

# Regulation for Enforcement of the Special Act on the Immigration Control of Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan

(Ministry of Justice Order No. 44 of December 26, 2011)

(Application for Permission Referred to in Article 4 of the Act)

Article 1 (1) An application prescribed in Article 4, paragraph (3) of the Special Act on the Immigration Control of, Intel Alia, Those Who have lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (Act No. 71 of 1991; hereinafter referred to as the "Act") must be filed by submitting the following documents:

- (i) a written application for special permission for permanent residence pursuant to the Appended Form No. 1;
  - (ii) a photograph (a photograph that is taken within three months before the date of application, which satisfies the requirements specified in the Appended Table I, and with the applicant's name written on the back; the same applies in paragraph (1) of the following Article, Article 7, paragraph (1), Article 8, paragraph (1), Article 9, paragraph (1), and Article 10, paragraphs (1) and (2));
  - (iii) a document certifying that the applicant was born in Japan;
  - (iv) for a person who has come to stay in Japan for a reason other than birth, a document certifying that reason; and
  - (v) a document certifying that the applicant is a descendant of a person who has lost Japanese nationality under the Treaty of Peace with Japan.
- (2) When the application referred to in the preceding paragraph is filed for a person under 16 years of age, submission of a photograph is not required.

(Application for Permission Referred to in Article 5 of the Act)

Article 2 (1) An application prescribed in Article 5, paragraph (3) of the Act must be filed by submitting the following documents:

- (i) a written application for special permission for permanent residence pursuant to the Appended Form No. 2;
  - (ii) a photograph; and
  - (iii) a document certifying that the applicant is a person who has lost Japanese nationality under the Treaty of Peace with Japan or a descendant of a person who has lost Japanese nationality under the Treaty of Peace with Japan.
- (2) In filing the application referred to in the preceding paragraph, the applicant must present their residence card (meaning the residence card prescribed in

Article 19-3 of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951; hereinafter referred to as the "Immigration Control Act"); the same applies hereinafter).

- (3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the case of filing the application referred to in paragraph (1).

(Special Permanent Residence Permits)

Article 3 The format of the special permanent residence permit prescribed in Article 6 of the Act is to follow that of the Appended Form No. 3.

(Particulars to be recorded on Special Permanent Resident Certificates)

Article 4 (1) The name prescribed in Article 8, paragraph (1), item (i) of the Act is to be written in Roman characters.

- (2) In respect of a country to which the nationality prescribed in Article 8, paragraph (1), item (i) of the Act pertains or a region prescribed in Article 2, item (v), (b) of the Immigration Control Act (hereinafter referred to as "nationality or region" in this paragraph), a special permanent resident who has two or more nationalities other than Japanese nationality is to write the nationality or region specified in the following items in accordance with the category set forth respectively in those items:

(i) a special permanent resident to whom a special permanent resident certificate is issued pursuant to the provisions of Article 7, paragraph (2) or (3) of the Act, because they have received the permission referred to in Article 4, paragraph (1) or Article 5, paragraph (1) of the Act: the nationality or region stated in the special permanent residence permit issued pursuant to the provisions of Article 6, paragraph (1) or (2) of the Act related to that permission;

(ii) a special permanent resident to whom a new special permanent resident certificate is issued pursuant to the provisions of Article 11, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 12, paragraph (3), Article 13, paragraph (2), and Article 14, paragraph (4)) (except for those set forth in the following item): the nationality or region stated in the special permanent resident certificate which will cease to be effective due to the issuance; and

(iii) a special permanent resident to whom a new special permanent resident certificate is to be issued pursuant to the provisions of Article 11, paragraph (2) of the Act based on the notification referred to in paragraph (1) of that Article for the reason that their nationality or region has been changed: the nationality or region after the change.

- (3) If the West Bank or Gaza Strip prescribed in Article 1 of the Enforcement Order of the Immigration Control and Refugee Recognition Act (Cabinet Order

No. 178 of 1998) is stated as the region referred to in Article 8, paragraph (1), item (i) of the Act, it is to be indicated as Palestine.

