

# 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 fair and equitable control over the entry into and departure from Japan of all persons, and to consolidate procedures for granting recognition of refugee status.

(Definitions)

Article 2 The terms in the following items as used in the Immigration Control and Refugee Recognition Act and Orders pursuant to the Act are to have the meanings as defined in each respective item:

(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 on the Status of Refugees (hereinafter referred to as the "Refugee Convention") or the provisions of Article 1 of the Protocol on the Status of Refugees;

(iv) the term "Japanese Consular Officer, etc." 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 issued by the Japanese Government, a foreign government recognized by the Japanese Government, or any authorized international organization or a Refugee travel document, or any other certificate in lieu of the Passport (including a travel certificate issued by a Japanese Consular Officer, etc.);

(b) a document which is equivalent to one of the documents listed in (a), issued by any authorized organization of the region as prescribed 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 "Human Trafficking" means any of the following acts:

(a) the kidnapping, abduction, buying or selling of persons, or the

- transferring, receiving, transporting or hiding of persons who have been kidnapped, abducted, bought or sold, for the purpose of profit, indecency or harm to a person's life or physical well-being;
- (b) beyond what is prescribed in the acts listed in (a) above, placing persons under 18 years of age under one's control for the purpose of profit, indecency or harm to the person's life or physical well-being;
- (c) beyond what is prescribed in the acts listed in (a), transferring persons under 18 years of age, knowing that they will be or are likely to be placed under the control of a person who intends to profit from, or cause indecency or harm to their lives or physical well-being;
- (viii) the term "Port of Entry or Departure" means a seaport or airport at which a Foreign National enters or departs from Japan, as prescribed by Ministry of Justice Order;
- (ix) the term "Carrier" means an operator 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 a supervisory rank designated by the Minister of Justice;
- (xii) the term "Special Inquiry Officer" means an Immigration Inspector designated and authorized by the Minister of Justice 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 in relation to Article 22-4, paragraph (2), as applied mutatis mutandis to Article 61-2-8, paragraph (2)) and in item (iii) (limited to the parts in relation 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 in Japan;
- (xv) the term "Immigration Detention Center" means the immigration detention center prescribed 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 prescribed in Article 61-6.

(Status of Residence and Period of Stay)

Article 2-2 (1) Except as otherwise provided in the Immigration Control and

Refugee Recognition Act and other laws, a Foreign National is to reside in Japan under the status of residence (in the case of the status of residence of "Highly Skilled Professional", including the category of item (i), (a) through (c) or item (ii) listed in the right-hand column under "Highly Skilled Professional" of Appended Table I (2); in the case of the status of residence of "Technical Intern Training", including the category of item (i), (a) or (b), item (ii), (a) or (b) or item (iii), (a) or (b) listed in the right-hand column under "Technical Intern Training" of the same Table; the same applies hereinafter) associated with that Foreign National's permission to land in Japan, under the status of residence that the Foreign National has acquired, or under the status of residence following a change to either of these.

- (2) The categories of status of residence are as listed in the left-hand column of Appended Table I (in the case of status of residence of "Highly Skilled Professional", including the category of item (i), (a) through (c) or item (ii) listed in the right-hand column under "Highly Skilled Professional" of Appended Table I (2); in the case of the status of residence of "Technical Intern Training", including the category of item (i), (a) or (b), item (ii), (a) or (b) or item (iii), (a) or (b) listed in the right-hand column under "Technical Intern Training" of the same Table; the same applies hereinafter) and II; and, a Foreign National residing in Japan under the 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 the 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 of the same Table 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") is determined for each status of residence by Ministry of Justice Order; and when the status of residence is one other than that of "Diplomat", "Official", "Highly Skilled Professional" or "Permanent Resident" (in the case of status of residence as a "Highly Skilled Professional", limited to those in relation to item (ii) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2)), the Period of Stay does not exceed 5 years.

## **Chapter II Entry into and Landing in Japan**

### **Section 1 Entry of Foreign Nationals into Japan**

(Entry of Foreign Nationals into Japan)

Article 3 (1) A Foreign National who falls under any of the following items may 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); or
- (ii) a person who intends to land in Japan without receiving a seal of verification for permission to land in Japan or undergoing the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4), or without obtaining authorized permission to land in Japan (hereinafter referred to as "Permission to Land in Japan, etc.") from an Immigration Inspector (except for those set forth in the preceding item).
- (2) A crew member who is a Foreign National in Japan is regarded as a Crew Member with regard to the application of the provisions of the preceding paragraph.

## **Section 2 Permission for Foreign Nationals to Land in Japan**

Article 4 Deleted

(Denial of Permission to Land in Japan)

Article 5 (1) A Foreign National who falls under any of the following items is not permitted to land in Japan:

- (i) a person who is suffering from any of the following categories of infectious diseases prescribed 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 strains of influenza, or designated infectious diseases (limited to infectious diseases to which the provisions of Article 19 or 20 of the same Act applies mutatis mutandis, pursuant to the provisions of 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 strain of influenza, or a designated infectious disease pursuant to the provisions of Article 8 of the same Act (including as 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 disorder or disability, is consistently unable to understand right from wrong or whose capacity for such understanding is significantly lacking, and is not accompanied by a person as prescribed by Ministry of Justice Order to assist the person in engaging in activities in Japan;
- (iii) a person who is in poverty or without a fixed dwelling and is likely to become a burden on the Japanese Government or a local public entity because of their 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 or

- imprisonment without work for 1 year or more, or to an equivalent penalty; provided, however, that this does 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 penalized;
  - (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, etc.") or with the intent of preventing the smooth operation thereof, and is likely to kill, injure, assault or threaten a person, or damage a building or other objects in relation to the process or results of an International Competition, etc. held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the International Competition, etc. or within the area of the municipality where the venue is located (including special wards, and wards or administratively consolidated wards in the designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947)) or to neighboring places prescribed for use to a large, unspecified 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 opium;
  - (vii) a person who has engaged in prostitution, or intermediation or solicitation of prostitutes for other persons, or the provision of a place for prostitution, or any other business directly connected to prostitution (except for those who have, as a result of Human Trafficking, etc., engaged in such activities under the control of another);
  - (vii)-2 a person who has conducted Human Trafficking, etc., or incited or aided another to do so;
  - (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 prescribed by

- the Explosives Control Act (Act No. 149 of 1950);
- (ix) a person who falls under any of (a) through (d) below where the period set forth in the relevant provisions has not yet elapsed:
    - (a) a person who has been denied permission to land in Japan 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), (1) through (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 (b)) who has previously been deported from Japan for falling under any of the items of Article 24 (except for item (iv), (1) through (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 or imprisonment without work on the charge of a crime as provided in Part II, Chapters XII, XVI through 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 in relation 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), 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), or Article 2 or Article 6, paragraph (1) of the Act on Punishment for Acts of Driving Causing Death or Injury (Act No. 86 of 2013) during their 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 the relevant person 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), (1) through (o);
  - (xi) a person who attempts or advocates the abolishment of the Constitution of Japan or the overthrow of 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 such actions;
  - (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 due to those officials or entities' status as such;
  - (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 labor 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 material, film, or any other documents or drawings to attain the objectives of any political party or organization prescribed in item (xi) or the preceding item;  
or
  - (xiv) beyond those persons listed in items (i) through (xiii), a person whom the Minister of Justice has adequate 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 permission to land in Japan does not fall under any of the items of the preceding paragraph, if the country of which the Foreign National is a national or citizen denies permission to land in Japan 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 permission to land in Japan for the same reason.

(Special Cases of Denial of Permission to Land in Japan)

Article 5-2 The Minister of Justice may make an exemption from applying the provisions of paragraph (1), items (iv), (v), (vii), (ix) or (ix)-2 of the preceding Article to a particular Foreign National pursuant to the provisions of Ministry of Justice Order if the Minister granted the Foreign National re-entry permission pursuant to the provisions of Article 26, paragraph (1) or in any other case prescribed by the provisions of Ministry of Justice Order, and if the Minister finds reasonable to do so. In this case, the Foreign National is eligible to receive permission to land in Japan as long as the Foreign National does not fall under any other items of paragraph (1) of the preceding Article.

### **Chapter III Procedures for Permission to Land in Japan**

#### **Section 1 Examination for Permission to Land in Japan**

(Application for Permission to Land in Japan)

Article 6 (1) Any Foreign National (except for a Crew Member; hereinafter the same applies in this Section) who seeks to land in Japan must possess a valid Passport with a visa issued by a Japanese Consular Officer, etc.; provided,

however, that a visa is not required for the Passport of a Foreign National for whom a visa issued by a Japanese Consular Officer, etc. is deemed unnecessary pursuant to an international agreement or through notification to that effect from the Japanese Government to a foreign government for the Passport of a person for whom re-entry permission pursuant to the provisions of Article 26, paragraph (1) (including those persons who are regarded to have been granted re-entry permission pursuant to the provisions of Article 26-2, paragraph (1) or Article 26-3, paragraph (1); the same applies hereinafter) has been granted or for the Refugee travel document of a person who has been issued such a document pursuant to the provisions of Article 61-2-12, paragraph (1).

(2) The Foreign National set forth in the main clause of the preceding paragraph must apply for permission to land in Japan with an Immigration Inspector at the Port of Entry or Departure where that person seeks to land and undergo an examination for permission to land in Japan in accordance with the procedures prescribed by Ministry of Justice Order.

(3) A Foreign National who seeks to apply for permission to land in Japan as set forth in the preceding paragraph is to provide an Immigration Inspector with information for personal identification (fingerprints, photographs or other information as prescribed by Ministry of Justice Order that serves to identify the individual; the same applies hereinafter) in electronic or magnetic form (electronic, magnetic, or any other form that cannot be perceived by the human senses alone; the same applies hereinafter) for use by a computer as prescribed by Ministry of Justice Order which is utilized for personal identification of the applicant, pursuant to the provisions of Ministry of Justice Order; provided, however, that this does not apply to a person who falls under any of the following items:

- (i) a special permanent resident prescribed 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 in Japan seeks to engage in an activity listed in the right-hand column under "Diplomat" or "Official" of Appended Table I (1);
- (iv) a person who is invited by the head of any national administrative organ;  
or
- (v) a person prescribed by Ministry of Justice Order as equivalent to a person listed in either of the two items immediately preceding this item.

(Examinations by Immigration Inspectors)

Article 7 (1) When the application set forth in paragraph (2) of the preceding Article is made, an Immigration Inspector must conduct an examination of the



- Foreign National to determine whether or not the Foreign National conforms to each of the following conditions for permission to land in Japan (with respect to a person who has been granted re-entry permission pursuant to the provisions of Article 26, paragraph (1) or a person who possesses a Refugee travel document issued 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 required, must be valid;
  - (ii) the activities to be engaged in while in Japan must not be falsely represented in the application, and must fall under any of the activities listed in the right-hand column of Appended Table I (activities listed in item (ii) of the right-hand column under "Highly Skilled Professional" and the activities listed in the right-hand column of Appended Table I (5), 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" is 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), the activities are to conform to the criteria prescribed by Ministry of Justice Order which is to be prescribed 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 Ministry of Justice Order pursuant to the provisions of Article 2-2, paragraph (3); or
  - (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, the Foreign National must not fall under any of the items of the same paragraph based on grounds other than the specified grounds; the same applies hereinafter).
- (2) The Foreign National subject to the examination set forth in the preceding paragraph proves that they conform to the conditions for permission to land in Japan prescribed therein. In this case, a Foreign National who seeks to engage in an activity listed in item (i), (a) through (c) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2) must use the certificate as prescribed in the following Article to prove that the Foreign National conforms to the conditions listed in item (ii) of the preceding paragraph.

- (3) The Minister of Justice is to consult with the heads of the relevant administrative organs in advance when prescribing the Ministry of Justice Order 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 information for personal identification pursuant to the provisions of the same paragraph, the Inspector must transfer 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 Ministry of Justice Order, may issue a certificate of eligibility stating that the Foreign National concerned conforms with 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 Ministry of Justice Order.

(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 Permission to Land in Japan)

Article 9 (1) If, as a result of an examination, an Immigration Inspector finds that a Foreign National conforms to the conditions for permission to land in Japan as prescribed in Article 7, paragraph (1), the Inspector must endorse the Passport of the Foreign National to that effect by affixing a seal of verification for permission to land in Japan thereto.

- (2) In the case referred to in the preceding paragraph, the determination of whether the Foreign National falls under Article 5, paragraph (1), item (i) or (ii) must 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, when affixing the seal of verification for permission to land in Japan as set forth in paragraph (1), must decide the status of residence and Period of Stay of the Foreign National concerned and enter it clearly in their Passport; provided, however, that this does not apply in

cases of a person who has been granted re-entry permission pursuant to the provisions of Article 26, paragraph (1), or a person who possesses a Refugee travel document issued pursuant to the provisions of Article 61-2-12, paragraph (1).

- (4) If an Immigration Inspector has found that a Foreign National who falls under all of the following items conforms to the conditions for permission to land in Japan prescribed in Article 7, paragraph (1), the Immigration Inspector may record the Foreign National's name, date of landing in Japan, the Port of Entry or Departure at which the Foreign National lands and other data as provided by Ministry of Justice Order in a file available on a computer as prescribed by Ministry of Justice Order to be used as a record and substituted for the seal of verification for permission to land in Japan. 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 (8) (limited to those persons who are registered having come under item (i), (c) of the same paragraph and possess a registered user card issued pursuant to the provisions of paragraph (1) or (8) of the following Article); and
  - (ii) the Foreign National has provided information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order when applying for permission to land in Japan.
- (5) When the Immigration Inspector records the prescribed data pursuant to the provisions of the preceding paragraph for a foreign national possessing a registered user card issued pursuant to the provisions of paragraph (1) or paragraph (8) of the following Article, the Immigration Inspector must determine that foreign national's status of residence as "Temporary Visitor" with a Period of Stay and enter information to such effect in the registered user card.
- (6) Except for cases where a seal of verification for permission to land in Japan is affixed pursuant to the provisions of paragraph (1) or where the prescribed data is recorded pursuant to the provisions of paragraph (4), the Immigration Inspector must transfer the Foreign National to a Special Inquiry Officer for a hearing pursuant to the provisions of Article 10.
- (7) Except for cases where the special provisions of Section 4 apply, a Foreign National must not land in Japan unless they have had their Passport endorsed with a seal of verification for permission to land in Japan pursuant to the provisions of paragraph (1) of this Article, Article 10, paragraph (8), or Article 11, paragraph (4), or where they have had their prescribed data recorded pursuant to the provisions of paragraph (4) of this Article.
- (8) If a Foreign National residing in Japan wishes to depart 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 their prescribed data recorded pursuant to the provisions of paragraph (4) of this Article at the Port of Entry or Departure at which the Foreign National lands, the Minister of Justice may register to that effect pursuant to the provisions of Ministry of Justice Order:

- (i) a person who comes under any of the following (a) to (c):
  - (a) a person who has received re-entry permission pursuant to the provisions of Article 26, paragraph (1);
  - (b) a person who possesses a refugee travel document issued pursuant to the provisions of Article 61-2-12, paragraph (1);
  - (c) a person who comes under all of the following 1. to 4.:
    - 1. the Foreign National intends to engage in the activities listed in the right-hand column corresponding to "Temporary Visitor" specified in Appended Table I (3) of the Act in Japan when returning to Japan (except for those who come under (a));
    - 2. the number of times of receiving a seal of verification for permission to land in Japan pursuant to the provisions of paragraph (1) of this Article, Article 10, paragraph (8) or Article 11, paragraph (4), or of the prescribed data being recorded pursuant to the provisions of paragraph (4) of this Article is the number of times or more specified by Ministry of Justice Order;
    - 3. 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); and
    - 4. the Foreign National comes under other requirements prescribed in by Ministry of Justice Order as necessary for fair and equitable immigration control;
- (ii) the Foreign National has provided information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order; and
- (iii) the Foreign National does not fall under any of the items of Article 5, paragraph (1) at the time of the registration.

(Registered User Cards)

Article 9-2 (1) When the Minister of Justice registers the prescribed data for a foreign national who comes under paragraph (8), item (i), (c) of the preceding Article, pursuant to the provisions of the same paragraph, the Minister is to have an immigration inspector issue a registered user card to that foreign national.

(2) The information required to be put on the registered user card is as follows:

- (i) name, date of birth, sex, and country of nationality or the region prescribed in Article 2, item (v), (b);
  - (ii) the number, date of issuance and expiration date of the period of validity of the registered user card.
- (3) In accordance with the provisions of Ministry of Justice Order, the registered user card is to display a photograph of the foreign national registered pursuant to the provisions of paragraph (8) of the preceding Article. In this case, the Minister of Justice may use the photograph that was provided by the foreign national pursuant to the provisions of Article 6, paragraph (3) and other provisions of the laws and regulations prescribed by Ministry of Justice Order.
- (4) Beyond what is prescribed in the preceding two paragraphs, the form of the registered user card and other necessary particulars with respect to the registered user card are to be prescribed by Ministry of Justice Order.
- (5) The Minister of Justice may record all or part of the particulars listed in any of the items of paragraph (2) and the information which is to be indicated pursuant to the provisions of the paragraph (3) on the registered user card in electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (6) The period of validity of the registered user card is until whichever comes earlier of the date on which three years have passed since the day of issuance or the expiration date of the passport possessed by the foreign national who was issued with the registered user card.
- (7) A Foreign National who was issued with a registered user card may apply to the Minister of Justice for reissuance of the registered user card through the procedures specified in Ministry of Justice Order when coming under any of the following items:
- (i) the foreign national no longer has the registered user card in their possession due to loss, theft, destruction or any other reason; or
  - (ii) the registered user card has been noticeably damaged or soiled; or the record subject to the provisions of paragraph (5) has been damaged.
- (8) The Minister of Justice is to have an Immigration Inspector issue a new registered user card to the foreign national when an application has been made pursuant to the provisions of the preceding paragraph. With regard to the application of the provisions of paragraph (6) in this case, "the date of issuance" in the same paragraph is deemed to be replaced with "the date of issuance of the registered user card pursuant to the provisions of paragraph (1) with regard to foreign nationals issued with a registered user card" and "the foreign national who was issued with a registered user card" is deemed to be replaced with "the foreign national".

## **Section 2 Hearings and Filings of Objections**

(Hearings)

- Article 10 (1) If a Foreign National is transferred to a Special Inquiry Officer pursuant to the provisions of Article 7, paragraph (4) or Article 9, paragraph (6), the Special Inquiry Officer must promptly conduct a hearing on the Foreign National.
- (2) When a Special Inquiry Officer conducts a hearing, a record of the hearing must be prepared.
- (3) A Foreign National or a representative appearing upon their request may, in the course of a hearing, produce evidence and examine witnesses.
- (4) A Foreign National may have the attendance of one of their relatives or acquaintances permitted by a Special Inquiry Officer.
- (5) A Special Inquiry Officer may, ex officio or upon the request of a Foreign National, order the appearance of witnesses in person at a specific location, put them under oath and seek testimony in accordance with the procedures prescribed by Ministry of Justice Order.
- (6) A Special Inquiry Officer may make inquiries of public offices or of public or private organizations and request the submission of reports on necessary facts if found necessary for the hearing.
- (7) If a Special Inquiry Officer finds, as a result of a hearing, that the Foreign National who has been transferred to the officer pursuant to the provisions of Article 7, paragraph (4) does not fall under any of the items of paragraph (3) of Article 6, the officer is to promptly notify the Foreign National of their findings and order the Foreign National to depart Japan, and must likewise inform the captain of the vessel or aircraft or the Carrier who operates the vessel or aircraft by which the Foreign National arrived; provided, however, that this does not apply if the Foreign National provides the Special Inquiry Officer with information for personal identification in electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (8) If a Special Inquiry Officer finds, as a result of a hearing, that a Foreign National (in the case of a Foreign National who has been transferred to the officer 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 information for personal identification in electronic or magnetic form pursuant to the provisions of Ministry of Justice Order; hereinafter the same applies in paragraph (10)) conforms to the conditions for permission to land in Japan as prescribed in Article 7, paragraph (1), the Special Inquiry Officer must immediately affix a seal of verification for permission to land in Japan to the passport of the Foreign National.
- (9) The provisions of Article 9, paragraph (3) apply mutatis mutandis to the seal

of verification for permission to land in Japan set forth in the preceding paragraph.

