

Annexes

Annex 1

Penal Code relating to crimes of enforced disappearance (Extract)

(Harboring of Criminals)

Article 103 A person who harbors or enables the escape of another person who has either committed a crime punishable with a fine or greater punishment or has escaped from confinement shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.

(Suppression of Evidence)

Article 104 A person who suppresses, damages, counterfeits or alters evidence relating to a criminal case of another person, or who uses counterfeit or altered evidence, shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.

(Counterfeiting of Official Documents)

Article 155 (1) A person who, for the purpose of uttering, counterfeits with the seal or signature of a public office or a public officer, a document or drawing to be made by a public office or a public officer, or counterfeits, with a counterfeited seal or signature of such public office or public officer, a document or drawing to be made by a public office or a public officer, shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(2) The same shall apply to a person who alters a document or drawing bearing the seal or signature of a public office or a public officer.

(3) Except for the cases provided for in the preceding two paragraphs, a person who counterfeits a document or drawing to be made by a public office or a public officer or who alters a document or drawing which has been made by a public office or a public officer shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 200,000 yen.

(Making of False Official Documents)

Article 156 A public officer who, in connection with his/her official duty, makes a false official document or drawing, or alters an official document or drawing, for the purpose of uttering, shall be dealt with in the same manner as prescribed for in the

preceding two Articles, depending on whether or not the document bears a seal or signature.

(False Entries in the Original of Notarized Deeds)

Article 157 (1) A person, who makes a false statement before a public officer and thereby causes the official to make a false entry in the original of a notarized deed, such as the registry or family register book, relating to rights or duties or to create a false record on the electromagnetic record to be used as the original of a notarized deed relating to rights or duties, shall be punished by imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen.

(2) A person, who makes a false statement before a public officer and thereby causes the official to make a false entry in a license, permit or passport, shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 200,000 yen.

(3) An attempt of the crimes prescribed under the preceding two paragraphs shall be punished.

(Uttering of Counterfeit Official Documents)

Article 158 (1) A person, who utters a document or drawing prescribed for in the preceding four Articles or provides the electromagnetic record prescribed for in paragraph (1) of the preceding Article for use as the original of a notarized deed, shall be punished by the same penalty as a person who counterfeits or alters a document or drawing, makes a false document or drawing, or causes a false entry or record to be made.

(2) An attempt of the crimes prescribed under the preceding paragraph shall be punished.

(Counterfeiting of Private Documents)

Article 159 (1) A person who, for the purpose of uttering, counterfeits, with the use of a seal or signature of another, a document or drawing relating to rights, duties or certification of facts or counterfeits a document or drawing relating to rights, duties or certification of facts with the use of a counterfeit seal or signature of another, shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) The same shall apply to a person who alters a document or drawing bearing the seal or signature of another and relating to rights, duties or certification of facts.

(3) Except for the cases provided in the preceding two paragraphs, a person who counterfeits or alters a document or picture relating to rights, duties or certification of facts shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 100,000 yen.

(Falsifying Medical Certificates)

Article 160 When a physician makes a false entry in a medical certificate, an autopsy report or a death certificate to be submitted to a public office, imprisonment without work for not more than 3 years or a fine of not more than 300,000 yen shall be imposed.

(Uttering of Counterfeit Private Documents)

Article 161 (1) A person who utters a document or drawing prescribed for in the preceding two Articles shall be punished by the same penalty as a person who counterfeits or alters a document or drawing or makes a false entry.

(2) An attempt of the crime prescribed under the preceding paragraph shall be punished.

(Unauthorized Creation of Electromagnetic Records)

Article 161-2 (1) A person who, with the intent to bring about improper administration of the matters of another person, unlawfully creates without due authorization an electromagnetic record which is for use in such improper administration and is related to rights, duties or certification of facts, shall be punished by imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen.

(2) When the crime prescribed under the preceding paragraph is committed in relation to an electromagnetic record to be created by a public office or a public officer, the offender shall be punished by imprisonment with work for not more than 10 years or a fine of not more than 1,000,000 yen shall be imposed.

(3) A person who, with the intent prescribed for in paragraph (1), puts an electromagnetic record created without due authorization and related to rights, duties or certification of facts into use for the administration of the matters of another shall be punished by the same penalty as the person who created such an electromagnetic record.

(4) An attempt of the crime prescribed under the preceding paragraph shall be punished.

(Abuse of Authority by public officers)

Article 193 When a public officer abuses his or her authority and causes another to perform an act which the person has no obligation to perform, or hinders another from exercising such person's right, imprisonment with work or imprisonment without work for not more than 2 years shall be imposed.

(Abuse of Authority by Special public officers)

Article 194 When a person performing or assisting in judicial, prosecutorial or police duties, abuses his or her authority and unlawfully captures or confines another, imprisonment with or without work for not less than 6 months but not more than 10 years shall be imposed.

(Assault and Cruelty by Special public officers)

Article 195 (1) When a person performing or assisting in judicial, prosecutorial or police duties commits, in the performance of his or her duties, an act of assault or physical or mental cruelty upon the accused, suspect or any other person, imprisonment with or without work for not more than 7 years shall be imposed.

(2) The same shall apply when a person who is guarding or escorting another person detained or confined in accordance with laws and regulations commits an act of assault or physical or mental cruelty upon the person.

(Abuse of Authority Causing Death or Injury by Special public officers)

Article 196 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another shall be dealt with by the punishment prescribed for the crimes of injury or the preceding two Articles whichever is greater.

(Assault)

Article 208 When a person assaults another without injuring the other person, the person shall be punished by imprisonment with work for not more than 2 years, a fine of not more than 300,000 yen, misdemeanor imprisonment without work or a petty fine.

(Unlawful Capture and Confinement)

Article 220 A person who unlawfully captures or confines another shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

(Unlawful Capture or Confinement Causing Death or Injury)

Article 221 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of another, shall be dealt with by the punishment prescribed for either the crimes of injury or the preceding Article, whichever is greater.

(Kidnapping of Minors)

Article 224 A person who kidnaps a minor by force or enticement shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

(Kidnapping for Profit)

Article 225 A person who kidnaps another by force or enticement for the purpose of profit, indecency, marriage or threat to the life or body shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(Kidnapping for Ransom)

Article 225-2 (1) A person who kidnaps another by force or enticement, for the purpose of causing the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to deliver any property, taking advantage of such concern, shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.

(2) The same shall apply to a person, who having kidnapped another by force or enticement, causes or demands the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to deliver any property, taking advantage of such concern.

(Kidnapping for Transportation out of a Country)

Article 226 A person who kidnaps another by force or enticement for the purpose of transporting another from one country to another country shall be punished by imprisonment with work for a definite term of not less than 2 years.

(Buying or Selling of Human Beings)

Article 226-2 (1) A person who buys another shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) A person who buys a minor shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

(3) A person who buys another for the purpose of profit, indecency, marriage or threat to the life or body, shall be punished by imprisonment with work for not less than 1 year

but not more than 10 years.

(4) The preceding paragraph shall apply to a person who sells another.

(5) A person who sells or buys another for the purpose of transporting him/her from one country to another country shall be punished by imprisonment with work for not less than 2 years.

(Transportation of Kidnapped Persons out of a Country)

Article 226-3 A person who transports another kidnapped by force or enticement or another who has been bought or sold, from one country to another country, shall be punished by imprisonment with work for not less than 2 years.

(Delivery of Kidnapped Persons)

Article 227 (1) A person who, for the purpose of aiding another who has committed any of the crime prescribed under Articles 224, 225 or the preceding three Articles, delivers, receives, transports or hides a person who has been kidnapped by force or enticement or has been bought or sold, shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) A person who, for the purpose of aiding another who has committed the crime prescribed under paragraph (1) of Article 225-2, delivers, receives, transports or hides a person who has been kidnapped shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(3) A person who, for the purpose of profit, indecency or threat to the life or body, receives a person who has been kidnapped or sold, shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(4) A person who, for purpose prescribed under paragraph (1) of Article 225-2, receives a person who has been kidnapped shall be punished by imprisonment with work for a definite term of not less than 2 years. The same shall apply to a person, who has received a kidnapped person and causes or demands such person's relative or any other person who would be concerned about the safety of the kidnapped person to deliver any property, taking advantage of such concern.

(Attempts)

Article 228 An attempt of the crimes prescribed under Articles 224, 225, paragraph (1) of Article 225-2, Articles 226 through 226-3 and paragraphs (1) through (3) and the first sentence of paragraph (4) of the preceding Article shall be punished.

(Reduction of Punishment in the Case of Release)

Article 228-2 In cases where a person who has committed the crime prescribed under Article 225-2 or paragraph (2) or (4) of Article 227 releases the kidnapped person in a safe location before being prosecuted, the punishment shall be reduced.

(Preparation for Kidnapping for Ransom)

Article 228-3 A person who prepares for commission of the crime prescribed under paragraph (1) of Article 225-2 shall be punished by imprisonment with work for not more than 2 years; provided, however, that the person who surrenders him/herself before the person commences the crime shall be reduced or exculpated.

(Complaints)

Article 229 The crimes prescribed under Articles 224 and 225, the crimes prescribed under paragraph (1) of Article 227 which are committed for the purpose of aiding the person who has committed the crimes above, the crimes prescribed under paragraph (3) of Article 227 and the attempts of these crimes shall be prosecuted only upon complaint unless committed for the purpose of profit or threat to the life or body; provided, however, that when the person who has been kidnapped or sold has married the offender, the complaint shall have no effect until a judgment invalidating or rescinding the marriage has been rendered.

(Intimidation)

Article 222 (1) A person who intimidates another through a threat to another's life, body, freedom, reputation or property shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 300,000 yen.

(2) The same shall apply to a person who intimidates another through a threat to the life, body, freedom, reputation or property of the relatives of another.

(Damaging of Documents for Government Use)

Article 258 A person who damages a document or an electromagnetic record in use by a public office shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

Annex 2

Immigration Control and Refugee Recognition Act (Tentative translation)

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

Chapter I General Provisions

(Purpose)

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

(Definition)

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

(i) Deleted.

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

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

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

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

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

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

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

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

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

61-6.

(Status of Residence and Period of Stay)

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

Chapter II Entry and Landing

Section 1 Entry of a Foreign National

(Entry of a Foreign National)

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

- (i) A person who does not possess a valid passport (except for a crew member possessing a valid crew member's pocket-ledger).
- (ii) A person who intends to land in Japan without receiving a seal of verification for landing or undergoing the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4), or without obtaining authorized permission for landing (hereinafter referred to as "permission for landing") from an immigration inspector (except for those set forth in the preceding item).

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

Section 2 Landing of a Foreign National

Article 4 Deleted

(Denial of Landing)

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

- (i) A person who is suffering from any of the following categories of infectious diseases, which are provided for by the Act on Prevention of Infectious Diseases and Medical Care for Patients Suffering from Infectious Diseases (Act No. 114 of 1998): Category 1 or Category 2 infectious diseases, new or reemerging influenza strains, or designated infectious diseases (limited to infectious diseases to which the provisions of Article 19 or 20 of the same Act shall apply mutatis mutandis, pursuant to the provisions of a Cabinet Order pursuant to the provisions of Article 7 of the same Act) including a person who is regarded as a patient of a Category 1 or Category 2 infectious disease, a new or reemerging influenza strain, or a designated infectious disease pursuant to the provisions of Article 8 of the same Act (including cases where it is applied mutatis mutandis pursuant to Article 7 of the same Act), or any person who has symptoms of a new infectious disease.
- (ii) A person who, due to a mental disability, is constantly unable to understand right

from wrong or whose capacity for such understanding is significantly lacking, and is not accompanied by those persons provided for by Ordinance of the Ministry of Justice to assist him or her in engaging in activities in Japan.

- (iii) A person who is indigent or without a fixed dwelling place and is likely to become a burden on the Japanese Government or a local public entity because of an inability to make a living.
- (iv) A person who has been convicted of a violation of any law or regulation of Japan, or of any other country, and has been sentenced to imprisonment with or without work for 1 year or more, or to an equivalent penalty. However, this shall not apply to those convicted of a political offense.
- (v) A person who has been convicted of a violation of any law or regulation of Japan or of any other country relating to the control of narcotics, marijuana, opium, stimulants or psychotropic substances, and has been sentenced to a penalty.
- (v)-2 A person who has been convicted of a violation of any law or regulation of Japan or of any other country or has been deported from Japan pursuant to the provisions of the Immigration Control and Refugee Recognition Act or deported from any other country pursuant to the provisions of any law or regulation of that country for killing, injuring, assaulting or threatening a person, or damaging a building or other object in relation to the process or results of an international competition or a competition of an equivalent scale or an international conference (hereinafter referred to as "international competition") or with the intent of preventing the smooth operation thereof, and is likely to kill, injure, assault or threaten a person, or damage a building or other object in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the municipality where the venue is located (this refers to "ward" in areas where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947)) or to neighboring places provided for use to unspecified or a large number of persons.
- (vi) A person who illegally possesses any narcotics or psychotropic substances as prescribed in the Narcotics and Psychotropic Substances Control Act (Act No. 14 of 1953), marijuana as prescribed in the Marijuana Control Act (Act No. 124 of 1948), or poppy, opium or poppy plants as prescribed in the Opium Control Act (Act No. 71 of 1954), stimulants or raw materials used to make stimulants as prescribed in the Stimulants Control Act (Act No. 252 of 1951), or any apparatus used to smoke or eat opium.

- (vii) A person who has engaged in prostitution, or intermediation or solicitation of prostitutes for other persons or provision of a place for prostitution, or any other business directly connected to prostitution (except for those who have engaged in these businesses under the control of another due to trafficking in persons).
- (vii)-2 A person who has committed trafficking in persons or incited or aided another to commit it.
- (viii) A person who illegally possesses firearms, swords or other such weapons as prescribed in the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons (Act No. 6 of 1958) or explosives as provided for by the Explosives Control Act (Act No. 149 of 1950).
- (ix) A person who falls under any of sub-items (a) to (d) below where the period set forth in the relevant provision has not yet elapsed:
 - (a) A person who has been denied landing for any of the reasons prescribed in the provisions of either item (vi) or the preceding item: 1 year from the date of denial.
 - (b) A person who has been deported from Japan for any of the reasons set forth in any of the items under Article 24 (except for item (iv), sub-items (l) to (o), and item (iv)-3) and who has not previously been deported from Japan or has not departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1), before the aforesaid date of deportation: 5 years from the date of deportation.
 - (c) A person (except for one listed in sub-item (b)) who has previously been deported from Japan for falling under any of the items of Article 24 (except for item (iv), sub-items (l) to (o), and item (iv)-3): 10 years from the date of deportation.
 - (d) A person who has departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1): 1 year from the date of departure.
- (ix)-2 A person who has been sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapters XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan (Act No. 45 of 1907), or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), 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 his/her stay in Japan with the status of residence listed in the left-hand column of Appended Table I, who subsequently left Japan and whose sentence became final and binding when he or she was outside of Japan, and for whom 5 years have not yet elapsed from the date when the sentence became final and binding.

- (x) A person who has been deported from Japan for falling under any of Article 24, item (iv), sub-items (1) to (o).
 - (xi) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any organization which attempts or advocates the same.
 - (xii) A person who organizes, or is a member of, or is closely affiliated with any of the following political parties or organizations:
 - (a) A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or of local public entities for the reason that they are such officials;
 - (b) A political party or organization which encourages illegal damage to or destruction of public facilities;
 - (c) A political party or organization which encourages acts of dispute such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace;
 - (xiii) A person who attempts to prepare, distribute, or exhibit printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization prescribed in item (xi) or the preceding item.
 - (xiv) In addition to those persons listed in items (i) to (xiii), a person whom the Minister of Justice has reasonable grounds to believe is likely to commit an act which could be detrimental to the interests or public security of Japan.
- (2) Even in cases where a foreign national seeking to land in Japan does not fall under any of the items of the preceding paragraph, if the country of which he or she is a national or citizen denies landing to a Japanese national for any reason other than those set forth in the items of the preceding paragraph, the Minister of Justice may deny his/her landing for the same reason.

(Special Cases of Denial of Landing)

Article 5-2 The Minister of Justice may make an exemption from applying the

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

Chapter III Procedures for landing

Section 1 Examination for Landing

(Application for Landing)

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

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

(3) A foreign national who seeks to apply for landing as set forth in the preceding paragraph shall provide an immigration inspector with personal identification information (fingerprints, photographs or other information as provided for by Ordinance of the Ministry of Justice that serves to identify the individual; the same shall apply hereinafter) in an electromagnetic form (an electronic form, a magnetic form or any other form that cannot be recognized by human perception; the same shall apply hereinafter) for use by a computer as provided for by Ordinance of the

Ministry of Justice which is utilized for personal identification of the applicant, pursuant to the provisions of the Ordinance of the Ministry of Justice. However, this shall not apply to a person who falls under any of the following items:

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

(Immigration Inspector's Examination)

Article 7 (1) When the application set forth in paragraph (2) of the preceding Article is made, an immigration inspector shall conduct an examination of the said foreign national as to whether or not he or she conforms to each of the following conditions for landing in Japan (with respect to a 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 such is required, must be valid.
- (ii) The activities stated in the application to be engaged in while in Japan must not be false, and must fall under any of the activities listed in the right-hand column of Appended Table I (activities listed in item (ii) of the right -hand column under "Highly Skilled Professional" and item (ii) in the right-hand column under "Technical Intern Training" of Appended Table I (2) shall be excluded; with respect to the activities listed in the right-hand column of Appended Table I (5), the proposed activities must be activities designated by the Minister of Justice in a public notice), or the activities of a person with a status or position listed in the right-hand column of Appended Table II (the position listed in the right-hand column under "Permanent Resident" shall be excluded; with respect to the position listed under "Long-Term Resident," a proposed position must be a position

designated by the Minister of Justice in a public notice), and with respect to those who intend to engage in the activities listed in the right-hand column of Appended Table I (2) and (4), the activities shall conform to the conditions provided for by Ordinance of the Ministry of Justice which shall be provided for in consideration of factors including but not limited to the effects on Japanese industry and public welfare.