- (4) The special permanent resident certificate number prescribed in Article 8, paragraph (2) of the Act is to be specified using a combination of four Roman characters and eight figures.
- (5) A special permanent resident certificate which shows a photograph of a special permanent resident pursuant to the provisions of Article 8, paragraph (3) of the Act is to be issued with the expiration date of the validity period falling on the day following the sixteenth birthday of the special permanent resident. In this case, the photograph is considered to have met the requirements specified in the Appended Table I, and the photograph submitted pursuant to the provisions of Article 1, paragraph (1), Article 2, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), Article 9, paragraph (1) or Article 10, paragraph (1) or (2) is to be shown.
- (6) The format of the special permanent resident certificate prescribed in Article 8, paragraph (4) of the Act is to follow that of the Appended Form No. 4, and a particular required to be shown on the special permanent resident certificate prescribed in that paragraph is to be the date of the notification to be stated when stating the place of residence or new residence (meaning the place of residence after the change) pursuant to the provisions of Article 10, paragraph (3) of the Act.
- (7) The record under the provisions of Article 8, paragraph (5) of the Act is to be made by recording the particulars set forth in the items of paragraph (1) of that Article and the photograph prescribed in paragraph (3) of that Article on a semiconductor integrated circuit incorporated in a special permanent resident certificate. In this case, the record of the place of residence prescribed in paragraph (1), item (ii) of that Article is to be made only at the time a special permanent resident certificate is issued.

Article 5 (1) When a special permanent resident (including persons who have lost Japanese nationality under the Treaty of Peace with Japan or descendants of persons who have lost Japanese nationality under the Treaty of Peace with Japan who have submitted the application referred to in Article 4, paragraph (3) or Article 5, paragraph (3) of the Act; hereinafter the same applies in this Article) who uses Chinese characters for their name makes a request, notwithstanding the provisions of paragraph (1) of the preceding Article, the Commissioner of the Immigration Services Agency may show a name using those Chinese characters or the Chinese characters and kana characters (meaning hiragana or katakana, and when Chinese characters are not used for a part of the name of that special permanent resident, limited to kana characters which show that part; hereinafter the same applies in this Article)

together with their name written in Roman characters.

- (2) A special permanent resident who seeks to make the request referred to in the preceding paragraph must submit a material proving that Chinese characters are used for their name.
- (3) The request referred to in paragraph (1) must be made together with the application pursuant to the provisions of Article 4, paragraph (3), Article 5, paragraph (3), Article 12, paragraph (1) or (2), Article 13, paragraph (1), or Article 14, paragraph (1) or (3) of the Act or with the notification pursuant to the provisions of Article 11, paragraph (1) of the Act.
- (4) If the Commissioner of the Immigration Services Agency finds that when a special permanent resident who uses Chinese characters for their name indicates their name in Roman characters, the special permanent resident is likely to suffer considerable disadvantage or that there are other special circumstances, notwithstanding the provisions of paragraph (1) of the preceding Article, the Commissioner may show the name using those Chinese characters or the Chinese characters and kana characters, in lieu of Roman characters.
- (5) In the case referred to in paragraph (1) and the preceding paragraph, the necessary particulars for indicating names using Chinese characters, such as the scope and usage of Chinese characters to indicate the names, are specified by the Commissioner of the Immigration Services Agency through public notice.
- (6) A name using Chinese characters or Chinese characters and kana characters which is written pursuant to the provisions of paragraphs (1) and (4) may not be changed (including a decision not to write the name using Chinese characters or Chinese characters and kana characters) except in the case of a change through a notification under the provisions of Article 11, paragraph (1) of the Act; provided, however, that this does not apply if the Commissioner of the Immigration Services Agency finds the change to be appropriate.

(Notification of the Place of Residence)

Article 6 A notification under the provisions of Article 10, paragraph (1) of the Act (except for a notification which is deemed to be a notification under the provisions of paragraph (1) of that Article pursuant to the provisions of paragraph (4) of that Article) or a notification under the provisions of paragraph (2) of that Article (except for a notification which is deemed to be a notification under the provisions of paragraph (2) of that Article pursuant to the provisions of paragraph (5) of that Article) must be made by submitting a copy of the written notification pursuant to the Appended Form No. 5.

(Notification of Changes to Particulars Other than the Place of Residence)

Article 7 (1) A notification under the provisions of Article 11, paragraph (1) of

the Act must be made by submitting a copy of the written notification pursuant to the Appended Form No. 6, a photograph, and a copy of material proving that the particulars set forth in Article 8, paragraph (1), item (i) of the Act has been changed.