- (10) If a Special Inquiry Officer finds, as a result of a hearing, that a Foreign National does not conform to the conditions for permission to land in Japan prescribed in Article 7, paragraph (1), the officer is to promptly notify the Foreign National of their findings and the reasons therefor, and must inform the Foreign National that they 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 that paragraph, the Special Inquiry Officer is to order the Foreign National to depart from Japan after the Foreign National has signed a statement that they will not file an objection, and must 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 an Objection)

- Article 11 (1) If a Foreign National who has been granted the notice set forth in paragraph (10) of the preceding Article has an objection to the findings, the Foreign National within 3 days from receipt of the notice, may file an objection with the Minister of Justice by submitting a document with a statement of their complaint to a Supervising Immigration Inspector in accordance with the procedures prescribed by Ministry of Justice Order.
- (2) If the objection set forth in the preceding paragraph is filed, the Supervising Immigration Inspector must submit to the Minister of Justice the records of the hearing as set forth in paragraph (2) of the preceding Article and other relevant documents.
  - (3) If the Minister of Justice has received the objection pursuant to the provisions of paragraph (1), the relevant Minister must determine whether or not the objection is within reason and must notify the Supervising Immigration Inspector of the determination.
  - (4) The Supervising Immigration Inspector, upon receiving notice of a determination from the Minister of Justice to the effect that the objection is within reason, must immediately affix a seal of verification for permission to land in Japan to the Passport of the Foreign National.
  - (5) The provisions of Article 9, paragraph (3) applies mutatis mutandis to the affixing of a seal of verification for permission to land in Japan set forth in the preceding paragraph.
  - (6) If the Supervising Immigration Inspector has received from the Minister of Justice a notice of a determination to the effect that an objection is unreasonable, the relevant Inspector is to inform the Foreign National

promptly of this determination and order them to leave Japan, and must likewise inform the captain of the vessel or aircraft or the Carrier who operates the vessel or aircraft by which the Foreign National arrived in Japan.

(Special Cases of Determinations by the Minister of Justice)

Article 12 (1) In making a determination as set forth in paragraph (3) of the preceding Article, the Minister of Justice may grant special permission to land in Japan to the Foreign National concerned if they fall under any of the following items, even if the Minister finds that the objection filed is unreasonable:

(i) the Foreign National has been granted re-entry permission;

(ii) the Foreign National has entered Japan under the control of another due to Human Trafficking; or

(iii) the Minister of Justice finds that circumstances exist that warrant the granting of special permission to land in Japan.

(2) With respect to the application of paragraph (4) of the preceding article, the permission set forth in the preceding paragraph is regarded as a determination to the effect that the filed objection was within reason.

### **Section 3 Permission to Provisionally Land in Japan and Other Related Matters**

(Permission to Provisionally Land in Japan)

Article 13 (1) If a Supervising Immigration Inspector finds it specifically necessary during the process of the procedures for permission to land in Japan prescribed in this Chapter, the relevant Inspector may grant permission to provisionally land in Japan to a Foreign National until completion of the procedures.

(2) If the Supervising Immigration Inspector grants the permission set forth in the preceding paragraph, the relevant Inspector must issue a permit to provisionally land in Japan 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, have the Foreign National appear in person at a location upon receiving a summons, and may impose other necessary conditions pursuant to the provisions of Ministry of Justice Order, and have the relevant Foreign National pay a deposit in Japanese currency not exceeding 2 million yen or an equivalent amount in a foreign currency prescribed by Ministry of Justice Order.

(4) The deposit set forth in the preceding paragraph must be returned to the Foreign National concerned if the Foreign National receives a seal of



verification for permission to land in Japan 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 in person at a summons without a justifiable reason, the Supervising Immigration Inspector is to confiscate the whole or in other cases part of the deposit set forth in the same paragraph pursuant to the provisions of Ministry of Justice Order.
- (6) If the Supervising Immigration Inspector has adequate grounds to suspect that a Foreign National who has been granted the permission set forth in paragraph (1) is a flight risk, the relevant Inspector 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) applies 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 is deemed to be replaced with "the written detention order set forth in Article 13, paragraph (6)"; "the suspect" with "the Foreign National granted provisional permission to land in Japan"; and "the summary of the suspected offense" with "grounds for detention", respectively. In Article 41, paragraph (1), the passage, "is to be within 30 days. However, if a Supervising Immigration Inspector finds that there are unavoidable reasons, they may extend such period once for an additional 30 days" is deemed to be replaced with "for a period of time preceding the completion of procedures for permission to land in Japan as prescribed 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" is deemed to be replaced with "a Foreign National granted provisional permission to land in Japan".

(Place of Stay for a Foreign National Given an Exclusion Order)

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 Ministry of

Justice Order.

- (2) The Special Inquiry Officer or the Supervising Immigration Inspector, when designating the facility and the period set forth in the preceding paragraph, must 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 Permission to Land in Japan**

(Permission to Land in Japan at a Port of Call)

- Article 14 (1) An Immigration Inspector may grant a Foreign National (except for Crew Members) who is on board a vessel or aircraft permission to land in Japan at a port of call if the relevant Foreign National 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; provided, however, that this does 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 applies hereinafter).
- (2) If the Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in the preceding paragraph, the relevant Inspector may require the Foreign National to provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (3) In granting the permission set forth in paragraph (1), the Immigration Inspector must affix a seal of verification for permission to land in Japan 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 period a Foreign National may land in Japan, area of movement and other necessary conditions pursuant to the provisions of Ministry of Justice Order.

(Permission to Land in Japan for Cruise Ship Tourists)

- Article 14-2 (1) An Immigration Inspector may grant a Foreign National (except for Crew Members) on board a designated passenger ship (a passenger ship in service on a route between Japan and an area outside of Japan which is designated by the Minister of Justice in consideration of factors including but not limited to measures being accurately taken to verify the identity of the passengers; the same applies hereinafter) permission to land in Japan for

cruise ship tourists upon application by the master of the designated passenger ship or the Carrier who operates the designated passenger ship in accordance with the procedures prescribed by Ministry of Justice Order, when such Foreign National wishes to land within 30 days (7 days for Foreign Nationals on board a designated passenger ship in service on a route where the number of ports of call within Japan is one) up until the time of departure from Japan for the purpose of sightseeing while such designated passenger ship is in Japan, on the condition that the Foreign National returns to the ship by the time it is to depart from the Port of Entry or Departure for each occasion they disembark from the ship at a Japanese Port of Entry or Departure at which the designated passenger ship makes a port of call.

- (2) An Immigration Inspector may, on finding it to be appropriate, grant a Foreign National (except for Crew Members) on board a designated passenger ship permission to land in Japan for cruise ship tourists upon an application by the master of the designated passenger ship or the Carrier who operates the designated passenger ship in accordance with the procedures prescribed by Ministry of Justice Order when such Foreign National wishes to land on multiple occasions within 30 days for the purpose of sightseeing while the designated passenger ship is in Japan, on the condition that the Foreign National returns to the ship by the time the designated passenger ship is to depart from the Port of Entry or Departure for each occasion they disembark from the ship at a Japanese Port of Entry or Departure at which the designated passenger ship makes a port of call.
- (3) If an Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in the preceding two paragraphs, the relevant Inspector may require the Foreign National to provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (4) In granting the permission set forth in paragraph (1) or (2), the Immigration Inspector must issue a permit to land in Japan for cruise ship tourists to the Foreign National concerned.
- (5) In granting the permission set forth in paragraph (1) or (2), the Immigration Inspector may impose restrictions on the period a Foreign National may land in Japan, the area of movement, and other necessary conditions pursuant to the provisions of Ministry of Justice Order.
- (6) The provisions of the proviso to paragraph (1) of the preceding Article apply *mutatis mutandis* to the cases referred to in paragraphs (1) and (2).
- (7) If the Foreign National who has been granted the permission set forth in paragraph (2) intends to land in Japan, the Immigration Inspector may, if finding it necessary to do so, have the Foreign National provide their information for personal identification in electronic or magnetic form pursuant

to the provisions of Ministry of Justice Order.

- (8) If the Foreign National, having received the permission set forth in paragraph (2) intends to land in Japan, the Immigration Inspector is to revoke that permission immediately if finding that the Foreign National falls under any of the items of Article 5, paragraph (1).
- (9) Beyond the cases referred to in the preceding paragraph, an Immigration Inspector may revoke permission, in accordance with the procedures prescribed by Ministry of Justice Order, if the relevant Inspector finds it inappropriate to continue granting the permission to the Foreign National set forth in paragraph (2). In this case, if the Foreign National is in Japan, the Immigration Inspector is to designate a period within which the Foreign National is to depart from Japan.

(Permission to Land in Japan in Transit)

Article 15 (1) If a Foreign National (except for Crew Members) on board a vessel wishes, for the purpose of sightseeing, to temporarily disembark from and return to the same vessel at a different Port of Entry or Departure which that vessel is scheduled to call at while that vessel is in Japan, an Immigration Inspector may grant the Foreign National permission to land in Japan in transit upon application by the master of the vessel or the Carrier who operates the vessel.

- (2) An Immigration Inspector, upon application by the captain of the vessel or aircraft or the Carrier who operates the vessel or aircraft, may grant a Foreign National (except for Crew Members) on board the vessel or aircraft permission to land in Japan in transit when such Foreign National wishes to proceed via Japan to an area outside Japan, and to depart within 3 days of their entry into Japan from another Port of Entry or Departure in the vicinity of the port at which the Foreign National entered Japan, on board a vessel or aircraft other than the one on which the Foreign National arrived in Japan.
- (3) If the Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in the preceding two paragraphs, the Inspector may require the Foreign National to provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (4) In granting the permission set forth in paragraph (1) or (2), the Immigration Inspector must affix a seal of verification for permission to land in Japan 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 period a Foreign National may land in Japan, transit route and other necessary conditions pursuant to the provisions of Ministry of Justice Order.

- (6) The provisions of the proviso to paragraph (1) of Article 14 apply mutatis mutandis to the cases referred to in paragraphs (1) and (2) of this Article.

(Permission for Crew Members to Land in Japan)

Article 16 (1) An Immigration Inspector may grant permission for Crew Members to land in Japan to a foreign Crew Member (including those who became Crew Members in Japan; hereinafter the same applies in this Article) who wish to land in Japan 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 they are to board) in accordance with the procedures prescribed by Ministry of Justice Order.

- (2) An Immigration Inspector may grant permission to land in Japan to Crew Members who fall under any of the following items if finding it reasonable to do so:

(i) if 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 on board, in accordance with the procedures prescribed by Ministry of Justice Order; or

(ii) if 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 Port 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 prescribed by Ministry of Justice Order.

- (3) If the Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in the preceding two paragraphs, the Inspector may require the Foreign National to provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (4) In granting the permission set forth in paragraph (1) or (2), the Immigration Inspector must issue a permit to land in Japan for Crew Members to the Crew Member concerned.
- (5) In granting the permission set forth in paragraph (1), the Immigration Inspector may impose restrictions on the period a Crew Member may land in

Japan, area of movement (including the route to be followed in transit) and other necessary conditions pursuant to the provisions of Ministry of Justice Order.

- (6) The provisions of the proviso to Article 14, paragraph (1), apply mutatis mutandis to the cases referred to in paragraphs (1) and (2) of this Article.
- (7) If a Crew Member who has been granted the permission set forth in paragraph (2) of this Article intends to land in Japan, the Immigration Inspector may, if necessary, have the Crew Member provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
- (8) If the Crew Member who has been granted the permission set forth in paragraph (2) intends to land in Japan, and if the Immigration Inspector finds that the Crew Member falls under any of the items of Article 5, paragraph (1), the Immigration Inspector is to revoke the permission immediately.
- (9) Beyond the cases referred to in the preceding paragraph, the Immigration Inspector may revoke the permission, in accordance with the procedures prescribed by Ministry of Justice Order, if the Immigration Inspector finds it inappropriate to continue granting the permission concerned. In this case, if the Crew Member is in Japan, the Immigration Inspector is to designate a period within which the Crew Member is to return to their ship or depart from Japan.

(Emergency Permission to Land in Japan)

- Article 17 (1) In the case of illness or any accident which urgently requires permission to land in Japan for a Foreign National on board a vessel or aircraft for the purpose of medical treatment, an Immigration Inspector may grant emergency permission to land in Japan to the Foreign National concerned upon application by the captain of the vessel or aircraft or the Carrier who operates the vessel or aircraft until the basis for permission to land in Japan is determined to no longer exist through a medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.
- (2) If an Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in the preceding paragraph, the Inspector may require the Foreign National to provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
  - (3) In granting the permission set forth in paragraph (1), the Immigration Inspector must issue an emergency permit to land in Japan to the Foreign National concerned.
  - (4) If 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 is liable for the living expenses, medical treatment expenses, and funeral expenses of the Foreign National concerned and any other expenses incurred during the period covered by emergency permission to land in Japan.

(Permission to Land in Japan 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 Nationals on board the vessel or aircraft, or for any other emergency response measures, the Inspector may grant Foreign Nationals concerned permission to land in Japan due to distress upon 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 Nationals, the captain of the vessel or aircraft in distress or the Carrier who operates the vessel or aircraft.
- (2) An Immigration Inspector is to grant permission to land in Japan due to distress immediately, notwithstanding the provisions of the preceding paragraph, if the Foreign National set forth in the preceding paragraph has been transferred by a police official or coast guard officer.
- (3) If the Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in paragraph (1) of this Article, the Inspector may have the Foreign National provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order. The same applies if the Inspector finds it necessary if the Foreign National is transferred pursuant to the provisions of the preceding paragraph.
- (4) In granting the permission set forth in paragraph (1) or (2), the Immigration Inspector must issue a permit to land in Japan 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 period a Foreign National may land in Japan, area of movement and other necessary conditions pursuant to the provisions of Ministry of Justice Order.

(Permission to Land in Japan for Temporary Refuge)

- Article 18-2 (1) An Immigration Inspector may grant permission to land in Japan for temporary refuge upon application by a Foreign National on board 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 their life, physical well-being or physical freedom were threatened; and
- (ii) it would be appropriate for temporary permission to land in Japan to be granted.
- (2) If the Immigration Inspector finds it necessary for an examination in relation to granting the permission set forth in the preceding paragraph, they may have the Foreign National provide their information for personal identification in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.
  - (3) In granting the permission set forth in paragraph (1), the Immigration Inspector must issue a permit to land in Japan 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 period a Foreign National may land in Japan, place of residence, area of movement and other necessary conditions pursuant to the provisions of Ministry of Justice Order.

## **Chapter IV Residence and Departure**

### **Section 1 Residence**

#### **Subsection 1 Activities during Residence**

(Scope of Activities)

Article 19 (1) Any Foreign National who is a resident under a status of residence listed in the left-hand column of Appended Table I must not engage in the activities set forth in the following items, with regard to the categories identified therein, except for cases where they engage in those activities 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 they receive remuneration (except compensation for lectures not given on a regular basis, incidental remuneration received in the course of everyday life and other remuneration prescribed by Ministry of Justice Order; the same applies hereinafter), which are not included in the activities listed in the right-hand column of the Tables corresponding to each status of residence; or
  - (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 they receive 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 prescribed by Ministry of Justice Order, to engage in activities related to the management of business involving income or activities for which they receive 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 the Minister finds reasonable 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 prescribed by Ministry of Justice Order when a Foreign National, to whom permission was granted based on the preceding paragraph, violates conditions imposed on themselves 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 to land in Japan pursuant to the provisions of Articles 16 through 18 continues to be regarded as a Crew Member, even after ceasing to be a Crew Member through dismissal, as long as they remain in Japan.

(Certificate of Authorization for Employment)

Article 19-2 (1) If 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 the Foreign National receives remuneration pursuant to the provisions of Ministry of Justice Order.

- (2) No one is to, in employing a Foreign National, treat that Foreign National disadvantageously 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 the Foreign National receives remuneration.

### **Subsection 2 Mid to Long-Term Residence**

(Mid to Long-Term Residents)

Article 19-3 The Minister of Justice is to issue a residence card to Foreign Nationals who are residing with a status of residence in Japan, other than the following persons (hereinafter referred to as "Mid to long-term Residents"):

- (i) a person who has been granted a Period of Stay of not more than 3 months;
- (ii) a person who has been granted the status of residence "Temporary Visitor";
- (iii) a person who has been granted the status of residence of "Diplomat" or

"Official"; or

- (iv) a person prescribed by Ministry of Justice Order as equivalent to a person listed in any of the preceding three items.

(Residence card Information)

Article 19-4 (1) The following information is required on residence cards:

- (i) name, date of birth, sex, country of nationality or the region prescribed in Article 2, item (v), (b);
  - (ii) place of residence (referring to the location of the principal place of residence in Japan; the same applies hereinafter);
  - (iii) status of residence, Period of Stay and expiration date of the Period of Stay;
  - (iv) type and date of permission;
  - (v) number, date of issuance and expiration date of the period of validity of the residence card;
  - (vi) whether or not there are any restrictions on work; and
  - (vii) if the permission pursuant to the provisions of Article 19, paragraph (2) has been granted, indication to that effect.
- (2) The number of the residence card set forth in item (v) of the preceding paragraph is set as a different number for each residence card issued (including reissuance) pursuant to the provisions of Ministry of Justice Order.
- (3) The residence card is to display a photograph of the Mid to Long-Term Resident pursuant to the provisions of Ministry of Justice Order. In this case, the Minister of Justice may use the photograph that was provided by the Mid to Long-Term Resident pursuant to the provisions of Article 6, paragraph (3) and other provisions of the laws and regulations prescribed by Ministry of Justice Order.
- (4) Beyond what is prescribed in the preceding three paragraphs, the form of the residence card, the particulars to be indicated on the residence card and other necessary particulars with respect to the residence card are prescribed by Ministry of Justice Order.
- (5) The Minister of Justice may record all or part of the particulars listed in any of the items of paragraph (1) and the information which is to be indicated pursuant to the provisions of the preceding two paragraphs on the residence card in an electronic or magnetic form pursuant to the provisions of Ministry of Justice Order.

(Period of Validity of Residence cards)

Article 19-5 (1) The period of validity of residence cards is to last until the end of the last day prescribed in each of the following respective items with regard to the categories listed in the following items for the Mid to Long-Term Resident

who is to be issued the residence card:

- (i) a permanent resident (except for the persons listed in the following items) or a person with the status of residence as a "Highly Skilled Professional" (limited to those in relation to item (ii) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2)): the date on which 7 years have elapsed following the date of issuance of the residence card;
  - (ii) a permanent resident who is under 16 years of age on the date of issuance of the residence card (except for persons who were issued with a residence card pursuant to the provisions of Article 19-10, paragraph (2) as applied *mutatis mutandis* pursuant to Article 19-11, paragraph (3); the same applies in item (iv)): the sixteenth birthday (if the birthday of the Foreign National falls on February 29, the birthday of the Foreign National is deemed to be February 28 in years other than leap years; the same applies hereinafter);
  - (iii) a person other than the Foreign Nationals listed in the preceding two items (except for the persons given in the following item): the expiration date of the Period of Stay; or
  - (iv) a person, other than the Foreign Nationals listed in item (i) or item (ii), who is under 16 years of age on the date of issuance of the residence card: whichever comes first between the expiration date of the Period of Stay or that person's sixteenth birthday.
- (2) If the period of validity of the residence card lasts until the end of the last day of the person's Period of Stay pursuant to the provisions of item (iii) or item (iv) of the preceding paragraph, and if the Mid to Long-Term Resident who was issued with the residence card is permitted to continue residing in Japan after the expiration of the Period of Stay pursuant to the provisions of Article 20, paragraph (5) (including as applied *mutatis mutandis* pursuant to the provisions of Article 21, paragraph (4); the same applies hereinafter in this paragraph, Article 24, item (iv), (b) and Article 26, paragraph (4)), the period of validity of the residence card is to last until the end of the last day of the period during which the Foreign National is permitted to reside in Japan pursuant to the provisions of Article 20, paragraph (5).

(Issuance of a Residence Card When Newly-Landing in Japan)

Article 19-6 The Minister of Justice is to have an Immigration Inspector issue a residence card pursuant to the provisions of Ministry of Justice Order to a person who has become a Mid to Long-Term Resident who has been granted a seal of verification for permission to land in Japan, or permission (limited to those with a decision on the status of residence) pursuant to the provisions of Section 1 or Section 2 of the preceding Chapter.