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

(Certificate of Eligibility)

Article 7-2 (1) Upon advance application by a foreign national intending to land in Japan (except for those who intend to engage in the activities listed in the right-hand column corresponding to "Temporary Visitor" specified in Appended Table I (3)), the

Minister of Justice, pursuant to the provisions of an Ordinance of the Ministry of Justice, may issue a certificate of eligibility stating that the foreign national concerned conforms to the conditions set forth in Article 7, paragraph (1), item (ii).

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

(Boarding of a Vessel or Aircraft)

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

(Seal of Verification for Landing)

- Article 9 (1) If, as a result of the examination, an immigration inspector finds that a foreign national conforms to the conditions for landing prescribed in Article 7, paragraph (1), he shall endorse the passport of the foreign national to that effect by affixing a seal of verification for landing thereto..
- (2) In the case referred to the preceding paragraph, the determination of whether the foreign national falls under Article 5, paragraph (1), item (i) or item (ii) shall be made subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or by the Minister of Justice.
- (3) The immigration inspector shall, when affixing the seal of verification for landing set forth in paragraph (1), decide the status of residence and period of stay of the foreign national concerned and enter it clearly in his/her passport. However, this shall not apply in cases 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) When an immigration inspector has found that a foreign national who falls under any of the following items conforms to the conditions for landing prescribed in Article 7, paragraph (1), he may record the foreign national's name, date of landing, the port of entry or departure at which the foreign national lands and other data as provided by Ordinance of the Ministry of Justice in a file available on a computer to be used as a record and substituted for the seal of verification for landing as provided for by Ordinance of the Ministry of Justice. In this case, notwithstanding the provisions of paragraph (1) of this Article, the immigration inspector does not have to affix the seal of verification set forth in the same paragraph.

- (i) The foreign national is registered pursuant to the provisions of paragraph (7) of this Article.
 - (ii) The foreign national has provided personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice when applying for landing.
- (5) Except for cases where a seal of verification for landing is affixed pursuant to the provisions of paragraph (1) or where the prescribed data is recorded pursuant to the provisions of the preceding paragraph, the immigration inspector shall deliver the foreign national to a special inquiry officer for a hearing pursuant to the provisions of the following Article.
- (6) Except for cases where the special provisions of Section 4 apply, a foreign national shall not land unless he/she has had his/her passport endorsed with a seal of verification for landing pursuant to the provisions of paragraph (1) of this Article, paragraph (8) of the following Article or Article 11, paragraph (4), or where he/she has had his/her prescribed data recorded pursuant to the provisions of paragraph (4) of this Article.
- (7) If a foreign national residing in Japan wishes to depart from Japan with the intention of re-entering Japan and falls under all of the following items (except for item (iii) in the case of a special permanent resident) and wishes to have his/her prescribed data recorded pursuant to the provisions of paragraph (4) of this Article at the port of entry or departure at which he/she lands, the Minister of Justice may register to that effect pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (i) 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 which has been issued to him/her pursuant to the provisions of Article 61-2-12, paragraph (1).
 - (ii) The foreign national has provided personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
 - (iii) The foreign national does not fall under any of the items of Article 5, paragraph (1) at the time of such registration.

Section 2 Hearing and Filing of an Objection

(Hearing)

Article 10 (1) A special inquiry officer shall, when he/she has taken delivery of a

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

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

(Filing of an Objection)

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

carrier who operates the vessel or aircraft by which the foreign national arrived.

(Special Cases of Decisions by the Minister of Justice)

- Article 12 (1) In making a decision as set forth in paragraph (3) of the preceding Article, the Minister of Justice may, even if he/she finds that the objection filed is without reason, grant special permission for landing to the foreign national concerned if he/she falls under any of the following items.
- (i) He/she has been granted re-entry permission.
 - (ii) He/she has entered Japan under the control of another due to trafficking in persons.
 - (iii) The Minister of Justice finds that circumstances exist that warrant the granting of special permission for landing.
- (2) The permission set forth in the preceding paragraph shall be regarded, with respect to the application of paragraph (4) of the preceding Article, as a decision to the effect that the objection filed was with reason.

Section 3 Provisional Landing and Other Related Matters

(Permission for Provisional Landing)

- Article 13 (1) A supervising immigration inspector may, if he/she finds it specifically necessary during the process of the procedures for landing prescribed in this Chapter, grant permission for provisional landing to a foreign national until completion of the procedures.
- (2) If the supervising immigration inspector grants the permission set forth in the preceding paragraph, he/she shall issue a provisional landing permit to the foreign national.
- (3) If the permission set forth in paragraph (1) is granted, the supervising immigration inspector may impose restrictions on the foreign national's place of residence and area of movement, oblige the foreign national to appear upon receiving a summons, and may impose other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice, and have him/her pay a deposit in Japanese currency not exceeding 2 million yen or an equivalent amount in a foreign currency provided for by Ordinance of the Ministry of Justice.
- (4) The deposit set forth in the preceding paragraph shall be returned to the foreign national concerned when the foreign national receive a seal of verification for landing pursuant to the provisions of Article 10, paragraph (8) or Article 11, paragraph (4), or

when the foreign national is ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or (11) or Article 11, paragraph (6).

- (5) If the foreign national who has been granted the permission set forth in paragraph (1) has violated the conditions imposed pursuant to the provisions of paragraph (3), and if the foreign national has fled or failed to appear at a summons without a justifiable reason, the supervising immigration inspector shall confiscate the whole or in other cases part of the deposit set forth in the same paragraph pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) If the supervising immigration inspector has reasonable grounds to suspect that a foreign national who has been granted the permission set forth in paragraph (1) is likely to flee, he/she may issue a written detention order and have the foreign national detained by an immigration control officer.
- (7) The provisions of Articles 40, 41 and Article 42, paragraph (1) shall apply *mutatis mutandis* to the detention pursuant to the provisions of the preceding paragraph. In this case, "the written detention order set forth in paragraph (1) of the preceding Article" in Article 40 shall be deemed to be replaced with "the written detention order set forth in Article 13, paragraph (6)"; "the suspect" with "the foreign national granted permission for provisional landing"; and "the summary of the suspected offense" with "grounds for detention", respectively. In Article 41, paragraph (1), the passage, "shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period once for an additional 30 days" shall be deemed to be replaced with "for a period of time preceding the completion of procedures for landing provided for in Chapter III which the supervising immigration inspector finds to be necessary"; and in paragraph (3) of the same Article and Article 42, paragraph (1), "a suspect" shall be deemed to be replaced with "a foreign national granted permission for provisional landing".

(Place of Stay for a Foreign National Ordered Exclusion)

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

designating the facility and the period set forth in the preceding paragraph, likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the foreign national arrived.

Section 4 Special Cases of Landing

(Permission for Landing at a Port of Call)

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

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

(3) In granting the permission set forth in paragraph (1), the immigration inspector shall affix a seal of verification for landing at the port of call in the passport of the foreign national concerned.

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

(Landing Permission for Cruise Ship Tourists)

Article 14-2 (1) An immigration inspector may grant a foreign national (except for crew members) aboard 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 shall apply

hereinafter) landing permission for cruise ship tourists upon an application by the captain of the designated passenger ship or the carrier who operates the designated passenger ship in accordance with the procedures provided for by an Ordinance of the Ministry of Justice, when such foreign national wishes to land within 30 days (7 days for foreign nationals aboard 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 condition that he/she returns to the ship by the time said designated passenger ship is to depart from the port of entry or departure for each occasion he/she disembarks from the ship at a Japanese port of entry or departure at which said 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) aboard a designated passenger ship, landing permission for cruise ship tourists upon an application by the captain of the designated passenger ship or the carrier who operates the designated passenger ship in accordance with the procedures provided for by an Ordinance of the Ministry of Justice when such foreign national wishes to land on multiple occasions within 30 days for the purpose of sightseeing while such designated passenger ship is in Japan, on condition that he/she returns to the ship by the time said designated passenger ship is to depart from the port of entry or departure for each occasion he/she disembarks from the ship at a Japanese port of entry or departure at which said designated passenger ship makes a port of call.
- (3) When an immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he or she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a permit 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 foreign national's period of landing, area of movement and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) The provisions of the proviso to paragraph (1) of the preceding Article shall apply *mutatis mutandis* in the cases referred to in paragraphs (1) and (2).
- (7) When the foreign national who has been granted the permission set forth in

paragraph (2) intends to land based on such permission, the immigration inspector may, if he/she finds it necessary, require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (8) When the foreign national who has been granted the permission set forth in paragraph (2) intends to land based on such permission, the immigration inspector shall, if he/she finds that the foreign national falls under any of the items of Article 5, paragraph (1), revoke the permission immediately.
- (9) In addition to the cases referred to in the preceding paragraph, an immigration inspector may revoke the permission, in accordance with the procedures provided for by an Ordinance of the Ministry of Justice, if he/she finds it inappropriate to continue granting the permission concerned to the foreign national who has been granted the permission set forth in paragraph (2). In this case, when the foreign national is in Japan, the immigration inspector shall designate a period within which the foreign national shall depart from Japan.

(Permission for Landing in Transit)

- Article 15 (1) An immigration inspector may grant a foreign national (except for crew members) aboard a vessel permission for landing in transit upon application by the captain of the vessel or the carrier who operates the vessel, when such foreign national wishes to land temporarily for the purpose of sightseeing while the vessel is in Japan, and to return to said vessel at another port of entry or departure at which the vessel is scheduled to call.
- (2) An immigration inspector may, upon application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft, grant a foreign national (except for crew members) aboard the vessel or aircraft permission for landing in transit when such foreign national wishes to proceed via Japan to an area outside Japan and to depart from Japan within 3 days of his/her entry into Japan from another port of entry or departure in the vicinity of the port at which the said foreign national entered Japan on board a vessel or aircraft other than the one on which the foreign national arrived in Japan.
- (3) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall affix a seal of verification for landing in transit to the passport of the foreign national concerned.
- (5) In granting the permission set forth in paragraph (1) or (2), the immigration inspector may impose restrictions on the foreign national's period of landing, transit route and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (6) The provisions of the proviso to paragraph (1) of Article 14 shall apply *mutatis mutandis* in the cases referred to in paragraphs (1) and (2) of this Article.

(Landing Permission for Crew Members)

- Article 16 (1) An immigration inspector may grant landing permission for crew members to a foreign crew member (including those who became crew members in Japan; hereinafter the same shall apply in this Article) who wish to land for a period not exceeding 15 days for the purpose of transferring to another vessel or aircraft (including the boarding of a vessel or aircraft), rest, shopping or other similar purposes upon application by the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft (including the vessel or aircraft he/she is to board) in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (2) An immigration inspector may grant landing permission for crew members to a crew member who falls under any of the following items if he/she finds that there are reasonable grounds to do so:
- (i) Where a foreign crew member of a vessel placed on regular service between Japan and other countries or of other vessels frequently entering Japanese ports of entry and departure wishes to land in Japan for rest, shopping or other similar purposes on multiple occasions within 1 year from the date of permission, upon application by the captain of the vessel or the carrier who operates the vessel on which the foreign national is aboard, in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
 - (ii) Where a foreign crew member of a carrier engaged in regular airline services between Japan and other countries wishes to land in Japan for a period not exceeding fifteen days from each arrival date for rest, shopping or other similar purposes and to depart from the same airport of entry or departure as a crew member of an aircraft belonging to the same carrier on multiple occasions within 1 year from the date of permission, upon application by the carrier concerned, in accordance with the procedures provided for by Ordinance of the Ministry of

Justice.

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

(Permission for Emergency Landing)

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

to exist, subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.

- (2) When the immigration inspector finds it necessary for an examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the foreign national to provide him/her with personal identification information in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue an emergency landing permit to the foreign national concerned.
- (4) When the permission set forth in paragraph (1) is granted, the captain of the vessel or aircraft or the carrier set forth in the same paragraph shall be liable to pay the living expenses, medical treatment expenses, and/or funeral expenses of the foreign national concerned and any other expenses incurred during the emergency landing period.

(Landing Permission Due to Distress)

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

inspector shall issue a landing permit due to distress to the foreign national concerned.

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

(Landing Permission for Temporary Refuge)

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

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

Chapter IV Residence and Departure

Section 1 Residence

Subsection 1 Activities during Residence

(Scope of Activities)

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

this Article.

- (i) A foreign national who is a resident with a status of residence listed in the left-hand column of Appended Tables I (1), I (2) and I (5): activities related to the management of business involving income or activities for which he/she receives remuneration (except rewards for lectures not given on a regular basis, incidental remuneration received in the course of everyday life and other remuneration provided for by Ordinance of the Ministry of Justice; the same shall apply hereinafter), which are not included in those activities listed in the right-hand column of those tables corresponding to each status of residence.
 - (ii) A foreign national who is a resident with a status of residence listed in the left-hand column of Appended Tables I (3) and I (4): activities related to the management of a business involving income or activities for which he/she receives remuneration.
- (2) When an application has been submitted by a foreign national who is a resident with a status of residence listed in the left-hand column of Appended Table I, in accordance with the procedures provided for by Ordinance of the Ministry of Justice, to engage in activities related to the management of business involving income or activities for which he/she receives remuneration which are not included among those activities listed in the right-hand column of the same table, the Minister of Justice may grant permission if he/she finds reasonable grounds to do so to the extent that there is no impediment to the original activities under the status of residence. In this case, the Minister of Justice may impose conditions necessary for the permission.
 - (3) The Minister of Justice may revoke the permission in accordance with the procedures provided for by Ordinance of the Ministry of Justice when a foreign national, to whom permission was granted based on the preceding paragraph, violates conditions imposed on him/her pursuant to the provisions of the same paragraph, or in the event that it is found to be inappropriate to continue granting permission to the foreign national.
 - (4) Any foreign crew member who has been granted permission for landing pursuant to the provisions of Articles 16 to 18 shall continue to be regarded as a crew member, after ceasing to be a crew member through discharge, as long as he/she remains in Japan.

(Certificate of Authorization for Employment)

Article 19-2 (1) When an application has been submitted by a foreign national residing in Japan, the Minister of Justice may issue a document which certifies the

eligibility of the applicant for activities related to the management of business involving income or activities for which he/she receives remuneration pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (2) No one shall discriminate in employing a foreign national for failure to show or submit the certificate set forth in the preceding paragraph, when it is evident that the person concerned is authorized to engage in activities related to the management of business involving income or activities for which he/she receives remuneration.

Subsection 2 Mid to Long-Term Residence

(Mid to Long-Term Residents)

Article 19-3 The Minister of Justice shall issue a residence card to foreign nationals, other than those persons given below, who are residing with a status of residence in Japan (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 of "Temporary Visitor".
- (iii) A person who has been granted the status of residence of "Diplomat" or "Official"
- (iv) A person provided for by an Ordinance of the Ministry of Justice as equivalent to a person listed in any of the preceding three items.

(Required Information, etc. on the Residence Card)

Article 19-4 (1) The required information on the residence card shall be the following matters.

- (i) Name in full, date of birth, sex, country of nationality or the region provided for in Article 2, item (v), sub-item(b);
 - (ii) Place of residence (referring to the location of the principal place of residence in Japan; the same shall apply 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 validity period of the residence card;
 - (vi) Whether or not there are any restrictions on work;
 - (vii) If the permission pursuant to the provisions of Article 19, paragraph (2) has been granted, to such effect;
- (2) The number of the residence card set forth in item (v) of the preceding paragraph

shall be set as a different number for each residence card issued (including reissuance) pursuant to the provisions of an Ordinance of the Ministry of Justice.

- (3) The residence card shall display a photograph of the mid to long-term resident pursuant to the provisions of an Ordinance of the Ministry of Justice. 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 an Ordinance of the Ministry of Justice.
- (4) In addition to the provisions of the preceding three paragraphs, the form of the residence card, the matters to be indicated on the residence card and other necessary matters with respect to the residence card shall be provided for by an Ordinance of the Ministry of Justice.
- (5) The Minister of Justice may record all or part of the matters listed in any of the items of paragraph (1) and the matters which are to be indicated pursuant to the provisions of the preceding two paragraphs on the residence card in an electromagnetic form pursuant to the provisions of an Ordinance of the Ministry of Justice.

(Validity Period of the Residence Card)

Article 19-5 (1) The validity period of the residence card shall be the period up to the date prescribed in the respective item with regard to the categories listed in the following items pertaining to the mid to long-term resident who is to be issued with the residence card.

- (i) A permanent resident (except for those persons listed in the following items) or a person residing with the status of residence of "Highly Skilled Professional" (limited to those pertaining 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 shall apply in item (iv)): the sixteenth birthday (where the birthday of the foreign national falls on February 29, the birthday of the foreign national shall be deemed to be February 28 in years other than leap years; the same shall apply hereinafter).
- (iii) A person other than the foreign nationals listed in the preceding two items (except for the persons given in the following items): the expiration date of the

period of stay.

(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 of the expiration date of the period of stay or the sixteenth birthday.