- (2) In making the notification referred to in the preceding paragraph, the notifying person must present their passport (meaning the passport specified in Article 2, item (v) of the Immigration Control Act; the same applies hereinafter) and special permanent resident certificate. In this case, a special permanent resident who is unable to present their passport is to submit a document stating the reason therefor.
- (3) The provisions of Article 1, paragraph (2) apply mutatis mutandis to the case of making a notification referred to in paragraph (1).

(Renewal of the Validity Period of the Special Permanent Resident Certificate)

Article 8 (1) An application under the provisions of Article 12, paragraph (1) or (2) of the Act must be made by submitting a copy of the written application pursuant to the Appended Form No. 7 and a photograph.

- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the case of filing the application referred to in the preceding paragraph.

(Reissuance of Special Permanent Resident Certificates due to Loss)

Article 9 (1) An application under the provisions of Article 13, paragraph (1) of the Act must be made by submitting a copy of the written application pursuant to the Appended Form No. 8, a photograph, and a copy of the material proving that the applicant has lost possession of their special permanent resident certificate.

- (2) In filing the application referred to in the preceding paragraph, the applicant must present their passport. In this case, a special permanent resident who is unable to present it must submit a document stating the reason therefor.
- (3) The provisions of Article 1, paragraph (2) apply mutatis mutandis to the case of the application referred to in paragraph (1). In this case, the term "preceding paragraph" in that paragraph is deemed to be replaced with "Article 9, paragraph (1)."

(Re-issuance of Special Permanent Resident Certificates due to Defacement)

Article 10 (1) An application under the provisions of the first sentence of Article 14, paragraph (1), or Article 14, paragraph (3) of the Act must be made by submitting a copy of the written application pursuant to the Appended Form No. 9 and a photograph.

- (2) An application under the provisions of the second sentence of Article 14,

paragraph (1) of the Act must be made by submitting a copy of the written application pursuant to the Appended Form No. 10 and a photograph.

(3) The provisions of Article 1, paragraph (2) and Article 7, paragraph (2) apply mutatis mutandis to the case of filing the application referred to in the preceding two paragraphs. In this case, the term "preceding paragraph" in those paragraphs is deemed to be replaced with "Article 10, paragraph (1) or (2)."

(Order to Apply for Re-issuance of a Special Permanent Resident Certificate)

Article 11 An order under the provisions of Article 14, paragraph (2) of the Act is to be given by issuing to the special permanent resident a written order to apply for re-issuance of a special permanent resident certificate pursuant to the Appended Form No. 11.

(Statement of Payment of Fees)

Article 12 The payment of fees under the provisions of Article 14, paragraph (5) of the Act is to be submitted by pasting a revenue stamp corresponding to the amount of the fee to the statement of payment of fees pursuant to the Appended Form No. 12.

(Documents for Which Copies Are Made as Prescribed in Article 5 of the Order)

Article 13 The document for which the head of municipalities (including special wards, and for Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), wards or administratively consolidated wards; the same applies in Article 16 and Article 17) makes a copy and sends the copy to the Commissioner of the Immigration Services Agency pursuant to the provisions of Article 5 of the Enforcement Order of the Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (Cabinet Order No. 420 of 2011), is to be the passport presented pursuant to the provisions of Article 7, paragraph (2) (including as applied mutatis mutandis pursuant to Article 8, paragraph (2) and Article 10, paragraph (3)) or Article 9, paragraph (2).

(Publication of Information about Expiration of Special Permanent Resident Certificates)

Article 14 The Commissioner of the Immigration Services Agency may provide information about special permanent resident certificate numbers which have expired by using the internet or other means.

(Employees Who May Request Presentation of Special Permanent Resident Certificates)

Article 15 Employees of the national or local governments prescribed in Article 17, paragraph (2) of the Act are as follows:

- (i) a customs official;
- (ii) a public security intelligence officer;
- (iii) a narcotics agent;
- (iv) an employee of a municipality (including special wards) who is engaged in administrative affairs related to the basic residential register (limited to those concerning the residence certificates for foreign residents prescribed in Article 30-45 of the Residential Basic Book Act (Act No. 81 of 1967)); and
- (v) an employee of public employment security offices prescribed in Article 8 of the Employment Security Act (Act No. 141 of 1947).

(Documents Certifying Persons Who Have Parental Authority)

Article 16 (1) A person who seeks to perform the act prescribed in Article 18, paragraph (1) of the Act on behalf of a special permanent resident pursuant to the provisions of paragraph (2) of that Article must present material or give an explanation to the head of municipalities demonstrating that the person is to whom the relevant paragraph applies.