(Notification of Place of Residence Following Newly-Landing in Japan)

Article 19-7 (1) The Mid to Long-Term Resident in the preceding Article must notify the Minister of Justice of their place of residence through the mayor of the relevant municipality upon submitting their residence card to the mayor of the municipality (including special wards, and wards or administratively consolidated wards in the designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act; the same applies hereinafter) in accordance with the procedures prescribed in Ministry of Justice Order within 14 days of determining their new place of residence.

(2) The mayor of the municipality is to enter (including the record pursuant to the provisions of Article 19-4, paragraph (5)) the place of residence onto the residence card if the card has been submitted pursuant to the provisions of the preceding paragraph, and is to return it to the Mid to Long-Term Resident.

(3) If the Mid to Long-Term Resident prescribed in paragraph (1) has filed a notification pursuant to the provisions of Article 30-46 of the Residential Basic Book Act (Act No. 81 of 1967) by submitting their residence card, such notification is deemed to be the notification pursuant to the provisions of the same paragraph.

(Notification of the Place of Residence Associated with a Change of Status of Residence)

Article 19-8 (1) A person who has newly become a Mid to Long-Term Resident having been granted permission pursuant to the provisions of the main clause of Article 20, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph 3 (including as applied mutatis mutandis pursuant to the provisions of Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3)), Article 50, paragraph (1) or Article 61-2-2, paragraph (1) or paragraph (2) must notify the Minister of Justice of their place of residence through the mayor of the relevant municipality upon submitting their residence card to the mayor of the municipality in accordance with the procedures prescribed in Ministry of Justice Order within 14 days of the date of settling on a place of residence (with regard to persons who have already settled on a place of residence, the date of the relevant permission).

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to cases where the residence card is submitted pursuant to the provisions of the preceding paragraph.

(3) If the Mid to Long-Term Resident prescribed in paragraph (1) has filed a notification pursuant to the provisions of Article 30-46 or Article 30-47 of the Residential Basic Book Act by submitting their residence card, the notification

is deemed to be the notification pursuant to the provisions of the same paragraph.

- (4) If the Foreign National prescribed in Article 22-2, paragraph (1) or Article 22-3 has submitted a copy of the residence certificate or a certificate of information specified in the residence certificate prescribed in Article 12, paragraph (1) of the Residential Basic Book Act to the Minister of Justice when filing an application pursuant to the provisions of Article 22-2, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3), the notification prescribed in paragraph (1) is deemed to have been filed at the time of the permission pursuant to the provisions of the main clause of Article 20, paragraph (3) as applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3) or the permission prescribed in Article 22, paragraph (2) as applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3) being granted.

(Notification of Change of Place of Residence)

- Article 19-9 (1) If the Mid to Long-Term Resident has changed their place of residence, they must notify the Minister of Justice of the new place of residence (referring to the place of residence following the change; the same applies hereinafter) through the respective mayor of the municipality upon submitting their residence card to the mayor of the municipality of the new place of residence in accordance with the procedures prescribed in Ministry of Justice Order within 14 days of the date of relocating to the new place of residence.
- (2) The provisions of Article 19-7, paragraph (2) applies mutatis mutandis to cases where the residence card is submitted pursuant to the provisions of the preceding paragraph.
- (3) If the Mid to Long-Term Resident in paragraph (1) has filed a notification pursuant to the provisions of Article 22, Article 23, or Article 30-46 of the Residential Basic Book Act by submitting their residence card, the notification is deemed to be that pursuant to the provisions of the same paragraph.

(Notification of Change of an Entry Other than Place of Residence)

- Article 19-10 (1) If a change has occurred in the particulars listed in Article 19-4, paragraph (1), item (i), the Mid to Long-Term Resident, must notify the Minister of Justice of the change in accordance with the procedures prescribed in Ministry of Justice Order within 14 days of the date of the occurrence of the change.
- (2) If the notification set forth in the preceding paragraph has been filed, the Minister of Justice is to have an Immigration Inspector issue a new residence

card to the Mid to Long-Term Resident.

(Extension of the Period of Validity of Residence Cards)

- Article 19-11 (1) A Mid to Long-Term Resident who has been issued with a residence card must apply to the Minister of Justice for an extension of the period of validity of the residence card in accordance with the procedures prescribed by Ministry of Justice Order during the period two months prior (six months prior if the date of the expiration of the period of validity is the resident's sixteenth birthday) to the date of expiration of the period of validity of the residence card up to the date of the expiration of the period of validity (referred to in the following paragraph as "extension period").
- (2) A person likely to have difficulty in filing the application pursuant to the provisions of the preceding paragraph within the extension period due to unavoidable circumstances may apply to the Minister of Justice for an extension of the period of validity of the residence card prior to the extension period in accordance with the procedures prescribed by Ministry of Justice Order.
- (3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to cases where the application is filed pursuant to the provisions of the preceding two paragraphs.

(Reissuance of Lost Residence cards)

- Article 19-12 (1) If a Mid to Long-Term Resident who has been issued with a residence card no longer has the residence card in their possession due to loss, theft, destruction or any other cause, they must apply to the Minister of Justice for the reissuance of the residence card in accordance with the procedures prescribed by Ministry of Justice Order within 14 days of the date of becoming aware of such fact (if the relevant Mid to Long-Term Resident was out of Japan when they became aware of such fact, the date of subsequently first entering Japan).
- (2) The provisions of Article 19-10, paragraph (2) applies mutatis mutandis to cases where the application was filed pursuant to the provisions of the preceding paragraph.

(Reissuance of Defaced Residence Cards)

- Article 19-13 (1) If a residence card has been noticeably damaged or soiled or the record pursuant to the provisions of Article 19-4, paragraph (5) has been damaged (hereinafter referred to in this paragraph as "cases of damage, etc."), the Mid to Long-Term Resident, who was issued with the residence card, may apply to the Minister of Justice for reissuance of the card in accordance with the procedures prescribed by Ministry of Justice Order. The same applies even

if the Mid to Long-Term Resident who was issued with the residence card wishes to exchange it in cases other than cases of damage, etc. (except where no justifiable grounds are deemed to exist).

- (2) The Minister of Justice may order the Mid to Long-Term Resident in possession of a residence card, which has been noticeably damaged or soiled, or the record pursuant to the provisions of Article 19-4, paragraph (5) has been damaged, to apply for reissuance of the residence card.
- (3) A Mid to Long-Term Resident who has received an order pursuant to the provisions of the preceding paragraph must apply to the Minister of Justice for reissuance of the residence card in accordance with the procedures prescribed by Ministry of Justice Order within 14 days of the date of receiving the order.
- (4) The provisions of Article 19-10, paragraph (2) applies mutatis mutandis to cases where the application is filed pursuant to the provisions of paragraph (1) or the preceding paragraph.

(Loss of the Effect of Residence cards)

Article 19-14 Residence cards lose effect in cases falling under any of the following items:

- (i) the Mid to Long-Term Resident who was issued with the residence card is no longer a Mid to Long-Term Resident;
- (ii) the period of validity of the residence card has expired;
- (iii) the Mid to Long-Term Resident who was issued with a residence card (except for persons who have been granted re-entry permission pursuant to the provisions of Article 26, paragraph (1)) has received confirmation of departure from an Immigration Inspector at the Port of Entry or Departure from which they are to depart pursuant to the provisions of Article 25, paragraph (1);
- (iv) the Mid to Long-Term Resident who was issued with a residence card is a person who departed from Japan and was granted re-entry permission pursuant to the provisions of Article 26, paragraph (1), but did not re-enter Japan within the period of validity of the re-entry permission;
- (v) the Mid to Long-Term Resident who was issued with a residence card has been issued with a new residence card; or
- (vi) the Mid to Long-Term Resident who was issued with a residence card has died.

(Return of Residence cards)

Article 19-15 (1) Mid to Long-Term Residents who have been issued a residence card must return the card to the Minister of Justice within 14 days, if the residence card in their possession has lost its effect due to falling under item (i), item (ii) or item (iv) of the preceding Article.

- (2) Mid to Long-Term Residents who have been issued a residence card must immediately return the residence card to the Minister of Justice, if the residence card in their possession has lost its effect due to falling under item (iii) or item (v) of the preceding Article.
- (3) If a Mid to Long-Term Resident loses a residence card that they were issued, then subsequently finds that card after it has lost its effect pursuant to the provisions of the preceding Article (except for item (vi)), they must return the residence card to the Minister of Justice within 14 days of the date of finding it.
- (4) If the residence card has lost its effect pursuant to the provisions of item (vi) of the preceding Article, a relative or person who was living with the deceased Mid to Long-Term Resident must return the residence card to the Minister of Justice within 14 days of the date of the Mid to Long-Term Resident's death (if the relevant person came to find the residence card after the death of the Foreign National, the date of finding it).

(Notification Relating to the Organization of Affiliations)

Article 19-16 Any Mid to Long-Term Resident who is residing in Japan with a status of residence listed in the following items, if the cause prescribed in each respective item occurs with regard to the category of the status of residence listed therein, must notify the Minister of Justice to such effect and of the particulars prescribed in Ministry of Justice Order in accordance with the procedures prescribed in Ministry of Justice Order within 14 days of the date of the occurrence of such cause:

- (i) "Professor", "Highly Skilled Professional" (limited to those in relation to item (i), (c) or item (ii) (limited to cases of engaging in the activities listed in (c) of the same item) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2)), "Business Manager", "Legal/Accounting Services", "Medical Services", "Instructor", "Intra-company Transferee", "Technical Intern Training", "Student" or "Trainee": change in the name or location, or extinction of the public or private organization in Japan at which the activities listed respectively in the right-hand column of Appended Table I with regard to the status of residence are being carried out, or when leaving or being transferred from the organization;
- (ii) "Highly Skilled Professional" (limited to those in relation to item (i), (a) or (b) or item (ii) (limited to cases of engaging in the activities listed in (a) or (b) of the same item) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2)), "Researcher", "Engineer/Specialist in Humanities/ International Services", "Nursing Care", "Entertainer" (limited to cases of engaging in the activities in relation to the status of residence based on a contract with a public or private organization in Japan) or "Skilled Labor": change in the name or location, or extinction of the public or



private organization in Japan which is the other party to the contract (with regard to the status of residence of "Highly Skilled Professional" (limited to those in relation to item (i), (a) in the right-hand column under "Highly Skilled Professional" of the same Table), the public or private organization in Japan designated by the Minister of Justice), or the termination of the contract or conclusion of a new contract with the organization; or

(iii) "Dependent" (limited to persons who are able to engage in daily activities as a spouse), "Spouse or Child of Japanese National" (limited to persons with status as a spouse of a Japanese National) or "Spouse or Child of a Permanent Resident" (limited to persons with status as a spouse of a person who has status as a "Permanent Resident" or "Special Permanent Resident" (hereinafter referred to as "Permanent Resident, etc."): death of or divorce from the spouse.

(Notification by a Organization of Affiliation)

Article 19-17 A public or private organization in Japan accepting the Mid to Long-Term Resident who has status of residence under Appended Table I or any other organization as prescribed in Ministry of Justice Order (except for employers who are required to submit a notification pursuant to the provisions of Article 28, paragraph (1) of the Act Relating to Comprehensive Promotion of Labor Policies and Improvement of Employment Security and Working Life of Workers (Act No. 132 of 1966)) must endeavor to notify the Minister of Justice of the commencement and termination of accepting the Mid to Long-Term Resident, and other matters related to the status of acceptance pursuant to the provisions of Ministry of Justice Order.

(Continuous Keeping of Information on Mid to Long-Term Residents)

Article 19-18 (1) The Minister of Justice must consolidate information on the name, date of birth, sex, country of nationality, place of residence and organization of affiliation of the Mid to Long-Term Resident and other information necessary for managing residency, which was acquired pursuant to the provisions of the Immigration Control and Refugee Recognition Act and other laws and regulations, in order to continuously keep track of the family status, residence, and the state of activities of Mid to Long-Term Residents.

(2) The Minister of Justice must endeavor to keep the information prescribed in the preceding paragraph accurate and up-to-date.

(3) The Minister of Justice must not acquire nor retain the information established in paragraph (1) beyond the minimum extent necessary to manage residency, and must pay attention to protecting the rights and interests of individuals when handling that information.

(Inquiry into Facts)

- Article 19-19 (1) In order to continuously keep track of information on Mid to Long-Term Residents, the Minister of Justice may have an officer inquire into the facts with regard to information which is to be given notification of pursuant to the provisions of this Subsection if the relevant Minister finds it to be necessary to do so.
- (2) An Immigration Inspector or Immigration Control Officer may require persons concerned to appear in person at a location, may ask questions, or request the presentation of documents, if considered necessary for the inquiry set forth in the preceding paragraph.
- (3) The Minister of Justice, Immigration Inspector or Immigration Control Officer may make inquiries of public offices or of public or private organizations and request the submission of reports on necessary facts in relation to the inquiry set forth in paragraph (1).

## **Section 2 Change or Revocation of Status of Residence**

(Change of Status of Residence)

- Article 20 (1) Any Foreign National residing under a certain status of residence may have that status of residence (including the relevant Period of Stay; hereinafter the same applies in paragraphs (1) through (3) and in the following Article) changed (in the case of a Foreign National residing under status as a "Highly Skilled Professional" (limited to those in relation to item (i), (a) through (c) in the right-hand column in relation to a "Highly Skilled Professional" 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 their status of residence changed pursuant to the provisions of the preceding paragraph must apply to the Minister of Justice for a change of the status of residence in accordance with the procedures prescribed by Ministry of Justice Order; provided, however, that if the relevant Foreign National wishes to have their status of residence changed to that of "Permanent Resident", they must comply with the procedures pursuant to the provisions of Article 22, paragraph (1).
- (3) If an application for a change of status of residence has been submitted as set forth in the preceding paragraph, the Minister of Justice may grant permission only when the Minister finds that there are adequate grounds to grant the change of status of residence on the strength of the documents submitted by the Foreign National; provided, however, that in the case of an application

submitted by a person whose status of residence is "Temporary Visitor", permission is not to be granted unless the application is made based on special unavoidable circumstances.

- (4) The Minister of Justice is to take the measures prescribed in the relevant item for categories listed in the following items when granting permission pursuant to the provisions of the preceding paragraph. In this case, the permission granted comes into effect through the content contained in the residence card, certificate of status of residence or Passport at the time of the issuance of the residence card or certificate of status of residence, or the entry into the Passport or certificate of status of residence as prescribed in the relevant item:
- (i) if the Foreign National who has been granted permission continues to be classed as a Mid to Long-Term Resident or comes to be newly classed as a Mid to Long-Term Resident: the Minister of Justice is to have an Immigration Inspector issue a residence card to the Foreign National;
  - (ii) if the Foreign National who has been granted permission possesses a Passport in cases other than the cases listed in the preceding item: the Minister of Justice is to have an Immigration Inspector enter the new status of residence and Period of Stay in the Passport; or
  - (iii) if the Foreign National who has been granted permission does not possess a Passport in cases other than the cases listed in item (i): the Minister of Justice is to have an Immigration Inspector issue the Foreign National with a certificate of status of residence describing the new status of residence and Period of Stay, or enter the new status of residence and Period of Stay in the certificate of status of residence which has already been issued.
- (5) If 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 determination 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 determination is made or 2 months from the date of the expiration of the previous Period of Stay, whichever comes first.

(Special Provisions for Changing Status of Residence to "Highly Skilled Professional")

Article 20-2 (1) Change to "Highly Skilled Professional" status of residence (limited to those in relation to item (ii) of the right-hand column under "Highly Skilled Professional" in Appended Table I (2)) may not be granted, notwithstanding the provisions of paragraph (1) of the preceding Article,

unless it is for a Foreign National residing in Japan with status of residence as a "Highly Skilled Professional" (limited to those in relation to item (i), (a) through (c) in the right-hand column in relation to "Highly Skilled Professional" in the same Table)).

- (2) If the Minister of Justice receives an application from a Foreign National to change status of residence to "Highly Skilled Professional" (limited to those in relation to item (ii) in the right-hand column in relation to "Highly Skilled Professional" in Appended Table I (2)) pursuant to the provisions of paragraph (2) of the preceding Article, the Minister may not grant permission for such change unless the Foreign National conforms to the criteria prescribed by Ministry of Justice Order.
- (3) The Minister of Justice is to consult with the heads of the relevant administrative organs in advance in prescribing Ministry of Justice Order as set forth in the preceding paragraph.

(Extension of Periods of Stay)

Article 21 (1) Any Foreign National residing in Japan may have their Period of Stay extended without changing their status of residence.

- (2) Any Foreign National who wishes to have their Period of Stay extended pursuant to the provisions of the preceding paragraph must apply to the Minister of Justice for an extension of that period in accordance with the procedures prescribed by Ministry of Justice Order.
- (3) If the application set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when finding that there are adequate 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) applies mutatis mutandis to permission pursuant to the provisions of the preceding paragraph, and the provisions of the same Article, paragraph (5) applies mutatis mutandis to an application pursuant to the provisions of paragraph (2), respectively. In this case, "new status of residence and Period of Stay" in items (ii) and (iii) is deemed to be replaced with "status of residence and new Period of Stay".

(Permission for Permanent Residence)

Article 22 (1) Any Foreign National who wishes to change their status of residence to that of "Permanent Resident" must apply to the Minister of Justice for permission for permanent residence in accordance with the procedures prescribed by Ministry of Justice Order.

- (2) When an application as set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only if the Minister finds that the Foreign National conforms to the following items and that their

permanent residence is in the interests of Japan; provided, however, that 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; and
- (ii) the Foreign National must have sufficient assets or skills to make an independent living.

(3) If the permission set forth in the preceding paragraph has been granted, the Minister of Justice is to have an Immigration Inspector issue a residence card to the Foreign National who was granted the permission. In this case, the permission comes into effect at the time of the issuance of the residence card.

#### (Acquisition of Status of Residence)

Article 22-2 (1) Any person who has renounced their Japanese nationality, or any Foreign National who may stay in Japan without following the procedures for permission to land in Japan provided in the preceding Chapter, through birth or for any other reason, 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 their renouncement of Japanese nationality, birth, or the occurrence of any other relevant reason.

(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 must apply to the Minister of Justice for the acquisition of a status of residence in accordance with the procedures pursuant to the provisions of Ministry of Justice Order within 30 days, on and after the date of their renouncement of Japanese nationality, birth, or the occurrence of any other relevant reason.

(3) The provisions of the main clause of Article 20, paragraph (3), and paragraph (4) applies mutatis mutandis to 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 the main clause of paragraph (3) of the same Article is deemed to be replaced with "acquisition of a status of residence".

(4) The provisions of the preceding Article apply mutatis mutandis to 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, "wishes to change" in paragraph (1) of the same Article is deemed to be replaced with "wishes to acquire"; and in the same paragraph, "change their status of residence to that" is deemed to be replaced with "acquire their status of residence".

Article 22-3 The provisions of paragraphs (2) through (4) of the preceding Article applies mutatis mutandis to a Foreign National who has been granted permission to land in Japan for the temporary refuge prescribed in Article 18-2, paragraph (1), only in cases where the Foreign National 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 their renouncement of Japanese nationality, birth, or other cause" in paragraph (2) of the preceding Article is deemed to be replaced with, "within the period subject to permission to land in Japan".