(2) In cases where the validity period of the residence card is the period up to the elapse of the expiration date of the period of stay pursuant to the provisions of item (iii) or item (iv) of the preceding paragraph, 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 cases where it is applied mutatis mutandis pursuant to the provisions of Article 21, paragraph (4)); the same shall apply hereinafter in this paragraph, Article 24, item (iv), sub-item (b) and Article 26, paragraph (4)), the validity period of the residence card shall be the period up to the elapse 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 Associated with a New Landing)

Article 19-6 The Minister of Justice shall have an immigration inspector issue a residence card pursuant to the provisions of an Ordinance of the Ministry of Justice to a person who has become a mid to long-term resident having been granted a seal of verification for landing or special 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 the Place of Residence Following a New Landing)

Article 19-7 (1) The mid to long-term resident provided for in the preceding Article shall notify the Minister of Justice of his/her place of residence through the respective mayor of the municipality upon submitting his/her residence card to the mayor of the municipality (this refers to "ward" in areas where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act; the same shall apply hereinafter) in accordance with the procedures provided for in an Ordinance of the Ministry of Justice within 14 days of the date of settling on a place of residence.

(2) The mayor of the municipality shall enter (including the record pursuant to the provisions of Article 19-4, paragraph (5)) the place of residence onto the residence card where the residence card has been submitted pursuant to the provisions of the

preceding paragraph, and shall return it to the mid to long-term resident.

- (3) Where the mid to long-term resident provided for 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 his/her residence card, such notification shall be 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 cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph 3 (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (4) (including cases where it is 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) shall notify the Minister of Justice of his/her place of residence through the respective mayor of the municipality upon submitting his/her residence card to the mayor of the municipality in accordance with the procedures provided for in an Ordinance of the Ministry of Justice 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 respective permission).

- (2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to cases where the residence card is submitted pursuant to the provisions of the preceding paragraph.
- (3) Where the mid to long-term resident provided for 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 his/her residence card, the notification shall be deemed to be the notification pursuant to the provisions of the same paragraph.
- (4) Where the foreign national provided for in Article 22-2, paragraph (1) or Article 22-3 has submitted a copy of the certificate of residence or a certificate of matters entered in the residence certificate provided for 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 cases where it is

applied mutatis mutandis pursuant to the provisions of Article 22-3), the notification provided for in paragraph (1) shall be 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 cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-3) or the permission provided for in Article 22, paragraph (2) as applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-3) being granted.

(Notification of Change of the Place of Residence)

- Article 19-9 (1) The mid to long-term resident shall, where he or she has changed his/her place of residence, notify the Minister of Justice of his/her new place of residence (referring to the place of residence following the change; the same shall apply hereinafter) through the respective mayor of the municipality upon submitting his/her residence card to the mayor of the municipality of the new place of residence in accordance with the procedures provided for in an Ordinance of the Ministry of Justice within 14 days of the date of relocating to a new place of residence .
- (2) The provisions of Article 19-7, paragraph (2) shall apply mutatis mutandis to cases where the residence card is submitted pursuant to the provisions of the preceding paragraph.
- (3) Where the mid to long-term resident provided for 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 his/her residence card, the notification shall be deemed to be the notification pursuant to the provisions of the same paragraph.

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

- Article 19-10 (1) The mid to long-term resident shall, where a change has occurred in the matters listed in Article 19-4, paragraph (1), item (i), notify the Minister of Justice of the change in accordance with the procedures provided for in an Ordinance of the Ministry of Justice within 14 days of the date of the occurrence of the change.
- (2) Where the notification set forth in the preceding paragraph has been filed, the Minister of Justice shall have an immigration inspector issue a new residence card to the mid to long-term resident.

(Extension of the Validity Period of the Residence Card)

- Article 19-11 (1) A mid to long-term resident who has been issued with a residence card shall apply to the Minister of Justice for an extension of the validity period of the residence card in accordance with the procedures provided for in an Ordinance of the Ministry of Justice during the period two months prior (six months prior where the date of the expiration of the validity period is the sixteenth birthday) to the expiration date of the validity period of the residence card up to the date of the expiration of the validity period (referred to in the following paragraph as "extension period").
- (2) A person who is expected to have difficulty in filing the application pursuant to the provisions of the preceding paragraph within the extension period owing to unavoidable circumstances may apply to the Minister of Justice for an extension of the validity period of the residence card prior to the extension period in accordance with the procedures provided for in an Ordinance of the Ministry of Justice.
- (3) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to cases where the application is filed pursuant to the provisions of the preceding two paragraphs.

(Reissuance of the Residence Card Due to Loss, etc.)

- Article 19-12 (1) Where a mid to long-term resident who has been issued with a residence card no longer has the residence card in his/her possession due to loss, theft, destruction or any other cause, he/she shall apply to the Minister of Justice for the reissuance of the residence card in accordance with the procedures provided for in an Ordinance of the Ministry of Justice within 14 days of the date of becoming aware of such fact (where he/she was out of Japan when he/she became aware of such fact, the date of subsequently first entering Japan).
- (2) The provisions of Article 19-10, paragraph (2) shall apply mutatis mutandis to cases where the application was filed pursuant to the provisions of the preceding paragraph.

(Reissuance of the Residence Card Due to Defacement, etc.)

- Article 19-13 (1) Where a residence card has been noticeably damaged or soiled or where 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 the reissuance of the residence card in accordance with the procedures provided for in an Ordinance of the Ministry of Justice. The same shall apply even if the mid to long-term resident who was issued with the residence card wishes to exchange the residence card 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 where the record pursuant to the provisions of Article 19-4, paragraph (5) has been damaged, to apply for the 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 shall apply to the Minister of Justice for reissuance of the residence card in accordance with the procedures provided for in an Ordinance of the Ministry of Justice within 14 days of the date of receiving the order.
- (4) The provisions of Article 19-10, paragraph (2) shall apply 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 the Residence Card)

Article 19-14 The residence card shall lose its effect in cases falling under any of the following items.

- (i) The mid to long-term resident who was issued with a residence card is no longer a mid to long-term resident.
- (ii) The validity period 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 he/she is 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 having been granted re-entry permission pursuant to the provisions of Article 26, paragraph (1), but did not re-enter Japan within the validity period 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.
- (vi) The mid to long-term resident who was issued with a residence card has died.

(Return of the Residence Card)

Article 19-15 (1) The mid to long-term resident who was issued with a residence card shall, where the residence card in his/her possession has lost its effect having fallen under item (i), item (ii) or item (iv) of the preceding Article, return the residence card

to the Minister of Justice within 14 days of the occurrence of such fact.

- (2) The mid to long-term resident who was issued with a residence card shall, where the residence card in his/her possession has lost its effect having fallen under item (iii) or item (v) of the preceding Article, immediately return the residence card to the Minister of Justice.
- (3) If the mid to long-term resident who was issued with a residence card comes to find his/her residence card after the residence card has lost its effect pursuant to the provisions of the preceding Article (except for item (vi)) in cases where he/she lost the residence card, he/she shall return the residence card to the Minister of Justice within 14 days of the date of finding it.
- (4) Where the residence card has lost its effect pursuant to the provisions of item (vi) of the preceding Article, a relative or person living with the deceased mid to long-term resident shall 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 he or she came to find the residence card after the death of the foreign national, the date of finding it).

(Notification Relating to the Organization of Affiliation, etc.)

Article 19-16 Any mid to long resident who is residing in Japan with a status of residence listed in the following items shall, where the cause provided for in the respective item occurs with regard to the category of the status of residence listed therein, notify the Minister of Justice to such effect and of the matters provided for in an Ordinance of the Ministry of Justice in accordance with the procedures provided for in the Ordinance of the Ministry of Justice within 14 days of the date of the occurrence of such cause.

- (i) "Professor", "Highly Skilled Professional" (limited to those pertaining to item (i), sub-item (c) or item (ii) (limited to cases of engaging in the activities listed in sub-item (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 pertaining to item (i), sub-item (a) or (b) or item (ii) (limited to cases of engaging in the activities listed in sub-item (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", "Entertainer" (limited to cases of engaging in the activities pertaining 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 pertaining to item (i), sub-item (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.

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

(Notification by the Organization of Affiliation)

Article 19-17 A public or private organization in Japan which is accepting the mid to long-term resident residing with a status of residence under Appended Table I or any other organization as prescribed in an Ordinance of the Ministry of Justice (except for the employers who are required to submit a notification pursuant to the provisions of Article 28, paragraph (1) of the Employment Measures Act (Act No. 132 of 1966)) shall endeavor to notify the Minister of Justice of the commencement and termination of the acceptance of the mid to long-term resident, and other matters related to the situation of acceptance pursuant to the provisions of an Ordinance of the Ministry of Justice.

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

Article 19-18 (1) The Minister of Justice shall 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 residency management, 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 relationships, residence and state of activities of mid to long-term residents.

- (2) The Minister of Justice shall endeavor to keep the information provided for in the preceding paragraph accurate and up-to-date.
- (3) The Minister of Justice shall not acquire nor retain the information provided for in paragraph (1) beyond the minimum extent necessary to achieve the purpose of the residency management, and shall take care to protect the rights and interests of individuals when handling the information.

(Inquiry into the Facts)

Article 19-19 (1) The Minister of Justice may have his/her officer inquire into the facts with regard to the matters which are to be notified pursuant to the provisions of this Subsection when he/she deems it to be necessary in order to continuously keep track of information relating to a mid to long-term resident.

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

Section 2 Change or Revocation, etc. of the Status of Residence

(Change of Status of Residence)

Article 20 (1) Any foreign national residing under a certain status of residence may have such status of residence (including the relevant period of stay; hereinafter the same shall apply in paragraphs (1) to (3) and in the following Article) changed (in the case of a foreign national residing under the status of residence of "Highly Skilled Professional" (limited to those pertaining to item (i), sub-items (a) to (c) in the right-hand column pertaining to "Highly Skilled Professional" in Appended Table I (2)) or "Technical Intern Training" (limited to those pertaining to item (ii), sub-item (a) or (b) in the right-hand column pertaining to "Technical Intern Training" in the same Table), including a change to a different public or private organization in Japan designated by the Minister of Justice, and in the case of a foreign national residing under the status of residence of "Designated Activities," including a change in the

activities specifically designated by the Minister of Justice with respect to the person concerned).

- (2) Any foreign national who wishes to have his/her status of residence changed pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for the change in the status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice. However, if he/she wishes to have his/her status of residence changed to that of "Permanent Resident", he/she shall comply with the procedures pursuant to the provisions of Article 22, paragraph (1).
- (3) When an application for a change of a status of residence has been submitted as set forth in the preceding paragraph, the Minister of Justice may grant permission only when he/her finds that there are reasonable grounds to grant the change of the status of residence on the strength of the documents submitted by the foreign national. However, in the case of an application submitted by a person whose status of residence is "Temporary Visitor", permission shall not be granted unless the application is made based on special unavoidable circumstances.
- (4) The Minister of Justice shall take the measures provided for in the respective item with regard to the categories listed in the following items when granting permission pursuant to the provisions of the preceding paragraph. In this case, the permission shall become effective through the contents entered 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 provided for in the respective item.
 - (i) When the foreign national pertaining to the permission continues to come under a mid to long-term resident or newly comes under a mid to long-term resident: the Minister of Justice shall have an immigration inspector issue a residence card to the foreign national.
 - (ii) When the foreign national pertaining to the permission possesses a passport in cases other than the cases listed in the preceding item: the Minister of Justice shall have an immigration inspector enter a new status of residence and period of stay in the passport.
 - (iii) When the foreign national pertaining to the permission does not possess a passport in cases other than the cases listed in item (i): the Minister of Justice shall 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) In the case where an application pursuant to the provisions of paragraph (2) is made (except for an application by a foreign national who is granted permission with a period of stay of not more than 30 days), if the disposition for the application has not been made by the expiration date of the period of stay for the status of residence which the foreign national had at the time of the application, such foreign national may, even after the expiration date of the period of stay, reside in Japan continuously under such status of residence until the date the disposition is made or 2 months from the date of the expiration of the previous period of stay, whichever comes first.

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

Article 20-2 (1) The change to the status of residence listed in the following items may not be granted, notwithstanding the provisions of paragraph (1) of the preceding Article, unless it is to the person provided for in the respective item.

(i) Status of residence of "Highly Skilled Professional" (limited to those pertaining to item (ii) in the right-hand column under "Highly Skilled Professional" of Appended Table I (2)): a foreign national who has been residing in Japan with the status of residence of "Highly Skilled Professional" (limited to those pertaining to item (i) sub-items (a) to (c) in the right-hand column under "Highly Skilled Professional" of the same Table).

(ii) Status of residence of "Technical Intern Training" (limited to those pertaining to item (ii), sub-item (a) or (b) in the right-hand column under "Technical Intern Training" of Appended Table I (2)): a foreign national who has been residing in Japan with the status of residence of "Technical Intern Training" (limited to those pertaining to item (i), sub-item, (a) or (b) in the right-hand column under "Technical Intern Training" of the same Table).

(2) When the Minister of Justice receives an application for a change to a status of residence listed in any item of the preceding paragraph pursuant to the provisions of the preceding Article, paragraph (2), he/she may not grant permission for such change, unless the foreign national conforms to the conditions provided for by Ordinance of the Ministry of Justice.

(3) The Minister of Justice shall consult with the heads of the relevant administrative organs in advance in prescribing the Ordinance of the Ministry of Justice set forth in the preceding paragraph.

(Extension of Period of Stay)

- Article 21 (1) Any foreign national residing in Japan may, without changing his/her status of residence, have his/her period of stay extended.
- (2) Any foreign national who wishes to have his/her period of stay extended pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for an extension of such period in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (3) When the application set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that there are reasonable grounds to grant the extension of the period of stay on the strength of the documents submitted by the foreign national.
- (4) The provisions of Article 20, paragraph (4) shall apply mutatis mutandis to permission pursuant to the provisions of the preceding paragraph, and the provisions of the same Article, paragraph (5) shall apply mutatis mutandis to an application pursuant to the provisions of paragraph (2), respectively. In this case, "new status of residence and period of stay" in item (ii) and item (iii) shall be 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 his/her status of residence to that of "Permanent Resident" shall apply to the Minister of Justice for permission for permanent residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (2) When an application as set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that the foreign national conforms to the following items and that his/her permanent residence will be in accordance with the interests of Japan. However, the following items do not have to be conformed to in the case of spouses and children of Japanese nationals, of residents with permanent residence status or of special permanent residents.
- (i) The foreign national's behavior and conduct must be good.
- (ii) The foreign national must have sufficient assets or skills to make an independent living.
- (3) When the permission set forth in the preceding paragraph has been granted, the Minister of Justice shall have an immigration inspector issue a residence card to the foreign national pertaining to the permission. In this case, the permission shall become effective at the time of the issuance of the residence card.

(Acquisition of Status of Residence)

- Article 22-2 (1) Any person who has renounced Japanese nationality, or any foreign national who is to stay in Japan without following the procedures for landing provided in the preceding Chapter, through birth or for any other cause, may, notwithstanding the provisions of Article 2-2, paragraph (1), continue to stay in Japan without acquiring a status of residence for a period not exceeding 60 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.
- (2) A foreign national as described under the preceding paragraph who wishes to stay in Japan beyond the period set forth in the same paragraph shall apply to the Minister of Justice for the acquisition of a status of residence in accordance with the procedures pursuant to the provisions of an Ordinance of the Ministry of Justice within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.
- (3) The provisions of the main clause of Article 20, paragraph (3), and paragraph (4) shall apply mutatis mutandis to the procedures for an application to acquire a status of residence prescribed in the preceding paragraph (except for an application to acquire the status of residence of permanent resident). In this case, "change of a status of residence" in the main clause of paragraph (3) of the same Article shall be deemed to be replaced with "acquisition of a status of residence".
- (4) The provisions of the preceding Article shall apply mutatis mutandis to the procedures for an application to acquire the status of residence of permanent resident, in the course of an application to acquire the status of residence as prescribed in paragraph (2). In this case, "wishes to change" in paragraph (1) of the same Article shall be deemed to be replaced with "wishes to acquire"; and in the same paragraph, "change his/her status of residence to that," shall be deemed to be replaced with, "acquire his/her status of residence".

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

(Revocation of Status of Residence)

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

- (i) The foreign national has been granted, by deceit or other wrongful means, a seal of verification for landing (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section 1 or 2, on the consideration that he/she does not fall under any of the items of Article 5, paragraph (1).
- (ii) The foreign national has been granted, by deceit or other wrongful means, a seal of verification for landing (a seal of verification for landing or special permission pursuant to the provisions of Chapter III, Section 1 or 2 (limited to those with a decision of status of residence) or permission pursuant to the provisions of this Section, and where two or more seals or permissions have been granted, the most recent; hereinafter the same shall apply in this paragraph), on the consideration that the activities stated as those in which he/she intends to be engaged in the application for such permission are not false, and such activities fall under any of those listed in the right-hand column of Appended Table I or the activities of a person with the status or position listed in the right-hand column of Appended Table II.
- (iii) In addition to the cases listed in the preceding two items, the foreign national has been granted, by deceit or other wrongful means, a seal of verification for landing.
- (iv) In addition to the cases listed in the preceding three items, the foreign national has been granted, by submitting or presenting a document that contains a false entry (including a certificate pursuant to the provisions of Article 7-2, paragraph (1), obtained by submitting or presenting a document or drawing that contains a false entry or a visa obtained for the passport by submitting or presenting a document or drawing that contains a false entry), or a drawing that contains a false entry, a seal of verification for landing.
- (v) The foreign national has been granted permission pursuant to the provisions of Article 50, paragraph (1) or Article 61-2-2, paragraph (2) due to deceit or other wrongful means (except in cases of receiving permission or a seal of verification for landing, etc. pursuant to these provisions after such permission).