(2) A person who seeks to perform the act prescribed in Article 18, paragraph (1) of the Act on behalf of a special permanent resident pursuant to the provisions of paragraph (3) of that Article must present material or give an explanation to the head of municipalities demonstrating that the special permanent resident is unable to perform the act themselves due to a disease or for other reasons and that the person is a relative or cohabitant of the special permanent resident.

(Cases Not Requiring an Appearance)

Article 17 (1) The case specified by Ministry of Justice Order as prescribed in Article 19, paragraph (3) of the Act (limited to cases related to the notification under the provisions of Article 10, paragraphs (1) and (2) of the Act and the receipt of a special permanent resident certificate returned pursuant to the provisions of paragraph (3) of that Article) is a case where a person requested by a special permanent resident or a person who is required to act on behalf of a special permanent resident pursuant to the provisions of paragraph (2) of that Article (except for a relative of that special permanent resident who is 16 years of age or older and lives with the special permanent resident) or where a legal representative of a special permanent resident performs the act prescribed in Article 19, paragraph (1) of the Act (limited to making the notification under the provisions of Article 10, paragraphs (1) and (2) of the Act and receiving a special permanent resident certificate returned pursuant to the provisions of paragraph (3) of that Article) on behalf of the special permanent

resident (except for the case where a legal representative of a special permanent resident performs the act on behalf of the special permanent resident pursuant to the provisions of Article 19, paragraph (2) of the Act).

- (2) The cases specified by Ministry of Justice Order as prescribed in Article 19, paragraph (3) of the Act (except for the case related to the notification under the provisions of Article 10, paragraphs (1) and (2) of the Act and the receipt of a special permanent resident certificate returned pursuant to the provisions of paragraph (3) of that Article) are the cases set forth in the following items:
- (i) a case in which any of the persons set forth in (a) or (b) below performs the act set forth in the right-hand column of the Appended Table II in accordance with the category of the act set forth in the left-hand column of that Table on behalf of a special permanent resident (for the person set forth in (a), limited to the case where the act is performed at the request of that special permanent resident or a person who is required to act on behalf of the special permanent resident pursuant to the provisions of Article 19, paragraph (2) of the Act; for the person set forth in (b), except for the case where the person performs the act on behalf of the special permanent resident pursuant to the provisions of that paragraph):
    - (a) an attorney-at-law or administrative scrivener who has made a notification to the director of the regional immigration services bureau having jurisdiction over their location through the bar association or administrative scrivener association to which the attorney-at-law or administrative scrivener belongs; or
    - (b) a legal representative of the special permanent resident.
  - (ii) beyond what is provided for in the preceding item, when a special permanent resident is under 16 years of age or is unable to perform the act set forth in the left-hand column of Appended Table 2 themselves due to a disease or for other reasons, if a relative (except for persons living with that special permanent resident who are 16 years of age or older) or a cohabitant (excluding relatives of the special permanent resident) of the special permanent resident or a person equivalent to them whom the Commissioner of the Immigration Services Agency finds appropriate performs the act set forth in the right-hand column of that Table in accordance with the category of the act on behalf of the special permanent resident; and
  - (iii) with regard to the receipt of a special permanent resident certificate issued pursuant to the provisions of Article 11, paragraph (2) of the Act (including as applied *mutatis mutandis* pursuant to Article 12, paragraph (3), Article 13, paragraph (2), and Article 14, paragraph (4) of the Act), a case in which a person who has great difficulty in appearing in person at the office of the municipality for the receipt (limited to those who are required to receive the special permanent resident certificate by appearing at the office of the

municipality pursuant to the provisions of Article 19, paragraph (1) of the Act, or those who are required to receive the certificate on behalf of the special permanent resident pursuant to the provisions of paragraph (2) of that Article) receives the special permanent resident certificate sent as mail to be received only by the addressee which is issued to or delivered only to the addressee as specified by the provisions of the Conditions of Domestic Postal Mail of Japan Post Co., Ltd. or by an equivalent method, if the Commissioner of the Immigration Services Agency finds it appropriate.

