 61-2-12.

(2) The foreign national set forth in the first sentence of the preceding paragraph shall apply for landing with an immigration inspector at the port of entry or departure where he seeks to land and undergo an examination for landing in

accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(3) A foreign national who seeks to apply for landing as set forth in the preceding paragraph shall provide an immigration inspector with personal identification information (fingerprints, photographs or other information as provided for by Ordinance of the Ministry of Justice that serves to identify the individual; the same shall apply hereinafter) in an electromagnetic form (an electronic form, a magnetic form or any other form that cannot be recognized by human perception; the same shall apply hereinafter) for use by a computer as provided for by Ordinance of the Ministry of Justice which is utilized for personal identification of the applicant, pursuant to the provisions of the Ordinance of the Ministry of Justice. However, this shall not apply to a person who falls under any of the following items:

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

(Immigration Inspector's Examination)

Article 7 (1) When the application set forth in paragraph (2) of the preceding Article is made, an immigration inspector shall conduct an examination of the said foreign national as to whether or not he or she conforms to each of the following conditions for landing in Japan (With respect to a foreign national who has 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 foreign national and the visa affixed thereto, if such is required, must be valid.
- (ii) The activities stated in the application to be engaged in while in Japan must not be false, and must fall under any of the activities listed in the right-hand column of Appended Table I (activities listed in the right-hand column of item (ii) "Technical Intern Training" of Appended Table I (2) shall be excluded; with respect to the activities listed in the right-hand column of Appended Table I (5) (limited to the part pertaining to d.), the proposed

activities must be activities designated by the Minister of Justice in a public notice), or the activities of a person with a status or position listed in the right-hand column of Appended Table II (the position listed in the right-hand column under "Permanent Resident" shall be excluded; with respect to the position listed under "Long-Term Resident," a proposed position must be a position designated by the Minister of Justice in a public notice), and with respect to those who intend to engage in the activities listed in the right-hand column of Appended Table I (2) and (4) and in the right-hand column of Appended Table I (5) (limited to the part pertaining to b.), the activities shall conform to the conditions provided for by Ordinance of the Ministry of Justice which shall be provided for in consideration of factors including but not limited to the effects on Japanese industry and public welfare.

- (iii) The period of stay stated in the application must conform to the provisions of the Ordinance of the Ministry of Justice pursuant to the provisions of Article 2-2, paragraph (3).
- (iv) The foreign national must not fall under any of the items of Article 5, paragraph (1) (in the case of a foreign national for whom the provisions of Article 5-2 have been applied, in the case that, based on the specific grounds prescribed in the same Article, the foreign national falls under Article 5, paragraph (1), items (iv), (v), (vii), (ix) or (ix)-2, said foreign national must not fall under any of the items of the same paragraph based on grounds other than said specified grounds; the same shall apply hereinafter).
- (2) The foreign national subject to the examination set forth in the preceding paragraph shall prove that he or she conforms to the conditions for landing prescribed therein. In this case, a foreign national who seeks to engage in an activity listed in the right-hand column of (5) of Appended Table I (only the parts pertaining to (a) to (c)) shall use the certificate as provided for in the following Article to prove that he or she conforms to the conditions listed in item (ii) of the same paragraph.
- (3) The Minister of Justice shall consult with the heads of the relevant administrative organs in prescribing the Ordinance of the Ministry of Justice set forth in paragraph (1), item (ii).
- (4) Notwithstanding the provisions of paragraph (1), if a foreign national who an immigration inspector acknowledges does not fall under any item of paragraph (3) of the preceding Article fails to provide personal identification information pursuant to the provisions of the same paragraph, the inspector shall deliver the foreign national to a special inquiry officer for a hearing pursuant to the provisions of Article 10.

(Certificate of Eligibility)

Article 7-2 (1) Upon advance application by a foreign national intending to land

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

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

(Boarding of a Vessel or Aircraft)

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

(Seal of Verification for Landing)

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

- (2) In the case referred to the preceding paragraph, the determination of whether the foreign national falls under Article 5, paragraph (1), item (i) or item (ii) shall be made subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or by the Minister of Justice.

- (3) The immigration inspector shall, when affixing the seal of verification for landing set forth in paragraph (1), decide the status of residence and period of stay of the foreign national concerned and enter it clearly in his/her passport. However, this shall not apply in cases where the foreign national lands with the re-entry permission pursuant to the provisions of Article 26, paragraph (1), or 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 a foreign national who falls under any of the following items conforms to the conditions for landing prescribed in Article 7, paragraph (1), he may record the foreign national's name, date of landing, the port of entry or departure at which the foreign national lands and other data as provided by Ordinance of the Ministry of Justice in a file available on a computer to be used as a record and substituted for the seal of verification for landing as provided for by Ordinance of the Ministry of Justice. In this case, notwithstanding the provisions of paragraph (1) of this Article, the immigration inspector does not have to affix the seal of verification set forth in the same paragraph.

- (i) The foreign national is registered pursuant to the provisions of paragraph (7) of this Article.
 - (ii) The foreign national has provided personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice when applying for landing.
- (5) Except for cases where a seal of verification for landing is affixed pursuant to the provisions of paragraph (1) or where the prescribed data is recorded pursuant to the provisions of the preceding paragraph, the immigration inspector shall deliver the foreign national to a special inquiry officer for a hearing pursuant to the provisions of the following Article.
- (6) Except for cases where the special provisions of Section 4 apply, a foreign national shall not land unless he/she has had his/her passport endorsed with a seal of verification for landing pursuant to the provisions of paragraph (1) of this Article, paragraph (8) of the following Article or Article 11, paragraph (4), or where he/she has had his/her prescribed data recorded pursuant to the provisions of paragraph (4) of this Article.
- (7) If a foreign national residing in Japan wishes to depart from Japan with the intention of re-entering Japan and falls under all of the following items (except for item (iii) in the case of a special permanent resident) and wishes to have his/her prescribed data recorded pursuant to the provisions of paragraph (4) of this Article at the port of entry or departure at which he/she lands, the Minister of Justice may register to that effect pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (i) The foreign national 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 foreign national has provided personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
 - (iii) The foreign national does not fall under any of the items of Article 5, paragraph (1) at the time of such registration.

Section 2 Hearing and Filing of an Objection

(Hearing)

- Article 10 (1) A special inquiry officer shall, when he/she has taken delivery of a foreign national pursuant to the provisions of Article 7, paragraph (4) or paragraph (5) of the preceding Article, promptly conduct a hearing on the foreign national.
- (2) The special inquiry officer shall, when he/she has conducted a hearing,

prepare a record thereof.

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

(11) If the foreign national, upon receipt of the notice set forth in the preceding paragraph, has no objection to the findings set forth in the preceding paragraph, the special inquiry officer shall order the foreign national to depart from Japan after he/she has signed a statement that he/she will not file an objection, and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

(Filing of an Objection)

Article 11 (1) If a foreign national who has received the notice set forth in paragraph (10) of the preceding Article has an objection to the findings, he/she may, within 3 days from receipt of the notice, file an objection with the Minister of Justice by submitting a document with a statement of his/her complaint to a supervising immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(2) If the objection set forth in the preceding paragraph is filed, the supervising immigration inspector shall submit to the Minister of Justice the records of the hearing as set forth in paragraph (2) of the preceding Article and other pertinent documents.

(3) When the Minister of Justice has received the objection pursuant to the provisions of paragraph (1), he/she shall decide whether or not the objection is with reason and shall notify the supervising immigration inspector of such decision.

(4) The supervising immigration inspector shall, upon receiving notice of a decision from the Minister of Justice to the effect that the objection is with reason, immediately affix the seal of verification for landing to the passport of the foreign national.

(5) The provisions of Article 9, paragraph (3) shall apply mutatis mutandis to the affixing of the seal of verification for landing set forth in the preceding paragraph.

(6) The supervising immigration inspector shall, if he/she has received from the Minister of Justice a notice of a decision to the effect that the objection is without reason, inform the foreign national promptly of the decision and order him/her to depart from Japan, and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

(Special Cases of Decisions by the Minister of Justice)

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

concerned if he/she falls under any of the following items.

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

Section 3 Provisional Landing and Other Related Matters

(Permission for Provisional Landing)

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

- (6) If the supervising immigration inspector has reasonable grounds to suspect that a foreign national who has been granted the permission set forth in paragraph (1) is likely to flee, he/she may issue a written detention order and have the foreign national detained by an immigration control officer.
- (7) The provisions of Articles 40, 41 and Article 42, paragraph (1) shall apply mutatis mutandis to the detention pursuant to the provisions of the preceding paragraph. In this case, "the written detention order set forth in paragraph (1) of the preceding Article" in Article 40 shall be deemed to be replaced with "the written detention order set forth in Article 13, paragraph (6)"; "the suspect" with "the foreign national granted permission for provisional landing"; and "the summary of the suspected offense" with "grounds for detention", respectively. In Article 41, paragraph (1), the passage, "shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period once for an additional 30 days" shall be deemed to be replaced with "for a period of time preceding the completion of procedures for landing provided for in Chapter III which the supervising immigration inspector finds to be necessary"; and in paragraph (3) of the same Article and Article 42, paragraph (1), "a suspect" shall be deemed to be replaced with "a foreign national granted permission for provisional landing".