- (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 "Highly Skilled Professional" (limited to those pertaining 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 with the status of residence of "Spouse or Child of Japanese National (limited to those pertaining to persons with the status of the spouse of a Japanese national (except for foreign nationals concurrently with the status of 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 shall apply hereinafter) or born as the child of a Japanese national) or the status of residence of "Spouse or Child of Permanent Resident" (limited to those pertaining to persons with the status of a spouse of a permanent resident, etc. (except for foreign nationals concurrently with the status of 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 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 landing 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 landing or permission.
- (ix) Any mid to long-term resident who has not notified the Minister of Justice of his/her new place of residence within 90 days of leaving in cases of leaving the place of residence which had previously been notified to the Minister of Justice (except where there is a justifiable reason for not giving notification).
- (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 shall have an immigration inspector that he/she has designated hear the opinion of the foreign national.
- (3) The Minister of Justice shall serve the foreign national 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. However in cases of urgency, he/she 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 his/her representative may appear on the date set forth in the preceding paragraph to state an opinion and submit evidence.
- (5) When the foreign national fails to appear at the hearing set forth in paragraph (2) without a justifiable reason, the Minister of Justice may, notwithstanding the provisions of the same paragraph, revoke the status of residence pursuant to the provisions of paragraph (1) without hearing the foreign national's opinion.
- (6) The revocation of the status of residence shall be conducted through the Minister of Justice serving the written notice on revocation of the 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 shall designate a period not exceeding 30 days within which the foreign national shall depart from Japan.
- (8) When designating the period pursuant to the provisions of the preceding paragraph, the Minister of Justice may impose restrictions on the foreign national's residence and area of movement, and other necessary conditions pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (9) The Minister of Justice shall enter the period designated pursuant to the provisions of paragraph (7) and the conditions imposed pursuant to the provisions of the preceding paragraph in the written notice on revocation of the status of residence provided for in paragraph (6).

(Consideration in the Procedures for Revocation of the Status of Residence)

Article 22-5 Where the Minister of Justice intends to revoke the status of residence of a foreign national provided for in paragraph (1) of the preceding Article owing to having found one of the facts listed in item (vii) of the same paragraph, he/she shall give consideration to granting an opportunity for an application for a change of the 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 Presentation of Passport)

- Article 23 (1) A foreign national staying in Japan shall carry his/her passport on his/her person at all times (for a foreign national listed in one of the following items, the document specified in the respective item). However, this shall not apply if the foreign national carries the residence card as provided for in the following paragraph. .
- (i) A person who has been granted permission for provisional landing: provisional landing permit
 - (ii) A person who has been granted landing permission for cruise ship tourists: landing permit for cruise ship tourists
 - (iii) A person who has been granted landing permission for crew members: crew member's landing permit and passport or crew member's pocket-ledger
 - (iv) A person who has been granted permission for emergency landing: emergency landing permit
 - (v) A person who has been granted landing permission due to distress: landing permit due to distress
 - (vi) A person who has been granted landing permission for temporary refuge: landing permit for temporary refuge
 - (vii) A person who has been granted permission for provisional stay: permit for provisional stay
- (2) A mid to long-term resident shall receive a residence card which has been issued by the Minister of Justice or returned by the mayor of the municipality and shall carry it on his/her person at all times.
- (3) The foreign national set forth in the preceding two paragraphs shall present his/her passport, crew member's pocket-ledger, permit or residence card (hereinafter referred to as "Passport" in this Article) as set forth in 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 provided for by Ordinance of the Ministry of Justice, if such official requests the presentation of the Passport in the execution of his/her duties.
- (4) The official prescribed in the preceding paragraph shall, in cases where he/she

requests presentation of the Passport, carry with him/her an identification card showing his/her official status and present it upon request.

- (5) A foreign national who is under 16 years of age is not required to carry his/her Passport with/her notwithstanding the provisions of the main clause of paragraph (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 provided for in the following Chapter.

- (i) A person who has entered Japan in violation of the provisions of Article 3.
- (ii) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.
- (ii)-2 A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to those provisions pertaining to item (i) or item (ii)).
- (ii)-3 A person who has been granted a designated period of stay pursuant to the provisions of Article 22-4, paragraph (7) (including cases where it is applied *mutatis mutandis* to Article 61-2-8, paragraph (2)) and has stayed in Japan beyond the designated period.
- (iii) A person who has forged or altered a document or drawing, has prepared a false document or drawing, has used, possessed or offered a forged, altered, or false document or drawing, or has incited or aided another to engage in any of the aforementioned acts with the intent of helping another foreign national to illegally obtain a certificate, a seal of verification for landing (including the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4)), special permission pursuant to the provisions of Chapter III, Section 1 or 2, permission for landing pursuant to the provisions of Chapter III, Section 4 or the permission pursuant to the provisions of Section 1 or Section 2 of this Chapter or Section 3 of the following Chapter.
- (iii)-2 A person who the Minister of Justice determines, based on reasonable grounds, is likely to commit a criminal act for the purpose of intimidating the general public and governments (hereinafter to be referred to in this item as a "criminal act for the purpose of intimidating the general public and governments") provided for in Article 1 of the Act for Punishment of the Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments (Act No. 67 of

2002), prepare to commit a criminal act for the purpose of intimidating the general public and governments, or facilitate a criminal act for the purpose of intimidating the general public and governments.

- (iii)-3 A person whose entry into Japan is required to be prevented pursuant to an international agreement.
- (iii)-4 A person who has engaged in any of the acts listed in sub-items (a) to (c) below, or has incited or aided another to engage in any of the listed acts.
 - (a) Having foreign nationals engage in illegal work (activities which violate the provisions of Article 19, paragraph (1), or activities engaged in by foreign nationals listed in Article 70, paragraph (1), item (i) to (iii)-2, (v), (vii) to (vii)-3 or from (viii)-2 to (viii)-4, and for which the foreign national has received remuneration or other income) in connection with business activities.
 - (b) Placing a foreign national under his/her control for the purpose of having the foreign national engage in illegal work.
 - (c) Arranging on a regular basis the procurement of a foreign national to engage in illegal work or the act set forth in the sub-item (b).
- (iii)-5 A person who has engaged in any of the acts listed in sub-items (a) to (d) below, 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 provided for in Article 7, paragraph (1) 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 (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 use.
 - (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 use.
 - (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 resident card,
- (iv) A foreign national residing in Japan (except for those to whom permission for provisional landing, permission for landing at a port of call, landing permission for cruise ship tourists, permission for landing in transit, landing permission for crew

members, or landing permission due to distress has been granted) who falls under any of the following sub-items (a) to (o).

- (a) A person who is clearly found to be engaged solely in activities related to the management of business involving income or activities for which he/she receives remuneration in violation of the provisions of Article 19, paragraph (1) (except for those under the control of another due to trafficking in persons).
- (b) A person who has stayed in Japan beyond the authorized period of stay (including the period for which a person may reside in Japan pursuant to the provisions of Article 20, paragraph (5); the same shall apply in Article 26, paragraph (1) and Article 26-2, paragraph (2) (including cases where it is 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 trafficking in persons or has incited or aided another to commit trafficking in persons.
- (d) A person who has been punished for violation of the provisions of paragraph (1) (except for item (vi)) to paragraph (3) of Article 23 of the Passport Act (Act No. 267 of 1951).
- (e) A person who has been punished for violation of the provisions of Articles 74 to 74-6-3, or 74-8.
- (f) A person who has been sentenced to imprisonment without work or a heavier punishment for violation of the provisions of Article 73.
- (g) A person who is a juvenile as defined by the Juvenile Act (Act No. 168 of 1948) and who was sentenced on or after November 1, 1951, to imprisonment with or without work for a maximum period exceeding 3 years.
- (h) A person who was convicted on or after November 1, 1951, for violation of a provision of the Narcotics and Psychotropic Substances Control Act, the Marijuana Control Act, the Opium Control Act, the Stimulants Control Act, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation (Act No. 94 of 1991) or Part II, Chapter XIV of the Penal Code (Act No. 45 of 1907).
- (i) In addition to persons listed in sub-items (d) to (h), a person who was sentenced on or after November 1, 1951, to imprisonment with or without work for life or for a period of exceeding 1 year. However, this shall not apply to those who were found guilty with suspension of execution of sentences.

- (j) A person who engages or has engaged in prostitution, or intermediation or solicitation of prostitutes for others, or provision of a place for prostitution, or any other business directly connected to prostitution (except for those under the control of another due to trafficking in persons).
- (k) A person who has instigated, incited, or aided the illegal entry or illegal landing of another foreign national into Japan.
- (l) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any other organization which attempts or advocates the same.
- (m) A person who organizes, is a member of, or is closely affiliated with any of the following political parties or other organizations:
 1. A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or local public entities for the reason of their being such officials.
 2. A political party or organization which encourages illegal damage or destruction of public facilities.
 3. A political party or organization which encourages acts of dispute, such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace.
- (n) A person who has prepared, distributed or exhibited printed materials, motion pictures, or any other documents or drawings whose purpose is to attain the objectives of any political party or organization prescribed in sub-item (l) or (m).
- (o) In addition to those persons listed in sub-items (a) to (n), any other person who the Minister of Justice determines to have committed acts detrimental to the interests or public security of Japan.
- (iv)-2 A person who is staying in Japan with a status of residence listed in the left-hand column of Appended Table I and has been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, in the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters, 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

with or without work.

- (iv)-3 A person whose status of residence is "Temporary Visitor" who has illegally killed, injured, assaulted or threatened a person, or damaged or destroyed a building or other object in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the municipality where the venue is located or to neighboring places provided for use to unspecified or a large number of persons.
- (iv)-4 A mid to long-term resident who has been sentenced to imprisonment with work on the charge of a crime provided for in Article 71-2 or Article 75-2.
- (v) A person who has been granted permission for provisional landing and flees or fails to appear at a summons without a justifiable reason in violation of conditions imposed pursuant to the provisions of Article 13, paragraph (3).
- (v)-2 A person who has been ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or (11), or Article 11, paragraph (6) but does not depart without delay.
- (vi) A person who has been granted permission for landing at a port of call, landing permission for cruise ship tourists, permission for landing in transit, landing permission for crew members, permission for emergency landing, landing permission due to distress or landing permission for temporary refuge, but stays in Japan beyond the period entered in his/her passport or landing permit.
- (vi)-2 A person who has been granted landing permission for cruise ship tourists but did not return to the ship by the time of the designated passenger ship departing from the port of entry or departure after he/she disembarked at the Japanese port of entry or departure at which the designated passenger ship pertaining to the permission 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 his/her vessel or depart from Japan within that period.
- (vii) A person prescribed in Article 22-2, paragraph (1) who stays in Japan beyond the period prescribed in said paragraph without receiving permission pursuant to the provisions of 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 pertaining to the departure order.
- (ix) A person whose departure order has been revoked pursuant to the provisions of Article 55-6.
- (x) A person staying in Japan with permission granted pursuant to the provisions of Article 61-2-2, paragraph (1), or Article 61-2-3, whose recognition of refugee status has been revoked pursuant to the provisions of Article 61-2-7, paragraph (1) (limited to the provisions pertaining to item (i) or item (iii)).

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

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

(Departure Order)

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

- (i) The foreign national has voluntarily appeared at an immigration office with the intention of departing from Japan promptly.
- (ii) The foreign national does not fall under any of items (iii) to (iii)-5, sub-items (c) to (o) of item (iv), item (viii) or item (ix) of Article 24.
- (iii) The foreign national has not been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, Articles 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on

Punishment of Physical Violence and Others, the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters, 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 with or without work.

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

Section 4 Departure

(Procedures for Departure)

- Article 25 (1) Any foreign national (except for crew members; the same shall apply in the following Article) who is to depart from Japan with the intention of proceeding to an area outside of Japan shall receive confirmation of departure from an immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice at the port of entry or departure from which he/she departs Japan.
- (2) The foreign national set forth in the preceding paragraph shall not depart from Japan unless he/she has received confirmation of departure.

(Deferment of Confirmation of Departure)

- Article 25-2 (1) An immigration inspector may defer confirmation of departure for up to 24 hours after the application for confirmation set forth in the preceding Article has been submitted by a foreign national who wishes to depart from Japan with the intention of proceeding to an area outside of Japan when he/she receives notice from a relevant organization that the foreign national falls under any of the following:
- (i) A person who is being prosecuted for a crime for which the death penalty or a life sentence, or imprisonment with or without work for 3 years or more, may be imposed; or a person for whom an arrest warrant, subpoena, detention warrant, or warrant of detention for examination has been issued.
 - (ii) A person who has been sentenced to imprisonment or a more severe penalty and has not been granted suspension of execution of sentence, until said person has completed the sentence or until he/she ceases to fall subject to the execution of the sentence (except for those released on parole).

- (iii) A person for whom a provisional detention permit or a detention permit has been issued pursuant to the provisions of the Act on Extradition (Act No. 68 of 1953).
- (2) An immigration inspector shall, when he/she has deferred confirmation of departure pursuant to the provisions of the preceding paragraph, immediately notify the relevant organization from which the notice set forth in the preceding paragraph was received to that effect.

(Re-entry Permission)

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

re-entry permission has reasonable grounds for not being able to re-enter within the validity period of the permission, grant an extension of the validity period, based on an application from the foreign national, of up to 1 year within 6 years from the effective date of the permission.

- (6) The permission set forth in the preceding paragraph shall be entered in the passport or the re-entry permit, and the administrative work shall be entrusted to a Japanese consular officer.
- (7) If the Minister of Justice finds that it is not appropriate to grant further re-entry permission to a foreign national with re-entry permission, the permission may be revoked while said foreign national is in Japan.
- (8) The re-entry permit issued pursuant to the provisions of paragraph (2) shall be treated as a passport, only in cases of entry into Japan, based on the re-entry permission pertaining to the re-entry permit concerned.

(Special Re-entry Permission)

Article 26-2 (1) A foreign national residing with a status of residence 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 provided for in Article 61-2-12, paragraph (1)), shall, if he/she departs from Japan having expressed to an immigration inspector the intention of re-entering Japan pursuant to the provisions of an Ordinance of the Ministry of Justice, be 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. However, this shall not apply to those persons who fall under the provisions of an Ordinance of the Ministry of Justice as persons who are required to acquire re-entry permission for the purpose of equitable control over immigration affairs.

- (2) The validity period of the re-entry permission deemed to have been granted to the foreign national pursuant to the provisions of the preceding paragraph shall 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 shall not apply to the re-entry permission deemed to have been granted to the foreign national pursuant to the provisions of paragraph (1).

(Special Re-entry Permission Pertaining to Temporary Visitors)

- Article 26-3 (1) A foreign national with the status of residence of "Temporary Visitor" in Japan who possesses a valid passport shall, if he/she departs from Japan on a designated passenger ship having expressed to an immigration inspector the intention of re-entering Japan on the designated passenger ship pursuant to the provisions of an Ordinance of the Ministry of Justice, be deemed to have been granted the re-entry permission set forth in Article 26, paragraph (1) notwithstanding the provisions of the same paragraph. However, this shall not apply to those persons who fall under the provisions of an Ordinance of the Ministry of Justice as persons required to acquire re-entry permission for the purpose of equitable control over immigration affairs.
- (2) The provisions of paragraphs (2) and (3) of the preceding Article shall apply 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, "one year" in paragraph (2) of the same Article shall be deemed to be replaced with "15 days".

Chapter V Procedures for Deportation

Section 1 Investigation into Violations

(Investigation into Violations)

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

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

- Article 28 (1) An immigration control officer may conduct necessary questioning in order to attain the objectives of an investigation into any possible violation. However, compulsory dispositions may not be conducted unless special provisions are provided in this Chapter and Chapter VIII.
- (2) An immigration control officer may make inquiries of public offices or of public or private organizations and request submission of reports on necessary facts in relation to investigations into violations.

(Request for Appearance and Questioning of Suspects)

- Article 29 (1) An immigration control officer may, in cases where it is necessary to an investigation into any violation, request the appearance of a suspect and question him/her.
- (2) In the case referred to in the preceding paragraph, the immigration control officer shall enter the suspect's statement on record.
- (3) In entering the statement on record as set forth in the preceding paragraph, the immigration control officer shall have the suspect inspect it or the immigration control officer will read it aloud to the suspect and have him/her sign it, and the immigration control officer shall affix his/her own signature thereto.
- (4) In the case referred to in the preceding paragraph, if the suspect is unable to sign or refuses to sign the statement, the immigration control officer shall make an additional entry to such effect in the record.

(Request for Appearance of Witnesses)

- Article 30 (1) An immigration control officer may, in cases where it is necessary to an investigation into any violation, request the appearance of a witness and interview him/her.
- (2) In the case referred to in the preceding paragraph, the immigration control officer shall enter the witness's statement on record.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article shall apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, "suspect" in paragraphs (3) and (4) of the preceding Article shall be deemed to be replaced with "witness".

(Inspection, Search and Seizure)

- Article 31 (1) An immigration control officer may, in cases where it is necessary to conduct an investigation into any violation, carry out an inspection, search or seizure with permission from a judge of the district court or summary court exercising jurisdiction over the area where his/her office is located.
- (2) In the case referred to in the preceding paragraph, in case of urgency, the immigration control officer may take the action as set forth in the preceding paragraph with permission from a judge of the district court or summary court exercising jurisdiction over the place subject to inspection, the persons or articles subject to search, or the articles subject to seizure.
- (3) The immigration control officer shall, when he/she is to apply for the permission set

forth in paragraph (1) or in the preceding paragraph, submit an application together with proof indicating that the suspect falls under any of the items of Article 24, and if the immigration control officer is to inspect a place, such as a residence other than that of the suspect, he/she shall submit proof indicating the existence of circumstances which show that the place is likely to be connected with the violation. If the immigration control officer is to search a person other than the suspect, articles, residence or other place of the person, he/she shall submit proof indicating the existence of articles which should be seized and circumstances which show that those articles are likely to be connected with the violation; and if the immigration control officer is to seize an article of a person other than the suspect, he/she shall submit proof that indicates the existence of circumstances which show that the article is likely to be connected with the violation.