(Revocation of Status of Residence)

Article 22-4 (1) If any of the following facts are found with respect to a Foreign National residing in Japan under the 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 prescribed by Ministry of Justice Order:

- (i) the Foreign National has been granted a seal of verification for permission to land in Japan (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4); hereinafter the same applies in the following item) or permission pursuant to the provisions of Chapter III, Section 1 or 2, due to deceit or other wrongful means, on the consideration that they do not fall under any of the items of Article 5, paragraph (1);
- (ii) beyond what is prescribed in the cases listed in the preceding item, the Foreign National has been granted a seal of verification for permission to land in Japan, etc. (a seal of verification for permission to land in Japan or permission pursuant to the provisions of Chapter III, Section 1 or 2 (limited to those with a decision of status of residence) or permission pursuant to the provisions of this Section, and where seals of verification or permission has been granted two or more times, the most recent; hereinafter the same applies in this paragraph) due to deceit or other wrongful means;
- (iii) beyond what is prescribed in the cases listed in the preceding two items, the Foreign National has been granted, by submitting or presenting a document that contains a false statement (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 a 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 permission to land in Japan, etc.;
- (iv) the Foreign National has been granted permission pursuant to the

- provisions of Article 50, paragraph (1) or Article 61-2-2, paragraph (2) through deception or other wrongful means (except in cases of receiving permission or a seal of verification for permission to land in Japan, etc. pursuant to these provisions after that permission has been granted);
- (v) the Foreign National residing with a status of residence in the left-hand column of Appended Table I has not been engaging in the activities listed in the right-hand column of the same Table corresponding to their status of residence, and is residing while engaging in or intending to engage in other activities (except where is a justifiable reason);
- (vi) any person residing with a status of residence in the left-hand column of Appended Table I who has been residing for three months (with regard to a person residing with the status of residence of "Highly Skilled Professional" (limited to those in relation to item (ii) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2)), six months) or more without continuously engaging in the activities (except where there is a justifiable reason for residing without engaging in the activities) listed in the right-hand column of the same Table corresponding to the status of residence;
- (vii) any person residing in Japan with the status of residence of "Spouse or Child of a Japanese National" (limited to persons with the status of the spouse of a Japanese national (except for Foreign Nationals who concurrently have status as a child specially adopted by a Japanese national (referring to the child specially adopted by a Japanese national pursuant to the provisions of Article 817-2 of the Civil Code (Act No. 89 of 1896)); the same applies hereinafter) or born as the child of a Japanese national) or the status of residence of "Spouse or Child of a Permanent Resident of Japan" (limited to those in relation to persons with the status of a spouse of a permanent resident, etc. (except for Foreign Nationals who concurrently have status as a person who was born in Japan as the child of a permanent resident, etc. and is continuing to reside in Japan)), who has been residing in Japan for six months or more without continuously engaging in activities as a person with the status of a spouse (except where there is a justifiable reason for residing without engaging in the activities);
- (viii) a person who has newly become a Mid to Long-Term Resident through receiving a seal of verification for permission to land in Japan or special permission pursuant to the provisions of Section 1 or Section 2 of the preceding Chapter, permission pursuant to the provisions of this Section or permission pursuant to the provisions of Article 50, paragraph (1) or Article 61-2-2, paragraph (2), who has not notified the Minister of Justice of the place of residence (except where there is a justifiable reason for not giving notification) within 90 days of the date of receiving the seal of verification for

- permission to land in Japan or other permission;
- (ix) any Mid to Long-Term Resident who has not notified the Minister of Justice of their new place of residence within 90 days of leaving the previous place of residence, which had previously been notified to the Minister of Justice (except where there is a justifiable reason for not giving notification);
- or
- (x) any Mid to Long-Term Resident who has notified the Minister of Justice of a false place of residence.
- (2) When revoking the status of residence pursuant to the provisions of the preceding paragraph, the Minister of Justice must have an Immigration Inspector that the Minister has designated, hear any statement from the Foreign National.
- (3) The Minister of Justice must serve the Foreign National with a written notice in advance on the hearing which gives 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; provided, however, that in cases of urgency, the Minister may have an Immigration Inspector or Immigration Control Officer orally give notice of the matters described in the written notice.
- (4) The Foreign National or their representative may appear in person at a location on the date set forth in the preceding paragraph to give a statement and submit evidence.
- (5) If the Foreign National fails to appear in person at a location at the hearing set forth in paragraph (2) without a justifiable reason, the Minister of Justice may, notwithstanding the provisions of the same paragraph, revoke the status of residence pursuant to the provisions of paragraph (1) without hearing the Foreign National's opinion.
- (6) The revocation of the status of residence is conducted through the Minister of Justice serving a written notice of revocation of status of residence.
- (7) When revoking the status of residence pursuant to the provisions of paragraph (1) (except for items (i) and (ii)), the Minister of Justice is to designate a period not exceeding 30 days within which the Foreign National is to depart from Japan; provided, however, that this does not apply when there are adequate grounds to suspect that the foreign national will attempt to flee in cases when their status of residence is revoked pursuant to the provisions of the same paragraph (limited to those in relation to item (v)).
- (8) When designating the period pursuant to the provisions of the main clause 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 provisions of Ministry of Justice Order.



(9) The Minister of Justice must enter the period designated pursuant to the provisions of the main clause of paragraph (7) and the conditions imposed pursuant to the provisions of the preceding paragraph in the written notice of revocation of status of residence as prescribed in paragraph (6).

(Consideration of Procedures for Revocation of Status of Residence)

Article 22-5 If the Minister of Justice intends to revoke the status of residence of a Foreign National provided in paragraph (1) of the preceding Article owing to having found one of the facts listed in item (vii) of the same paragraph, the Minister must consider granting an opportunity for an application for a change of status of residence pursuant to the provisions of Article 20, paragraph (2) or an application for permanent residence pursuant to the provisions of Article 22, paragraph (1).

### **Section 3 Conditions for Residence**

(Carrying and Presenting Passports)

Article 23 (1) Foreign Nationals staying in Japan must carry their Passport with them at all times (for Foreign Nationals listed in one of the following items, the document specified in the respective item); provided, however, that this does not apply if the Foreign National carries a residence card as prescribed in the following paragraph:

- (i) a person whose status of residence has been determined as "Temporary Visitor" with a period of stay pursuant to the provisions of Article 9, paragraph (5): registered user card;
- (ii) a person who has been granted provisional permission to land in Japan: permit to provisionally land in Japan;
- (iii) a person who has been granted permission to land in Japan as a cruise ship tourist: permit to land in Japan as a cruise ship tourist;
- (iv) a person who has been granted permission to land in Japan as a Crew Member: permit to land in Japan as a Crew Member and Passport or Crew Member's Pocket-Ledger;
- (v) a person who has been granted emergency permission to land in Japan: emergency permit to land in Japan;
- (vi) a person who has been granted permission to land in Japan due to distress: permit to land in Japan due to distress;
- (vii) a person who has been granted permission to land in Japan for temporary refuge: permit to land in Japan for temporary refuge; or
- (viii) a person who has been granted permission for a provisional stay in Japan: permit for a provisional stay in Japan.

(2) Mid to Long-Term Residents are to receive a residence card which has been

issued by the Minister of Justice or returned by the mayor of the municipality, and must carry it on them at all times.

- (3) The Foreign National set forth in the preceding two paragraphs must present their Passport, Crew Member's Pocket-Ledger, registered user card, permit or residence card (hereinafter referred to as "Passport, etc." in this Article) as set forth in these provisions to an Immigration Inspector, Immigration Control Officer, police official, coast guard officer or any other official of a state or local public entity as prescribed by Ministry of Justice Order, if such official requests the presentation of the Passport, etc. in the course of their duties.
- (4) When asking persons to present their Passport, etc., the official prescribed in the preceding paragraph must carry with them an identification card showing their official status and present it upon request in cases where asked to do so.
- (5) A Foreign National who is under 16 years of age is not required to carry their Passport, etc. with them notwithstanding the provisions of the main clause of paragraphs (1) and paragraph (2).

(Deportation)

Article 24 Any Foreign National who falls under any of the following items may be deported from Japan in accordance with the procedures prescribed 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 to Land in Japan, etc. 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 provisions in relation to item (i) or (ii));
- (ii)-3 a person whose status of residence has been revoked (except for persons designated a period pursuant to the provisions of the main clause of paragraph (7) of the same Article) pursuant to the provisions of Article 22-4, paragraph (1) (limited to those provisions in relation to item (v));
- (ii)-4 a person who has been granted a designated period of stay pursuant to the provisions of the main clause of Article 22-4, paragraph (7) (including as 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 illegally obtain a certificate, a seal of verification for permission to land in Japan (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, permission to land in Japan pursuant to the provisions of Chapter III, Section 4 or the permission pursuant to the provisions of Section 1 or 2 of this Chapter or Section 3 of the following Chapter;

- (iii)-2 a person who the Minister of Justice determines, based on adequate grounds, is likely to commit a criminal act for the purpose of intimidating the general public and government (hereinafter to be referred to in this item as a "criminal act for the purpose of intimidating the general public and government") prescribed 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 government, or facilitate a criminal act for the purpose of intimidating the general public and government;
- (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) through (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), items (i), (ii), (iii) through (iii)-3, (v), (vii) through (vii)-3 or from (viii)-2 through (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 their control for the purpose of having the Foreign National engage in illegal work;
  - (c) arranging on a regular basis for a Foreign National to engage in illegal work or the actions set forth in the (b);
- (iii)-5 a person who has engaged in any of the acts listed in (a) through (d), or has incited or aided another to engage in any of the listed acts:
  - (a) forging or altering a residence card or the special permanent resident certificate prescribed in Article 7, paragraph (1) of the Special Act on the Immigration Control of, inter alia, those who have lost status as a Japanese National, pursuant to the Treaty of Peace with Japan (hereinafter referred to simply as "special permanent resident certificate"), or providing, receiving or possessing a residence card or special permanent resident certificate, which has been forged or altered, for the purpose of uttering;
  - (b) providing, receiving or possessing a residence card or special permanent resident certificate in another person's name, or providing one's own residence card, for the purpose of uttering;

- (c) using a residence card or special permanent resident certificate, which has been forged or altered, or a residence card or special permanent resident certificate in another person's name;
- (d) preparing instruments or materials for the purpose of furnishing them for use in forging or altering a residence card or special permanent residence card;
- (iv) a Foreign National residing in Japan (except for those to whom provisional permission to land in Japan, permission to land in Japan at a port of call, permission to land in Japan as cruise ship tourists, permission to land in Japan in transit, permission to land in Japan for Crew Members, or permission to land in Japan due to distress has been granted) who falls under any of the following (a) through (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 they received remuneration in violation of the provisions of Article 19, paragraph (1) (except for those under the control of another due to Human Trafficking);
  - (b) a person who has stayed in Japan beyond the authorized Period of Stay (including the period for which a person may reside in Japan pursuant to the provisions of Article 20, paragraph (5); the same applies in Article 26, paragraph (1) and Article 26-2, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 26-3, paragraph (2))) without obtaining an extension or change thereof;
  - (c) a person who has committed Human Trafficking or has incited or aided another to commit Human Trafficking;
  - (d) a person who has been punished for violation of the provisions of paragraph (1) (except for item (vi)) through 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 through 74-6-3, or 74-8;
  - (f) a person who has been sentenced to imprisonment without work or a heavier punishment for violation of the provisions of Article 73;
  - (g) a person who is a juvenile as defined by the Juvenile Act (Act No. 168 of 1948) and who was sentenced on or after November 1, 1951, to imprisonment or imprisonment 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) beyond persons listed in (d) through (h), a person who was sentenced on or after November 1, 1951, to imprisonment or imprisonment without work for life or for a period of exceeding 1 year; provided, however, that this excludes persons for whom the entire sentence was subject to suspended execution, or persons for whom part of the sentence was subject to suspended execution, and the period of the sentence that was not subject to suspended execution was not more than one year;
- (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 Human Trafficking);
- (k) a person who has instigated, incited, or aided the following acts:
  - 1. another foreign national's illegal entry or landing into Japan;
  - 2. another foreign national's landing in Japan by acquiring Permission to Land in Japan, etc. or acquisition of permission pursuant to the provisions of the preceding Section, through deceit or other wrongful means;
- (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 of local public entities;
  - 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 maintaining 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 (l) or (m);
- (o) beyond those persons listed in (a) through (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 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 through 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 in relation 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, in Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters or in Article 2 or Article 6, paragraph (1) of the Act on Punishment for Acts of Driving Causing Death or Injury, and has been sentenced to imprisonment or imprisonment 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 the International Competition, etc. held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the International Competition, etc. or within the area of the municipality where the venue is located or to neighboring places provided for use to a large, unspecified number of persons;
- (iv)-4 a Mid to Long-Term Resident who has been sentenced to imprisonment on the charge of a crime provided in Article 71-2 or Article 75-2;
- (v) a person who has been granted provisional permission to land in Japan and flees or fails to appear in person 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 to land in Japan at a port of call, permission to land in Japan as a cruise ship tourist, permission to land in Japan in transit, permission to land in Japan as a Crew Member, emergency permission to land in Japan, permission to land in Japan due to distress or permission to land in Japan for temporary refuge, but stays in Japan beyond the period entered in their Passport or in the permit to land in Japan;
- (vi)-2 a person who has been granted permission to land in Japan as a cruise ship tourist but did not return to the ship by the time of the designated passenger ship's departure from the Port of Entry or Departure, after disembarking at the Japanese Port of Entry or Departure at which the relevant passenger ship made a port of call, and has fled;
- (vi)-3 a person who has been designated a period pursuant to the provisions of

Article 14-2, paragraph (9), but does not depart from Japan within that period;

- (vi)-4 a person who has been designated a period for departure pursuant to the provisions of Article 16, paragraph (9), but does not return to their 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 the same paragraph without receiving permission pursuant to the provisions of the main clause of Article 20 paragraph (3), as applied mutatis mutandis to Article 22-2, paragraph (3) or pursuant to the provisions of Article 22-2, paragraph (2), as applied mutatis mutandis to Article 22, paragraph (4);
- (viii) a person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), but stays in Japan beyond the time limit for departure in relation to the departure order;
- (ix) a person who had been given departure order and it has been revoked pursuant to the provisions of Article 55-6; or
- (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 and it has been revoked pursuant to the provisions of Article 61-2-7, paragraph (1) (limited to the provisions in relation to item (i) or item (iii)).

Article 24-2 (1) The Minister of Justice is to 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 their opinion to the Minister of Justice in relation 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 Article 24, item (ii)-4, item (iv), (b) or item (vi) through item (vii) and also falls under all of the following items (hereinafter referred to as a "Foreign National subject to departure order"), notwithstanding the provisions of the same Article, be ordered to depart from Japan in accordance with the procedures prescribed in Chapter V, Section 1 through Section 3 and Chapter V-2:

- (i) the Foreign National has voluntarily appeared in person at an immigration

- office with the intention of promptly departing from Japan;
- (ii) the Foreign National does not fall under any of items (iii) through (iii)-5, (c) through (o) of item (iv), item (viii) or item (ix) of Article 24;
- (iii) after entering Japan, the Foreign National has not been convicted of a crime provided in Part II, Chapter XII, XVI through 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 in relation 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, in Articles 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters or in Article 2 or Article 6, paragraph (1) of the Act on Punishment for Acts of Driving Causing Death or Injury, and sentenced to imprisonment or imprisonment 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); or
- (v) the Foreign National is expected with certainty to promptly depart from Japan.

#### **Section 4 Departure from Japan**

(Procedures for Departure from Japan)

- Article 25 (1) Any Foreign National (except for Crew Members; the same applies in the following Article) who is to depart from Japan with the intention of proceeding to an area outside of Japan is to receive confirmation of departure from an Immigration Inspector in accordance with the procedures prescribed by Ministry of Justice Order at the Port of Entry or Departure from which they depart Japan.
- (2) The Foreign National set forth in the preceding paragraph must not depart from Japan unless they have 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, with the intention of proceeding to an area outside of Japan, when they receive 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 or imprisonment without work for 3 years or more may be imposed; or a person for whom an arrest warrant, writ of



physical escort, detention warrant, or writ of confinement for expert examination has been issued;

(ii) a person who has been sentenced to imprisonment without work or a more severe penalty and has not been granted suspension of execution of the entire sentence, until the person has completed the sentence or until they cease to be subject to the execution of the sentence (except for those released on parole, and those for whom execution of part of the sentence has been suspended); or

(iii) a person who is the subject of an issued provisional detention permit or a detention permit pursuant to the provisions of the Act on Extradition (Act No. 68 of 1953).

(2) If an Immigration Inspector has deferred confirmation of departure pursuant to the provisions of the preceding paragraph, the Immigration Inspector must 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 prescribed by Ministry of Justice Order upon an application from the Foreign National residing in Japan (except for a Foreign National who has been granted provisional permission to land in Japan and who has been granted the permission to land in Japan as prescribed in Articles 14 through 18), who is to depart from Japan with the intention of re-entering prior to the date of expiration of their Period of Stay (or the period within which the Foreign National is eligible to stay in cases where they have no fixed Period of Stay). In this case, the Minister of Justice may grant multiple re-entry permits on application from the Foreign National if considered appropriate.

(2) The Minister of Justice, when granting the permission set forth in the preceding paragraph, is to have an Immigration Inspector affix a seal of verification for re-entry in the Passport of the Foreign National if the Foreign National has their Passport in their possession, or issue a re-entry permit pursuant to the provisions of Ministry of Justice Order if the Foreign National does not have their Passport in their possession and is unable to acquire due to being without nationality or for any other reason. In this case, the permission becomes effective as of the date written on the seal of verification or the re-entry permit.

(3) When granting re-entry permission, the Minister of Justice must set a term of validity that extends no more than 5 years beyond the date on which the permission becomes valid.

(4) Where an application pursuant to the provisions of Article 20, paragraph (2)

or Article 21, paragraph (2) has been filed by a Foreign National who has been granted re-entry permission, the Minister of Justice can extend the period of validity of the permission until the last day of the period during which such Foreign National may reside pursuant to the provisions of Article 20, paragraph (5) if considered appropriate.

- (5) The Minister of Justice may grant an extension of the period of validity, if the Minister finds that a person who has left Japan with re-entry permission has adequate grounds for not being able to re-enter within the permitted period of validity, upon application from the Foreign National, of up to 1 year within 6 years from the effective date of permission.
- (6) The permission set forth in the preceding paragraph is to be entered in a Passport or a re-entry permit, and the administrative work is to be entrusted to a Japanese Consular Officer, etc.
- (7) If the Minister of Justice finds that it is not appropriate to grant further re-entry permission to a Foreign National who currently has re-entry permission, that further permission may be revoked while the Foreign National is in Japan.
- (8) The re-entry permit issued pursuant to the provisions of paragraph (2) is to be treated as a Passport, only in cases of entry into Japan, based on the re-entry permission for the re-entry permit concerned.

(Special Re-entry Permission)

- Article 26-2 (1) A Foreign National residing with status as a resident in Japan (except for those persons listed in Article 19-3, items (i) and (ii)) who possess (with regard to Mid to Long-Term Residents, limited to those who possess a residence card) a valid Passport (except for the Refugee travel document prescribed in Article 61-2-12, paragraph (1)), if they depart from Japan after having expressed to an Immigration Inspector the intention of re-entering Japan pursuant to the provisions of Ministry of Justice Order, is deemed to have been granted the re-entry permission set forth in paragraph (1) of the preceding Article notwithstanding the provisions of the same paragraph; provided, however, that this does not apply to those persons who fall under the provisions of Ministry of Justice Order as those required to acquire re-entry permission in order to maintain fair and equitable control over immigration.
- (2) The period of validity of the re-entry permission deemed to have been granted to the Foreign National pursuant to the provisions of the preceding paragraph is to be for one year from the date of departure from Japan (where the expiration date of the Period of Stay comes prior to the date of the elapse of one year from the date of departure from Japan, the period until the expiration of the Period of Stay) notwithstanding the provisions of paragraph (3) of the preceding Article.
  - (3) The provisions of paragraph (5) of the preceding Article do not apply to the re-

entry permission deemed to have been granted to the Foreign National pursuant to the provisions of paragraph (1).

(Special Permission for Temporary Visitor Re-Entry into Japan)

Article 26-3 (1) A Foreign National with status as a "Temporary Visitor" in Japan who possesses a valid Passport is deemed to have been granted the re-entry permission set forth in Article 26, paragraph (1) notwithstanding the provisions of the same paragraph, if they depart from Japan on a designated passenger ship having expressed to an Immigration Inspector the intention of re-entering Japan on that passenger ship pursuant to the provisions of Ministry of Justice Order; provided, however, that this does not apply to those persons who fall under the provisions of Ministry of Justice Order as persons required to acquire re-entry permission in order to maintain fair and equitable control over immigration.

(2) The provisions of paragraphs (2) and (3) of the preceding Article applies mutatis mutandis to the re-entry permission deemed to have been granted to the Foreign National pursuant to the provisions of the preceding paragraph. In this case, the term "one year" in paragraph (2) of the same Article is deemed to be replaced with "15 days".

## **Chapter V Procedures for Deportation**

### **Section 1 Investigation into Violations**

(Investigation into Violations)

Article 27 If an Immigration Control Officer believes that a Foreign National falls under any of the items under Article 24, the officer may conduct an investigation into any violation that may have been committed by such Foreign National (hereinafter referred to as a "suspect").