(Place of Stay for a Foreign National Ordered Exclusion)

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

- (2) The special inquiry officer or the supervising immigration inspector shall, when designating the facility and the period set forth in the preceding paragraph, likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

Section 4 Special Cases of Landing

(Permission for Landing at a Port of Call)

Article 14 (1) An immigration inspector may grant a foreign national (except for crew members) aboard a vessel or aircraft permission for landing at a port of call if he/she is to proceed via Japan to an area outside Japan and wishes to

land and stay for not more than 72 hours in an area in the vicinity of the port of entry or departure upon an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft. However, this shall not apply to a foreign national who falls under any of the items of Article 5, paragraph (1) (this excludes the case where the provisions of Article 5-2 have been applied for a foreign national who falls under any of the items of Article 5, paragraph (1) based on the specific grounds set forth in Article 5-2 and no other grounds; the same shall apply hereinafter).

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

(Permission for Landing in Transit)

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

- (2) An immigration inspector may, upon application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft, grant a foreign national (except for crew members) aboard the vessel or aircraft permission for landing in transit when such foreign national wishes to proceed via Japan to an area outside Japan and to depart from Japan within 3 days of his/her entry into Japan from another port of entry or departure in the vicinity of the port at which the said foreign national entered Japan on board a vessel or aircraft other than the one on which the foreign national arrived in Japan.
- (3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall affix a seal of verification for landing in transit to the passport of the foreign national concerned.
- (5) In granting the permission set forth in paragraph (1) or (2), the immigration inspector may impose restrictions on the foreign national's period of landing, transit route and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) The provisions of the proviso to paragraph (1) of the preceding Article shall apply mutatis mutandis in the cases referred to in paragraphs (1) and (2) of this Article.

(Landing Permission for Crew Members)

Article 16 (1) An immigration inspector may grant landing permission for crew members to a foreign crew member (including those who became crew members in Japan; hereinafter the same shall apply in this Article) who wish to land for a period not exceeding 15 days for the purpose of transferring to another vessel or aircraft (including the boarding of a vessel or aircraft), rest, shopping or other similar purposes upon application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft (including the vessel or aircraft he/she is to board) in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(2) An immigration inspector may grant landing permission for crew members to a crew member who falls under any of the following items if he/she finds that there are reasonable grounds to do so:

(i) Where a foreign crew member of a vessel placed on regular service between Japan and other countries or of other vessels frequently entering Japanese ports of entry and departure wishes to land in Japan for rest, shopping or other similar purposes on multiple occasions within 1 year from the date of permission, upon application by the captain of the vessel or the carrier who operates the vessel on which the foreign national is aboard, in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(ii) Where a foreign crew member of a carrier engaged in regular airline services between Japan and other countries wishes to land in Japan for a period not exceeding fifteen days from each arrival date for rest, shopping or other similar purposes and to depart from the same airport of entry or departure as a crew member of an aircraft belonging to the same carrier on multiple occasions within 1 year from the date of permission, upon application by the carrier concerned, in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding two

paragraphs, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a crew member's landing permit to the crew member concerned.
- (5) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the crew member's period of landing, area of movement (including the route to be followed in transit) and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) The provisions of the proviso to Article 14, paragraph (1), shall apply *mutatis mutandis* in the cases referred to in paragraphs (1) and (2) of this Article.
- (7) When the crew member who has been granted the permission set forth in paragraph (2) of this Article intends to land based on such permission, the immigration inspector may, if he/she finds it necessary, require the crew member to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (8) When the crew member who has been granted the permission set forth in paragraph (2) intends to land based on such permission, and when the immigration inspector finds that the crew member falls under any of the items of Article 5, paragraph (1), the immigration inspector shall revoke the permission immediately.
- (9) In addition to the cases referred to in the preceding paragraph, the immigration inspector may revoke the permission, in accordance with the procedures provided for by Ordinance of the Ministry of Justice, if the immigration inspector finds it inappropriate to continue granting the permission concerned. In this case, when the crew member is in Japan, the immigration inspector shall designate a period within which the crew member shall return to his/her ship or depart from Japan.

(Permission for Emergency Landing)

Article 17 (1) In the case of disease or any other accident which urgently requires the landing of a foreign national aboard a vessel or aircraft for the purpose of medical treatment, an immigration inspector may grant permission for emergency landing to the foreign national concerned based on an application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft until the cause thereof ceases to exist, subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.

- (2) When the immigration inspector finds it necessary for an examination

pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

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

(Landing Permission Due to Distress)

Article 18 (1) If a vessel or aircraft is in distress and an immigration inspector finds it necessary for the rescue and protection of foreign victims on board the vessel or aircraft or for any other emergency response measures, he/she may grant the foreign nationals concerned landing permission due to distress based on an application by the mayor of the city, town or village which is carrying out the rescue and protection work pursuant to the provisions of the Sea Casualties Rescue Act (Act No. 95 of 1899), or upon an application by the captain of a vessel or aircraft which has carried out the rescue and protection of the foreign victims, the captain of the vessel or aircraft in distress or the carrier who operates the vessel or aircraft.

- (2) The immigration inspector shall grant permission for landing due to distress immediately, notwithstanding the provisions of the preceding paragraph, when he/she has taken delivery of the foreign national set forth in the preceding paragraph by a police official or coast guard officer.
- (3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in paragraph (1) of this Article, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice. This will also apply if he/she finds it necessary when taking delivery of the foreign national pursuant to the provisions of the preceding paragraph.
- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a landing permit due to distress to the foreign national concerned.
- (5) In granting the permission set forth in paragraph (1) or paragraph (2), the immigration inspector may impose restrictions on the foreign national's period of landing, area of movement and other necessary conditions pursuant to the

provisions of an Ordinance of the Ministry of Justice.

(Landing Permission for Temporary Refuge)

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

(i) A person who has entered Japan for the reasons prescribed in Article 1, paragraph A-(2) of the Refugee Convention or other reasons equivalent thereto after fleeing from a territory where his/her life, body or physical freedom were threatened.

(ii) It would be appropriate for temporary landing permission to be granted.

(2) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

(3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue a landing permit for temporary refuge to the foreign national concerned.

(4) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the foreign national's period of landing, place of residence, area of movement and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.

Chapter IV Residence and Departure

Section 1 Residence, Change of Status of Residence, Revocation and Other Related Matters

(Scope of Activities)

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

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

listed in the right-hand column of those tables corresponding to each status of residence.

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

(Certificate of Authorization for Employment)

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

(Change of Status of Residence)

- Article 20 (1) Any foreign national residing under a certain status of residence

may have such status of residence (including the relevant period of stay; hereinafter the same shall apply in paragraphs (1) to (3) and in the following Article) changed (in the case of a foreign national residing under the status of residence of "Technical Intern Training" (limited to those pertaining to items (ii), sub-item (a) or (b) in the right-hand column pertaining to "Technical Intern Training" in Appended Table I-(2)), including a change to a different public or private organization in Japan designated by the Minister of Justice, and in the case of a foreign national residing under the status of residence of "Designated Activities," including a change in the activities specifically designated by the Minister of Justice with respect to the person concerned).

- (2) Any foreign national who wishes to have his/her status of residence changed pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for the change in the status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice. However, if he/she wishes to have his/her status of residence changed to that of "Permanent Resident", he/she shall comply with the procedures pursuant to the provisions of Article 22, paragraph (1).
- (3) When an application for a change of a status of residence has been submitted as set forth in the preceding paragraph, the Minister of Justice may grant permission only when he/her finds that there are reasonable grounds to grant the change of the status of residence on the strength of the documents submitted by the foreign national. However, in the case of an application submitted by a person whose status of residence is "Temporary Visitor", permission shall not be granted unless the application is made based on special unavoidable circumstances.
- (4) When the permission set forth in the preceding paragraph has been granted, if the foreign national 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 foreign national, and if the foreign national does not have a passport in his/her possession, shall have the immigration inspector either issue to the foreign national 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.
- (5) In the case where an application pursuant to the provisions of paragraph (2) is made (except for an application by a foreign national who is granted permission with a period of stay of not more than 30 days), if the disposition for the application has not been made by the expiration date of the period of stay for the status of residence which the foreign national had at the time of the application, such foreign national may, even after the expiration date of the

period of stay, reside in Japan continuously under such status of residence until the date the disposition is made or 2 months from the date of the expiration of the previous period of stay, whichever comes first.

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

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

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

(Extension of Period of Stay)

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

(2) Any foreign national who wishes to have his/her period of stay extended pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for an extension of such period in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(3) When the application set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that there are reasonable grounds to grant the extension of the period of stay on the strength of the documents submitted by the foreign national.

(4) The provisions of Article 20, paragraph (4) shall apply mutatis mutandis to permission pursuant to the provisions of the preceding paragraph, and the provisions of the same Article, paragraph (5) shall apply mutatis mutandis to an application pursuant to the provisions of paragraph (2), respectively. In this case, "enter the new status of residence and period of stay in the passport," in paragraph (4) of the same Article shall be deemed to be replaced with "enter the new period of stay in the passport". In the same paragraph, "with the new status of residence and period of stay," shall be deemed to be replaced with,

"with the status of residence and the new period of stay". In the same paragraph, "enter the new status of residence and period of stay in the previously issued certificate" shall be deemed to be replaced with "enter the new period of stay in the previously issued certificate".

(Permission for Permanent Residence)

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

(2) When an application as set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that the foreign national conforms to the following items and that his/her permanent residence will be in accordance with the interests of Japan.

However, the following items do not have to be conformed to in the case of spouses and children of Japanese nationals, of residents with permanent residence status or of special permanent residents.