- (3) A person who seeks to perform the act prescribed in Article 19, paragraph (1) of the Act on behalf of a special permanent resident pursuant to the provisions of paragraph (2) of that Article must present material or give an explanation to the head of municipalities demonstrating that they are the person who is required to perform the act on behalf of the special permanent resident pursuant to the provisions of that paragraph.
- (4) When a special permanent resident is not required to perform the act prescribed in Article 19, paragraph (1) of the Act by appearing in person pursuant to the provisions of paragraph (3) of that Article, a person who seeks to perform the act on behalf of the special permanent resident or a person who seeks to perform the act set forth in the right-hand column of the Appended Table II in accordance with the category of the act set forth respectively in the left-hand column of that Table is to present a material or give an explanation to the head of municipalities demonstrating that the case falls under such case.

(Expression of Intention of Special Re-entry Permission)

Article 18 An expression of the intention to re-enter Japan as prescribed in Article 26-2, paragraph (1) of the Immigration Control Act as applied mutatis mutandis pursuant to Article 23, paragraph (2) of the Act is to be made by submitting a document pursuant to the Appended Form 37-19 of the Regulation for Enforcement of the Immigration Control and Refugee Recognition Act (Ministry of Justice Order No. 54 of 1981) stating that the person has the intention to re-enter Japan and presenting their special permanent resident certificate, to an immigration inspector.

(Persons Requiring Re-entry Permission)

Article 19 (1) The persons who require re-entry permission for the fair and equitable control over the entry into or departure from Japan prescribed in Article 26-2, paragraph (1) of the Immigration Control Act as applied mutatis mutandis pursuant to Article 23, paragraph (2) of the Act are the following persons:

- (i) a person whom an immigration inspector has been notified of as a person falling under any of the items of Article 25-2, paragraph (1) of the

Immigration Control Act;

- (ii) a person to whom a written detention order under the provisions of Article 39 of the Immigration Control Act has been issued; and
  - (iii) a person whom the Commissioner of the Immigration Services Agency finds has a risk of performing an act detrimental to the interests and public security of Japan or for whom the Commissioner finds reasonable grounds to require re-entry permission for the purpose of impartial control over immigration.
- (2) When the Commissioner of the Immigration Services Agency has made the recognition under the provisions of item (iii) of the preceding paragraph, the Commissioner must notify the special permanent resident to that effect; provided, however, that this does not apply if the whereabouts of the special permanent resident is unknown or there are other reasons that the Commissioner is unable make such notice.
- (3) The notice referred to in the preceding paragraph is to be made by a written notice pursuant to the Appended Form No. 13; provided, however, that in cases of urgency, the notice may be given by having an immigration inspector orally give the notice to the effect that the Commissioner of the Immigration Services Agency has made the recognition under the provisions of paragraph (1), item (iii).

(Miscellaneous Provisions)

Article 20 If any material to be submitted to the Commissioner of the Immigration Services Agency pursuant to the provisions of the Act or this Ministerial Order is written in a foreign language, a translation must be attached to the material.

Appended Table II (Re. Article 17)

Acts which the special permanent resident is to perform by appearing in person	Acts to be performed on behalf of the special permanent resident
Notification pursuant to the provisions of Article 11, paragraph (1) of the Act	Procedures concerning the submission of the written notice, etc. as prescribed in Article 7, paragraph (1) and the presentation, etc. of the passport, etc. as prescribed in paragraph (2) of that Article
Application pursuant to the provisions of Article 12, paragraph (1) or (2) of the Act	Procedures concerning the submission of the written application, etc. as prescribed in Article 8, paragraph (1) and the presentation, etc. of the passport, etc. as prescribed in Article 7, paragraph (2) as applied mutatis mutandis pursuant to Article 8, paragraph (2)

Application pursuant to the provisions of Article 13, paragraph (1) of the Act	Procedures concerning the submission of the written application, etc. as prescribed in Article 9, paragraph (1) and the presentation, etc. of the passport as prescribed in paragraph (2) of that Article
Application pursuant to the provisions of Article 14, paragraph (1) or (3) of the Act	Procedures concerning the submission of the written application, etc. as prescribed in Article 10, paragraph (1) or (2) and the presentation, etc. of the passport, etc. as prescribed in Article 7, paragraph (2) as applied mutatis mutandis pursuant to Article 10, paragraph (3)
Receipt of the special permanent resident certificate issued pursuant to the provisions of Article 11, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 12, paragraph (3), Article 13, paragraph (2) and Article 14, paragraph (4) of the Act)	Procedures concerning the receipt of the special permanent resident certificate issued pursuant to the provisions of the left-hand column of this section