(Necessary Questioning and Requests for Information in Investigations into Violations)

Article 28 (1) Immigration Control Officers may conduct questioning necessary to attain the objectives of an investigation into any possible violation; provided, however, that compulsory measures may not be taken unless special provisions are provided in this Chapter and Chapter VIII.

(2) Immigration Control Officers may make inquiries at public offices or at public or private organizations and request the submission of reports on necessary facts pertinent to investigations into violations.

(Request to Appear in Person and the Questioning of Suspects)

Article 29 (1) An Immigration Control Officer may request the appearance of a

suspect in person and question them, in cases where this is necessary for an investigation into any violation.

- (2) In the case referred to in the preceding paragraph, the Immigration Control Officer must record the suspect's statement.
- (3) In recording the statement as set forth in the preceding paragraph, the Immigration Control Officer must have the suspect inspect the record, or the Immigration Control Officer must read the statement aloud to the suspect and have them sign it, and the Immigration Control Officer must affix their 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 must make an additional entry to such effect in the record.

(Request for a Witness to Appear in Person)

Article 30 (1) Immigration Control Officers may request a witness to appear in person at a specific location and interview them, in cases where this is pertinent to an investigation into any violation.

- (2) In the case referred to in the preceding paragraph, the Immigration Control Officer must enter the witness's statement on record.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article applies mutatis mutandis to the case referred to in the preceding paragraph. In this case, "suspect" in paragraphs (3) and (4) of the preceding Article is deemed to be replaced with "witness".

(Inspections, Searches and Seizures)

Article 31 (1) Immigration Control Officers may, in cases where it is necessary to conduct an investigation into any violation, carry out an inspection, search or seizure, with the permission of a judge of the district court or summary court exercising jurisdiction over the area where their office is located.

- (2) In the case referred to in the preceding paragraph, the Immigration Control Officer may in cases of urgency take the action as set forth in the preceding paragraph with the permission of a judge of the district court or summary court exercising jurisdiction over the place subject to inspection, over the persons or articles subject to search, or over the articles subject to seizure.
- (3) If an Immigration Control Officer requests the permission set forth in paragraph (1) or in the preceding paragraph, the officer is to 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, they must 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 in relation to that person, they must 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 belonging to a person other than the suspect, they must submit proof that indicates the existence of circumstances which show that the article is likely to be connected with the violation.

- (4) If an application as set forth in the preceding paragraph is submitted, a district court or summary court judge must 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 period of validity of the permit, and the name of the court with the name and personal 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 them carry out the inspection, search or seizure.

(Necessary Measures)

Article 32 Immigration Control Officers may, if it is necessary to conduct a search or seizure, remove locks, open seals, or carry out any other necessary measures.

(Carrying of Identification Cards)

Article 33 Immigration Control Officers must carry their identification card with them and show it if requested by the person concerned when conducting questioning, inspections, searches or a seizures.

(Attendance at a Search or Seizure)

Article 34 Immigration Control Officers must, in the event that they conduct 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, they must ensure that a neighbor or an official of the local government is present.

(Restriction on Hours)

- Article 35 (1) Immigration Control Officers must not enter any residence or building to conduct a search or seizure before sunrise or after sunset, unless their permit indicates that it may be conducted at night.
- (2) Immigration Control Officers may, in the event that they have begun a search or seizure before sunset, continue after sunset.
  - (3) Immigration Control Officers are not 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 damaging to public morality; or
- (ii) a hotel, restaurant or any other place which the public is able to enter and leave at night; provided however, that this applies only during the hours that the place is open to the public.

(Prohibition of Entry and Exit of Premises)

Article 36 Immigration Control Officers may prohibit any person from entering or exiting a premises without permission while conducting questioning, inspections, searches or seizures.

(Procedures for Seizures)

- Article 37 (1) In the event that an Immigration Control Officer has carried out a seizure, they must make a list of the articles seized and deliver it to the owner, holder, custodian or a person who acts in the capacity of such person.
- (2) Immigration Control Officers must return seized articles promptly, if they find that there is no need to retain the seized articles.

(Preparation of Records)

- Article 38 (1) In the event that an Immigration Control Officer has conducted an inspection, search or seizure, the officer must prepare a record thereof and have the person required to be present inspect it, or read the record aloud to the relevant person and have them sign it, and affix their 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 must make an additional entry to such effect in the record.

## **Section 2 Detention**

(Detention)

- Article 39 (1) Immigration Control Officers may, if they have adequate grounds to believe that a suspect falls under any of the items of Article 24, detain the suspect through written detention order.
- (2) The written detention order set forth in the preceding paragraph is to 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 Written Detention Orders)

Article 40 The name, place of residence, and nationality of the suspect, a summary of the suspected offense, place of detention, period of validity and date of issuance of the order, and other matters prescribed by Ministry of Justice Order are to be entered in the written detention order set forth in paragraph (1) of the preceding Article, and a Supervising Immigration Inspector must sign their name and affix their personal seal thereto.

(Period and Place of Detention and Commission of Custody)

- Article 41 (1) The period of detention determined pursuant to a written detention order is to be within 30 days; provided, however, that if a Supervising Immigration Inspector finds that there are unavoidable reasons, they may extend such period once for an additional 30 days.
- (2) The place where the Foreign National may be detained pursuant to a written detention order is to 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 finds this to be necessary.

(Procedures for Detention)

- Article 42 (1) If an Immigration Control Officer detains a suspect pursuant to a written detention order, they must 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 them that the order has been issued; provided, however, that the order must be shown to the suspect as soon as possible 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 adequate grounds to believe that a person clearly falling under any of the items of Article 24 is a flight risk before the issuance of a written detention order, the Immigration Control Officer may detain the person without a written detention order.
- (2) If detention has been carried out as set forth in the preceding paragraph, the Immigration Control Officer must 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 must immediately release the detained

person.

(Handing Over of Suspects)

Article 44 If an Immigration Control Officer has detained a suspect pursuant to the provisions of Article 39, paragraph (1), the officer must transfer the suspect to an Immigration Inspector together with the records and articles of evidence within 48 hours from the time they have taken the suspect into custody.

### **Section 3 Examinations, Hearings and Filing of Objections**

(Examinations by Immigration Inspectors)

Article 45 (1) When a suspect has been transferred to an Immigration Inspector pursuant to the provisions of the preceding Article, the Immigration Inspector must promptly examine whether the suspect is classed as 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 applies hereinafter).

(2) In the event that the Immigration Inspector has conducted the examination set forth in the preceding paragraph, they must 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 Article 24, item (i) (except for the part in relation to Article 3, paragraph (1), item (ii)), or Article 24, item (ii), has the burden of proof to establish that they do not fall under these items.

(Procedures after Examination)

Article 47 (1) An Immigration Inspector must immediately release a suspect when they find, as a result of an examination, that the suspect does not fall under any of the items of Article 24.

(2) If an Immigration Inspector finds, as a result of an examination, that a suspect is classed as a Foreign National subject to a departure order, the Inspector must 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 must immediately release the suspect.

(3) If an Immigration Inspector finds, as a result of an examination, that a suspect classed as a Foreign National is subject to deportation, they must promptly notify a Supervising Immigration Inspector and the suspect of their findings in writing, together with a statement of the grounds for such findings.

(4) If an Immigration Inspector submits the notice set forth in the preceding



paragraph, they must notify the suspect of the right to 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, after having the Foreign National sign a document with a statement that they will not request a hearing, must promptly issue a written deportation order pursuant to the provisions of Article 51.

(Hearings)

Article 48 (1) Any suspect who has received the notice set forth in paragraph (3) of the preceding Article may verbally request a Special Inquiry Officer for a hearing within 3 days from the date of notice, if they have an objection to the findings set forth in the same paragraph.

- (2) If a request has been made for the hearing set forth in the preceding paragraph, an Immigration Inspector must submit the record set forth in Article 45, paragraph (2) and other relevant documents to a Special Inquiry Officer.
- (3) If a request is made for the hearing set forth in paragraph (1), a Special Inquiry Officer must promptly notify the suspect of the time and place of, and conduct the hearing.
- (4) A Special Inquiry Officer must, 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) through (6) apply mutatis mutandis to the hearing proceedings set forth in paragraph (3).
- (6) If a Special Inquiry Officer finds, as a result of a 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), they must immediately release the suspect.
- (7) If a Special Inquiry Officer finds, as a result of a 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 is classed as a Foreign National subject to a departure order), they must promptly notify a Supervising Immigration Inspector of their findings. In this case, if the suspect has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), the Special Inquiry Officer must immediately release the suspect.
- (8) If a Special Inquiry Officer finds, as a result of a hearing, that there is no error in the findings set forth in paragraph (3) of the preceding Article, they must promptly notify the Supervising Immigration Inspector and the suspect to that effect, and at the same time notify the suspect of the right to file an objection pursuant to the provisions of Article 49.
- (9) If a suspect, upon receipt of a notice as set forth in the preceding paragraph,

has no objection to the findings set forth in that paragraph, the Supervising Immigration Inspector is to have the suspect sign a document containing a statement that they will not file an objection, and the Supervising Immigration Inspector must 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, if any suspect has an objection to the findings set forth in the same paragraph, they may file an objection with the Minister of Justice by submitting a written statement containing the grounds for their complaint to a Supervising Immigration Inspector in accordance with the procedures prescribed by Ministry of Justice Order within 3 days from the date of receipt of the notice.
- (2) If an objection as set forth in the preceding paragraph has been filed, a Supervising Immigration Inspector must 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 relevant documents.
- (3) If the Minister of Justice has received an objection filed pursuant to the provisions of paragraph (1), the Minister must determine whether the objection is within reason and notify a Supervising Immigration Inspector of the result of this determination.
- (4) The Supervising Immigration Inspector must immediately release the suspect when they receive a notice of determination from the Minister of Justice that the objection is within reason (limited to cases where the suspect does not fall under any of the items of Article 24).
- (5) The Supervising Immigration Inspector must immediately release the suspect when they receive a notice of determination from the Minister of Justice that the objection is within reason (limited to cases in which the suspect falls within the category of a Foreign National subject to a departure order), and issue departure order to the suspect pursuant to the provisions of Article 55-3, paragraph (1).
- (6) If the Supervising Immigration Inspector has received a notice of determination from the Minister of Justice that the objection is unreasonable, the Inspector must promptly notify the suspect and issue a written deportation order pursuant to the provisions of Article 51 to that effect.

(Special Case Determinations by the Minister of Justice)

- Article 50 (1) Even if the Minister of Justice finds that a filed objection is unreasonable, in making the determination set forth in paragraph (3) of the

preceding Article, the Minister may grant the suspect special permission to stay in Japan if the suspect falls under any of the following items:

- (i) the suspect has obtained permission for permanent residence;
  - (ii) the suspect has had a registered domicile in Japan as a Japanese national in the past;
  - (iii) the suspect resides in Japan under the control of another person due to Human Trafficking; or
  - (iv) the Minister of Justice finds grounds to grant special permission to stay for reasons other than in the previous items.
- (2) In the case referred to in the preceding paragraph, the Minister of Justice may determine the status of residence and Period of Stay, and impose conditions which the Minister finds necessary, pursuant to the provisions of Ministry of Justice Order.
- (3) If permission is granted by the Minister of Justice (limited to those corresponding to the determination of the status of residence) as set forth in paragraph (1), the Minister is to have an Immigration Inspector issue a residence card to the Foreign National if they become a Mid to Long-Term Resident.
- (4) The permission set forth in paragraph (1) is to be regarded as a determination that an objection filed is within reason with respect to the application of the provisions set forth in 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), is to 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 particulars provided by Ministry of Justice Order, and the name and personal seal of a Supervising Immigration Inspector must be affixed thereto.

(Enforcement of Written Deportation Orders)

- Article 52 (1) Written deportation orders are to 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 applies in this Article) must show the deportation order or a copy of it to the Foreign National subject to deportation and have the Foreign National deported promptly to the destination provided in the following Article; provided, however, that the Immigration Control Officer is to transfer the Foreign National 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 their own expense, the director of the Immigration Detention Center or Supervising Immigration Inspector may permit them to do so upon receiving an application from this 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 their application.
- (5) In the case referred to in the main clause of paragraph (3), if the Foreign National cannot be deported immediately, the Immigration Control Officer may detain them 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 for deportation becomes possible.
- (6) In the case referred to in the preceding paragraph, if it is found that the Foreign National cannot be deported, the director of the Immigration Detention Center or the Supervising Immigration Inspector may release them with conditions deemed necessary, such as restrictions on the place of residence and area of movement and an obligation to appear in person at a location upon receiving a summons.
- (7) The Immigration Control Officer may make inquiries of public offices or of public or private organizations and request the submission of reports on important particulars if found necessary for the enforcement of a deportation order.

(Deportation Destinations)

- Article 53 (1) Any person subject to deportation is to be deported to the country of which they are a national or citizen.
- (2) If the person cannot be deported to a country as set forth in the preceding paragraph, the person is to be deported to any of the following countries in accordance with their wishes:
    - (i) a country in which they had been residing immediately prior to their entry into Japan;

- (ii) a country in which they once resided before their entry into Japan;
  - (iii) a country containing the port or airport where they boarded the vessel or aircraft departing for Japan;
  - (iv) a country in which their place of birth is located;
  - (v) a country in which their place of birth was located at the time of their birth;
  - or
  - (vi) any other country.
- (3) The countries set forth in the preceding two paragraphs are not to 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, Inhumane or Degrading Treatment or Punishment, Article 3, paragraph (1);
  - or
  - (iii) countries prescribed in the International Convention for the Protection of All Persons from Enforced Disappearance, Article 16, paragraph (1).

### **Section 5 Provisional Release**

(Provisional Release)

- Article 54 (1) Any person detained pursuant to a written detention order or deportation order, their 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 prescribed by Ministry of Justice Order.
- (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 matters such as the circumstances, evidence produced in support of the application, and the character and assets of the Foreign National pursuant to the provisions of Ministry of Justice Order, upon the Foreign National paying a deposit not exceeding 3 million yen as provided by Ministry of Justice Order, 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 in person at a location upon receiving a summons.
- (3) If the director of the Immigration Detention Center or Supervising Immigration Inspector finds it appropriate, they 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 must 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, the director has adequate grounds to suspect that the Foreign National will attempt to flee, the Foreign National fails to comply with an order to appear in person at a location upon receiving a summons without justifiable reason, or has violated any of the conditions of provisional release.
- (2) If the director of the Immigration Detention Center or Supervising Immigration Inspector revokes the provisional release pursuant to the provisions of the preceding paragraph, they must 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 is to confiscate the entire deposit if they revoke a provisional release on the grounds that the person may flee or has failed to comply with an order to appear in person at a location upon receiving a summons without a justifiable reason, and the director or Inspector is to confiscate the deposit in part if they revoke a provisional release on any other grounds.
- (4) If the provisional release of any person has been revoked, an Immigration Control Officer must show a written revocation of the provisional release and a detention order or deportation order to such person and detain them 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) Immigration Control Officers 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 them that the provisional release has been revoked; provided, however, that a written revocation of the provisional release and a detention order or deportation order must be shown to such relevant person as soon as possible.

## **Chapter V-2 Departure Orders**

(Examination Regarding Departure Order)

- Article 55-2 (1) If an Immigration Control Officer finds that there are adequate 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 must send the case concerning the violation in relation 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, they must immediately examine whether the suspect falls under 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 an a departure order, they must promptly notify a Supervising Immigration Inspector of the findings.
- (4) If the Immigration Inspector finds that there are adequate grounds to suspect that the suspect falls under the category of a Foreign National subject to deportation, the Inspector is to notify the Immigration Control Officer of their 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, the Inspector is to immediately order the suspect to whom the notice pertains to depart from Japan. In this case, the Supervising Immigration Inspector must designate a period not exceeding 15 days within which the suspect must depart from Japan.
- (2) When ordering departure from Japan pursuant to the provisions of the preceding paragraph, the Supervising Immigration Inspector must deliver a written departure order pursuant to the provisions of the following Article to the suspect.
  - (3) When ordering departure from Japan pursuant to the provisions of paragraph (1), the Supervising Immigration Inspector may, provided by Ministry of Justice Order, 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 Order)

Article 55-4 A written departure order delivered pursuant to the provisions of paragraph (2) of the preceding Article is to 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, other matters provided by Ministry of Justice Order, and the name and personal seal of a Supervising Immigration Inspector must also be affixed thereto.

(Extension of the Time Limit for Departure from Japan)

Article 55-5 Upon receiving notification from the Foreign National who has been given an 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 Ministry of Justice Order, 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 If a Foreign National who has been given n 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 Captains of Vessels or Aircraft and Carriers**

(Duty to Cooperate)

Article 56 The captain of a vessel or aircraft entering Japan and the Carrier which operates the vessel or aircraft must cooperate with Immigration Inspectors in executing their duties, such as immigration examinations.

(Duty to Check Passports or Other Documents)

Article 56-2 For the purpose of preventing Foreign Nationals from illegally entering Japan, the Carrier which operates a vessel or aircraft entering Japan (or the captain of such vessel or aircraft in the absence of the Carrier) must 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 Ministry of Justice Order, the captain of a vessel or aircraft entering Japan must 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 particulars provided by Ministry of Justice Order.  
(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 must report particulars in relation 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 on board the vessel or aircraft who does not possess a valid Passport, Crew Member's Pocket-Ledger or re-entry permit, the captain must report this information immediately to an Immigration Inspector at the Port of Entry or Departure.
- (4) If a person who has been granted the permission set forth in Article 14-2, paragraph (2) is on board a designated passenger ship, the master of the designated passenger ship entering Japan must immediately report the name of the person and other particulars provided by Ministry of Justice Order to an Immigration Inspector at the Port of Entry or Departure upon each arrival of the designated passenger ship at a Port of Entry or Departure.
- (5) 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 must immediately report the name of the Crew Member and other particulars provided by Ministry of Justice Order to an Immigration Inspector upon each arrival at a Port of Entry or Departure.
- (6) The master of the designated passenger ship departing from a Japanese Port of Entry or Departure must report, upon the request of an Immigration Inspector at the Port of Entry or Departure, whether a person granted the permission set forth in Article 14-2, paragraph (1) or (2) has returned to the designated passenger ship.
- (7) At the request of an Immigration Inspector at the Port of Entry or Departure from which the vessel or aircraft departs, the captain of the vessel or aircraft departing from Japan must report whether any person granted permission to land in Japan in transit pursuant to the provisions of Article 15, paragraph (1) has returned to their vessel or aircraft, whether any person who was granted permission to land in Japan for Crew Members is on board 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 on board the vessel or aircraft.
- (8) If an Immigration Inspector finds it necessary in securing the enforcement of the provisions of Article 7, paragraph (1) or other provisions of the Immigration Control and Refugee Recognition Act, they may request the Carrier operating an aircraft entering Japan or any other person prescribed by Ministry of Justice Order to give a report on the person making the reservation for that aircraft (referring to the person who reserved the airline ticket; hereinafter the same applies in this paragraph), the details of the reservation associated with the person making the reservation, the baggage of the person making the reservation and the particulars prescribed by Ministry of Justice Order relating to the procedures for boarding the aircraft prior to the aircraft arriving at the Port of Entry or Departure.

(9) A person who has been requested to give a report pursuant to the provisions of the preceding paragraph must give a report pursuant to the provisions of Ministry of Justice Order. In this case, if this person takes the measures prescribed in Ministry of Justice Order to make the information available in such a manner as to enable the Immigration Inspector to view the information using electronic or magnetic records (referring to records which were created electronically or magnetically and are used in information processing by computers) in lieu of the report, the report is deemed to have been made.

(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 on board the vessel or aircraft, the captain must prevent such Foreign National from landing.

(Duty of Repatriation)

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 must promptly send such Foreign National out of Japan at their own expense and responsibility via the same vessel or aircraft or any other vessel or aircraft owned by the same Carrier:

(i) any person denied permission to land in Japan pursuant to the provisions of Chapter III, Section 1 or 2;

(ii) any person deported for falling under any of items (v) through (vi)-4 of Article 24;

(iii) except those prescribed in the preceding item, any Foreign National who is deported within 5 years of their date of landing 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 their 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 the same paragraph, the Carrier must send the Foreign National back promptly via another vessel or aircraft at their own expense and by their own responsibility.

(3) Notwithstanding the provisions of the preceding two paragraphs, concerning the expense and responsibility borne 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 Ministry of Justice Order 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, etc.