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

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

(3) When the permission set forth in the preceding paragraph has been granted, if the foreign national 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 foreign national's passport and affix a seal of verification for permanent residence in his/her passport. If the foreign national does not have his/her passport in his/her possession, the Minister of Justice shall have the immigration inspector issue to the foreign national a certificate of status of residence with permission for permanent residence. In this case, the permission will become effective as of the time the seal of verification is affixed or the certificate is issued.

(Acquisition of Status of Residence)

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

(2) A foreign national as described under the preceding paragraph who wishes to stay in Japan beyond the period set forth in the same paragraph shall apply to

the Minister of Justice for the acquisition of a status of residence in accordance with the procedures pursuant to the provisions of an Ordinance of the Ministry of Justice within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.

- (3) The provisions of Article 20, paragraphs (3) and (4) shall apply *mutatis mutandis* to the procedures for an application to acquire a status of residence prescribed in the preceding paragraph (except for an application to acquire the status of residence of permanent resident). In this case, "change of a status of residence" in Article 20, paragraph (3) shall be deemed to be replaced with "acquisition of a status of residence".
- (4) The provisions of the preceding Article shall apply *mutatis mutandis* to the procedures for an application to acquire the status of residence of permanent resident, in the course of an application to acquire the status of residence as prescribed in paragraph (2). In this case, "change his/her status of residence" in paragraph (1) of the preceding Article shall be deemed to be replaced with "acquire his/her status of residence"; in the same paragraph, "change his/her status of residence to that," shall be deemed to be replaced with, "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 foreign national'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 a foreign national who has received permission for landing for the temporary refuge prescribed in Article 18-2, paragraph (1), only in cases where he/she is to reside under any status of residence listed in the left-hand column of Appended Table I or II. In this case, "within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause" in paragraph (2) of the preceding Article shall be deemed to be replaced with, "within the period of landing pertaining to the permission for landing".

(Revocation of Status of Residence)

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

- (i) The foreign national has received, by deceit or other wrongful means, a seal

- of verification for landing (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section 1 or 2, on the consideration that he/she does not fall under any of the items of Article 5, paragraph (1).
- (ii) The foreign national has received, by deceit or other wrongful means, a seal of verification for landing (a seal of verification for landing or special permission pursuant to the provisions of Chapter III, Section 1 or 2 (limited to those with a decision of status of residence) or permission pursuant to the provisions of this Section (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 as those in which he/she intends to be engaged in the application for such permission are not false, and such activities fall under any of those listed in the right-hand column of Appended Table I or the activities of a person with the status or position listed in the right-hand column of Appended Table II.
- (iii) In addition to the cases listed in the preceding two items, the foreign national has received, by deceit or other wrongful means, a seal of verification for landing.
- (iv) In addition to the cases listed in the preceding three items, the foreign national has received, by submitting or presenting a document that contains a false entry (including a certificate pursuant to the provisions of Article 7-2, paragraph (1), obtained by submitting or presenting a document or drawing that contains a false entry or a visa obtained for the passport by submitting or presenting a document or drawing that contains a false entry), or a drawing that contains a false entry, a seal of verification for landing.
- (v) In addition to the cases listed in the preceding items, the foreign national residing under a status of residence listed in the left-hand column of Appended Table I has failed to continue to engage in the activities listed in the right-hand column corresponding to that status for three months or more while residing in Japan (except for cases in which the foreign national has a 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 foreign national.
- (3) The Minister of Justice shall notify the foreign national, in advance, of the date and place of the hearing as well as the facts constituting the grounds for the revocation when having a designated immigration inspector hear the foreign national's opinion pursuant to the provisions of the preceding paragraph.
- (4) The foreign national or his/her representative may appear on the date set

- forth in the preceding paragraph to state an opinion and submit evidence.
- (5) When the foreign national fails to appear at the hearing set forth in paragraph (2) without a justifiable reason, the Minister of Justice may, notwithstanding the provisions of the same paragraph, revoke the status of residence pursuant to the provisions of paragraph (1) without hearing the foreign national's opinion.
- (6) When revoking the status of residence pursuant to the provisions of paragraph (1) (limited to those provisions pertaining to items (iii) to (v)), the Minister of Justice shall designate a period not exceeding 30 days within which the foreign national 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 foreign national's residence and area of movement, and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.

Section 2 Conditions for Residence

(Carrying and Presentation of Passport)

- Article 23 (1) A foreign national staying in Japan shall carry his/her passport on his/her person at all times (for a foreign national listed in one of the following items, the document specified in the respective item). However, this shall not apply if the foreign national carries the alien registration certificate provided for in the Alien Registration Act (Act No. 125 of 1952) on his/her person.
- (i) A person who has been granted permission for provisional landing:
provisional landing permit
 - (ii) A person who has been granted landing permission for crew members: crew member's landing permit and passport or crew member's pocket-ledger
 - (iii) A person who has been granted permission for emergency landing:
emergency landing permit
 - (iv) A person who has been granted landing permission due to distress: landing permit due to distress
 - (v) A person who has been granted landing permission for temporary refuge:
landing permit for temporary refuge
 - (vi) A person who has been granted permission for provisional stay: permit for provisional stay
- (2) The foreign national set forth in the preceding paragraph shall present his/her passport, crew member's pocket-ledger or permit (hereinafter referred to as "Passport" in this Article) as set forth in the same paragraph to an immigration inspector, immigration control officer, police official, coast guard officer or any other official of a state or local public entity as provided for by Ordinance of the Ministry of Justice, if such official requests the presentation

of the Passport in the execution of his/her duties.

- (3) The official prescribed in the preceding paragraph shall, in cases where he/she requests presentation of the Passport, carry with him/her an identification card showing his/her official status and present it upon request.
- (4) The provisions referred to in the first sentence of paragraph (1) shall not apply to a foreign national under 16 years of age.

(Deportation)

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

- (i) A person who has entered Japan in violation of the provisions of Article 3.
- (ii) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.
- (ii)-2 A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to those provisions pertaining to item (i) or 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, has used, possessed or offered a forged, altered, or false document or drawing, or has incited or aided another to engage in any of the aforementioned acts with the intent of helping another foreign national to illegally obtain a certificate, a seal of verification for landing (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4)), special permission pursuant to the provisions of Chapter III, Section 1 or 2, permission for landing pursuant to the provisions of Chapter III, Section 4 or the permission pursuant to the provisions of Section 1 of this Chapter or Section 3 of the following Chapter.
- (iii)-2 A person who the Minister of Justice determines, based on reasonable grounds, is likely to commit a criminal act for the purpose of intimidating the general public and governments (hereinafter to be referred to in this item as a "criminal act for the purpose of intimidating the general public and governments") provided for in Article 1 of the Act for Punishment of the Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments (Act No. 67 of 2002), prepare to commit a criminal act for the purpose of intimidating the general public and governments, or facilitate a criminal act for the purpose of intimidating the general public and governments.

- (iii)-3 A person whose entry into Japan is required to be prevented pursuant to an international agreement.
- (iii)-4 A person who has engaged in any of the acts listed in (a) to (c) below, or has incited or aided another to engage in any of the listed acts.
 - (a) Having foreign nationals engage in illegal work (activities which violate the provisions of Article 19, paragraph (1), or activities engaged in by foreign nationals listed in Article 70, paragraph (1), item (i) to (iii)-2, (v), (vii), (vii)-2 or from (viii)-2 to (viii)-4, and for which the foreign national has received remuneration or other income) in connection with business activities.
 - (b) Placing a foreign national under his/her control for the purpose of having the foreign national engage in illegal work.
 - (c) Arranging on a regular basis the procurement of a foreign national to engage in illegal work or the act set forth in the sub-item (b).
- (iv) A foreign national residing in Japan (except for those to whom permission for provisional landing, permission for landing at a port of call, permission for landing in transit, landing permission for crew members, or landing permission due to distress has been granted) who falls under any of the following sub-items (a) to (o).
 - (a) A person who is clearly found to be engaged solely in activities related to the management of business involving income or activities for which he/she receives remuneration in violation of the provisions of Article 19, paragraph (1) (except for those under the control of another due to trafficking in persons).
 - (b) A person who has stayed in Japan beyond the authorized period of stay (including the period for which a person may reside in Japan pursuant to the provisions of Article 20, paragraph (5) (including cases in which it is applied mutatis mutandis in Article 21, paragraph (4))) without obtaining an extension or change thereof.
 - (c) A person who has committed trafficking in persons or has incited or aided another to commit trafficking in persons.
 - (d) A person who has been punished for violation of the provisions of paragraph (1) (except for item (vi)) to paragraph (3) of Article 23 of the Passport Act (Act No. 267 of 1951).
 - (e) A person who has been punished for violation of the provisions of Articles 74 to 74-6-3, or 74-8.
 - (f) A person who falls under any of the sub-items listed under (1) or (2) below.
 1. A person who has been sentenced to imprisonment without work or a heavier punishment for violation of the provisions of Article 73.
 2. A person who has been sentenced to imprisonment without work or a heavier punishment for violation of the provisions of laws and

regulations relating to alien registration, except for those who were found guilty with suspension of execution of sentences.