- (4) When an application as set forth in the preceding paragraph is submitted, a district court or summary court judge shall issue a permit containing the place of inspection, the person or articles subject to search, the articles to be seized, the position and name in full of the officer making the application, the validity period of the permit, and the name of the court with the name and seal of the judge, and deliver it to the immigration control officer.
- (5) The immigration control officer may deliver the permit set forth in the preceding paragraph to another immigration control officer and have him/her carry out the inspection, search or seizure.

(Necessary Dispositions)

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

(Carrying of an Identification Card)

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

(Attendance at a Search or Seizure)

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

he/she shall ensure that a neighbor or an official of the local government is present.

(Restriction on Hours)

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

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

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

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

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

(Prohibition of Entry and Exit)

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

(Procedures for Seizure)

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

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

(Preparation of Records)

Article 38 (1) An immigration control officer shall, in the event that he/she has conducted an inspection, search or seizure, prepare a record thereof and have the person required to be present inspect it, or read it aloud to the person and have him/her sign it, and affix his/her own signature thereto.

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

additional entry to such effect in the record.

Section 2 Detention

(Detention)

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

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

(Form of a Written Detention Order)

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

(Period and Place of Detention and Commission of Custody)

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

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

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

(Procedures for Detention)

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

(2) In urgent cases, an immigration control officer may detain a suspect by giving the

suspect a summary of the suspected offense and informing him/her that the order has been issued, provided that the order shall be shown to the suspect as soon as possible even if the immigration control officer is not in possession of a written detention order.

(Cases of Emergency)

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

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

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

(Delivery of the Suspect)

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

Section 3 Examination, Hearing and Filing of an Objection

(Examination by an Immigration Inspector)

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

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

(Burden of Proof on the Suspect)

Article 46 Any suspect subject to the examination set forth in the preceding Article who is suspected of falling under items (i) (except for the part pertaining to Article 3, paragraph (1), item (ii)), or (ii) under Article 24, shall have the burden of proof to establish that he/she does not fall under said items.

(Procedures after Examination)

Article 47 (1) An immigration inspector shall immediately release a suspect when he/she finds, as a result of an examination, that the suspect does not fall under any of the items of Article 24.

(2) When an immigration inspector finds, as a result of an examination, that the suspect falls into the category of a foreign national subject to a departure order, he/she shall promptly notify a supervising immigration inspector of such finding. In this case, if the suspect has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), the immigration inspector shall immediately release the suspect.

(3) When an immigration inspector finds, as a result of examination, that a suspect falls into the category of a foreign national subject to deportation, he/she shall promptly notify a supervising immigration inspector and the suspect of his/her findings in writing together with a statement of the grounds for such findings.

(4) When the immigration inspector submits the notice set forth in the preceding paragraph, he/she shall notify the suspect that the suspect may request a hearing pursuant to the provisions of Article 48.

(5) In the case referred to in paragraph (3), if the suspect has no objection to the findings, the supervising immigration inspector shall, after having the foreign national sign a document with a statement that he/she will not request a hearing, promptly issue a written deportation order pursuant to the provisions of Article 51.

(Hearing)

Article 48 (1) Any suspect who has received the notice set forth in paragraph (3) of the preceding Article may, if he/she has an objection to the findings set forth in the same paragraph, orally request a special inquiry officer for a hearing within 3 days from the date of notice.

(2) When a request has been made for the hearing set forth in the preceding paragraph, an immigration inspector shall submit the record set forth in Article 45, paragraph (2) and other pertinent documents to a special inquiry officer.

(3) When a request is made for the hearing set forth in paragraph (1), the special inquiry

officer shall promptly notify the suspect of the time and place of the hearing and conduct the hearing.

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

(Filing of an Objection)

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

supervising immigration inspector shall submit to the Minister of Justice the record of the examination set forth in Article 45, paragraph (2), the record of the hearing set forth in paragraph (4) of the preceding Article, and other pertinent documents.

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

(Special Case Determinations by the Minister of Justice)

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

- (i) He/She has obtained permission for permanent residence.
 - (ii) He/She has had a registered domicile in Japan as a Japanese national in the past.
 - (iii) He/She resides in Japan under the control of another due to trafficking in persons.
 - (iv) The Minister of Justice finds grounds to grant special permission to stay, other than the previous items.
- (2) In the case referred to in the preceding paragraph, the Minister of Justice may determine the status of residence and period of stay and impose conditions which he/she deems necessary, pursuant to the provisions of an Ordinance of the Ministry of Justice.
 - (3) The Minister of Justice shall when granting the permission (limited to those

corresponding to the determination of the status of residence) set forth in paragraph (1), have an immigration inspector issue a residence card to the foreign national if the foreign national becomes a mid to long-term resident.

- (4) The permission set forth in paragraph (1) shall be regarded as a determination that an objection filed is with reason with respect to the application of the provision 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), shall contain the full name, age and nationality of the foreign national subject to deportation, the reason for the deportation, the destination, the date of issuance of the deportation order, and other matters provided by Ordinance of the Ministry of Justice, and the name and seal of a supervising immigration inspector shall be affixed thereto.

(Enforcement of Written Deportation Orders)

- Article 52 (1) A written deportation order shall be enforced by an immigration control officer.
- (2) Upon the request of a supervising immigration inspector who finds it necessary due to shortage of immigration control officers, a police official or coast guard officer may enforce a written deportation order.
- (3) In enforcing a deportation order, an immigration control officer (including a police official or coast guard officer enforcing a written deportation order pursuant to the provisions of the preceding paragraph; hereinafter the same shall apply in this Article) shall show the deportation order or a copy of it to the foreign national subject to deportation and have him/her deported promptly to the destination provided in the following Article. However, the immigration control officer shall deliver him/her to a carrier if the foreign national is to be sent back via the carrier pursuant to the provisions of Article 59.
- (4) In the case referred to in the preceding paragraph, if a person for whom a deportation order has been issued wishes to depart Japan voluntarily at his/her own expense, the director of the immigration detention center or supervising immigration inspector may permit him/her to do so based on an application from said person. In

this case, notwithstanding the entries in the written deportation order and the provisions of the following Article, the director of the immigration detention center or supervising immigration inspector may decide the destination of the person based on his/her application.

- (5) In the case referred to in the first sentence of paragraph (3), if the foreign national cannot be deported immediately, the immigration control officer may detain him/her in an immigration detention center, detention house, or any other place designated by the Minister of Justice or by the supervising immigration inspector commissioned by the Minister of Justice until such time as deportation becomes possible.
- (6) In the case referred to in the preceding paragraph, the director of the immigration detention center or the supervising immigration inspector may, if it is found that the foreign national cannot be deported, release him/her with conditions as may be deemed necessary, such as restrictions on the place of residence and area of movement and an obligation to appear upon receiving a summons.
- (7) The immigration control officer may make inquiries of public offices or of public or private organizations and request submission of reports on necessary facts if found necessary for the enforcement of a deportation order.

(Deportation Destinations)

Article 53 (1) Any person subject to deportation shall be deported to a country of which he/she is a national or citizen.

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

- detrimental to the interests and public security of Japan)
- (ii) Countries prescribed in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3, paragraph (1)
 - (iii) Countries prescribed in the International Convention for the Protection of All Persons from Enforced Disappearances, 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, his/her representative, curator, spouse, lineal relative or sibling may apply for provisional release to the director of the immigration detention center or supervising immigration inspector in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (2) The director of the immigration detention center or supervising immigration inspector may accord provisional release to a foreign national detained pursuant to a written detention order or deportation order upon the application set forth in the preceding paragraph or ex officio, taking into consideration such matters as the circumstances, evidence produced in support of the application, and the character and assets of the foreign national pursuant to the provisions of an Ordinance of the Ministry of Justice, upon the foreign national paying a deposit not exceeding 3 million yen as provided by an Ordinance of the Ministry of Justice, and with such conditions as may be deemed necessary, such as restrictions on the place of residence and area of movement and the obligation to appear upon receiving a summons.
- (3) The director of the immigration detention center or supervising immigration inspector, if he/she deems appropriate, may permit a letter of guarantee submitted by a person other than the foreign national detained under a written detention order or deportation order to be substituted for the deposit. Such a letter of guarantee shall contain the amount of the deposit and a statement that the deposit will be paid at any time.

(Revocation of Provisional Release)

- Article 55 (1) The director of the immigration detention center or the supervising immigration inspector may revoke a provisional release if the foreign national accorded provisional release has fled, he/she has reasonable grounds to suspect that the foreign national will attempt to flee, the foreign national fails to comply with an

order to appear upon receiving a summons without justifiable reason, or has violated any of the conditions of provisional release.

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

Chapter V-2 Departure Orders

(Examination Pertaining to Departure Orders)

- Article 55-2 (1) If an immigration control officer finds that there are reasonable grounds to believe that a suspect falls under the category of a foreign national subject to a departure order, notwithstanding the provisions of Article 39, the immigration control officer shall send the case of the violation pertaining to the suspect to an immigration inspector.
- (2) When the immigration inspector receives a case of a violation pursuant to the provisions of the preceding paragraph, he/she immediately examine whether the suspect falls within the category of a foreign national subject to a departure order.
 - (3) When the immigration inspector finds, as a result of the examination, that the

suspect falls under the category of a foreign national subject to a departure order, he/she shall promptly notify a supervising immigration inspector of the findings.

- (4) The immigration inspector shall, if he/she finds that there are reasonable grounds to suspect that the suspect falls within the category of a foreign national subject to deportation, notify the immigration control officer of his/her findings and send the case of the violation back to the immigration control officer.

(Departure Orders)

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

(2) When ordering departure pursuant to the provisions of the preceding paragraph, the supervising immigration inspector shall deliver a written departure order pursuant to the provisions of the following Article to the suspect.

(3) When ordering departure pursuant to the provisions of paragraph (1), the supervising immigration inspector may, provided by Ordinance of the Ministry of Justice, impose restrictions on the suspect's place of residence and area of movement, and other conditions which the supervising immigration inspector may deem necessary.

(Form of Written Departure Orders)

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

(Extension of the Time Limit for Departure)

Article 55-5 Upon receiving notification from the foreign national who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1) that the foreign national is unable to depart from Japan within the time limit for departure in accordance with the departure order, the supervising immigration inspector may, pursuant to the provisions of an Ordinance of the Ministry of Justice, extend the time

limit for departure, provided that the supervising immigration inspector finds a reason not imputable to the foreign national, such as the operating schedule of the vessel or aircraft used for departure.

(Revocation of Departure Orders)

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

Chapter VI Responsibility of the Captain of a Vessel or Aircraft and the Carrier

(Duty of Cooperation)

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

(Duty to Check Passports or Other Documents)

Article 56-2 For the purpose of preventing foreign nationals from illegally entering Japan, the carrier who operates a vessel or aircraft entering Japan (or the captain of such vessel or aircraft in the absence of the carrier) shall check the passports, crew member's pocket-ledgers or re-entry permits possessed by foreign nationals who intend to board the vessel or aircraft.

(Duty to Report)

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

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

(3) If the captain of a vessel or aircraft entering Japan has knowledge of any foreign

national aboard the vessel or aircraft who does not possess a valid passport, crew member's pocket-ledger or re-entry permit, he/she shall report such information immediately to an immigration inspector at the port of entry or departure.

- (4) If a person who has been granted the permission set forth in Article 14-2, paragraph (2) is on board a designated passenger ship, the captain of the designated passenger ship entering Japan shall immediately report the name of such person and other matters provided by an Ordinance of the Ministry of Justice 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 shall immediately report the name of the crew member and other matters provided by Ordinance of the Ministry of Justice to an immigration inspector upon each arrival at a port of entry or departure.
- (6) The captain of the designated passenger ship departing from a Japanese port of entry or departure shall report, upon the request of an immigration inspector at the port of entry or departure, whether a person granted the permission set forth in paragraph (1) or (2) of Article 14-2 has returned to the designated passenger ship.
- (7) At the request of an immigration inspector at the port of entry or departure for a vessel or aircraft, the captain of the vessel or aircraft departing from Japan shall report whether any person granted permission for landing in transit pursuant to the provisions of Article 15, paragraph (1) has returned to his/her vessel or aircraft, whether any person who was granted landing permission for crew members is aboard the correct vessel or aircraft, and whether any person seeking to depart Japan in violation of the provisions of Article 25, paragraph (2), or Article 60, paragraph (2) is aboard the vessel or aircraft.
- (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, he/she may request the carrier operating an aircraft entering Japan or any other person provided for by an Ordinance of the Ministry of Justice to give a report on the person making the reservation pertaining to the aircraft (referring to the person who reserved the airline ticket; hereinafter the same shall apply in this paragraph), the details of the reservation pertaining to such person making the reservation, the baggage of the person making the reservation and the matters provided for in an Ordinance of the Ministry of Justice 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 shall give a report pursuant to the provisions of an Ordinance of the Ministry of Justice. In this case, if such person takes the measures provided for in an Ordinance of the Ministry of Justice to make the information available in such a manner enabling the immigration inspector to view the information using electromagnetic records (referring to records which were created electromagnetically and are used in information processing by computers) in lieu of such report, such report shall be 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 aboard the vessel or aircraft, he/she shall prevent such foreign national from landing.

(Duty to Send Back)

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

- (i) Any person denied landing pursuant to the provisions of Chapter III, Section 1 or 2.
 - (ii) Any person deported for falling under any of items (v) to (vi)-4 of Article 24.
 - (iii) In addition to those prescribed in the preceding item, any foreign national who is deported within 5 years of his/her landing date for falling under any of the items of Article 24 regarding whom the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft can be considered to have had clear knowledge of the existence of grounds for deportation at the time of his/her landing.
- (2) In the case referred to in the preceding paragraph, if the carrier concerned cannot send the foreign national back via the vessel or aircraft prescribed in said paragraph, he/she shall send the foreign national back promptly via another vessel or aircraft on his/her own responsibility and at his/her own expense.
- (3) Notwithstanding the provisions of the preceding two paragraphs, concerning the expense and responsibility born by the captain of a vessel or aircraft or the carrier who operates the vessel or aircraft, a supervising immigration inspector may exempt

the captain or the carrier from all or part of the expenses and responsibility arising from keeping a foreign national who falls under paragraph (1), item (i) at a facility (referred to as a "departure waiting facility" in Article 61-7-6) designated as provided by Ordinance of the Ministry of Justice as a place to stay pursuant to the provisions of Article 13-2, paragraph (1), provided that the foreign national concerned possesses a valid passport with a visa issued by a Japanese consular officer.

Chapter VI-2 Inquiry into the Facts

(Inquiry into the Facts)

- Article 59-2 (1) The Minister of Justice may have an immigration inspector inquire into the facts, if necessary, in order to conduct dispositions relating to the issuance of a certificate pursuant to the provisions of Article 7-2, paragraph (1) or to permission pursuant to the provisions of Article 12, paragraph (1), Article 19, paragraph (2), the main clause of Article 20, paragraph (3) (including cases in which it is applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including cases in which it is applied mutatis mutandis pursuant to Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including cases in which it is applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), Article 26, paragraph (1), Article 50, paragraph (1), or Article 61-2-11, or relating to revocation of the status of residence pursuant to the provisions of Article 22-4, paragraph (1).
- (2) An immigration inspector may require a foreign national and other persons concerned to appear, may ask questions, or request the presentation of documents, if necessary, for the inquiry set forth in the preceding paragraph.
- (3) The Minister of Justice or an immigration inspector may make inquiries of public offices or of public or private organizations and request submission of reports on necessary facts in relation to the inquiry set forth in paragraph (1).

Chapter VII Departure from and Return to Japan of Japanese Nationals

(Departure of Japanese Nationals)

- Article 60 (1) Any Japanese national (except for crew members) who departs from Japan with the intention of proceeding to an area outside of Japan shall possess a valid passport and shall receive confirmation of departure from an immigration inspector in accordance with the procedures provided by Ordinance of the Ministry of

Justice, at the port of entry or departure from which such person departs.

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

(Return to Japan of Japanese Nationals)

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

Chapter VII-2 Recognition of Refugee Status and Other Related Matters

(Recognition of Refugee Status)

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

- (2) When the recognition of refugee status has been made, the Minister of Justice shall issue a certificate of refugee status to the foreign national concerned in accordance with the procedures provided by Ordinance of the Ministry of Justice. If recognition of refugee status is denied, the foreign national shall be notified in writing with the reason attached.

(Permission Pertaining to Status of Residence)

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

following items:

- (i) The foreign national has filed the application set forth in paragraph (1) of the preceding Article 6 months after the date on which he/she landed in Japan (or the date on which he/she became aware of circumstances as a result of which he/she may have become a refugee while he/she was in Japan), unless there were unavoidable circumstances.
 - (ii) The foreign national has not entered Japan directly from a territory where his/her life, body or physical freedom was likely to be persecuted on the grounds prescribed in Article 1, paragraph A- (2) of the Refugee Convention, unless the circumstances under which he/she may have become a refugee arose while he/she was in Japan.
 - (iii) The foreign national falls under any of the persons listed in item (iii) to item (iii)-5 or sub-items (c) to (o) of item (iv) of Article 24.
 - (iv) The foreign national has, after entering Japan, been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters, 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 with or without work.
- (2) When a foreign national without a status of residence has filed the application set forth in paragraph (1) of the preceding Article and is denied recognition as a refugee, or the permission set forth in the preceding paragraph is not granted, the Minister of Justice shall examine whether there are grounds to grant special permission to stay to the foreign national without a status of residence, and may grant special permission to stay if he/she finds such grounds.
- (3) When granting permission as set forth in the preceding two paragraphs, the Minister of Justice shall determine the foreign national's status of residence and period of stay, and shall take the measures provided for in the respective item with regard to the categories listed in the following items. In such case, the permission shall become effective through the contents entered in the residence card or certificate of status of residence at the time of the issuance of the residence card or certificate of status of residence as provided for in the respective item.