## **Chapter VI-2 Inquiry into Facts**

(Inquiry into Facts)

- Article 59-2 (1) If necessary, the Minister of Justice may have an Immigration Inspector inquire into facts in order to conduct dispositions relating to the issuance of a certificate pursuant to the provisions of Article 7-2, paragraph (1), registration pursuant to the provisions of Article 9, paragraph (8) (limited to those in relation to persons coming under item (i), (c) of the same paragraph) or permission pursuant to the provisions of Article 12, paragraph (1), Article 19, paragraph (2), the main clause of Article 20, paragraph (3) (including as applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including as applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including as applied mutatis mutandis pursuant to Article 22-3)), Article 26, paragraph (1), Article 50, paragraph (1), or Article 61-2-11, or an Immigration Inspector or Immigration Control Officer inquire into the facts in order to conduct dispositions relating to revocation of the status of residence pursuant to the provisions of Article 22-4, paragraph (1).
- (2) An Immigration Inspector or Immigration Control Officer may require a foreign national and other persons concerned to appear in person at a location, 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, Immigration Inspector or Immigration Control Officer 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 Japanese Nationals Departing from and Returning to Japan**

(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, is to possess a valid Passport and must receive confirmation of departure from an Immigration Inspector in accordance with the procedures provided by Ministry of Justice Order, at the Port of Entry or Departure from which that person

departs.

- (2) The Japanese national set forth in the preceding paragraph must not depart from Japan unless they have received confirmation of departure from Japan.

(Japanese Nationals Returning to Japan)

Article 61 Any Japanese national (except for Crew Members) who returns to Japan from an area outside of Japan is to possess a valid Passport (a document that certifies Japanese nationality if they are unable to possess a valid Passport) and must receive confirmation of their return to Japan from an Immigration Inspector in accordance with the procedures provided by Ministry of Justice Order, 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) If a Foreign National in Japan submits an application in accordance with the procedures provided by Ministry of Justice Order, the Minister of Justice may recognize such person as a Refugee (hereinafter referred to as "Recognition of Refugee Status") based on the data submitted.
- (2) If Recognition of Refugee Status had been made, the Minister of Justice is to issue a certificate of Refugee status to the Foreign National concerned in accordance with the procedures provided by Ministry of Justice Order. If Recognition of Refugee Status is denied, the Foreign National is to be notified in writing with the reason attached.

(Permission for Status of Residence)

- Article 61-2-2 (1) If 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 under 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 to land in Japan for temporary refuge who have not stayed in Japan beyond the period stated in the permit, and Special Permanent Residents; the same applies 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 they landed in Japan (or the date on which the Foreign National became aware of the circumstances as a result of which they may have become a Refugee while

- they were in Japan); provided however, that this does not apply when there are unavoidable circumstances:
- (ii) the Foreign National has not entered Japan directly from a territory where their life, person, or physical freedom was likely to be harmed due to grounds prescribed in Article 1, paragraph A- (2) of the Refugee Convention, unless the circumstances under which they may have become a Refugee arose while they were in Japan;
  - (iii) the Foreign National falls under any of the persons listed in Article 24, items (iii) through item (iii)-5 or Article 24, item (iv), (c) through (o); or
  - (iv) after entering Japan, the Foreign National has been convicted of a crime provided in Part II, Chapter XII, XVI through 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 in relation 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, in Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters or in Article 2 or Article 6, paragraph (1) of the Act on Punishment for Acts of Driving Causing Death or Injury, and sentenced to imprisonment or imprisonment without work.
- (2) If 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 is to examine whether there are grounds to grant special permission to stay in Japan to the Foreign National without a status of residence, and may grant special permission to stay if the Minister finds such grounds.
- (3) When granting permission as set forth in the preceding two paragraphs, the Minister of Justice is to determine the Foreign National's status of residence and Period of Stay, and take measures as provided in the respective items with regard to the relevant categories. In such a case, permission comes into effect through the content entered in the residence card or certificate of status of residence at the time of issuance of that residence card or certificate of status of residence, as prescribed in the relevant items:
- (i) when the Foreign National in relation to the permission becomes a Mid to Long-Term Resident: the Minister of Justice is to have an Immigration Inspector issue a residence card to the Foreign National; or
  - (ii) in cases other than that in the preceding item: the Minister of Justice is to have an Immigration Inspector issue a certificate of status of residence which gives the status of residence and Period of Stay to the Foreign National.
- (4) When granting the permission set forth in paragraph (1) or (2), the Minister of Justice is to revoke provisional permission to land in Japan or permission to

land in Japan pursuant to the provisions of Chapter III, Section 4, which has been granted to the Foreign National.

Article 61-2-3 If 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 their status to that of "Long-Term Resident" pursuant to the provisions of Article 20, paragraph (2), or files an application to acquire status as a "Long-Term Resident" pursuant to the provisions of Article 22-2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 22-3), the Minister of Justice, notwithstanding the provisions of the main clause of Article 20, paragraph (3) (including as applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 22-3)), is to grant permission to the Foreign National, unless the Foreign National falls under paragraph (1), item (i) of the preceding Article.

(Permission for a Provisional Stay in Japan)

Article 61-2-4 (1) If a Foreign National without a status of residence files the application set forth in Article 61-2, paragraph (1), the Minister of Justice is to permit the Foreign National to stay in Japan provisionally, unless the Foreign National falls under any of the following:

- (i) the Foreign National has been granted provisional permission to land in Japan;
- (ii) the Foreign National has been granted permission to land in Japan at a port of call, permission to land in Japan for cruise ship tourists, permission to land in Japan in transit, permission to land in Japan for Crew Members, emergency permission to land in Japan, or permission to land in Japan due to distress, and has not stayed in Japan beyond the period given in their 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 under the category of any of the persons listed in Article 5, paragraph (1), items (iv) through (xiv) when they entered Japan;
- (v) there are adequate grounds to suspect that the Foreign National has fallen under the category of any of the persons set forth in Article 24, items (iii) through (iii)-5 or item (iv), (c) through (o) of;
- (vi) the Foreign National clearly falls under either Article 61-2-2, paragraph (1), item (i) or (ii);
- (vii) the Foreign National has, after entering Japan, been convicted of a crime provided in Part II, Chapter XII, XVI through 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 in relation 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, in Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters or in Article 2 or Article 6, paragraph (1) of the Act on Punishment for Acts of Driving Causing Death or Injury, and sentenced to imprisonment or imprisonment without work;
- (viii) a written deportation order has been issued to the Foreign National; or
- (ix) there are adequate grounds to suspect that the Foreign National is a flight risk.
- (2) When granting the permission set forth in the preceding paragraph, pursuant to the provisions of Ministry of Justice Order, the Minister of Justice is to determine the Period of Stay in relation 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 is to become effective with the content thereof and as of the time of issuance.
- (3) When granting the permission set forth in paragraph (1) pursuant to the provisions of Ministry of Justice Order, the Minister of Justice may impose restrictions on the Foreign National without a status of residence on their place of residence, area of movement, activities, the obligation to appear in person at a location upon receiving a summons, and other conditions which may be deemed necessary and, if deemed necessary, their fingerprints may also be taken.
- (4) Upon receiving an application filed by a Foreign National who has been granted permission as set forth in paragraph (1) to extend the Period of Provisional Stay, the Minister of Justice is to grant the extension. In this case, the provisions of paragraph (2) apply *mutatis mutandis*.
- (5) If a Foreign National with the granted permission set forth in paragraph (1) subsequently comes to fall under 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 applies hereinafter) is deemed to have terminated at the time they come to fall under the relevant item:
- (i) the administrative review as set forth in Article 61-2-9, paragraph (1) has not been requested with regard to a denial of recognition of refugee status, and the period set forth in paragraph (2) of the same Article has passed;
- (ii) the administrative review as set forth in Article 61-2-9, paragraph (1) has been requested for a denial of recognition of refugee status, but the request for the administrative review has been withdrawn or a determination has been made to the effect of denying or dismissing the request for the

- administrative review;
- (iii) the Foreign National has been recognized as a Refugee but the permission set forth in Article 61-2-2, paragraph (1) or (2) has not been granted;
- (iv) the permission that was granted, set forth in paragraph (1) has been revoked pursuant to the provisions of the next Article; or
- (v) the application set forth in Article 61-2, paragraph (2) has been withdrawn.

(Revocation of Permission for a Provisional Stay in Japan)

Article 61-2-5 If 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 prescribed by Ministry of Justice Order:

- (i) the Foreign National fell under any of items (iv) through (viii) of paragraph (1) of the preceding Article when they were granted the permission set forth in the same paragraph;
- (ii) the Foreign National came to fall under paragraph (1), item (v) or (vii) 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 other persons make false statements, with the intention of being recognized as a Refugee; or
- (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 prescribed in Chapter V (including the procedures for deportation pursuant to the provisions of Article 63, paragraph (1); hereinafter the same applies in this Article) are 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 they were granted the permission.

(2) The procedures for deportation prescribed in Chapter V are to 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 for which permission has been granted has passed, even if there are adequate grounds to suspect that the Foreign National falls



under any of the items of Article 24.

- (3) When the procedures for deportation prescribed 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) is to 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 in relation to that permission has passed (except for a Foreign National who falls under paragraph (5), items (i) through (iii) and item (v) of the same Article), until the Foreign National falls under any of the cases listed in paragraph (5), items (i) through (iii) of the same Article.
- (4) The provisions of Article 50, paragraph (1) do 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) through (iii) of Article 61-2-4, paragraph (5), or who is prescribed in the preceding paragraph.

(Revocation of the Recognition of Refugee Status)

- Article 61-2-7 (1) If 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 is to revoke the Recognition of Refugee Status in accordance with the procedures prescribed by Ministry of Justice Order:
- (i) the Foreign National has been recognized as a Refugee through deception or other wrongful means;
  - (ii) the Foreign National has come to fall under any of the cases listed in Article 1, C-(1) through (6) of the Refugee Convention; or
  - (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 is to 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 Refugee travel documents for that Foreign National.
- (3) When a Foreign National who was 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, they must promptly return these certificates to the Minister of Justice.

(Revocation of Status of Residence of Foreign Nationals Recognized as a Refugee)

Article 61-2-8 (1) When it is found that a Foreign National residing in Japan with the 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 their status of residence in accordance with the procedures prescribed by Ministry of Justice Order.

(2) The provisions of Article 22-4, paragraphs (2) through (9) (except for the proviso to paragraph (7)) 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 is deemed to be replaced with "Refugee Inquirer", and "paragraph (1) (except for items (i) and (ii))" in the main clause of paragraph (7) of the same Article is deemed to be replaced with "Article 61-2-8, paragraph (1)".

(Request for an Administrative Review)

Article 61-2-9 (1) If a Foreign National wishes to request an administrative review with regard to any of the following dispositions or an inaction, they may submit a request for an administrative review to the Minister of Justice that states the matters provided by Ministry of Justice Order:

(i) denial of Recognition of Refugee Status; or

(ii) inaction in relation to the application set forth in Article 61-2, paragraph (1);

(iii) revocation of the Recognition of Refugee Status pursuant to the provisions of Article 61-2-7, paragraph (1).

(2) The period set forth in the main clause of Article 18, paragraph (1) of the Administrative Complaint Review Act (Act No. 68 of 2014) in relation to the request for an administrative review for the dispositions listed in items (i) and (iii) of the preceding paragraph is to be 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 determination on the request for the administrative review set forth in paragraph (1), the Minister of Justice, as provided by Ministry of Justice Order, must hear the opinions of the refugee examination counselors.

(4) When making a determination pursuant to the provisions of Article 45, paragraph (1) or (2) or Article 49, paragraph (1) or (2) of the Administrative Complaint Review Act on the request for the administrative review set forth under paragraph (1), the Minister of Justice must clearly state a summary of the opinions of the refugee examination counselors set forth in the preceding paragraph, in the reason to be attached to the determination.

(5) Refugee examination counselors are to be the review officers prescribed in Article 11, paragraph (2) of the Administrative Complaint Review Act, and the provisions of the same Act apply.

(6) The provisions of Article 9, paragraph (1), Article 14, Article 17, Article 19, Article 29, Article 41, paragraph (2) (limited to the part in relation to item (i)), Chapter II, Section 4 and Article 50, paragraph (2) of the Administrative Complaint Review Act does not apply to the request for an administrative review set forth under paragraph (1), and with regard to the application of other provisions of the same Act, the terms in the middle column of the following Table in the provisions of the same Act listed in the left-hand column of the relevant Table is replaced with the terms set forth respectively in the right-hand column of the relevant Table, and any other necessary technical replacement is prescribed by Cabinet Order.

The provisions of the Administrative Complaint Review Act to be replaced	Term to be replaced	Term to be used as a replacement
Article 18, paragraph (3)	following Article	Article 61-2-9, paragraph (1) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951; hereinafter referred to as "Immigration Control Act")
Article 23	Article 19	Article 61-2-9, paragraph (1) of the Immigration Control Act
Article 30, paragraph (1)	a document containing a counterargument against the matters stated in the written explanation sent thereto pursuant to the provisions of paragraph (5) of the preceding Article (hereinafter referred to as a "written counterargument")	a document (hereinafter referred to as "written statement") stating the opinion and other assertions of the requester of the administrative review towards the disposition or inaction given in each of the items of Article 61-2-9, paragraph (1) of the Immigration Control Act
	a counterargument	a written statement
Article 30, paragraph (3)	counterargument	statement

<p>proviso to Article 31, paragraph (1)</p>	<p>when</p>	<p>when ... or when even though the facts described in the written statement or other facts pertaining to the assertions of the petitioner are true, it is deemed inappropriate to provide an opportunity to state an opinion due to the fact that no grounds are included to prove being a refugee or due to other circumstances</p>
<p>Article 31, paragraph (2)</p>	<p>are to be undertaken on the date and at the venue designated by the review officer in participation of all of the persons concerned with proceedings.</p>	<p>are to be undertaken on the date and at the venue designated by the review officer with the participation of all the persons concerned with the proceedings having heard from the petitioner in advance about whether or not the petitioner has any questions to ask the administrative agency rendering the disposition, and the contents thereof relating to the case pertaining to the request for the administrative review; provided, however, that the administrative agency rendering the disposition does not have to be called in cases coming under any of the following items:</p> <p>(i) Where an intention has been expressed by the petitioner to the effect of not requiring the administrative agency rendering the disposition to be called.</p>

		(ii) Beyond the cases given in the preceding item, it has been deemed as a result of the hearing that it is not necessary to call the administrative agency rendering the disposition.
Article 41, paragraph (2), item (i), (b)	counterargument	written statement
Article 44	when ... has received a report to its consultation from the Administrative Complaint Review Board, etc. (or when a review officer's written opinion has been submitted in the case where the consultation pursuant to the provisions of paragraph (1) of the preceding Article is not necessary (excluding the cases falling under item (ii) or (iii) of the relevant paragraph), or when deliberations prescribed in item (ii) or (iii) of the relevant paragraph have been held in the cases falling under item (ii) or (iii) of the relevant paragraph),	when the review officer's written opinion has been submitted
Article 50, paragraph (1), item (iv)	the review officer's written opinion or the written report from the Administrative Complaint Review Board, etc. or the Council, etc.	the review officer's written opinion
Article 83, paragraph (2)	Article 19 (except for paragraph (5), items (i) and (ii))	Article 61-2-9, paragraph (1) of the Immigration Control Act

(Refugee Examination Counselors)

Article 61-2-10 (1) The Ministry of Justice is to employ a number of refugee examination counselors to present their opinions on recognition of refugee status with respect to a request for an administrative review pursuant to the provisions of paragraph (1) of the preceding Article.

(2) Refugee examination counselors are appointed by the Minister of Justice from among persons of reputable character who are capable of making a fair judgment on a request for an administrative review pursuant to the provisions of paragraph (1) of the preceding Article and who have an academic background in law or international affairs.

(3) Refugee examination counselors serve for terms of 2 years, and they may be reappointed.

(4) Refugee examination counselors serve on a part-time basis.

(Special Provisions on Permission for Permanent Residence 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 clause of paragraph (2) of the same Article, even if the person does not conform to item (ii) of the same paragraph.

(Refugee Travel Documents)

Article 61-2-12 (1) If a Foreign National residing in Japan recognized as a Refugee seeks to depart from Japan, the Minister of Justice is to issue a Refugee travel document upon application by the Foreign National in accordance with the procedures provided by Ministry of Justice Order; provided however, that this does 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, must submit the foreign Refugee travel document to the Minister of Justice before receiving the Japanese Refugee travel document.

(3) The period of validity of the Refugee travel document set forth in paragraph (1) is to be 1 year.

(4) A person who has been issued a Refugee travel document as set forth in paragraph (1) may enter and depart from Japan within the period of validity of the Refugee travel document. In this case, re-entry permission pursuant to the provisions of Article 26, paragraph (1) is not required.

(5) In the case referred to in the preceding paragraph, if the Minister of Justice finds it necessary, the period of validity for re-entry with a Refugee travel

document may be limited to 3 months or more and less than 1 year.

- (6) If a person who has departed from Japan with the Refugee travel document set forth in paragraph (1) has adequate grounds for not being able to re-enter Japan within the period of validity of the Refugee travel document, the Minister of Justice may extend the period of validity of the document by a period not exceeding 6 months upon receiving an application from the person concerned.
- (7) The extension set forth in the preceding paragraph is to be entered in the Refugee travel document and the administrative work is to be entrusted to a Japanese Consular Officer, etc.
- (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 they are in Japan, to return the Refugee travel document within a time limit pursuant to the provisions of Ministry of Justice Order.
- (9) The Refugee travel document ordered to be returned pursuant to the provisions of the preceding paragraph ceases to have 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 is to place a notice in the Official Gazette of the expiration of the Refugee travel document concerned if it is not returned within the time limit set forth in the same paragraph.

(Return of a 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 must promptly return the certificate of Refugee status and Refugee travel document in their possession to the Minister of Justice.

(Inquiry into Facts)

Article 61-2-14 (1) The Minister of Justice may have a Refugee Inquirer inquire into the facts if necessary about the Recognition of Refugee Status, the granting of permission pursuant to the provisions of Article 61-2-2, paragraph (1) or (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 in person at a location 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 Inspectors)

Article 61-3 (1) Immigration Detention Centers and regional immigration bureaus are to employ Immigration Inspectors.

- (2) The duties of an Immigration Inspector are as follows:
  - (i) to conduct examinations and hearings in relation to permission to land in Japan and deportation as well as examination of departure orders;
  - (ii) to hear opinions pursuant to the provisions of Article 22-4, paragraph (2) (including as applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)), to give notices pursuant to the provisions of the proviso to Article 22-4, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 61-2-8, paragraph (2); the same applies in paragraph (2), item (v) of the following Article) and to deliver personal services pursuant to the provisions of Article 61-9-2, paragraphs (4) and (5);
  - (iii) to conduct an inquiry into the facts pursuant to the provisions of Article 19-19, paragraph (1), Article 59-2, paragraph (1) and Article 61-2-14, paragraph (1);
  - (iv) to issue written detention orders or written deportation orders;
  - (v) to carry out provisional release of detainees under written detention orders or written deportation orders; and
  - (vi) to deliver orders to depart from Japan pursuant to the provisions of Article 55-3, paragraph (1).
- (3) an Immigration Inspector of a regional immigration bureau may, if they find it necessary, execute their duties outside the area over which the regional immigration bureau exercises jurisdiction.

(Immigration Control Officers)

Article 61-3-2 (1) Immigration Detention Centers and regional immigration bureaus are to employ Immigration Control Officers.

- (2) The duties of Immigration Control Officers are as follows:
  - (i) to conduct investigations into cases of violations relating to entry, permission to land in Japan or residence;



- (ii) to detain, escort and send back persons who are subject to enforcement of written detention orders and deportation orders;
  - (iii) to guard Immigration Detention Centers, Detention Houses and other facilities;
  - (iv) to conduct an inquiry into the facts pursuant to the provisions of Article 19-19, paragraph (1) and Article 59-2, paragraph (1); and
  - (v) to give a notice pursuant to the provisions of the proviso to Article 22-4, paragraph (3) and to deliver a personal service pursuant to the provisions of Article 61-9-2, paragraphs (4) and (5).
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to an Immigration Control Officer.
- (4) The Immigration Control Officer, concerning the application of the National Public Service Act (Act No. 120 of 1947), is deemed a member of the police force.
- (5) The ranks of Immigration Control Officers are separately prescribed by 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 weapons in conducting their duties as considerately as possible, bearing in mind the circumstances, and may not injure a person except in any of the following cases:
- (i) the case falls under Article 36 or 37 of the Penal Code; or
  - (ii) the person subject to enforcement of the written detention order or deportation order attempts to resist an Immigration Inspector or Immigration Control Officer, or a third party who resists the Immigration Inspector or Immigration Control Officer in an attempt to assist the relevant person's escape, and the Immigration Inspector or Immigration Control Officer has adequate grounds to believe that there are no alternative means of preventing that resistance or escape.