- (g) A person who is a juvenile as defined by the Juvenile Act (Act No. 168 of 1948) and who was sentenced on or after November 1, 1951, to imprisonment with or without work for a maximum period exceeding 3 years.
- (h) A person who was convicted on or after November 1, 1951, for violation of a provision of the Narcotics and Psychotropic Substances Control Act, the Marijuana Control Act, the Opium Control Act, the Stimulants Control Act, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation (Act No. 94 of 1991) or Part II, Chapter XIV of the Penal Code (Act No. 45 of 1907).
- (i) In addition to persons listed in sub-items (d) to (h), a person who was sentenced on or after November 1, 1951, to imprisonment with or without work for life or for a period of exceeding 1 year. However, this shall not apply to those who were found guilty with suspension of execution of sentences.
- (j) A person who engages or has engaged in prostitution, or intermediation or solicitation of prostitutes for others, or provision of a place for prostitution, or any other business directly connected to prostitution (except for those under the control of another due to trafficking in persons).
- (k) A person who has instigated, incited, or aided the illegal entry or illegal landing of another foreign national into Japan.
- (l) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any other organization which attempts or advocates the same.
- (m) A person who organizes, is a member of, or is closely affiliated with any of the following political parties or other organizations:
 - 1. A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or local public entities for the reason of their being such officials.
 - 2. A political party or organization which encourages illegal damage or destruction of public facilities.
 - 3. A political party or organization which encourages acts of dispute, such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace.
- (n) A person who has prepared, distributed or exhibited printed materials, motion pictures, or any other documents or drawings whose purpose is to

- attain the objectives of any political party or organization prescribed in sub-item (1) or (m).
- (o) In addition to those persons listed in sub-items (a) to (n), any other person who the Minister of Justice determines to have committed acts detrimental to the interests or public security of Japan.
- (iv)-2 A person who is staying in Japan with a status of residence listed in the left-hand column of Appended Table I and has been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, in the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters or in Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters and has been sentenced to imprisonment with or without work.
- (iv)-3 A person whose status of residence is "Temporary Visitor" who has illegally killed, injured, assaulted or threatened a person, or damaged or destroyed a building or other object in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the municipality where the venue is located (this refers to "ward" where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act) or to neighboring places provided for use to unspecified or a large number of persons.
- (v) A person who has been granted permission for provisional landing and flees or fails to appear at a summons without a justifiable reason in violation of conditions imposed pursuant to the provisions of Article 13, paragraph (3).
- (v)-2 A person who has been ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or (11), or Article 11, paragraph (6) but does not depart without delay.
- (vi) A person who has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crew members, permission for emergency landing, landing permission due to distress or landing permission for temporary refuge, but stays in Japan beyond the period entered in his/her passport or landing permit.
- (vi)-2 A person who has been designated a period for departure pursuant to the provisions of Article 16, paragraph (9), but does not return to his/her vessel or depart from Japan within that period.
- (vii) A person prescribed in Article 22-2, paragraph (1) who stays in Japan beyond the period prescribed in said paragraph without receiving permission pursuant to the provisions of Article 20, paragraphs (3) 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 staying in Japan with permission granted pursuant to the provisions of Article 61-2-2, paragraph (1), or Article 61-2-3, whose recognition of refugee status has been revoked pursuant to the provisions of Article 61-2-7, paragraph (1) (limited to the provisions pertaining to item (i) or item (iii)).

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

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

(Departure Order)

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

- (i) The foreign national has voluntarily appeared at an immigration office with the intention of departing from Japan promptly.
- (ii) The foreign national does not fall under any of items (iii) to (iii)-4, sub-items (c) to (o) of item (iv), item (viii) or item (ix) of Article 24.
- (iii) The foreign national has not been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, Articles 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act for

Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Articles 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters and sentenced to imprisonment with or without work.

- (iv) The foreign national has no past record of being deported from Japan or of departing from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1).
- (v) The foreign national is expected with certainty to depart from Japan promptly.

Section 3 Departure

(Procedures for Departure)

Article 25 (1) Any foreign national (except for crew members, but including those departing with 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 Ordinance of the Ministry of Justice at the port of entry or departure from which he/she departs Japan.

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

(Deferment of Confirmation of Departure)

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

- (i) A person who is being prosecuted for a crime for which the death penalty or a life sentence, or imprisonment with or without work for 3 years or more, may be imposed; or a person for whom an arrest warrant, subpoena, detention warrant, or warrant of detention for examination has been issued.
- (ii) A person who has been sentenced to imprisonment or a more severe penalty and has not been granted suspension of execution of sentence, until said person has completed the sentence or until he/she ceases to fall subject to the execution of the sentence (except for those released on parole).
- (iii) A person for whom a provisional detention permit or a detention permit has been issued pursuant to the provisions of the Act on Extradition (Act No. 68 of 1953).

- (2) An immigration inspector shall, when he/she has deferred confirmation of departure pursuant to the provisions of the preceding paragraph, immediately notify the relevant organization from which the notice set forth in the preceding paragraph was received to that effect.

(Re-entry Permission)

- Article 26 (1) The Minister of Justice may grant re-entry permission to a foreign national in accordance with the procedures provided for by Ordinance of the Ministry of Justice upon an application from the foreign national residing in Japan (except for a foreign national who has received permission for provisional landing and who has received the permission for landing provided for in Articles 14 to 18) who is to depart from Japan with the intention of re-entering Japan prior to the date of expiration of his/her period of stay (or the period within which he/her is eligible to stay in cases where he/she has no fixed period of stay). In this case, the Minister of Justice may grant multiple re-entry permissions based on an application from the foreign national if considered appropriate.
- (2) The Minister of Justice shall, when granting the permission set forth in the preceding paragraph, have an immigration inspector affix a seal of verification for re-entry in the passport of the foreign national if the foreign national has his/her passport in his/her possession, or issue a re-entry permit pursuant to the provisions of an Ordinance of the Ministry of Justice if the foreign national does not have his/her passport in his/her possession and is unable to acquire one for reason of being without nationality or for any other reason. In this case, the permission shall become effective as of the date written on the seal of verification or the re-entry permit.
- (3) The Minister of Justice shall, when granting re-entry permission (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 validity period of the permission, grant an extension of the validity period, based on an application from the foreign national, of up to 1 year within 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 grant further multiple re-entry permission to a foreign national who has re-entered Japan with multiple re-entry permission, the permission may be revoked while said foreign national is in Japan.

(7) The re-entry permit issued pursuant to the provisions of paragraph (2) shall be treated as a passport, only in cases of entry into Japan, based on the re-entry permission pertaining to the re-entry permit concerned.

Chapter V Procedures for Deportation

Section 1 Investigation into Violations

(Investigation into Violations)

Article 27 An immigration control officer may, when he believes that a foreign national falls under any of the items under Article 24, conduct an investigation into any violation that may have been committed by such foreign national (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 conducted unless special provisions are provided in this Chapter and Chapter VIII.

(2) An immigration control officer may request information on necessary matters in connection with investigations into violations from public offices or from public or private organizations..

(Request for Appearance and Questioning of Suspects)

Article 29 (1) An immigration control officer may, in cases where it is necessary to 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 the immigration control officer 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 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 the action as set forth in the preceding 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 the 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 indicating that the suspect falls 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 indicating the existence of circumstances which show that the place is likely to be connected with the violation. If the immigration control officer is to search a person other than the suspect, articles, residence or other place of the person, he/she shall submit proof indicating the existence of articles which should be seized and circumstances which show that those articles are likely to be connected with the 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 the existence of circumstances which show that the article is likely to be connected with the violation.
- (4) When an application as set forth in the preceding paragraph is submitted, a district court or summary court judge shall issue a permit containing the place of inspection, the person or articles subject to search, the articles to be seized, the position and name in full of the officer making the application, the validity 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 by 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 other 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 began 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 that 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 other 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 read it aloud to the person and have him/her sign it, and 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 application by 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 The name, place of residence, and nationality of the suspect, a summary of the suspected offense, place of detention, validity period and date of issuance of the order, and other matters provided for by Ordinance of the Ministry of Justice shall be entered in the written detention order set forth in paragraph (1) of the preceding Article, 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 once for an additional 30 days.

- (2) The place where the foreign national may be detained pursuant to the written detention order shall be an immigration detention center, detention house, or any other appropriate place designated by the Minister of Justice or by a supervising immigration inspector commissioned by the Minister of Justice.

(3) A police official may place a suspect in custody in a detention facility upon the request of a supervising immigration inspector who deems it necessary.

(Procedures for Detention)

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

(2) In urgent cases, an immigration control officer may 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 even if the immigration control officer is not in possession of a written detention order.

(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 for the detention 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) When an immigration inspector has taken delivery of a suspect pursuant to the provisions of the preceding Article, the immigration inspector shall promptly examine whether the suspect falls into the category of a foreign national subject to deportation (a foreign national who falls under any of the items of Article 24 but who does not fall into the category of a foreign national

subject to a departure order; the same shall apply hereinafter).

- (2) The immigration inspector shall, in the event that he/she has conducted 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 who is suspected of falling under items (i) (except for the part pertaining to Article 3, paragraph (1), item (ii)), or (ii) under Article 24, shall have the burden of proof to establish that he/she does not fall under said items.

(Procedures after Examination)

- Article 47 (1) An immigration inspector shall immediately release a suspect when he/she finds, as a result of an 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 an examination, that the suspect falls into the category of a foreign national subject to a departure order, he/she shall promptly notify a supervising immigration inspector of such finding. 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 a suspect falls into the category of a foreign national subject to deportation, he/she shall promptly notify a supervising immigration inspector and the suspect of his/her findings in writing together with a statement of the 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 foreign national 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) When a request has been made for the hearing set forth in the preceding paragraph, an immigration inspector shall submit the record set forth in

Article 45, paragraph (2) and other pertinent documents to a special inquiry officer.