- (i) When the foreign national pertaining to the permission becomes a mid to long-term resident: the Minister of Justice shall have an immigration inspector issue a residence card to the foreign national.
 - (ii) In cases other than the cases listed in the preceding item: the Minister of Justice shall 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 paragraph (2), the Minister of Justice shall revoke the permission for provisional landing or permission for landing pursuant to the provisions of Chapter III, Section 4, which has been granted to the foreign national.

Article 61-2-3 When a foreign national recognized as a refugee (except for a foreign national who has acquired a status of residence with the permission set forth in paragraph (2) of the preceding Article) files an application to change his/her status to that of "Long-Term Resident" pursuant to the provisions of Article 20, paragraph (2), or files an application to acquire the status of residence of "Long-Term Resident" pursuant to the provisions of Article 22-2, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-3), the Minister of Justice shall, notwithstanding the provisions of the main clause of Article 20, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), grant permission to the foreign national, unless the foreign national falls under item (i), paragraph (1) of the preceding Article.

(Permission for Provisional Stay)

- Article 61-2-4 (1) When a foreign national without a status of residence files the application set forth in Article 61-2, paragraph (1), the Minister of Justice shall permit the foreign national to stay in Japan provisionally, unless he/she falls under any of the following.
- (i) The foreign national has been granted permission for provisional landing.
 - (ii) The foreign national has been granted permission for landing at a port of call, landing permission for cruise ship tourists, permission for landing in transit, landing permission for crew members, permission for emergency landing or landing permission due to distress, and has not stayed in Japan beyond the period given in his/her passport or permit.
 - (iii) The foreign national has been permitted to stay in Japan pursuant to the

- provisions of Article 22-2, paragraph (1).
- (iv) The foreign national fell within the category of any of the persons listed in Article 5, paragraph (1), items (iv) to (xiv) when he/she entered Japan.
 - (v) There are reasonable grounds to suspect that the foreign national has fallen within the category of any of the persons set forth in Article 24, item (iii) to (iii)-5 or sub-items (c) to (o) of item (iv).
 - (vi) The foreign national clearly falls within either Article 61-2-2, paragraph (1), item (i) or item (ii).
 - (vii) The foreign national has, after entering Japan, been convicted of a crime provided in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act on Prevention and Disposition of Robbery, Theft, and Other Related Matters, 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 with or without work.
 - (viii) A written deportation order has been issued to the foreign national.
 - (ix) There are reasonable grounds to suspect that the foreign national is likely to flee.
- (2) When granting the permission set forth in the preceding paragraph, the Minister of Justice shall, pursuant to the provisions of an Ordinance of the Ministry of Justice, determine the period of stay pertaining to the permission (hereinafter referred to as the "period of provisional stay"), and have an immigration inspector issue a permit for provisional stay that states the period of provisional stay to the foreign national without a status of residence. In this case, the permission shall become effective with the contents thereof and as of the time of issuance.
- (3) When granting the permission set forth in paragraph (1), the Minister of Justice may, pursuant to the provisions of an Ordinance of the Ministry of Justice, impose restrictions on the foreign national without a status of residence on his/her place of residence, area of movement, activities, the obligation to appear upon receiving a summons, and other conditions which may be deemed necessary and, if deemed necessary, his/her fingerprints may be taken.
- (4) Upon receiving an application filed by a foreign national with the permission set forth in paragraph (1) to extend the period of provisional stay, the Minister of Justice shall permit the extension. In this case, the provisions of paragraph (2) shall apply

mutatis mutandis.

- (5) When a foreign national with the permission set forth in paragraph (1) subsequently comes to fall within any of the following items, the period of provisional stay granted to the foreign national (including the period of provisional stay extended pursuant to the provisions of the preceding paragraph; the same shall apply hereinafter) shall be deemed to have terminated at the time he/she comes to fall within the item.
- (i) The objection as set forth in Article 61-2-9, paragraph (1) has not been filed against a denial of recognition of refugee status, and the period set forth in paragraph (2) of the same Article has passed.
 - (ii) The objection as set forth in Article 61-2-9, paragraph (1) has been filed against a denial of recognition of refugee status, but the objection has been withdrawn or a decision has been made denying or dismissing the objection.
 - (iii) The foreign national has been recognized as a refugee but has not been granted the permission set forth in Article 61-2-2, paragraph (1) or paragraph (2).
 - (iv) The permission set forth in paragraph (1) has been revoked pursuant to the provisions of the next Article.
 - (v) The application set forth in Article 61-2, paragraph (2) has been withdrawn.

(Revocation of Permission for Provisional Stay)

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

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

departure as set forth in Article 25.

(Relation to Deportation Procedures)

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

(Revocation of Recognition of Refugee Status)

- Article 61-2-7 (1) When any of the facts listed in the following items are found with respect to a foreign national residing in Japan who has been recognized as a refugee, the Minister of Justice shall revoke the recognition of refugee status in accordance

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

- (i) The foreign national has been recognized as a refugee due to deceit or other wrongful means.
 - (ii) The foreign national has come to fall under any of the cases listed in Article 1, C-(1) to (6) of the Refugee Convention.
 - (iii) The foreign national has taken an action listed in Article 1, F-(a) or (c) of the Refugee Convention after being recognized as a refugee.
- (2) When revoking the recognition of refugee status pursuant to the provisions of the preceding paragraph, the Minister of Justice shall notify the foreign national concerned in writing with the reason attached and place a notice in the Official Gazette of the expiration of the certificate of refugee status and the refugee travel document pertaining to the foreign national.
- (3) When a foreign national who has been issued a certificate of refugee status or a refugee travel document receives a notice of revocation of the recognition of refugee status pursuant to the provisions of the preceding paragraph, he/she must promptly return these certificates to the Minister of Justice.

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

- Article 61-2-8 (1) When it is found that a foreign national residing in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II and recognized as a refugee has obtained, by deceit or other wrongful means, the permission set forth in Article 61-2-2, paragraph (1) on the grounds that the foreign national does not fall under any of the items under the same paragraph, the Minister of Justice may revoke his/her status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice.
- (2) The provisions of paragraphs (ii) to (ix) of Article 22-4 shall apply mutatis mutandis to the revocation of the status of residence pursuant to the provisions of the preceding paragraph. In this case, "immigration inspector" in paragraph (2) of the same Article shall be deemed to be replaced with "refugee inquirer", and "paragraph (1) (except for items (i) and (ii))" in paragraph (7) of the same Article shall be deemed to be replaced with "Article 61-2-8, paragraph (1)".

(Filing of an Objection)

- Article 61-2-9 (1) If a foreign national has an objection to any of the following dispositions, he/she may file an objection with the Minister of Justice by submitting a

document that states the matters provided by Ordinance of the Ministry of Justice.

- (i) Denial of recognition of refugee status.
 - (ii) Revocation of recognition of refugee status pursuant to the provisions of Article 61-2-7, paragraph (1).
- (2) The period provided for in Article 45 of the Administrative Complaint Investigation Act (Act No. 160 of 1962) for the objection set forth in the preceding paragraph shall be within 7 days from the date on which the foreign national received the notice set forth in Article 61-2, paragraph (2), or Article 61-2-7, paragraph (2).
 - (3) When making a decision on the objection set forth in paragraph (1), the Minister of Justice shall, as provided by Ordinance of the Ministry of Justice, consult with the refugee examination counselors.
 - (4) When making a decision pursuant to the provisions of Article 47, paragraph (1) or paragraph (2) of the Administrative Complaint Investigation Act regarding the objection set forth in paragraph (1), the Minister of Justice shall clearly state, in the reason to be attached to the decision, a summary of the opinions of the refugee examination counselors set forth in the preceding paragraph.
 - (5) The refugee examination counselors may request the Minister of Justice to give the petitioner or intervenor opportunities to present his/her opinion orally. In this case, the Minister of Justice shall immediately give him/her such opportunities.
 - (6) The refugee examination counselors may observe procedures in which the petitioner for objection or intervenor presents his/her opinion pursuant to the proviso of Article 25, paragraph (1), as applied mutatis mutandis pursuant to Article 48 of the Administrative Complaint Administrative Act, or the preceding paragraph, and may question the petitioner or intervenor.

(Refugee Examination Counselors)

- Article 61-2-10 (1) The Ministry of Justice shall have a number of refugee examination counselors present their opinions on the recognition of refugee status with respect to the objection pursuant to the provisions of paragraph (1) of the preceding Article.
- (2) The refugee examination counselors shall be appointed by the Minister of Justice from among persons of reputable character who are capable of making a fair judgment on the objection pursuant to the provisions of paragraph (1) of the preceding Article and who have an academic background in law or current international affairs.
 - (3) The term of the refugee examination counselors shall be 2 years, and they may be

reappointed.

(4) The refugee examination counselors shall execute their duties on a part-time basis.

(Special Provisions on Permanent Residence Permits for Refugees)

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

(Refugee Travel Document)

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

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

travel document and the administrative work shall be entrusted to a Japanese consular officer.

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

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

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

(Inquiry into the Facts)

- Article 61-2-14 (1) The Minister of Justice may have a refugee inquirer inquire into the facts if necessary for the recognition of refugee status, the granting of permission pursuant to the provisions of Article 61-2-2, paragraph (1) or paragraph (2), Article 61-2-3 or Article 61-2-4, paragraph (1), the revocation of permission pursuant to the provisions of Article 61-2-5, the revocation of recognition of refugee status pursuant to the provisions of Article 61-2-7, paragraph (1), or the revocation of status of residence pursuant to the provisions of Article 61-2-8, paragraph (1).
- (2) The refugee inquirer may request the persons concerned to appear and may ask questions or request the presentation of documents, if necessary, for the inquiry set forth in the preceding paragraph.
- (3) The Minister of Justice or the refugee inquirer may make inquiries of public offices

or of public or private organizations and request submission of reports on necessary facts in relation to the inquiry set forth in paragraph (1).

Chapter VIII Auxiliary Provisions

(Immigration Inspector)

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

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

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

(ii) To hear opinions pursuant to the provisions of Article 22-4, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)), to give a notice pursuant to the provisions of the proviso to Article 22-4, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 61-2-8, paragraph (2); the same shall apply in item (v) of paragraph (2) of the following Article) and to deliver a personal service 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.

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

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

(Immigration Control Officer)

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

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

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

(ii) To detain, escort and send back those persons who are subject to enforcement of

written detention orders and deportation orders.

- (iii) To guard immigration detention centers, detention houses and other facilities.
 - (iv) To conduct an inquiry into the facts pursuant to the provisions of Article 19-19, paragraph (1).
 - (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 shall apply mutatis mutandis to an immigration control officer.
- (4) The immigration control officer shall, concerning the application of the National Public Service Act (Act No. 120 of 1947), be deemed a member of the police force.
- (5) The ranks of immigration control officers shall be separately provided for by a Cabinet Order.

(Carrying and Use of Weapons)

- Article 61-4 (1) Immigration inspectors and immigration control officers may carry weapons in executing their duties.
- (2) Immigration inspectors and immigration control officers may use their weapons with respect to the execution of their duties within the limits judged to be reasonably necessary according to the circumstances. However, they shall not injure a person except in any of the following cases.
- (i) The case falls under Article 36 or 37 of the Penal Code.
 - (ii) The person subject to enforcement of the written detention order or deportation order attempts to resist the immigration inspector or immigration control officer executing his/her duties with respect to such person, or a third person resists the immigration inspector or immigration control officer in an attempt to allow said person to escape, and the immigration inspector or immigration control officer has reasonable grounds to believe that there are no alternative means of preventing such resistance or escape.

(Uniform and Identification Card)

- Article 61-5 (1) Immigration inspectors and immigration control officers shall, when executing their duties, except as otherwise provided by law or regulations, wear their respective uniforms or carry with them a proper identification card indicating their official status.
- (2) The identification card set forth in the preceding paragraph shall be shown upon

request to the person against whom the immigration inspector or immigration control officer is executing his/her duties.

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

(Detention House)

Article 61-6 Each regional immigration bureau shall be equipped with a detention house to detain persons who are subject to enforcement of written detention orders.

(Treatment of Detainees)

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

- (2) The detainee shall be provided with standardized bedding and supplied with standardized food.
- (3) The supplies furnished to the detainee shall be adequate and the accommodations at the immigration detention facilities shall be maintained in a sanitary condition.
- (4) The director of an immigration detention center or regional immigration bureau (hereinafter referred to as "director of the immigration detention facilities") may examine the body, personal effects or clothing of the detainee, and may retain the detainee's personal effects or clothing when he/she considers it necessary for the security or sanitation purposes of the immigration detention facilities.
- (5) The director of the immigration detention facilities may inspect any communications the detainee sends or receives, and may prohibit or restrict such sending or receiving when he/she considers it necessary for the security of the immigration detention facilities.
- (6) In addition to the matters prescribed in the preceding paragraphs, other necessary matters pertaining to the treatment of detainees shall be provided by Ordinance of the Ministry of Justice.

(Immigration Detention Facilities Visiting Committee)

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

- (2) In order to contribute to the proper administration of the immigration detention

facilities, the Committee shall inspect immigration detention facilities in the area of its responsibility as provided by Ordinance of the Ministry of Justice and state its opinion to the director of the immigration detention facilities.

(Organization)

- Article 61-7-3 (1) The Committee shall be composed of a maximum of 10 members.
- (2) The Minister of Justice shall appoint Committee members possessing high levels of integrity, insight and enthusiasm for the improvement of the administration of immigration detention facilities.
- (3) The term of the Committee members shall be 1 year and they may be reappointed.
- (4) The Committee members shall execute their duties on a part-time basis.
- (5) In addition to what is provided in the preceding paragraphs, necessary matters regarding the organization and administration of the Committees shall be provided by Ordinance of the Ministry of Justice.

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

- Article 61-7-4 (1) The director of immigration detention facilities shall furnish the Committee with information on the immigration detention facilities with respect to its state of administration pursuant to the provisions of an Ordinance of the Ministry of Justice.
- (2) The Committee may conduct a visit to the immigration detention facilities by the Committee members in order to grasp the circumstances of their administration of the immigration detention facilities. In this case, when the Committee deems necessary, it may elicit cooperation from director of the immigration detention facilities for conducting interviews of detainees by Committee members.
- (3) Directors of immigration detention facilities shall provide the necessary cooperation for such visits and interviews with detainees as set forth in the preceding paragraph.
- (4) Notwithstanding the provisions of Article 61-7, paragraph (5), documents submitted by detainees to the Committee shall not be inspected, and submission of documents to the Committee by detainees shall not be prohibited or restricted.

(Publication of the Opinions of the Committee)

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

(Inspecting Departure Waiting Facility)

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

(Cooperation of Other Administrative Organs)

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

(Notice Pertaining to an Entry, etc. in the Residence Certificate)

- Article 61-8-2 If the mayor of the municipality has made an entry, deleted or revised an entry in accordance with the provisions of a Cabinet Order in the residence certificate pertaining to a foreign resident provided for in Article 30-45 of the Residential Basic Book Act, he/she shall immediately notify the Minister of Justice to such effect.

(Provision of Information)

- Article 61-9 (1) The Minister of Justice may provide foreign authorities with duties corresponding to those duties of immigration control and recognition of refugee status provided by the Immigration Control and Refugee Recognition Act (hereinafter referred to as "foreign immigration authorities" in this Article) with information deemed helpful for the execution of their duties (limited to those duties corresponding

to the duties of immigration control and recognition of refugee status provided by the Immigration Control and Refugee Recognition Act; hereinafter the same shall apply in the next paragraph).

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

(Service)

- Article 61-9-2 (1) The service of 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)) shall be made to the place of residence of the person who is to be served by postal 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) Where the documents have been served pursuant to the provisions of the preceding

paragraph by postal mail or by correspondence delivery, the postal item or the letter item prescribed in Article 2, paragraph (3) of the Act on Correspondence Delivery by Private Business Operators shall be presumed to have been served at the time at which they should have ordinarily arrived.

- (3) The Minister of Justice shall 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 sending the documents in the cases provided for in the preceding paragraph.
- (4) The personal service shall be made through 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). However, when 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 personal service 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) In cases of being unable to meet the person who is to be served with the documents at the place where the delivery is to be made: The documents shall be delivered to a person living together with him/her, who may be expected to deliver the received documents to the person who is to be served.
 - (ii) Where the person who is to be served with the documents or the person prescribed in the preceding item is not at the place where the delivery is to be made, or such persons refuse to receive the documents without justifiable grounds: The documents shall be placed at the place where the delivery is to be made.
- (6) Where the place of residence of the person who is to be served is not clear with regard to the documents to be served pursuant to the provisions of any of the preceding paragraphs, the Minister of Justice may effect service by publication in lieu of such service. However, this shall 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) The service by publication shall be made by posting a notice at a 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 shall 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 shall be deemed to have been served on the elapse of two weeks from the date of commencing the

posting of the notice.

(Obligation of Appearance by the Foreign National and Notification, etc. by an Agent)

Article 61-9-3 (1) If the foreign national is to perform an act listed in the following items he/she shall perform it by appearing at the place prescribed in the 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 cases where it is 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 cases where it is 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.

(iii) An application pursuant to the provisions of Article 20, paragraph (2), Article 21, paragraph (2), Article 22, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-3)) or Article 22-2, paragraph (2) (including cases where it is 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 cases where it is applied mutatis mutandis pursuant to the provisions of Article 21, paragraph (4) and Article 22-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-3)), Article 22, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to the provisions of Article 22-2, paragraph (4) (including cases where it is 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) Where the foreign national is under 16 years of age or where he/she is unable to perform the act listed in item (i) or (ii) of the preceding paragraph himself/herself

owing to a disease or other grounds, such act shall be performed on behalf of the foreign national by a person listed in the following items (except for a person who is under 16 years of age) who is living with the foreign national in the order of the respective items.

(i) Spouse

(ii) Child

(iii) Father or mother

(iv) Relative other than the persons listed in the preceding three items.