(Uniform and Identification Cards)

- Article 61-5 (1) When executing their duties, Immigration Inspectors and Immigration Control Officers must wear uniforms or carry with them an identification card indicating their official status, except when otherwise prescribed by laws and regulations.
- (2) The identification card set forth in the preceding paragraph must be shown upon request to the person against whom the Immigration Inspector or Immigration Control Officer is executing their duties.
- (3) The form of the uniform and identification card set forth in paragraph (1) are

to be prescribed by Ministry of Justice Order.

(Detention Houses)

Article 61-6 Each regional immigration bureau is to 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") is to be given the maximum amount of liberty possible, within the constraints of security requirements of the Immigration Detention Facilities.

- (2) Detainees are to be provided with standardized bedding and food.
- (3) Supplies furnished to the Detainee must be adequate and accommodation at the immigration detention facilities is to be maintained in a sanitary condition.
- (4) The director of an Immigration Detention Center or regional immigration bureau (hereinafter referred to as "Director of 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 the director considers it necessary for the security or sanitation of the Immigration Detention Facilities.
- (5) The Director of Immigration Detention Facilities may inspect any form of communication being sent from or received by the Detainee, and may prohibit or restrict sending or receiving as is deemed necessary for the security of Immigration Detention Facilities.
- (6) Beyond the matters prescribed in the preceding paragraphs, other necessary matters in relation to the treatment of Detainees are to be provided by Ministry of Justice Order.

(Immigration Detention Facility Visiting Committees)

Article 61-7-2 (1) Immigration Detention Facility Visiting Committees (hereinafter referred to as "Committee") are to be established at immigration offices as prescribed by Ministry of Justice Order.

- (2) In order to contribute to the proper administration of Immigration Detention Facilities, Committees are to inspect Immigration Detention Facilities in the area of its responsibility as provided by Ministry of Justice Order and state its opinion to the director of the Immigration Detention Facilities.

(Organization)

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

- (2) The Minister of Justice is to 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 Committee members is 1 year and they may be reappointed.
- (4) Committee members serve on a part-time basis.
- (5) Beyond what is provided in the preceding paragraphs, necessary matters regarding the organization and administration of the Committees are provided by Ministry of Justice Order.

(Provision of Information for the Committee and Visits of Committee Members)

Article 61-7-4 (1) The Director of Immigration Detention Facilities is to provide the Committee with information on the Immigration Detention Facilities with respect to the state of its administration pursuant to the provisions of Ministry of Justice Order.

- (2) The Committee may have Committee members conduct a visit to the Immigration Detention Facilities in order to observe how those facilities are administered. In such a case, if the Committee finds it necessary, it may have the Director of the Immigration Detention Facilities cooperate in allowing Committee members to interview detainees.
- (3) Directors of Immigration Detention Facilities are to cooperate as necessary for 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 are not to be inspected, and submission of documents to the Committee by detainees must not be prohibited or restricted.

(Publication of the Opinions of the Committee)

Article 61-7-5 The Minister of Justice is to 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 to this, and is to publicize the outline thereof.

(Departure Waiting Facility Inspections)

Article 61-7-6 (1) Beyond conducting the duties prescribed in the provisions of Article 61-7-2, paragraph (2), the Committee is to visit the departure waiting facility in the Committee's area of responsibility as provided by Ministry of Justice Order 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 are 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 in relation 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 must comply with the request to the extent that such compliance will not interfere with the performance of its primary functions.

(Notice of Entries into Residence Certificates)

Article 61-8-2 If the mayor of a municipality has made an entry, deleted or revised an entry on a ground specified by Cabinet Order in the residence certificate in relation to a foreign resident prescribed in Article 30-45 of the Residential Basic Book Act, the mayor must immediately notify the Minister of Justice to the effect.

(Provision of Information)

Article 61-9 (1) The Minister of Justice may provide foreign authorities that handle 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 duties regarding immigration control and Recognition of Refugee Status provided by the Immigration Control and Refugee Status Act; hereinafter the same applies in the next paragraph).

(2) Upon information being provided pursuant to the provisions of the preceding paragraph, appropriate measures are to 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, notwithstanding the provisions of the preceding paragraph, may 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 (hereinafter referred to as an "investigation, etc. " in this paragraph), except in the following cases:

- (i) the crime subject to the investigation, etc. is a political crime, or the request appears to have been made for the purpose of conducting the investigation, etc. of a political crime;
  - (ii) the act in relation to the crime subject to the investigation, etc. in the request would not constitute a crime under Japanese laws or regulations if it were committed in Japan; or
  - (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, must receive confirmation from the Minister of Foreign Affairs in advance that the request does not fall under item (iii) of the preceding paragraph.

(Serving of Documents)

- Article 61-9-2 (1) The documents pursuant to the provisions of Article 22-4, paragraph (3) or (6) (including cases where the provisions are applied *mutatis mutandis* pursuant to Article 61-2-8, paragraph (2)) are served to the place of residence of persons who are to be served by mail, correspondence delivery as prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) (hereinafter referred to as "Correspondence Delivery") through a general correspondence delivery operator as prescribed in paragraph (6) of the same Article, or through a specified correspondence delivery operator as prescribed in paragraph (9) of the same Article, or by personal service.
- (2) If the documents have been sent pursuant to the provisions of the preceding paragraph by ordinary mail or by correspondence delivery, the item of post or the letter prescribed in Article 2, paragraph (3) of the Act on Correspondence Delivery by Private Business Operators is presumed to have been served at the time at which they should have ordinarily arrived.
- (3) The Minister of Justice must prepare a record sufficient to confirm the name of the documents, the name of the person who is to be served with the document, the address, and the date of service the documents in the cases prescribed in the preceding paragraph.
- (4) The serving of documents is to be made by an Immigration Inspector or Immigration Control Officer delivering the documents to the person who is to be served at the place where the delivery is to be made pursuant to the provisions of paragraph (1); provided however, that if the person who is to be served has no objection, the document may be delivered to some other place.
- (5) In the cases listed in the following items, the serving of documents may be made through the act prescribed in the respective item, in lieu of the delivery pursuant to the provisions of the preceding paragraph:

- (i) if the person to be served with documents at the place where the delivery is to be made cannot be met: The documents are to be delivered to a person who lives with the recipient who is deemed able to deliver the documents to the person who is to be served; or
  - (ii) if the person who is to be served with documents or the person prescribed in the preceding item is not present at the place where the delivery is to be made, or such person refuses to receive the documents without reasonable grounds: The documents are to be placed where the delivery is to be made.
- (6) If the place of residence of the person who is to be served with the documents pursuant to the provisions of the preceding paragraphs is unclear, the Minister of Justice may instead publicize the documents; provided however, that this does not apply to the delivery of the documents pursuant to the provisions of Article 22-4, paragraphs (3) and (6) as applied *mutatis mutandis* pursuant to Article 61-2-8, paragraph (2).
- (7) Serving documents via publication is to be made by posting a notice at the posting area of the Ministry of Justice of the name of the documents to be served, the name of the person who is to be served and to the effect that the Minister of Justice may deliver the documents to the person who is to be served at any time.
- (8) In the cases set forth in the preceding paragraph, the documents are deemed to have been served on the date on which two weeks have passed from the date of posting the notice.

(Obligation of Foreign Nationals to Appear in Person and Notification by Agents)

Article 61-9-3 (1) If the Foreign National is to carry out an act as listed in the following items they must do so by appearing in person at the location prescribed in each respective item:

- (i) notification pursuant to the provisions of Article 19-7, paragraph (1), Article 19-8, paragraph (1) or Article 19-9, paragraph (1) or receipt of the residence card to be returned pursuant to the provisions of Article 19-7, paragraph (2) (including as applied *mutatis mutandis* pursuant to the provisions of Article 19-8, paragraph (2) and Article 19-9, paragraph (2)): the office of the municipality of the place of residence;
- (ii) notification pursuant to the provisions of Article 19-10, paragraph (1), an application pursuant to the provisions of Article 19-11, paragraph (1) or (2), Article 19-12, paragraph (1) or Article 19-13, paragraph (1) or (3) or receipt of a residence card issued pursuant to the provisions of Article 19-10, paragraph (2) (including as applied *mutatis mutandis* pursuant to the provisions of Article 19-11, paragraph (3), Article 19-12, paragraph (2) and Article 19-13, paragraph (4)): a regional immigration bureau; or

- (iii) an application pursuant to the provisions of Article 20, paragraph (2), Article 21, paragraph (2), Article 22, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3)) or Article 22-2, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3) or receipt of a residence card issued pursuant to the provisions of Article 20, paragraph (4), item (i) (including as applied mutatis mutandis pursuant to the provisions of Article 21, paragraph (4) and Article 22-2, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3)), Article 22, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 22-3)), Article 50, paragraph (3) or Article 61-2-2, paragraph (3), item (i): a regional immigration bureau.
- (2) If the Foreign National is under 16 years of age or if they are unable to perform the acts listed in item (i) or (ii) of the preceding paragraph themselves due to disease or on other grounds, such act must be performed on behalf of the Foreign National by a person listed (in order of priority) in the following items (except for a person who is under 16 years of age) who is living with the Foreign National:
- (i) spouse;
  - (ii) child;
  - (iii) father or mother; or
  - (iv) relatives other than the persons listed in the preceding three items.
- (3) Beyond the cases prescribed in the preceding paragraph, if a person listed in any item of the same paragraph (except for a person under 16 years of age), who is living with the Foreign National is to perform an act listed in paragraph (1), items (i) and (ii) on behalf of and upon the request of the Foreign National, or in other cases prescribed by Ministry of Justice Order, the Foreign National is not required to appear in person and perform that act, notwithstanding the provisions of paragraph (1).
- (4) If the legal representative of the Foreign National is to perform an act listed in paragraph (1), item (iii) on behalf of the Foreign National or in other cases prescribed by Ministry of Justice Order, the Foreign National is not required to appear in person at a specific location and perform the act, notwithstanding the provisions of the same paragraph.

(Basic Plan for Immigration Control)

Article 61-10 (1) The Minister of Justice is to formulate a basic plan for the control of entry and the residence of Foreign Nationals (hereinafter referred to as the "Basic Plan for Immigration Control"), in order to allow the exercise of

fair and equitable control over immigration.

- (2) The Basic Plan for Immigration Control is to include the following:
  - (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; and
  - (iii) matters necessary for implementation of the control of the entry into and residence of Foreign Nationals in Japan, beyond matters listed in the preceding two items.
- (3) Prior to formulation of the Basic Plan for Immigration Control, the Minister of Justice is to consult with the heads of the relevant administrative organs.
- (4) The Minister of Justice is to 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 apply mutatis mutandis to modifications of the Basic Plan for Immigration Control.

Article 61-11 The Minister of Justice must endeavor to exercise equitable control over the entry into and departure from Japan of Foreign Nationals in accordance with the Basic Plan for Immigration Control.

(Reports)

- Article 62 (1) If any person has knowledge of a Foreign National whom they believe to fall under any of the items of Article 24, the person may report such information.
- (2) If any employee of the Government or of a local public entity becomes aware of a Foreign National set forth in the preceding paragraph in the execution of their duties, the employee must report this 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 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 must 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 training school 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 must report such information immediately, when granting release on parole or provisional release from a juvenile prison or women's guidance home.
  - (5) The information set forth in the preceding four paragraphs must be submitted,



orally or in writing, to an authorized Immigration Inspector or Immigration Control Officer.

(Relation to Criminal Procedures)

Article 63 (1) If procedures prescribed by laws and regulations related to criminal suits, enforcement of sentences, or treatment of the inmates of juvenile training schools or women's guidance homes are being carried out with regard to any Foreign National subject to deportation, deportation procedures may be take place 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 they are not being detained. In this case, "request the appearance of the suspect" in Article 29, paragraph (1), is deemed to be replaced with "request the appearance of the suspect or personally visit them", and "when a suspect has been delivered to them pursuant to the provisions of the preceding Article" in Article 45, paragraph (1), is deemed to be replaced with "when, as a result of Investigation into Violations, they have 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 is 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 training schools or women's guidance homes have been completed; provided however, that 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 their sentence.

(3) If an Immigration Inspector, when carrying out the inspection examination set forth in Article 45 or Article 55-2, paragraph (2), finds adequate grounds to believe that the suspect has committed a crime, the Inspector is to file a formal accusation against the suspect with a public prosecutor.

(Transferring Suspects)

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, the prosecutor must release the suspect and transfer them 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, in the case referred to in Article 62, paragraph (3) or (4), must transfer them 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) If 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 an offender caught in the act of 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 transfer the suspect to an Immigration Control Officer together with the relevant documents and articles of evidence, notwithstanding the provisions of Article 203 of the Code of Criminal Procedure (Act No. 131 of 1948) (including as 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 transferring a suspect over to an Immigration Control Officer must be undertaken within 48 hours from the time at which the suspect is taken into custody.

(Rewards for Providing Information)

Article 66 If a person provides 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 Ministry of Justice Order; provided, however, that this does 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 the course of executing their duties.

(Fees)

Article 67 Foreign Nationals must pay a fee as separately provided by Cabinet Order which must not exceed 10,000 yen to the Government entries, issuance, or the placement of a personal seal of verification in relation to any of the following permits:

- (i) permission for a change of status of residence pursuant to the provisions of the main clause of Article 20, paragraph (3);
- (ii) permission for extension of the Period of Stay pursuant to the provisions of Article 21, paragraph (3);
- (iii) permission for permanent residence pursuant to the provisions of Article 22, paragraph (2); or
- (iv) re-entry permission pursuant to the provisions of Article 26, paragraph (1) (including permission for extension of the period of validity pursuant to the

provisions of paragraph (5) of the same Article).

Article 67-2 Any foreign national who is issued a registered user card pursuant to the provisions of Article 9-2, paragraph (1) or (8), issued a certificate of authorization for employment pursuant to the provisions of Article 19-2, paragraph (1) or issued a residence card pursuant to the provisions of Article 19-10, paragraph (2) as applied mutatis mutandis pursuant to Article 19-13, paragraph (4) in accordance with an application pursuant to the provisions of the second sentence of paragraph (1) of the same Article, must pay a fee in an amount provided by separate Cabinet Order, which is to be determined by calculating actual expenses.

Article 68 (1) Foreign Nationals must 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 period of validity 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 is to be separately provided by Cabinet Order pursuant to the provisions of paragraph (3) of the annex to the Refugee Convention.

(Classification of Administrative Affairs)

Article 68-2 The administrative affairs to be handled by the municipality pursuant to the provisions of Article 19-7, paragraphs (1) and (2) (including as applied mutatis mutandis pursuant to the provisions of Article 19-8, paragraph (2) and Article 19-9, paragraph (2)), Article 19-8, paragraph (1) and Article 19-9, paragraph (1) is to be classified as Type 1 of the statutory entrusted functions provided in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(Entrustment to Cabinet Order)

Article 69 The procedures for the enforcement of the provisions of Chapter II through this Chapter and other matters necessary for the enforcement thereof are to be prescribed by Ministry of Justice Order (Cabinet Order for the administrative affairs to be performed by the mayor of the municipality).

(Delegation of Authority)

Article 69-2 The authority of the Minister of Justice prescribed by the Immigration Control and Refugee Recognition Act may be delegated to the director of a regional immigration bureau pursuant to the provisions of Ministry of Justice Order; provided however, that this does not apply to the authorities prescribed in Article 22, paragraph (2) (including as applied

mutatis mutandis pursuant to Article 22-2, paragraph (4) (including as applied mutatis mutandis pursuant to Article 22-3)), the authorities prescribed in Article 22-4, paragraph (1) (limited to those in relation 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 those measures are judged to be reasonably necessary for the enactment, revision or abolition of the order.

### **Chapter IX Penal Provisions**

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

- (i) a person who enters Japan in violation of the provisions of Article 3;
- (ii) a person who lands in Japan without obtaining Permission to Land in Japan, etc. from an Immigration Inspector;
- (ii)-2 a person who lands in Japan having received Permission to Land in Japan, etc. or permission pursuant to the provisions of Chapter IV, Section 2 through deceit or other wrongful means;
- (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 remains in Japan;
- (iii)-2 a person (except for persons who receive a designated period pursuant to the provisions of the main clause of paragraph (7) of the same Article) whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to a person to whom item (v) pertains) who remains in Japan;
- (iii)-3 a person who receives a designated period pursuant to the provisions of the main clause of Article 22-4, paragraph (7) (including as applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)) who remains in Japan beyond the designated period;
- (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 they receive remuneration in violation of the provisions of Article 19, paragraph (1);

- (v) a person who remains 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 as applied mutatis mutandis pursuant to Article 21, paragraph (4))) authorized without obtaining an extension or change thereof;
  - (vi) a person who is granted provisional permission to land in Japan and flees or fails to appear in person at a specific location for a summons without reasonable grounds, in violation of the conditions imposed pursuant to the provisions of Article 13, paragraph (3);
  - (vii) a person who is granted permission to land in Japan at a port of call, permission to land in Japan for cruise ship tourists, permission to land in Japan in transit, permission to land in Japan for Crew Members, emergency permission to land in Japan, permission to land in Japan due to distress or permission to land in Japan for temporary refuge, who remains in Japan beyond the period entered in their Passport or permit;
  - (vii)-2 a person, who is designated with a period for departure pursuant to the provisions of Article 14-2, paragraph (9) and does not depart from Japan within such period;
  - (vii)-3 a person, who is designated with a period for departure pursuant to the provisions of Article 16, paragraph (9), who does not return to their vessel or depart from Japan within that period;
  - (viii) a person prescribed in Article 22-2, paragraph (1), who remains in Japan beyond the period prescribed in Article 22-2, paragraph (1), without receiving permission pursuant to the provisions of the main clause of Article 20, paragraph (3) as applied mutatis mutandis to Article 22-2, paragraph (3), or pursuant to the provisions of Article 22, paragraph (2), as applied mutatis mutandis to Article 22-2, paragraph (4);
  - (viii)-2 a person who is issued with a departure order pursuant to the provisions of Article 55-3, paragraph (1), who remains in Japan beyond the time limit for departure under the departure order;
  - (viii)-3 a person who had been given departure order and it has been revoked pursuant to the provisions of Article 55-6, and stays in Japan;
  - (viii)-4 a person who is granted the permission set forth in Article 61-2-4, paragraph (1) who remains in Japan beyond the Period of Provisional Stay;  
or
  - (ix) a person who is recognized as a Refugee due to deceit or other wrongful means.
- (2) The preceding paragraph also applies to a person listed in the item (i) or (ii) of the preceding paragraph who lands and stays in Japan illegally.

Article 70-2 A person who commits any of the offenses set forth in paragraph (1),

items (i) through (ii)-2, item (v) or (vii) or paragraph (2) of the preceding Article may be exempt from the penalty if the evidence produced applies to all of the following items; provided however, that this is to be limited to cases where, after having committed the act in relation to the crime, a report was submitted without delay in the presence of an Immigration Inspector corresponding to the following items:

- (i) the person is a Refugee;
- (ii) the person enters Japan directly from a territory where their life, physical well-being, or physical freedom is likely to be persecuted on the grounds prescribed in Article 1, paragraph A-(2) of the Refugee Convention; and
- (iii) the act in relation to the crime is committed because of the grounds referred to in the preceding item.

Article 71 A person who departs or who attempts to depart from Japan in violation of the provisions of Article 25, paragraph (2), or Article 60, paragraph (2), is subject to imprisonment or imprisonment without work for not more than 1 year or a fine not exceeding 300,000 yen, or is to be subject to the cumulative imposition of imprisonment or imprisonment without work and a fine.

Article 71-2 A person who falls under any of the following items is subject to imprisonment for not more than 1 year or a fine not exceeding 200,000 yen:

- (i) a person who submits a false notification relating to the notification pursuant to the provisions of Article 19-7, paragraph (1), Article 19-8, paragraph (1), Article 19-9, paragraph (1), Article 19-10, paragraph (1) or Article 19-16; or
- (ii) a person who violates the provisions of Article 19-11, paragraph (1), Article 19-12, paragraph (1) or Article 19-13, paragraph (3).