- (3) When a request is made for the hearing set forth in paragraph (1), the special inquiry officer shall 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 hearing proceedings 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 into the category of a foreign national subject to a departure order), he/she shall promptly notify a supervising immigration inspector of his/her finding. 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 containing a statement that he/she will not file an objection and the supervising immigration inspector shall promptly issue the written deportation order pursuant to the provisions of Article 51.

(Filing of an Objection)

Article 49 (1) Upon receipt of the notice set forth in paragraph (8) of the preceding Article, any suspect may, if he/she has an objection to the findings set forth in the same paragraph, file an objection with the Minister of Justice by submitting a written statement containing the grounds for his/her complaint to a supervising immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice within 3 days from the date of receipt of the notice.

- (2) When an objection as set forth in the preceding paragraph has been filed, a supervising immigration inspector shall submit to the Minister of Justice the record of the examination set forth in Article 45, paragraph (2), the 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 an 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 notice of a determination that an objection has been found to be with reason (limited to cases in which the suspect falls within the category of a foreign national 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 notice of a determination that an 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 Case Determinations by the Minister of Justice)

- Article 50 (1) Even if the Minister of Justice finds that a filed objection is without reason in making the determination set forth in paragraph (3) of the preceding Article, he/she may 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 a registered domicile in Japan as a Japanese national in the past.
 - (iii) He/She resides in Japan under the control of another due to trafficking in persons.
 - (iv) The Minister of Justice finds grounds to grant 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 deems necessary, such as the period of stay, pursuant to the provisions of an Ordinance of the Ministry of Justice.
 - (3) The permission set forth in paragraph (1) shall be regarded as a determination that an 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 foreign national subject to deportation, the reason for the deportation, the destination, the date of issuance of the deportation order, and other matters provided by Ordinance of the Ministry of Justice, 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) Upon the request of a supervising immigration inspector who finds it necessary due to shortage of immigration control officers, a police official or coast guard officer may enforce a written deportation order.
- (3) In enforcing a deportation order, an immigration control officer (including a police official or coast guard officer enforcing 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 a copy of it to the foreign national subject to deportation and have him/her deported promptly to the destination provided in the following Article. However, the immigration control officer shall deliver him/her to a carrier if the foreign national is to be sent back via 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 wishes to depart Japan voluntarily at his/her own expense, the director of the immigration detention center or supervising immigration inspector may permit him/her to do so based on an application from said person. In this case, notwithstanding the entries in the written deportation order and the provisions of the following Article, the director of the immigration detention center or 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 foreign national 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 by the 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 the immigration detention center or the supervising immigration inspector may, if it is found that the foreign national 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 an obligation to appear upon receiving a summons.

(Deportation Destinations)

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 containing the port or airport where he/she boarded the vessel or aircraft departing for Japan.
- (iv) A country where his/her place of birth is located.
- (v) A country which contained his/her birthplace at the time of his/her birth.
- (vi) Any country other than those prescribed in the preceding items.

- (3) The countries set forth in the preceding two paragraphs shall not include any of the following countries.

- (i) The territories of countries prescribed in the Refugee Convention, Article 33, paragraph (1) (except for cases in which the Minister of Justice finds it significantly detrimental to the interests and public security of Japan)
- (ii) Countries prescribed in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3, 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 supervising immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

- (2) The director of the immigration detention center or supervising immigration inspector may accord provisional release to a foreign national 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 the circumstances, evidence produced in support of the application, and the character and assets of the foreign national pursuant to the provisions of an Ordinance of the Ministry of Justice, upon the foreign national paying a deposit not exceeding 3 million yen as provided by an Ordinance of the Ministry of Justice, and with such conditions as may be deemed necessary, such as restrictions on the place of residence and area of movement and the obligation to appear upon receiving a summons.

- (3) The director of the immigration detention center or supervising immigration inspector, if he/she deems appropriate, may permit a letter of guarantee submitted by a person other than the foreign national 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 the immigration detention center or the supervising immigration inspector may revoke a provisional release if the foreign national accorded provisional release has fled, he/she has reasonable grounds to suspect that the foreign national will attempt to flee, the foreign national fails to comply with an order to appear upon receiving a summons without justifiable reason, or has violated any of the conditions of provisional release.

- (2) The director of the immigration detention center or supervising immigration inspector shall, if he/she revokes the provisional release pursuant to the provisions of the preceding paragraph, prepare a written revocation of the 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 supervising immigration inspector shall confiscate the entire deposit 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 upon receiving a summons without a 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 the 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 supervising immigration inspector commissioned by the Minister of Justice.
- (5) An immigration control officer may, in cases of emergency, detain a person

whose provisional release has been revoked without a written revocation of the 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 the 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) If an immigration control officer finds that there are reasonable grounds to believe that a suspect falls under the category of a foreign national subject to a departure order, notwithstanding the provisions of Article 39, the immigration control officer shall send the case of the violation pertaining to the suspect to an immigration inspector.
- (2) When the immigration inspector receives a case of a violation pursuant to the provisions of the preceding paragraph, he/she immediately examine whether the suspect falls within the category of a foreign national 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 a foreign national 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 within the category of a foreign national subject to deportation, notify the immigration control officer of his/her findings and send the case of the violation back to the immigration control officer.

(Departure Orders)

- Article 55-3 (1) If a supervising immigration inspector receives 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, he/she shall immediately order the suspect to whom the notice pertains 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, provided by Ordinance of the Ministry

of Justice, 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 foreign national who has been given the departure order, the reason for the departure order, the time limit for departure, the date of issuance of the departure order, and other matters provided by Ordinance of the Ministry of Justice, 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 foreign national who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1) that the foreign national is unable to depart from Japan within the time limit for departure in accordance with the departure order, the supervising immigration inspector may, pursuant to the provisions of an Ordinance of the Ministry of Justice, extend the time limit for departure, provided that the supervising immigration inspector finds a reason not imputable to the foreign national, such as the operating schedule of the vessel or aircraft used for departure.

(Revocation of Departure Orders)

Article 55-6 When a foreign national 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, the supervising immigration inspector may 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 vessel or aircraft shall cooperate with an immigration inspector in executing his/her duties, such as immigration inspections.

(Duty to Check Passports or Other Documents)

Article 56-2 For the purpose of preventing foreign nationals from illegally entering Japan, 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 check the passports, crew member's pocket-ledgers or re-entry permits possessed by foreign nationals who intend to board the vessel or aircraft.

(Duty to Report)

- Article 57 (1) Pursuant to the provisions of an Ordinance of the Ministry of Justice, the captain of a vessel or aircraft entering Japan shall 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 provided by Ordinance of the Ministry of Justice.
- (2) Upon the request of an immigration inspector at the port of entry or departure from which the vessel or aircraft departs, the captain of a vessel or aircraft departing from Japan shall report matters pertaining to its crew members and passengers as prescribed in the preceding paragraph.
- (3) If the captain of a vessel or aircraft entering Japan has knowledge of any foreign national aboard the vessel or aircraft who does not possess a valid passport, crew member's pocket-ledger or re-entry permit, he/she shall report such information immediately to an immigration inspector at the port of entry or departure.
- (4) If a crew member who has been granted the permission set forth in Article 16, paragraph (2) is on board the vessel or aircraft entering Japan, the captain of such vessel or aircraft shall immediately report the name of the crew member and other matters provided by Ordinance of the Ministry of Justice to an immigration inspector upon each arrival at a port of entry or departure.
- (5) At the request of an immigration inspector at the port of entry or departure for a vessel or aircraft, the captain of the vessel or aircraft departing from Japan shall report whether any 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 any person who received landing permission for crew members is aboard the correct vessel or aircraft, and whether any person seeking to depart Japan in violation of the provisions of Article 25, paragraph (2), or Article 60, paragraph (2) is aboard the vessel or aircraft.

(Duty to Prevent Landing)

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

(Duty to Send Back)

Article 59 (1) The captain of a vessel or aircraft or the carrier who operates a

vessel or aircraft that has transported any foreign national falling under any of the following items shall promptly send such foreign national out of Japan at his/her own expense and on his/her own responsibility via 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 1 or 2.
 - (ii) Any person deported for falling under any of items (v) to (vi)-2 of Article 24.
 - (iii) In addition to those prescribed in the preceding item, any foreign national who is deported within 5 years of his/her landing date for falling under any of the items of Article 24 regarding whom the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft can be considered to have 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 foreign national back via the vessel or aircraft prescribed in said paragraph, he/she shall send the foreign national back promptly via another 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 born by the captain of a vessel or aircraft or the carrier who operates the vessel or aircraft, a supervising immigration inspector may exempt the captain or the carrier from all or part of the expenses and responsibility arising from keeping a foreign national who falls under paragraph (1), item (i) at a facility (referred to as a "departure waiting facility" in Article 61-7-6) designated as provided by Ordinance of the Ministry of Justice as a place to stay pursuant to the provisions of Article 13-2, paragraph (1), provided that the foreign national 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 to permission pursuant to the provisions of Article 12, paragraph (1), Article 19, paragraph (2), Article 20, paragraph (3) (including cases in which it is applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including cases in which it is applied mutatis mutandis pursuant to Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including cases in which 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 revocation of the status of residence pursuant to the provisions of Article 22-4, paragraph (1).