(3) In addition to the cases prescribed in the preceding paragraph, where 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 item (i) and item (ii) of paragraph (1) on behalf of the foreign national upon the request of the foreign national or in other cases prescribed in an Ordinance of the Ministry of Justice, the foreign national is not required to appear in person and perform the act notwithstanding the provisions of paragraph (1).

(4) Where the legal representative of the foreign national is to perform an act listed in item (iii) of paragraph (1) on behalf of the foreign national or in other cases prescribed in an Ordinance of the Ministry of Justice, the foreign national is not required to appear in person and perform the act notwithstanding the provisions of the same paragraph.

(Basic Plan for Immigration Control)

Article 61-10 (1) The Minister of Justice shall formulate a basic plan for the control of the entry and residence of foreign nationals (hereinafter referred to as the "Basic Plan for Immigration Control"), in order to allow the exercise of equitable control over immigration affairs.

(2) The Basic Plan for Immigration Control shall provide for the following matters:

(i) Matters relating to foreign nationals' entry into and residence in Japan.

(ii) Matters relating to guidelines for the control of entry and residence of foreign nationals.

(iii) Matters necessary for implementation of the control of the entry and residence of foreign nationals, in addition to matters listed in the preceding two paragraphs.

(3) Prior to the formulation of the Basic Plan for Immigration Control, the Minister of Justice shall consult with the heads of the relevant administrative organs.

(4) The Minister of Justice shall announce an outline of the Basic Plan for Immigration Control without delay when it has been formulated.

- (5) The provisions of the preceding two paragraphs shall apply mutatis mutandis to modifications of the Basic Plan for Immigration Control.

Article 61-11 The Minister of Justice shall endeavor to exercise equitable control over the entry into and departure from Japan of foreign nationals based on the Basic Plan for Immigration Control.

(Furnishing of Information)

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

(Relation to Criminal Procedures)

Article 63 (1) If procedures provided for by laws and regulations related to criminal suits, enforcement of sentences, or treatment of the inmates of juvenile training school or women's guidance homes are being carried out with regard to any foreign national subject to deportation, deportation procedures may be taken against such foreign national pursuant to the provisions of Chapter V (except for Section 2, and

Articles 52 and 53) applicable mutatis mutandis, even when he/she is not being detained. In this case, "request the appearance of the suspect" in Article 29, paragraph (1), shall be deemed to be replaced with "request the appearance of the suspect or personally visit him/her", and "when a suspect has been delivered to him/her pursuant to the provisions of the preceding Article" in Article 45, paragraph (1), shall be deemed to be replaced with "when, as a result of investigation into violations, he/she has reasonable grounds to believe that the suspect falls within the category of a foreign national subject to deportation".

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

(Delivery of the Suspect)

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

(Special Cases under the Code of Criminal Procedure)

- Article 65 (1) In cases where a judicial police officer has arrested or taken custody of a foreign national suspected of committing any of the offenses set forth in Article 70, or of a flagrant offender regarding such an offense, and only in cases where a written detention order has been issued and the foreign national is not suspected of any other

criminal offense, the judicial police officer may deliver the suspect to an immigration control officer together with the pertinent documents and evidence, notwithstanding the provisions of Article 203 of the Code of Criminal Procedure (Act No. 131 of 1948) (including cases where it is applied mutatis mutandis pursuant to the provisions of Articles 211 and 216 thereof).

- (2) In the case referred to in the preceding paragraph, the procedure for delivering a suspect to an immigration control officer shall be undertaken within 48 hours from the time at which the suspect is taken into custody.

(Reward for Providing Information)

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

(Fees)

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

- (i) Permission for a change in status of residence pursuant to the provisions of 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).
- (iv) Re-entry permission pursuant to the provisions of Article 26, paragraph (1) (including permission for extension of the validity period pursuant to the provisions of paragraph (5) of the same Article).

Article 67-2 Any foreign national who is issued a certificate of authorization for employment pursuant to the provisions of Article 19-2, paragraph (1) or who is 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) based on an application

pursuant to the provisions of the second sentence of paragraph (1) of the same Article shall pay a fee in an amount provided by a separate Cabinet Order, which shall be determined by calculating the actual expenses.

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

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

(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 cases where it is 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) shall 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 a Cabinet Order, etc.)

Article 69 The procedures for the enforcement of the provisions of Chapter II through this Chapter and other matters necessary for the enforcement thereof shall be provided for by an Ordinance of the Ministry of Justice (a 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 provided for by the Immigration Control and Refugee Recognition Act may be delegated to the director of a regional immigration bureau pursuant to the provisions of an Ordinance of the Ministry of Justice. However, this shall not apply to the authorities prescribed in Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), the authorities prescribed in Article 22-4, paragraph (1) (limited to those pertaining to the status of permanent resident), or the authorities prescribed in Article 61-2-7, paragraph (1) and Article 61-2-11.

(Transitional Measures)

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

Chapter IX Penal Provisions

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

- (i) A person who has entered Japan in violation of the provisions of Article 3.
- (ii) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.
- (iii) A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to persons to whom item (i) or (ii) pertains) who has remained in Japan.
- (iii)-2 A person who has received a period designation pursuant to the provisions of Article 22-4, paragraph (7) (including cases where it is applied *mutatis mutandis* pursuant to Article 61-2-8, paragraph (2)) who has remained in Japan beyond the period designated.
- (iv) A person who is found to be clearly engaged solely in activities related to the management of business involving income or activities for which he/she has received remuneration in violation of the provisions of Article 19, paragraph (1).
- (v) A person who has remained in Japan beyond the permitted period of stay (including the period for which a person may reside in Japan pursuant to the provisions of Article 20, paragraph (5) (including case where it is applied *mutatis mutandis* pursuant to Article 21, paragraph (4))) authorized without obtaining an extension or change thereof.
- (vi) A person who has been granted permission for provisional landing and has fled or failed to appear at a summons without a justifiable reason in violation of the conditions imposed pursuant to the provisions of Article 13, paragraph (3).
- (vii) A person who has been granted permission for landing at a port of call, landing

- permission for cruise ship tourists, permission for landing in transit, landing permission for crew members, permission for emergency landing, landing permission due to distress or landing permission for temporary refuge, who has remained in Japan beyond the period entered in his/her passport or permit.
- (vii)-2 A person, who has been designated a period for departure pursuant to the provisions of Article 14-2, paragraph (9) and has not departed from Japan within such period.
- (vii)-3 A person, who has been designated a period for departure pursuant to the provisions of Article 16, paragraph (9), who has not returned to his/her vessel or departed from Japan within that period.
- (viii) A person prescribed in Article 22-2, paragraph (1), who has remained in Japan beyond the period prescribed in Article 22-2, paragraph (1), without receiving permission pursuant to the provisions of 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 has been issued a departure order pursuant to the provisions of Article 55-3, paragraph (1), who has remained in Japan beyond the time limit for departure pertaining to the departure order.
- (viii)-3 A person whose departure order has been revoked pursuant to the provisions of Article 55-6 who has remained in Japan.
- (viii)-4 A person who has been granted the permission set forth in Article 61-2-4, paragraph (1) who has remained in Japan beyond the period of provisional stay.
- (ix) A person who was recognized as a refugee due to deceit or other wrongful means.
- (2) Any person listed in the preceding items (i) or (ii) who has landed and stayed in Japan illegally shall be punished in the same manner.

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

(i) He/She is a refugee.

(ii) He/She entered Japan directly from a territory where his/her life, body or physical freedom was likely to be persecuted on the grounds prescribed in Article 1,

paragraph A-(2) of the Refugee Convention.

(iii) The act pertaining to the crime was committed because of reasonable grounds for the preceding item.

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

Article 71-2 Any person who falls under any of the following items shall be punished with imprisonment with work for not more than 1 year or a fine not exceeding 200,000 yen.

(i) A person who has submitted 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.

(ii) A person who has violated the provisions of Article 19-11, paragraph (1), Article 19-12, paragraph (1) or Article 19-13, paragraph (3).

Article 71-3 Any person who falls under any of the following items shall be punished with a fine not exceeding 200,000 yen.

(i) A person who has not given notification of his/her place of residence in violation of the provisions of Article 19-7, paragraph(1) or Article 19-8, paragraph (1).

(ii) A person who has not given notification of his/her new place of residence in violation of the provisions of Article 19-9, paragraph (1).

(iii) A person who has violated the provisions of Article 19-10, paragraph (1), Article 19-15 (except for paragraph (4)) or Article 19-16.

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

(i) When a person, after being taken into custody pursuant to a written detention order or deportation order, has escaped.

(ii) When a person who has been granted landing permission for cruise ship tourists has fled without returning to the ship by the time of the designated passenger ship

departing from the port of entry or departure after he/she disembarked at the Japanese port of entry or departure at which the designated passenger ship pertaining to the permission made a port of call.

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

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

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

- (i) A person who has had a foreign national engage in illegal work in connection with

business activities.

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

(iii) A person who has arranged on a regular basis for a foreign national to engage in illegal work or who has made arrangements for the act set forth in the preceding item.

(2) Any person who has performed an act falling under one of the items of the preceding paragraph shall 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. However, this shall not apply in cases where 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 he/she receives remuneration which are not included among those activities corresponding to the status of residence of the foreign national.

(ii) The foreign national has not been granted the permission set forth in Article 19, paragraph (2) in engaging in the activities of the foreign national.

(iii) The foreign national is a person listed in Article 70, paragraph (1), items (i) to (iii)-2, item (v), items (vii) to (vii)-3 or items (viii)-2 to (viii)-4.

Article 73-3 (1) Any person who has forged or altered a residence card for the purpose of use shall be punished with imprisonment with work for not less than 1 year nor more than 10 years.

(2) Any person who has used a forged or altered residence card shall also be punished in the same manner as given in the preceding paragraph.

(3) Any person who has provided or received a forged or altered a residence card for the purpose of use shall also be punished in the same manner as given in paragraph (1).

(4) Any attempt of a crime set forth in the preceding three paragraphs shall be punished.

Article 73-4 Any person possessing a forged or altered a residence card for the purpose of use shall be punished with imprisonment with work for not more than 5 years or a fine not exceeding 500,000 yen.

Article 73-5 Any person who has prepared instruments or materials for the purpose of furnishing them for use in a criminal act set forth in Article 73-3, paragraph (1) shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 500,000 yen.

Article 73-6 (1) Any person falling under any of the following items shall be punished with imprisonment with work for not more than 1 year or a fine not exceeding 200,000 yen.

(i) A person who has used a residence card in another person's name.

(ii) A person who has provided, received or possessed a residence card in another person's name for the purpose of use.

(iii) A person who has provided his/her own residence card for the purpose of use.

(2) Any attempt of a crime set forth in the preceding paragraph (except for the part pertaining to possession) shall be punished.

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

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

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

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

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

Article 74-3 Any person who has prepared vessels or aircraft for criminal use with the intention of committing the crime set forth in Article 74, paragraph (1) or (2), or the preceding Article shall be punished with imprisonment with work for not more than 2

years or a fine not exceeding 1 million yen. The same shall be applied to any person who knowingly provided vessels or aircraft for criminal use.

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

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

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

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

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

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

(i) A person who, for the purpose of aiding another to commit illegal entry or landing, has been 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.

(ii) A person who has possessed, offered or received the following documents for the purpose of aiding another to commit illegal entry or landing.

(a) Documents that have been falsified to serve as a passport (except for passports prescribed in Article 2, items (i) and (ii) of the Passport Act and travel certificates prescribed in Article 19-3, paragraph (1) of the same Act; hereinafter the same shall apply in this paragraph), crew member's pocket-ledger or re-entry permit.

(b) A passport, crew member's pocket-ledger, or re-entry permit that is invalid for the person who commits the illegal entry or landing.

(iii) A person who, for the purpose of violating the provisions of Article 70, paragraph (1), item (i) or (ii), has been 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.

(iv) A person who has possessed or received the following documents for the purpose of violating the provisions of Article 70, paragraph (1), item (i) or (ii).

(a) Documents that have been falsified to serve as a passport, crew member's pocket-ledger or re-entry permit.

(b) A passport, crew member's pocket-ledger or re-entry permit that is invalid for the possessor.

(2) Any person who has committed the crime set forth in the provisions of item (i) or (ii) of the preceding paragraph for the purpose of profit shall be punished with imprisonment with work for not more than 5 years and a fine not exceeding 5 million yen.

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

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

Article 74-8 (1) Any person who has harbored or enabled foreign nationals who fall under Article 24, item (i) or item (ii) to escape for the purpose of allowing them to avoid deportation, shall be punished with imprisonment with work for not more than

3 years or a fine not exceeding 3 million yen.

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

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

Article 75-2 Any person who falls under any of the following items shall be punished with imprisonment with work for not more than 1 year or a fine not exceeding 200,000 yen.

- (i) A person who did not receive the residence card in violation of the provisions of Article 23, paragraph (2).
- (ii) A person who refused to present the residence card in violation of the provisions of Article 23, paragraph (3).

Article 75-3 Any person not carrying his/her residence card on his/her person in violation of the provisions of Article 23, paragraph (2) shall be punished with a fine not exceeding 200,000 yen.

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

- (i) A person who violates the provisions of Article 23, paragraph (1).
- (ii) A person who has refused to present a passport, a crew member's pocket-ledger or permit in violation of the provisions of Article 23, paragraph (3).

(Concurrent Impositions)

Article 76-2 In cases where the representative of a juridical person, the agent of a juridical or natural person, the employee of a juridical or natural person, or any other person working for a juridical or natural person, has committed any of the crimes set forth in Article 73-2 or in Articles 74 to 74-6, any of the crimes or attempts to commit

the crimes set forth in Article 74-6-2 (except for paragraph (1), items (iii) and (iv)), or the crimes set forth in Article 74-8 in relation to the business of the juridical or natural person, such juridical or natural person, along with the person who has committed the crime, shall be punished with the relevant fine under each of the aforementioned provisions.

(Non-penal Fines)

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

- (i) A person who has refused to undergo or has obstructed an examination or any other duty executed by an immigration inspector in violation of the provisions of Article 56.
- (i)-2 A person who, in violation of the provisions of Article 56-2, has allowed foreign nationals to enter Japan without checking their passports, crew members pocket-ledgers, or re-entry permits.
- (ii) A person who fails to report or falsely reports in violation of the provisions of Article 57, paragraph (1) or (2), fails to report in violation of the provisions of paragraph (3) of the same Article, or fails to report or falsely reports in violation of the provisions of paragraphs (4) to (7) or the first sentence of paragraph (9) of the same Article.
- (iii) A person who has failed to take preventive measures against landing in violation of the provisions of Article 58.
- (iv) A person who has neglected to send back a foreign national in violation of the provisions of Article 59.

Article 77-2 Any person listed in any of the items of Article 61-9-3, paragraph (2) who, in violation of the provisions of the same Article, has not filed 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), has not received the residence card returned pursuant to the provisions of Article 19-7, paragraph (2) (including cases where it is 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 cases where it is 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 has not filed an application pursuant to the provisions of Article 19-11, paragraph (1), Article 19-12, paragraph

(1) or Article 19-13, paragraph (3) shall be punished with 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 shall be confiscated. However, this shall not apply if the vessel, aircraft or vehicle is owned by a person other than the offender and falls under any of the following:

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

Appended Table 1 (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)

Status of Residence
Diplomat
Official
Professor
Artist
Religious Activities
Journalist

(2)

Status of Residence
Highly Skilled Professional
Business Manager
Legal/Accounting Services
Medical Services

Researcher
Instructor
Engineer/Specialist in Humanities/International Services
Intra-company Transferee
Entertainer
Skilled Labor
Technical Intern Training

(3)

Status of Residence
Cultural Activities
Temporary Visitor

(4)

Status of Residence
Student
Trainee
Dependent

(5)

Status of Residence
Designated Activities

Appended Table 2 (Re. Art. 2-2 ,7, 22-3, 22-4, 61-2-2, and 61-2-8)

Status of Residence	Personal Status or Position for Which Residence is Authorized
Permanent Resident	Those who are permitted permanent residence by the Minister of Justice.
Spouse or Child of Japanese National	The spouse of a Japanese national, or those born as the child of a Japanese national or a child specially adopted by a Japanese national.
Spouse or Child of Permanent Resident	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 Resident	Those who are authorized to reside in Japan with a period of stay designated by the Minister of Justice in consideration of special circumstances.

Annex 3

Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations (Extract)

(Recognition of Internment Status)

Article 10 The recognition officer of internment status shall, when he/she has taken the delivery of a captive person pursuant to the provision of the paragraph (2) of Article 6 or the paragraph (4) of preceding Article, recognize promptly whether the said captive person fall to a person subject to internment (This recognition includes recognition, if he/she falls to a person subject to internment, as to whether he/she comes under any of the cases listed in the sub item (a) to (k) of item 4 of Article 3. hereinafter, referred to as "recognition of internment status").

(Considerations to Protecting Powers, etc.)

Article 25 The prisoner of war camp commander shall respect missions that the representatives of protecting powers and designated Red Cross International Organization (i.e. Red Cross International Organization provided by the Cabinet Order. The same shall apply hereinafter) and designated assisting organizations (i.e. organizations which assist the detainees and are designated by Minister of Defense. The same shall apply hereinafter) fulfill pursuant to the provisions of the Third Convention and the First Additional Protocol, and shall especially take considerations so that no hindrance may be caused in the fulfillment of said missions.

(Medical Inspection)

Article 31 (1) In the prisoner of war camp, the medical inspections for the detainees shall be held promptly after the commencement of the detention to the prisoner of war camp and regularly at the frequency of once a month or more. The medical inspections shall also be held if there exists necessity to do so in terms of the hygiene inside the prisoner of war camp.