Article 71-3 A person who falls under any of the following items is subject to a fine not exceeding 200,000 yen:

- (i) a person who does not give notification of their place of residence in violation of the provisions of Article 19-7, paragraph (1) or Article 19-8, paragraph (1);
- (ii) a person who does not give notification of their new place of residence in violation of the provisions of Article 19-9, paragraph (1); or
- (iii) a person who violates the provisions of Article 19-10, paragraph (1), Article 19-15 (except for paragraph (4)) or Article 19-16.

Article 72 A Foreign National falling under any of the following items is subject to imprisonment for not more than 1 year or a fine not exceeding 200,000 yen,

or subject to the cumulative imposition of imprisonment and a fine:

- (i) if a person escapes, after being taken into custody pursuant to a written detention order or deportation order;
- (ii) if a person who is granted permission to land in Japan as a cruise ship tourist has fled without returning to the ship by the time that ship departs from the Japanese Port of Entry or Departure it has made a port of call at;
- (iii) if a person permitted to land for temporary refuge escapes in violation of the conditions imposed pursuant to the provisions of Article 18-2, paragraph (4);
- (iv) if a person released pursuant to the provisions of Article 52, paragraph (6) flees or fails to appear in person at a location when summoned without reasonable grounds for not appearing, violation of the conditions imposed pursuant to the provisions of the same paragraph;
- (v) if a person who is given an departure order pursuant to the provisions of Article 55-3, paragraph (1) escapes in violation of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article;
- (vi) if a person who is given the permission set forth in Article 61-2-4, paragraph (1) flees or fails to appear in person at a location without reasonable grounds upon receiving a summons in violation of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article;
- (vii) if a person fails to return the certificate of Refugee status or Refugee travel documents in violation of the provisions of Article 61-2-7, paragraph (3), or Article 61-2-13; or
- (viii) if a person who is ordered to return the Refugee travel document pursuant to the provisions of Article 61-2-12, paragraph (8) fails 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, a person who is engaged in activities related to the management of business involving income or other activities for which they have received remuneration in violation of the provisions of Article 19, paragraph (1) is subject to imprisonment or imprisonment without work for not more than 1 year or a fine not exceeding 2 million yen, or is to be subject to the cumulative punishment of imprisonment or imprisonment without work and a fine.

Article 73-2 (1) A person falling under any of the following items is subject to imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine:

- (i) a person who has a Foreign National engage in illegal work in connection with business activities;

- (ii) a person who places a Foreign National their control, for purpose of having the Foreign National engage in illegal work; or
  - (iii) a person who arranges on a regular basis for a Foreign National to engage in illegal work or who makes arrangements for the act set forth in the preceding item.
- (2) A person who performs an act falling under one of the items of the preceding paragraph is not be exempt from punishment pursuant to the provisions of the same Article on the grounds of lacking knowledge of it coming under any of the following items; provided however, that this does not apply if there is no negligence:
- (i) the activities of the Foreign National are activities related to the management of business involving income or activities for which they receive remuneration which are not included among those activities corresponding to the status of residence of the Foreign National;
  - (ii) the Foreign National is not granted the permission set forth in Article 19, paragraph (2) in engaging in activities; or
  - (iii) the Foreign National is a person listed in Article 70, paragraph (1), items (i), (ii), (iii) through (iii)-3, item (v), items (vii) through (vii)-3 or items (viii)-2 through (viii)-4.

Article 73-3 (1) A person who forges or alters a residence card for the purpose of uttering, is subject to imprisonment for not less than 1 year, and not more than 10 years.

- (2) The preceding paragraph also applies to a person who uses a forged or altered residence card.
- (3) Paragraph (1) also applies to a person who provides or receives a forged or altered residence card for the purpose of uttering.
- (4) An attempt to commit the crime referred to in the preceding three paragraphs is also punishable.

Article 73-4 A person possessing a forged or altered a residence card for the purpose of uttering is subject to imprisonment for not more than 5 years or a fine not exceeding 500,000 yen.

Article 73-5 A person who prepares instruments or materials for the purpose of use in the commission in a criminal act set forth in Article 73-3, paragraph (1) is subject to imprisonment for not more than 3 years or a fine not exceeding 500,000 yen.

Article 73-6 (1) A person falling under any of the following items is subject to imprisonment for not more than 1 year or a fine not exceeding 200,000 yen:



- (i) a person who uses a residence card in another person's name;
  - (ii) a person who provides, receives or possesses a residence card in another person's name for the purpose of uttering; or
  - (iii) a person who provides their own residence card for the purpose of uttering.
- (2) Any attempt to commit the crime referred in the preceding paragraph (except for the part in relation to possession) is also punishable.

Article 74 (1) A person who has a group of stowaways who are under their control (meaning groups of Foreign Nationals who are assembled for the purpose of landing in Japan without obtaining Permission to Land in Japan, etc. from an Immigration Inspector, or for the purpose of landing in and obtaining Permission to Land in Japan, etc. from an Immigration Inspector by deceit or other wrongful means; the same applies hereinafter) enter Japan or land in Japan is subject to imprisonment for not more than 5 years or a fine not exceeding 3 million yen.

- (2) If the person commits the crimes set forth in the preceding paragraph for the purpose of profit, they are subject to imprisonment for not less than 1 year and not more than 10 years, and a fine not exceeding 10 million yen.
- (3) An attempt to commit the crime referred to in the preceding two paragraphs (limited to the part in relation to the act of having the stowaways land) is also punishable.

Article 74-2 (1) A person who transports a group of stowaways who are under their control heading for Japan, or who transports them to a place of landing in the territory of Japan, is subject to imprisonment for not more than 3 years or a fine not exceeding 2 million yen.

- (2) If the person commits the crime set forth in the preceding paragraph for the purpose of profit, they are subject to imprisonment for not more than 7 years and a fine not exceeding 5 million yen.

Article 74-3 A person who prepares vessels or an aircraft for criminal use with the intention of committing the crimes set forth in Article 74, paragraph (1) or (2), or the preceding Article is subject to imprisonment for not more than 2 years or a fine not exceeding 1 million yen. The same applies to a person who knowingly provides vessels or aircraft for criminal use.

Article 74-4 (1) A person who receives, 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 in Japan, or who transports, harbors, or enables those Foreign Nationals to escape, is subject to imprisonment for not more than 5 years or a fine not exceeding 3 million yen. The same applies to a person

who subsequently receives all or some of the Foreign Nationals from the person who originally received them, or who transports, harbors or has enables those Foreign Nationals to escape after receiving them.

- (2) In cases where the person commits the crime set forth in the preceding paragraph for the purpose of profit, they are subject to imprisonment for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen.
- (3) An attempt to commit of the crime referred to in the preceding two paragraphs is also punishable.

Article 74-5 A person who makes preparations with the intention of committing the crimes set forth in the preceding Article, paragraph (1) or (2), is subject to imprisonment for not more than 2 years or a fine not exceeding 1 million yen.

Article 74-6 A person who facilitates the acts prescribed in Article 70, paragraph (1), item (i) or (ii) (hereinafter referred to as "Illegal Entry or Landing in Japan") or the act prescribed in item (ii)-2 of the same paragraph for the purpose of profit is subject to imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to 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 is subject to imprisonment for not more than 3 years or a fine not exceeding 3 million yen, or is to be subject to the cumulative imposition of imprisonment and a fine:
- (i) a person who is granted 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, for the purpose of aiding another person to commit Illegal Entry or Landing in Japan;
  - (ii) a person who, for the purpose of aiding another person to commit Illegal Entry or Landing in Japan, possesses, offers or receives the following documents:
    - (a) documents that are 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 applies 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 in Japan;
    - (iii) a person who, for the purpose of violating the provisions of Article 70, paragraph (1), item (i) or (ii), is granted 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; or

- (iv) a person who, for the purpose of violating the provisions of Article 70, paragraph (1), item (i) or (ii), possesses or receives the following documents:
  - (a) documents that are 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) A person who commits a crime set forth in the provisions of item (i) or (ii) of the preceding paragraph for the purpose of profit is subject to imprisonment for not more than 5 years and a fine not exceeding 5 million yen.

Article 74-6-3 An attempt to commit the crime referred to in the preceding Article (except for the part in relation to possession) is also punishable.

Article 74-7 Crimes set forth in Article 73-2, paragraph (1), items (ii) and (iii), Articles 73-3 through 73-6, Article 74-2 (except for the part in relation to transportation within Japanese territory), Article 74-3, and the preceding three Articles are to comply with the cases set forth in Article 2 of the Penal Code.

- Article 74-8 (1) A person who harbors or enables Foreign Nationals who fall under Article 24, item (i) or item (ii) to escape for the purpose of allowing them to avoid deportation, is subject to imprisonment for not more than 3 years or a fine not exceeding 3 million yen.
- (2) If a person commits the crime set forth in the preceding paragraph for the purpose of profit, they are subject to imprisonment for not more than 5 years and a fine not exceeding 5 million yen.
  - (3) An attempt to commit the crime referred to in the preceding two paragraphs is punishable.

Article 75 A person who fails to appear in person at a location without reasonable grounds, refuses to testify or swear an oath or who gives false testimony in violation of the provisions of Article 10, paragraph (5) (including as applied mutatis mutandis pursuant to Article 48, paragraph (5)) is subject to a fine not exceeding 200,000 yen.

- Article 75-2 A person who falls under any of the following items is subject to imprisonment for not more than 1 year or a fine not exceeding 200,000 yen:
- (i) a person who does not receive a residence card in violation of the provisions of Article 23, paragraph (2); or
  - (ii) a person who refuses to present their residence card in violation of the provisions of Article 23, paragraph (3).

Article 75-3 A person not carrying their residence card is subject to a fine not exceeding 200,000 yen, in violation of the provisions of Article 23, paragraph (2)

Article 76 A person who falls under any of the following items is subject to a fine not exceeding 100,000 yen:

- (i) a person who violates the provisions of Article 23, paragraph (1); or
- (ii) a person who refuses to present a Passport, a Crew Member's Pocket-Ledger, registered user card or a permit in violation of the provisions of Article 23, paragraph (3).

(Concurrent Impositions)

Article 76-2 If 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, commits any of the crimes set forth in Article 73-2 or in Articles 74 through 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 commits the crime, are subject to the relevant fine under each of the aforementioned provisions.

(Non-Penal Fines)

Article 77 A person who falls under any of the following items is subject to a non-penal fine not exceeding 500,000 yen:

- (i) a person who refuses to undergo or obstructs 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, allows Foreign Nationals to enter Japan without checking their Passport, Crew Member's Pocket-Ledger, or re-entry permit;
- (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 paragraphs (4) through (7) or the first sentence of paragraph (9) of the same Article;
- (iii) a person who fails to take preventive measures against landing in Japan in violation of the provisions of Article 58; or
- (iv) a person who neglects to send back a Foreign National in violation of the provisions of Article 59.

Article 77-2 Any person listed in any of the items of Article 61-9-3, paragraph (2) who, in violation of the provisions of the same Article, does not file a notification pursuant to the provisions of Article 19-7, paragraph (1), Article 19-8, paragraph (1), Article 19-9, paragraph (1) or Article 19-10, paragraph (1), does not receive the residence card returned pursuant to the provisions of Article 19-7, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 19-8, paragraph (2) and Article 19-9, paragraph (2)) or issued pursuant to the provisions of Article 19-10, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 19-11, paragraph (3), Article 19-12, paragraph (2) and Article 19-13, paragraph (4)) or does not file an application pursuant to the provisions of Article 19-11, paragraph (1), Article 19-12, paragraph (1) or Article 19-13, paragraph (3) is subject to a non-penal fine not exceeding 50,000 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 is to be confiscated; provided however, that this does 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 ascertained that the person had no prior 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 that person continued to own the vessel, aircraft or vehicle from the time the crime was committed; or
- (ii) if it is ascertained that the person came to acquire the vessel, aircraft, or vehicle after a crime prescribed in the preceding item is committed, without the knowledge that it is used in the commission of a crime.

### Supplementary Provisions

Omitted

Appended Table I (Re. Art. 2-2, 5, 7, 7-2, 19, 19-16, 19-17, 20-2, 22-3, 22-4, 24, 61-2-2, and 61-2-8)

(1)

Statu s of Resid ence	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 technical school ("kotosen-mongakko").
Artist	Artistic activities that provide 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 nationals working on behalf of a foreign religious organization.
Journalist	News coverage and other journalistic activities conducted based on a contract with a foreign press organization.

(2)

Status of Residence	Authorized activities
Highly Skilled Professional	<p>(i) Activities which come under any of items (a) through (c) to be carried out by a person who conforms to the criteria prescribed by Ministry of Justice Order as a professional with highly-skilled capabilities, and which are expected to contribute to the development of Japanese academic research or economy.</p> <p>(a) Activities of research, research guidance or education based on a contract entered into with a public or private organization in Japan designated by the Minister of Justice or, in conjunction with these activities, activities of personally operating a business related to these activities or of research, research guidance or education based on a contract entered into with a public or private organization in Japan other than such organization.</p> <p>(b) Activities to engage in services requiring knowledge or skills in the field of natural sciences or humanities based on a contract entered into with a public or private organization in Japan designated by the Minister of Justice or, in conjunction with these activities, activities to personally operate a business relating to such activities.</p>

	<p>(c) Activities to operate international trade or some other business, or to engage in the management of such business at a public or private organization in Japan designated by the Minister of Justice, or in conjunction with these activities, activities to personally operate a business related to such activities.</p> <p>(ii) The following activities carried out by a person who has engaged in the activities listed in the preceding item and who conforms to the criteria prescribed by Ministry of Justice Order as a person who contributes to the interests of Japan through their stay.</p> <p>(a) Activities of research, research guidance or education based on a contract entered into with a public or private organization in Japan.</p> <p>(b) Activities to engage in services requiring knowledge or skills in the field of natural sciences or humanities based on a contract entered into with a public or private organization in Japan.</p> <p>(c) Activities to operate international trade or some other business, or to engage in the management of the business at a public or private organization in Japan.</p> <p>(d) Activities (except for the activities coming under any of (a) through (c)) listed in the right-hand column of the "Professor" section to the "Journalist" section in table (1) or the activities listed in the right-hand column in the "Legal/Accounting Services", "Medical Services", "Instructor", "Engineer/Specialist in Humanities/International Services", "Nursing Care", "Entertainer" or "Skilled Labor" sections in this table carried out in conjunction with any of the activities from (a) through (c).</p>
Business Manager	Activities to operate international trade or some other business in Japan, or to engage in the management of such 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-qualified lawyers ("gaikoku-hojimu-bengoshi"), registered foreign-qualified public accountants ("gaikoku-konin-kaikeishi") 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, school for secondary education ("chuto-kyoikugakko"), school for special needs education, vocational school ("senshugakko"), miscellaneous category school ("kakushugakko") or other educational institution equivalent to a miscellaneous educational institution in facilities and curriculum.

Engineer/Specialist in Humanities/International Services	Activities to engage in services which require specialized skills or knowledge pertinent to the field of physical science, engineering or other natural science fields or to the field of jurisprudence, economics, sociology or other humanities fields or to engage in services which require specific ways of thinking or sensitivity acquired through experience with a foreign culture (except for the activities listed in the right-hand column of the "Professor", "Artist" and "Journalist" sections in table (1), and the activities listed in the right-hand column of the "Business Manager" to "Instructor" sections, "Intra-company Transferee" and "Entertainer" sections in this table) based on a contract entered into with a public or private organization in Japan.
Intra-company Transferee	Activities of personnel 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/Specialist in Humanities/International Services" section in this table at this business office.
Nursing Care	Activities of persons with the qualification of certified care worker to engage in the services of nursing care or instructions on nursing care based on a contract with a public or private organization in Japan.
Entertainer	Activities to engage in acting performances, stage performances, musical performances, sports or any other form of show business (except for activities listed in the right-hand column of the "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.
Technical Intern Training	(i) Activities which come under any of items (a) or (b)  (a) Activities to attend lectures and engage in services relating to skills, technologies or knowledge (hereinafter referred to as "skills, etc.") based on the technical intern training plan (limited to those pertaining to individual-enterprise-type technical intern training (i) pursuant to the provisions of Article 2, paragraph (2), item (i) of the Technical Intern Training Act) provided for in Article 8, paragraph (1) of the Technical Intern Training Act, which received accreditation (where a change has been approved in accordance with the provisions of Article 11, paragraph (1) of the Technical Intern Training Act, the plan after the change; hereinafter the same applies) pursuant to Article 8, paragraph (1) of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (Act No. 89 of 2016; hereinafter referred to as "Technical Intern Training Act").



(b) Activities to attend lectures and engage in services relating to skills, etc. based on the technical intern training plan (limited to those pertaining to supervising-organization-type technical intern training (i) pursuant to the provisions of Article 2, paragraph (4), item (i) of the Technical Intern Training Act) provided for in the same paragraph, which received the accreditation set forth under Article 8, paragraph (1) of the Technical Intern Training Act.

(ii) Activities which come under (a) or (b).

(a) Activities to engage in services relating to skills, etc. based on the technical intern training plan (limited to those pertaining to individual-enterprise-type technical intern training (ii) pursuant to the provisions of Article 2, paragraph (2), item (ii) of the Technical Intern Training Act) provided for in the same paragraph, which received the accreditation set forth under Article 8, paragraph (1) of the Technical Intern Training Act.

(b) Activities to engage in services relating to skills, etc. based on the technical intern training plan (limited to those pertaining to supervising-organization-type technical intern training (ii) pursuant to the provisions of Article 2, paragraph (4), item (ii) of the Technical Intern Training Act) provided for in the same paragraph, which received the accreditation set forth under Article 8, paragraph (1) of the Technical Intern Training Act.

(iii) Activities coming under either the following (a) or (b):

(a) Activities to engage in services relating to skills, etc. based on the technical intern training plan (limited to those pertaining to individual-enterprise-type technical intern training (iii) pursuant to the provisions of Article 2, paragraph (2), item (iii) of the Technical Intern Training Act) provided for in the same paragraph, which received the accreditation set forth under Article 8, paragraph (1) of the Technical Intern Training Act.

(b) Activities to engage in services relating to skills, etc. based on the technical intern training plan (limited to those pertaining to supervising-organization-type technical intern training (iii) pursuant to the provisions of Article 2, paragraph (4), item (iii) of the Technical Intern Training Act) provided for in the same paragraph, which received the accreditation set forth under Article 8, paragraph (1) of the Technical Intern Training Act.

(3)

Statu s of Resid ence	Authorized activities
Cultu ral Activi ties	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" through "Trainee" sections in 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.
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(4)

Status of Residence	Authorized activities
Student	Activities to receive an education at a university, technical school ("koto-senmongakko"), senior high school (including a course of study in the second half of a course of study at a school for secondary education ("chuto-kyoikugakko")), senior high school course of a school for special needs education ("tokubetsu-shiengakko"), junior high school (including a course of study in the second half of a course of study at a compulsory education school and a course of study in the first half of a course of study at a school for secondary education ("chuto-kyoikugakko")) or a junior high school course of a school for special needs education ("tokubetsu-shiengakko"), elementary school (including a course of study in the first half of a course of study at a compulsory education school) or an elementary school course of a school for special needs education ("tokubetsu-shiengakko"), vocational school ("senshugakko"), miscellaneous category school ("kakushugakko") or an equivalent educational institution in terms of facilities and organization in Japan.
Trainee	Activities to acquire skills, etc. 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 table (2) and the right-hand column of the "Student" section in this table).
Dependent	Daily activities on the part of a spouse or child supported by the foreign national staying in Japan with the status of residence referred to in the left-hand column of table (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 individual foreign nationals.

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
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Perm anent Resid ent	Those who are permitted permanent residency by the Minister of Justice.
Spous e or Child of Japan ese Natio nal	The spouse of a Japanese national, or a child specially adopted by a Japanese national or those born as the child of a Japanese national.
Spous e or Child of Perm anent Resid ent	The spouse of a permanent resident, etc. or those born as the child of a permanent resident, etc. in Japan and who have continued to reside in Japan.
Long- Term Resid ent	Those who are authorized to reside in Japan with a period of stay designated by the Minister of Justice in consideration of special circumstances.