- (2) An immigration inspector may require a foreign national and other persons concerned to appear, 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 of public offices or of 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 an immigration inspector in accordance with the procedures provided by Ordinance of the Ministry of Justice, 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 his/her return to Japan from an immigration inspector in accordance with the procedures provided by Ordinance of the Ministry of Justice, 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 a foreign national in Japan submits an application in accordance with the procedures provided by Ordinance of the Ministry of Justice, 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 foreign national concerned in accordance with the procedures provided by Ordinance of the Ministry of Justice. If recognition of refugee status is denied, the foreign national shall be notified in writing with the reason attached.

(Permission Pertaining to Status of Residence)

- Article 61-2-2 (1) When the Minister of Justice recognizes a foreign national as a refugee pursuant to the provisions of paragraph (1) of the preceding Article and the foreign national who has filed the application set forth in the same paragraph falls within the category of a foreign national without a status of residence (foreign nationals other than those who are staying in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II, those who have been granted permission for landing for temporary refuge who have not stayed in Japan beyond the period stated in the permit, and special permanent residents; the same shall apply hereinafter), permit the foreign national to acquire the status of residence of "Long-Term Resident", unless the foreign national falls under any of the following items:
- (i) The foreign national 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 circumstances as a result of which he/she may have become a refugee while he/she was in Japan), unless there were unavoidable circumstances.
 - (ii) The foreign national has not 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, unless the circumstances under which he/she may have become a refugee arose while he/she was in Japan.
 - (iii) The foreign national falls under any of the persons listed in item (iii) to item (iii)-4 or sub-items (c) to (o) of item (iv) of Article 24.
 - (iv) The foreign national has, after entering Japan, been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, 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 and sentenced to imprisonment with or without work.
- (2) When a foreign national 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 to grant special permission to stay to the foreign national without a status of residence, and may grant special permission to stay if he/she finds such grounds.

- (3) When granting permission as set forth in the preceding two paragraphs, the Minister of Justice shall determine the foreign national's status of residence and period of stay, and have an immigration inspector issue a certificate of status of residence that states the status of residence and the period of stay to the foreign national without a status of residence.. 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 4, which has been granted to the foreign national.

Article 61-2-3 When a foreign national recognized as a refugee (except for a foreign national who has 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 foreign national, unless the foreign national falls under item (i), paragraph (1) of the preceding Article.

(Permission for Provisional Stay)

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

- (i) The foreign national has been granted permission for provisional landing.
- (ii) The foreign national 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 foreign national has been permitted to stay in Japan pursuant to the

- provisions of Article 22-2, paragraph (1).
- (iv) The foreign national fell within the category of 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 foreign national has fallen within the category of any of the persons set forth in Article 24, item (iii) to (iii)-4 or sub-items (c) to (o) of item (iv).
 - (vi) The foreign national clearly falls within either Article 61-2-2, paragraph (1), item (i) or item (ii).
 - (vii) The foreign national has, after entering Japan, been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, 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 and sentenced to imprisonment with or without work.
 - (viii) A written deportation order has been issued to the foreign national.
 - (ix) There are reasonable grounds to suspect that the foreign national 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 an Ordinance of the Ministry of Justice, determine the period of stay pertaining to the permission (hereinafter referred to as the "period of provisional stay"), and have an immigration inspector issue a permit for provisional stay that states the period of provisional stay to the foreign national without a status of residence. 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 an Ordinance of the Ministry of Justice, impose restrictions on the foreign national without a status of residence on his/her place of residence, area of movement, activities, the obligation to appear upon receiving a summons, and other conditions which may be deemed necessary and, if deemed necessary, his/her fingerprints may be taken.
- (4) Upon receiving an application filed by a foreign national 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 a foreign national with the permission set forth in paragraph (1) subsequently comes to fall within any of the following items, the period of

provisional stay granted to the foreign national (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 within the item.

- (i) The objection as 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 as 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 denying or dismissing the objection.
- (iii) The foreign national 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 a foreign national 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 Ordinance of the Ministry of Justice.

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

(Relation to Deportation Procedures)

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 a foreign national who has been granted the permission set forth in Article 61-2-2, paragraph (1) or paragraph (2), on the grounds that the foreign national 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 a foreign national without a status of residence who has filed the application set forth in Article 61-2, paragraph (1), and who 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 elapsed, even if there are reasonable grounds to suspect that the foreign national 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 a foreign national without a status of residence who has filed the application set forth in Article 61-2, paragraph (1) but has not been granted the permission set forth in Article 61-2-4, paragraph (1), or whose period of provisional stay pertaining to said permission has elapsed (except for a foreign national who falls under items (i) to (iii) and item (v) of paragraph (5) of the same Article), until the foreign national 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 in Chapter V where they are carried out with respect to the foreign national 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 a foreign national 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 Ordinance of the Ministry of Justice.

- (i) The foreign national has been recognized as a refugee due to deceit or other wrongful means.
 - (ii) The foreign national has come to fall under any of the cases listed in Article 1, C-(1) to (6) of the Refugee Convention.
 - (iii) The foreign national has taken an action listed in Article 1, F-(a) or (c) of the Refugee Convention after being recognized as a refugee.
- (2) When revoking the recognition of refugee status pursuant to the provisions of

the preceding paragraph, the Minister of Justice shall notify the foreign national concerned in writing with the reason attached and place a notice in the Official Gazette of the expiration of the certificate of refugee status and the refugee travel document pertaining to the foreign national.

- (3) When a foreign national 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/she must promptly return these certificates to the Minister of Justice.

(Revocation of the Status of Residence of a Foreign National Recognized as a Refugee)

Article 61-2-8 (1) When it is found that a foreign national residing in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II and 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 foreign national does not fall under any of the items under the same paragraph, the Minister of Justice may revoke his/her status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

- (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 a foreign national 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 by Ordinance of the Ministry of Justice.

(i) Denial of recognition of refugee status.

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

- (2) The period 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 foreign national 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 by Ordinance of the Ministry of Justice, consult with the refugee examination counselors.

- (4) When making a 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 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 number of refugee examination counselors 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 a fair judgment on the objection pursuant to the provisions of paragraph (1) of the preceding Article and who have an academic background in law or current international affairs.
 - (3) The term of the refugee examination counselors shall be 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 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 a foreign national residing in Japan recognized as a refugee seeks to depart from Japan, issue a refugee travel document based on an application by such foreign national in accordance with the procedures provided by Ordinance of the Ministry of Justice. However, this shall not apply if the Minister of Justice finds there to be a possibility of the person committing acts detrimental to the interests or public security of Japan.

(2) Any foreign national who is to be issued 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 Japanese refugee travel document.

(3) The validity period of the refugee travel document set forth in paragraph (1) shall be 1 year.

(4) A person who has been issued the refugee travel document set forth in paragraph (1) may enter and depart from Japan within the validity period of the refugee travel document. In this case, 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 validity period for re-entry with a refugee travel document may be limited to not less than 3 months and less than 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 re-enter Japan within the validity period of the refugee travel document, extend the validity 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) If the Minister of Justice finds there to be a 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, the Minister of Justice may order the person, while he/she is in Japan, to return the refugee travel document within a time limit pursuant to the provisions of an Ordinance of the Ministry of Justice.

(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 on 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 expiration of the refugee travel document concerned.

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

Article 61-2-13 If a foreign national residing in Japan 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 foreign national 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 appear and 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 of public offices or of 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 be assigned immigration inspectors.

(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 jurisdiction.

(Immigration Control Officer)

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

- (2) The duties of an immigration control officer shall be as follows:
 - (i) To conduct investigations into cases of violations 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 other facilities.
- (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, concerning 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.

(Carrying and Use of Weapons)

Article 61-4 (1) Immigration inspectors and immigration control officers may carry weapons in executing their duties.

- (2) Immigration inspectors and immigration control officers may use their weapons with respect to the 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 the 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 allow said person to escape, and the immigration inspector or immigration control officer has reasonable grounds to believe that there are no alternative means of preventing such resistance or escape.

(Uniform and Identification Card)

Article 61-5 (1) Immigration inspectors and immigration control officers shall, when executing their duties, except as otherwise provided by law or 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 executing his/her duties.

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

(Detention House)

Article 61-6 Each regional immigration bureau shall be equipped with a detention house to detain 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 a "detainee" and "immigration detention facilities") shall be given maximum liberty consistent with the security requirements of the immigration detention facilities.

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

(3) The supplies furnished to the detainee shall be adequate and the accommodations at the immigration detention facilities shall be maintained in a sanitary condition.

(4) The director of an immigration detention center or regional immigration bureau (hereinafter referred to as "director of the immigration detention facilities") may examine the body, personal effects or clothing of the detainee, and may retain the detainee's personal effects or clothing when he/she considers it necessary for the security or sanitation purposes of the immigration detention facilities.

(5) The director of the immigration detention facilities may inspect any communications the detainee sends or receives, and may prohibit or restrict such sending or receiving when he/she considers it necessary for the security of the immigration detention facilities.

(6) In addition to the matters prescribed in the preceding paragraphs, other necessary matters pertaining to the treatment of detainees shall be provided by Ordinance of the Ministry of Justice.

(Immigration Detention Facilities Visiting Committee)

Article 61-7-2 (1) An Immigration Detention Facilities Visiting Committee (hereinafter referred to as "Committee") shall be established at immigration offices provided for by Ordinance of the Ministry of Justice.

(2) In order to contribute to the proper administration of the immigration detention facilities, the Committee shall inspect immigration detention facilities in the area of its responsibility as provided by Ordinance of the Ministry of Justice and state its opinion to the director of the immigration detention facilities.

(Organization)

Article 61-7-3 (1) The Committee shall be composed of a maximum of 10 members.

(2) The Minister of Justice shall appoint Committee members possessing high levels of integrity, insight and enthusiasm for the improvement of the administration of immigration detention facilities.

(3) The term of the Committee members shall be 1 year and they may be reappointed.

(4) The Committee members shall execute their duties on a part-time basis.

(5) In addition to what is provided in the preceding paragraphs, necessary matters regarding the organization and administration of the Committees shall be provided by Ordinance of the Ministry of Justice.

(Information provision for the Committee and Visits of the Committee members)

Article 61-7-4 (1) The director of immigration detention facilities shall furnish the Committee with information on the immigration detention facilities with respect to its state of administration pursuant to the provisions of an Ordinance of the Ministry of Justice.

(2) The Committee may conduct a visit to the immigration detention facilities by the Committee members in order to grasp the circumstances of their administration of the immigration detention facilities. In this case, when the Committee deems necessary, it may elicit cooperation from director of the immigration detention facilities for conducting interviews of detainees by Committee members.

(3) Directors of immigration detention facilities shall provide the necessary cooperation for such visits and interviews with detainees as set forth in the preceding paragraph.

(4) Notwithstanding the provisions of Article 61-7, paragraph (5), documents submitted by detainees to the Committee shall not be inspected, and submission of documents to the Committee by detainees shall not be prohibited or restricted.

(Publication of the Opinions of the Committee)

Article 61-7-5 The Minister of Justice shall annually compile both the opinions expressed by the Committee to directors of the immigration detention facilities and the measures taken by directors of the immigration detention facilities in response and shall publicize the outline thereof.

(Inspecting Departure Waiting Facility)

Article 61-7-6 (1) In addition to conducting the duties prescribed in the provisions of Article 61-7-2, paragraph (2), the Committee shall visit the departure waiting facility in the Committee's area of responsibility as provided by Ordinance of the Ministry of Justice and state its opinion on the administration thereof to the director of the regional immigration bureau in the area responsible for such departure waiting facility in order to contribute to its proper administration.

(2) The provisions of the preceding two Articles shall be applied mutatis mutandis to conducting the duties prescribed in the preceding paragraph.

(Cooperation of Other Administrative Organs)

Article 61-8 (1) The director general of an internal bureau of the Ministry of Justice, as provided by Cabinet Order, or the director of an immigration detention center or 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 Offices 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 compliance 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 with duties corresponding to those duties of immigration control and recognition of refugee status provided by the Immigration Control and Refugee Recognition Act (hereinafter referred to as "foreign immigration authorities" in this Article) with information deemed helpful for the execution of their duties (limited to those duties corresponding to the duties of immigration control and recognition of refugee status provided 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 adjudication of a foreign criminal case pertaining to the request, except in 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 under Japanese laws or regulations if it were committed in Japan.
 - (iii) The foreign country that has made the request has not assured Japan 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 foreign nationals (hereinafter referred to as the "Basic Plan for Immigration Control"), in order to allow the exercise of equitable control over immigration affairs.
- (2) The Basic Plan for Immigration Control shall provide for the following matters:
 - (i) Matters relating to foreign nationals' entry into and residence in Japan.
 - (ii) Matters relating to guidelines for the control of entry and residence of foreign nationals.
 - (iii) Matters necessary for implementation of the control of the entry and residence of foreign nationals, in addition to 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 the relevant administrative organs.
 - (4) The Minister of Justice shall announce an outline of the Basic Plan for Immigration Control without delay 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 foreign nationals based on the Basic Plan for Immigration Control.

(Furnishing of Information)

Article 62 (1) Any person may, if he/she has knowledge of a foreign national whom he/she believes to fall under any of the items of Article 24, report such information.

(2) Any official of the Government or of a local public entity shall, if he/she comes to have knowledge of a foreign national set forth in the preceding paragraph in the execution of his/her duties, report such information.

(3) In cases of a foreign national set forth in paragraph (1) who is serving a sentence and is to be released due to completion of the sentence, stay of the execution of the sentence or for any other reason (except for release on parole), or in a case where such foreign national 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) In the case of a foreign national set forth in paragraph (1) who is serving a sentence or has been committed to a juvenile prison under a disposition prescribed in Article 24, paragraph (1), item (iii) of the Juvenile Act or to a women's guidance home under a disposition prescribed in Article 17 of the Anti-Prostitution Act, the regional parole board shall, when granting release on parole or provisional release from a juvenile prison or women's guidance home, 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 to Criminal Procedures)

Article 63 (1) If procedures provided for by laws and regulations related to criminal suits, enforcement of sentences, or treatment of the inmates of juvenile prisons or women's guidance homes are being carried out with regard to any foreign national subject to deportation, deportation procedures may be taken against such foreign national pursuant to the provisions of Chapter V (except for Section 2, 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 personally visit him/her", 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 within the category of a foreign national 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 inmates of juvenile homes or women's guidance homes have been completed. However, the enforcement of such an order may be carried out with the approval of the Prosecutor-General or the Superintending Prosecutor even while the foreign national is 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) If a written detention order or deportation order has been issued for a foreign national, at the time of the foreign national's release from a correctional institution, the head of the correctional institution shall, in the case referred to in Article 62, paragraph (3) or (4), deliver him/her to the immigration control officer concerned upon presentation of a written detention order or deportation order.

(Special Cases under the Code of Criminal Procedure)

- Article 65 (1) In cases where a judicial police officer has arrested or taken custody of a foreign national suspected of committing any of the offenses set forth in Article 70, or of a flagrant offender regarding such an offense, and only in cases where a written detention order has been issued and the foreign national is not suspected of any other criminal offense, the judicial police officer may 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 to an immigration control officer shall be undertaken within 48 hours from the time at which the suspect is taken into custody.

(Reward for Providing Information)

Article 66 If a person furnishes information pursuant to the provisions of Article 62, paragraph (1), and if such information leads to the issuance of a written deportation order, the Minister of Justice may grant such person a reward in an amount not exceeding 50,000 yen pursuant to the provisions of an Ordinance of the Ministry of Justice. However, this shall not apply to cases in which the information was based on facts which an official of the Government or a local public entity learned of in course of executing his/her duties.

(Fees)

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

- (i) Permission for a change in status of residence pursuant to the provisions of Article 20.
- (ii) Permission for extension of the 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 validity period).

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

Article 68 (1) A foreign national 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 validity 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 by a Cabinet Order pursuant to the provisions of paragraph (3) of the annex to the Refugee Convention.

(Entrustment to a Ministerial Ordinance)

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

(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 an Ordinance of the Ministry of Justice. 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), or the authorities prescribed in Article 61-2-7, paragraph (1) and Article 61-2-11.

(Transitional Measures)

Article 69-3 In cases of the enactment, revision or abolition of an order 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 as such measures are judged to be reasonably necessary for the 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 persons to whom item (i) or (ii) pertains) who has remained in Japan.
- (iii)-2 A person who has received a period designation 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)) who has remained in Japan beyond the period designated.
- (iv) A person who is found to be clearly engaged solely in activities related to

the management of business involving income or activities for which he/she has received remuneration in violation of the provisions of Article 19, paragraph (1).

- (v) A person who has remained in Japan beyond the permitted period of stay (including the period for which a person may reside in Japan pursuant to the provisions of Article 20, paragraph (5) (including case where it is applied mutatis mutandis pursuant to Article 21, paragraph (4))) authorized 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 a 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, who has remained 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), who 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 remained 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, paragraphs (2) and (3), as applied mutatis mutandis to Article 22-2, paragraph (4).
 - (viii)-2 A person who has been issued a departure order pursuant to the provisions of Article 55-3, paragraph (1), who has remained 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 who has remained in Japan.
 - (viii)-4 A person who has been granted the permission set forth in Article 61-2-4, paragraph (1) who has remained in Japan beyond the period of provisional stay.
 - (ix) A person who was recognized as a refugee due to deceit or other wrongful means.
- (2) Any person listed in the preceding items (i) or (ii) who has landed and stayed in Japan illegally 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), or (vii) of paragraph (1) or paragraph (2) of the preceding Article

may be exempt from the penalty if the evidence produced applies to all of the following items. However, this shall be limited to 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 who 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 foreign national 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, after being 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 when summoned without a 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 without a justifiable reason upon receiving a summons 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 specified pursuant to the provisions of the same paragraph.

Article 73 Except for 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 remuneration 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 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 a foreign national engage in illegal work in connection with business activities.
- (ii) A person who has placed a foreign national under his/her control for the purpose of having the foreign national engage in illegal work.
- (iii) A person who has arranged on a regular basis for a foreign national to engage in illegal work or who has made arrangements for the act set forth in the preceding item.

Article 74 (1) Any person who has had collective stowaways who are under his/her control (meaning groups of foreign nationals who have been assembled for the purpose of landing in Japan without obtaining permission for landing from an immigration inspector, or of landing and obtaining permission for landing from an immigration inspector by deceit or other wrongful means; the same shall apply hereinafter) 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 who are under his/her control destined for 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 foreign nationals aided in landing, or who has transported, harbored, or enabled the foreign nationals 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 subsequently receives all or some of the foreign nationals from the person who originally received them, or who has transported, harbored or has enabled the foreign nationals received to escape after receiving them, 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 facilitated the acts prescribed in Article 70, paragraph (1), item (i) or (ii) (hereinafter referred to as "illegal entry or landing") 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 using 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) Documents that have been falsified to serve 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 for the person who commits the 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 or received the following documents for the purpose of violating the provisions of Article 70, paragraph (1), item (i) or (ii).

(a) Documents that have been falsified to serve 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 for 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 set forth in the preceding Article (except for the part pertaining to possession) shall be punished.

Article 74-7 Crimes set forth in Article 73-2, items (ii) and (iii), 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 foreign nationals who fall under Article 24, item (i) or item (ii) to escape for the purpose of allowing them 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 crimes set forth in the preceding two paragraphs shall be punished.

Article 75 Any person who has failed to appear without a justifiable reason, refused to testify or swear an oath or who 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 violates the provisions of Article 23, paragraph (1) (except for special permanent residents).
- (ii) A person who has refused to present a passport, a crew member's pocket-
ledger or 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 or natural person, the employee of a juridical or natural person, or any other person working for a juridical or natural person, has committed any of the crimes set forth from Article 73-2 to 74-6, any of the crimes or attempts to commit the crimes set forth in Article 74-6-2 (except for paragraph (1), items (iii) and (iv)), or the crimes set forth in Article 74-8 in relation to the business of the juridical or natural person, such juridical or natural person, along with the person who has committed the crime, shall be punished with the relevant fine under each of the aforementioned provisions.

(Non-penal Fines)

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

- (i) A person who has refused to undergo or has obstructed an examination or

any other duty executed by an immigration inspector in violation of the provisions of Article 56.

- (i)-2 A person who, in violation of the provisions of Article 56-2, has allowed foreign nationals to enter Japan without checking their passports, crew members pocket-ledgers, or re-entry permits.
- (ii) A person who fails to report or falsely reports in violation of the provisions of Article 57, paragraph (1) or (2), fails to report in violation of the provisions of paragraph (3) of the same Article, or fails to report or falsely reports 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 a foreign national in violation of the provisions of Article 59.

Article 77-2 Any special permanent resident who violates the provisions of Article 23, paragraph (1), shall be punished with a non-penal fine not exceeding 100,000 yen.

(Confiscation)

Article 78 Any vessel, aircraft or vehicle used in the commission of 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, aircraft or 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 had no advance knowledge that the crime set forth in Article 70, paragraph (1), item (i), Article 74, Article 74-2 or Article 74-4 would be committed, and continued to own the vessel, aircraft or vehicle since the crime was committed.
- (ii) If it is recognized that the person came to acquire the vessel, aircraft, or vehicle after a crime prescribed in the preceding item was committed, without the knowledge that it had been used in the commission of a crime.

Appended Table I (Re. Art. 2-2, 5, 7, 7-2, 19, 20-2, 22-3, 22-4, 24, 61-2-2 and 61-2-8)

(1)

Status of Residence	Authorized activities
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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 university, an equivalent educational institution, or a college of technology (kotosenmongakko).
Artist	Artistic activities that produce income, including music, the fine arts, literature, etc. (except for the activities listed in the right-hand column under the "Entertainer" column in 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 an international trade or other business, to invest in an international trade or other business and to operate or manage said business, or to operate or manage an international trade or other business on behalf of foreign nationals (including foreign juridical persons; hereinafter the same shall apply in this section) who have commenced such operations or who have invested in such a business (except for activities to engage in the operation or management of a business which is prohibited without the legal qualifications listed in the right-hand column of the "Legal/Accounting Services" section in this table).
Legal/Accounting Services	Activities to engage in a legal or accounting business which may lawfully only be carried out by registered foreign lawyers (gaikokuhojimubengoshi), certified public accountants (gaikokukoninkaikeishi) or those with other legal qualifications.
Medical Services	Activities to engage in medical treatment services which may lawfully only 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" section in Table (1)).
Instructor	Activities to engage in language instruction or other education at an elementary school, junior high school, senior high school, secondary educational school (chutokyoikugakko), school for special needs education, vocational school (senshugakko), miscellaneous educational institution (kakushugakko) or other educational institution equivalent to a miscellaneous educational institution in facilities and curriculum.
Engineer	Activities to engage in services which require technology and/or knowledge pertinent to physical science, engineering or other natural scientific fields based on a contract with a public or private organization in Japan (except for activities listed in the right-hand column of the "Professor" section in Table (1) and in the right-hand column of the "Investor/Business Manager", "Medical Services", "Researcher", "Instructor", "Intra-company Transferee" and "Entertainer" sections in 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 thinking or sensitivity acquired through experience with foreign culture, based on a contract with a public or private organization in Japan (except for activities listed in the right-hand column of the "Professor", "Artist" and "Journalist" sections in Table (1), and activities listed in the right-hand column of the "Investor/Business Manager", "Legal/Accounting Services", "Medical Services", "Researcher", "Instructor", "Intra-company Transferee" and "Entertainer" sections in 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 in the activities listed in the right-hand column of the "Engineer" and "Specialist in Humanities/International Services" sections in this table at this business office.
Entertainer	Activities to engage in theatrical performances, musical performances, sports or any other form of show business (except for activities listed in the right-hand column of the "Investor/Business Manager" section in 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.

<p>Technical Intern Training</p>	<p>(i) Activities which fall under any of items (a) or (b)</p> <p>(a) Activities by a personnel who works for a business office in a foreign country established by a public or private organization in Japan or by a personnel who works for a business office in a foreign country established by a foreign public or private organization which has a business relationship with a public or private organization in Japan as provided by Ordinance of the Ministry of Justice, the purpose of which is to acquire skill, technology and knowledge (hereinafter referred to as "skills") by engaging in the operational activities of a public or private organization in Japan at its business office in Japan, based on an employment contract with such public or private organization in Japan (including activities of those personnel toward acquiring the knowledge necessary for the relevant activities described above which they are to engage in, which are conducted by being accepted at the business office of the Japanese public or private organization in Japan).</p> <p>(b) Activities to acquire knowledge being accepted by a non-profit organization which conforms to the requirements provided by Ordinance of the Ministry of Justice and activities to acquire skills where such activities are conducted based on such non-profit organization's planning and under its responsibility and supervision, based on an employment contract with a public or private organization in Japan, by engaging in its operational activities.</p> <p>(ii) Activities which fall under (a) or (b).</p> <p>(a) Activities by a personnel, who has acquired skills by engaging in activities as provided in the preceding item (a), in order to further develop such skills, based on an employment contract with a public or private organization in Japan designated by the Minister of Justice, to engage in operational activities requiring such skills at such organization.</p> <p>(b) Activities by a personnel, who has acquired skills by engaging in activities as provided in the preceding item (b), in order to further develop such skills, based on an employment contract with a public or private organization in Japan designated by the Minister of Justice, to engage in operational activities requiring such skills (limited to business activities under the responsibility and control of the non-profit organization which conforms to requirements provided by Ordinance of the Ministry of Justice).</p>
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(3)

<p>Status of Residence</p>	<p>Authorized activities</p>
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Cultural Activities	Academic or artistic activities that provide no income, or activities engaged in for the purpose of pursuing specific Japanese cultural or artistic studies, or for the purpose of learning and acquiring Japanese culture or arts under the guidance of experts (except for activities listed in the right-hand column of the "Student" and "Trainee" sections in 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 stay in Japan.

(4)

Status of Residence	Authorized activities
Student	Activities to receive an education at a university, college of technology (kotosenmongakko), senior high school (including a course of study in the latter part of secondary educational school (chutokyoikugakko)), senior high school course of school for special needs education (tokubetsushiengakko), vocational school (senshugakko), miscellaneous educational institution (kakushugakko) or an equivalent educational institution in terms of facilities and organization in Japan.
Trainee	Activities to acquire skills at a public or a private organization in Japan (except for the activities listed in the right-hand column of "Technical Intern Training", item (i) in Appended Table (2) and the right-hand column of the "Student" section in this table).
Dependent	Daily activities on the part of a spouse or unmarried minor supported by the foreign national 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", "Technical Intern Training" and "Temporary Visitor") or staying with the status of residence of "Student" in this table.

(5)

Status of Residence	Authorized activities
Designated Activities	Activities which are specifically designated by the Minister of Justice for foreign nationals 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 specifically designated by the Minister of Justice engaged in business activities that meet the requirements, provided for by Ordinance of the Ministry of Justice, of contributing to the efficient promotion of research or the development of industries related to specific fields requiring sophisticated expertise) for research, guidance of research, or education in specific fields at the facilities of the organization (in the case of education, only that which is provided at a university, an educational institution equivalent to a university, or a college of technology (kotosenmongakko)) or in addition, activities related to personally 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 specifically designated by the Minister of Justice engaged in business activities that meet the requirements, provided for by Ordinance of the Ministry of Justice, of contributing to the development of industries related to information processing (information processing as prescribed in Article 2, paragraph (1) of the Act on Promotion of Information Processing (Act No. 90 of 1970); the same shall apply hereinafter)) engaged in providing information-processing-related services which require technology and/or knowledge pertinent to natural or human science fields at an office of such organization (an office of the other organization in cases where the public or private organization in Japan dispatches the foreign national to another organization as a temporary worker as prescribed in Article 2, item (ii) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985)).</p> <p>c. Daily activities on the part of the spouse or unmarried minor who is supported by the foreign national engaged 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, those born as the children of Japanese nationals or children adopted by Japanese nationals pursuant to the provisions of Article 817-2 of the Civil Code (Act No. 89 of 1896).

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