(2) The detainees shall undergo the medical inspections prescribed in the preceding paragraph. In the case of the foregoing, the detainees shall not be able to refuse blood sampling, radiography or otherwise any other medical treatments within the limit necessary for conducting the medical inspections.

(Visits by representatives of protecting powers, etc.)

Article 80 (1) The prisoner of war camp commander shall, in cases where any of the persons listed in the following items request to visit detainees, permit detainees to receive the visit. In this case, no staff member of the prisoner of war camp attends a visit for a detainee:

- (i) Representatives of protecting powers;
- (ii) Representatives of designated Red Cross International Organization;
- (iii) Defense counsels in criminal cases of the detainee.

(2) The prisoner of war camp commander may, in cases of permitting visit pursuant to the provision of the preceding paragraph, make necessary minimum conditions for visit, such as date and time, and visiting site, pursuant to the an Ordinance of the Ministry of Defense, for not causing an extraordinary hindrance to the management and administration of the prisoner of war camp, only to the extent not to preclude the purpose of the visit.

(Other visitors)

Article 81 (1) In cases where a person other than those listed in all items of the paragraph (1) of the preceding Article requests to visit a detainee, if it is deemed that there is a special circumstance where the visit is necessary, and if it is deemed that there is no risk of causing hindrance to the management and operations of the prisoner of war camp by permitting such visit, then the prisoners of war camp commander may, in the manner set forth by the Ministry of Defense, permit the detainee to receive the visit.

(2) The staff member of the prisoner of war camp shall attend the visit set forth in the preceding paragraph to the extent the attendance is not inconsistent with the business purposes of the visitors.

(3) In the cases where the detainee or the visitor commits any act clearly deviating from, or makes any oral statement those contents clearly deviates from what is necessary to carry out the business to which the visit has permitted, a staff member of prisoners of war camp may either restrain the conducts or oral statements, or suspend the visit. In this case, the staff member may order the detainee or the visitor to withdraw from the visiting site, or may take any other necessary measures to suspend the visit.

(4) In cases where a visit is suspended pursuant to the provision of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the prisoners of war camp commander may terminate the visit.

(Appeal for review on the recognition of internment status by interned persons)

Article 106 (1) A person who has issued a written internment order pursuant to the provision of Article 18 may, when he/she is dissatisfied with the recognition of internment status prescribed in paragraph (1) or (3) of Article 16 (i.e. the recognition of internment status prescribed in the said two paragraphs entails a judgment on the necessity for internment pursuant to paragraph (2) of Article 16. The same shall apply hereinafter, except for paragraphs (2) and (3) of Article 121.), appeal in writing or orally, pursuant to Cabinet Order, to the Review Board for a review on the recognition of internment status.

(2) The appeal for review on the recognition of internment status prescribed in the preceding paragraph shall be made within 60 days from the day immediately following the day on which the written internment order was shown pursuant to the provision of paragraph (2) of Article 19; provided, however, that this shall not apply when the applicant has made a prima facie showing to the effect that he/she has reasonable grounds for having been unable to make an appeal for review on the recognition of internment status within the said period of time.

(3) The appeal for review on the recognition of internment status prescribed in the paragraph (1) shall be made through a recognition officer of internment status or a prisoner of war camp commander.

(4) With regard to the computation of period of time for the appeal for review on the recognition of internment status provided in the preceding paragraph, the appeal for review on the recognition of internment status shall be deemed to have been made at the time of submission of a written application for review on the recognition of internment status to, or of the statement to the said organizations through which the appeal was made.

(Preparation of criteria)

Article 137 (1) Upon armed attack situations, the Minister of Defense shall prepare the following criteria for the repatriation of prisoners of war, medical personnel, and chaplains in armed attack situations without delay:

- (i) Criterion for the recognition of serious wounds or sickness (i.e. criteria for recognizing whether prisoners of war, medical personnel, or chaplains in captivity are seriously wounded or sick persons subject to repatriation (who fall under any of item (1) to (3) of paragraph 1 of Article 110 of the Third Convention and are fit to transfer; the same shall apply hereinafter));
- (ii) Criteria for the repatriation of medical personnel (i.e. criteria for ceiling on the number of medical personnel who may be retained in accordance with the number

- of detainees and for ceiling on the number of those who may be retained in accordance with the classification of their duties, and for the repatriation of medical personnel in cases where these ceilings are exceeded, and for the repatriation of retained medical personnel in conjunction with relief thereof; the same shall apply hereinafter);
- (iii) Criteria for the repatriation of chaplains (i.e. criteria for ceiling on the number of chaplains who may be retained in accordance with the number of detainees and for ceiling on the number of those who may be retained in accordance with the classification of their duties, and for the repatriation of chaplains in cases where these ceilings are exceeded; the same shall apply hereinafter).
- (2) After the end of armed attack situations, the Minister of Defense shall promptly prepare the order of detainees who are to be issued the written repatriation order, places where detainees are to be delivered to (hereinafter referred to as "place of repatriation"), means of transportation to the place of repatriation, contents of personal effects to be carried with them at the time of repatriation and other criteria necessary for the implementation of repatriation (hereinafter referred to as "criteria for repatriation at the end of armed attack").
- (3) In addition to what is provided in the preceding two paragraphs, the Minister of Defense may prepare the following criteria for the repatriation of prisoners of war in armed attack situations:
- (i) Criteria for repatriation for release on parole (i.e. criteria for repatriation for the purpose of release on parole or promise prescribed in paragraph 2 of Article 21 of the Third Convention; the same shall apply hereinafter);
- (ii) Criteria for repatriation for the exchange, etc. of prisoners of war (i.e. criteria for the repatriation for exchanging prisoners of war with foreign governments and others equivalent thereto to which the enemy armed forces belong, and for the repatriation of prisoners of war who are considered no longer need to be interned in consideration of the defense of Japan; the same shall apply hereinafter).
- (4) In addition to what is provided in the preceding three paragraphs, the Minister of Defense may, upon armed attack situations, prepare criteria (hereinafter referred to as "criteria for the outgoing transfer") for the transfer of prisoners of war to a contracting party of the Third Convention not engaged in the armed attack (hereinafter referred to as "outgoing transfer") in order to take any of the measures set out under the following item:
- (i) Outgoing Transfer to such contracting party pursuant to paragraph 2 of Article 12 of the Third Convention;

- (ii) Accommodation or internment in such contracting party, pursuant to paragraph 2 of Article 109 of the Third Convention.
- (5) When the Minister of Defense has prepared criteria for recognition of a serious wound or sickness, repatriation of medical personnel, repatriation of chaplains, repatriation at the end of armed attack, repatriation for release on parole, repatriation in conjunction with an exchange, etc. of prisoners of war or the outgoing transfer (hereinafter referred to as "criteria for repatriation, etc."), he/she shall promptly notify the prisoner of war camp commander of the criteria for repatriation, etc.
- (6) The criteria for repatriation, etc. shall be compliance with the contents of the Third Convention and other international agreements.

Article 167 (1) The recognition officer of internment status shall, in the manner set forth by the Minister of Defense, periodically report to the Minister of Defense on captive persons in his/her custody.

- (2) The prisoner of war camp commanders shall, as provided for by the Minister of Defense, periodically report to the Minister of Defense on the situation and state of the detainees at the prisoner of war camp.
- (3) In addition to what is provided in the preceding paragraph, the handling of information with regards to detainees at a prisoner of war camp shall be provided for by an Ordinance of the Ministry of Defense.

Annex 4

Code of Criminal Procedure (Extract)

Article 30 (1) The accused or the suspect may appoint counsel at any time.
(2) The legal representative, curator, spouse, lineal relative, brother or sister of the accused or suspect may independently appoint counsel.

Article 31 (1) A counsel shall be appointed from among lawyers.
(2) In a summary court, family court or district court, any person who is not a lawyer may, with the permission of the court, be appointed to be a counsel; provided, however, that this shall apply, in a district court, only when there is another counsel appointed from among lawyers.

Article 31-2 (1) The accused or suspect, who intends to appoint counsel, may make a request to the bar association for the appointment of counsel.
(2) Where the bar association has been requested as prescribed in the preceding paragraph, it shall introduce prospective counsel from among the attorneys belonging to the bar association.
(3) When there are no prospective counsel as prescribed in the preceding paragraph, the bar association shall promptly notify the person who made the request to such effect. The same shall also apply when the attorney who was introduced as prescribed in the preceding paragraph refuses the request for appointment of counsel made by the accused or suspect.

Article 32 (1) The appointment of counsel made prior to the institution of prosecution shall have its effect also in the trial of first instance.
(2) The appointment of counsel after the institution of prosecution shall be made at each instance.

Article 33 When there is more than one counsel for the accused, a chief defense counsel shall be designated pursuant to the Rules of Court.

Article 34 The judicial power of the chief counsel prescribed in the preceding Article shall be provided by the Rules of Court.

Article 35 The court may limit the number of counsel of the accused or the suspect pursuant to the Rules of Court; provided, however, that with regard to the counsel for the accused, this shall only be when there are special circumstances.

Article 36 When the accused is unable to appoint counsel because of indigency or other reasons, the court shall appoint counsel for the accused upon his/her request; provided, however, that this shall not apply when counsel has been appointed by a person other than the accused.

Article 36-2 Except in cases requiring counsel as set forth pursuant to this Code, when making the request as prescribed in the preceding Article, the accused shall submit a report on his/her financial resources (total amount of cash, savings and other assets equivalent thereto provided for in a Cabinet Order (hereinafter referred to as "financial resources") of such person) and a document reporting their breakdown.

Article 36-3 (1) Except in cases requiring counsel as set forth pursuant to this Code, where the accused, whose financial resources are equal to or more than the base amount (meaning the amount provided for in a Cabinet Order as the amount sufficient in general to cover the remuneration and expenses of the counsel after taking into account the necessary average cost of living; the same shall apply hereinafter) is to make the request set forth under Article 36, he/she must first have made the request set forth under Article 31-2 to the bar association within the jurisdictional district of the district court which has jurisdiction over the court where the request is to be made.

(2) Where the bar association, which received the request provided for in paragraph (1) of Article 31-2 as set forth under the provision of the preceding paragraph, has given the notification set forth under the provision of paragraph (3) of the same Article, it shall notify the district court set forth under the preceding paragraph or the court where the case is pending to such effect.

Article 37 The court may appoint counsel ex-officio if there is no counsel for the accused when:

- (i) The accused is a minor;
- (ii) The accused is over seventy years of age;
- (iii) The accused is unable to hear or speak;
- (iv) There is the possibility that the accused is insane or has diminished capacity;
- (v) It is deemed necessary for other reasons.

Article 37-2 (1) In cases where a detention warrant is issued against the suspect with regard to a case punishable with the death penalty, life imprisonment, or imprisonment with or without work for more than three years, if the suspect is unable to appoint counsel due to indigence or any other grounds, the judge shall appoint counsel for the suspect upon a request; provided, however, that this shall not apply when counsel has been appointed by a person other than the suspect or the suspect has been released.

(2) The request set forth in the preceding paragraph may also be made by a suspect whose detention has been requested with regard to the cases provided for in the same paragraph.

Article 37-3 (1) A report on financial resources shall be submitted when making the request set forth in paragraph (1) of the preceding Article.

(2) If a suspect, whose resources are equal to or above the base amount, is to make the request set forth in paragraph (1) of the preceding Article, he/she must have first made the request set forth in paragraph (1) of Article 31-2 to the bar association within the jurisdictional district of the district court, which has jurisdiction over the place where the court to which the judge who received the request for detention belongs is located.

(3) Where the bar association, which received the request set forth in paragraph (1) of Article 31-2 pursuant to the provision of the preceding paragraph, has given the notification pursuant to the provision of paragraph (3) of the same Article, it shall notify the district court set forth in the preceding paragraph to such effect.

Article 37-4 In cases where a judge has issued a detention warrant for a suspect with regard to the cases provided for in paragraph (1) of Article 37-2 and the suspect has no counsel, he/she may appoint counsel ex officio when he/she finds it to be necessary with regard to a suspect who is suspected of having difficulty in judging whether or not counsel is required due to a mental disability or any other grounds; provided, however, that this shall not apply when the suspect has been released.

Article 37-5 In cases where the judge is to appoint or has appointed the counsel provided for in the provision of paragraph (1) of Article 37-2 or in the preceding Article with regard to a case punishable with the death penalty, life imprisonment with or without work, where he/she finds it to be particularly necessary, he/she may appoint one more counsel ex officio; provided, however, that this shall not apply when the suspect has been released.

Article 38 (1) The counsel to be appointed by the court, the presiding judge or a judge based on the provisions of this Code shall be appointed from among attorneys.

(2) The counsel who is appointed pursuant to the provision of the preceding paragraph shall be entitled to travel expenses, a daily allowance, accommodation charges and remuneration.

Article 38-2 The appointment of counsel by a judge shall cease to be effective if the suspect for the case pertaining to the appointment has been released; provided, however, that this shall not apply if such release is due to suspension of the execution of detention.

Article 38-3 (1) Where the court finds that any of the following items applies, it may dismiss the counsel who was appointed by the court, the presiding judge or a judge:

(i) It is no longer necessary to appoint counsel due to the fact that counsel has been appointed pursuant to the provision of Article 30 or based on other reasons.

(ii) There is a conflict of interests between the accused and the counsel, and it is inappropriate for the counsel to continue with his/her duties.

(iii) The counsel is unable to execute his/her duties or it has become difficult for him/her to execute his/her duties due to a mental or physical disorder or any other reason.

(iv) It is inappropriate to have the counsel continue with his/her duties due to the counsel substantially contravening his/her duties.

(v) It is inappropriate to have the counsel continue with his/her duties due to assault or intimidation towards the counsel or some other cause imputable to the accused.

(2) When dismissing the counsel, his/her opinion shall be heard in advance.

(3) When dismissing the counsel, such dismissal shall be conducted so as not to unduly restrict the rights of the accused.

(4) Prior to the institution of prosecution, the dismissal of the counsel shall be conducted by the judge who appointed the counsel. In this case, the provisions of the preceding three paragraphs shall apply *mutatis mutandis*.

Article 38-4 Any person who has submitted a report of financial resources that contains a false statement with regard to his/her financial resources for the purpose of misleading the judgment of the court or a judge shall be punished by a civil fine of not more than 100,000 yen.

Article 39 (1) The accused or the suspect in custody may, without any official being present, have an interview with, or send to or receive documents or articles from counsel or prospective counsel upon the request of a person entitled to appoint counsel (with regard to a person who is not a lawyer, this shall apply only after the permission prescribed in paragraph (2) of Article 31 has been obtained).

(2) With regard to the interview or the sending or receiving of documents or articles prescribed in the preceding paragraph, such measures may be provided by laws and regulations (including the Rules of Court; the same shall apply hereinafter) as are necessary to prevent the flight of the accused or the suspect, the concealment or destruction of evidence, or the sending or receiving of articles which may hinder safe custody.

(3) A public prosecutor, public prosecutor's assistant officer or judicial police official ("judicial police official" means both a judicial police officer and a judicial constable; the same shall apply hereinafter) may, when it is necessary for investigation, designate the date, place and time of the interview or sending or receiving of documents or articles prescribed in paragraph (1) only prior to the institution of prosecution; provided, however, that such designation shall not unduly restrict the rights of the suspect to prepare for defense.

Article 40 (1) A counsel may, after the institution of prosecution, inspect and copy in the court, documents and articles of evidence relating to the trial; provided, however, that the counsel shall obtain permission from the presiding judge when copying the articles of evidence.

(2) Notwithstanding the preceding paragraph, the recording medium prescribed in paragraph (3) of Article 157-4 shall not be copied.

Article 41 A counsel may undertake a procedural action independently only when especially provided for in this Code.

Article 60 The court may detain the accused when there is probable cause to suspect that he/she has committed a crime and when:

- (i) The accused has no fixed residence;
 - (ii) There is probable cause to suspect that he/she may conceal or destroy evidence;
 - (iii) The accused has fled or there is probable cause to suspect that he/she may flee.
- (2) The period of detention shall be two months from the date of institution of

prosecution. In cases where it is especially necessary to continue the detention, the period may, by a ruling with a specific reason, be extended for additional one-month periods; provided, however, that the extension shall only be allowed once, except as otherwise prescribed in item (i), (iii), (iv) or (vi) of Article 89.

(3) With regard to cases which shall be punished with a fine of not more than 300,000 yen (with regard to crimes other than those under the Penal Code, the Act on Punishment of Physical Violence and Others (Act No. 60 of 1925), and the Act on Penal Provisions related to Economic Activities (Act No. 4 of 1944), 20,000 yen for the time being), a misdemeanor detention or petty fine, the provision of paragraph (1) of this Article shall apply only when the accused has no fixed residence.

Article 79 When the accused has been detained, his or her counsel shall be notified immediately. When no counsel has been appointed for the accused, notification shall be given to the person who has been specified by the accused from among his/her legal representative, curator, spouse, lineal relatives and siblings.

Article 80 The accused under detention may, subject to relevant laws and regulations, have an interview with, or send to or receive documents or articles from persons other than those prescribed in paragraph (1) of Article 39. The same shall apply to an accused who is detained in a prison by a subpoena.

Article 82 (1) The accused under detention may request the court to disclose the grounds for detention.

(2) The defense counsel, legal representative, curator, spouse, lineal relative, sibling or other interested person of the accused under detention may also request the disclosure prescribed in the preceding paragraph.

(3) The requests prescribed in the preceding two paragraphs shall, when bail is granted or execution of detention is suspended or rescinded or when the detention warrant becomes ineffective, lose their effect.

Article 83 (1) The grounds for detention shall be disclosed in an open court.

(2) The court shall be convened in the presence of a judge and court clerks.

(3) The court may not be convened without the presence of the accused and his/her counsel; provided, however, that this shall not apply when the accused him/herself cannot attend the court because of illness or other unavoidable reasons and he/she has no objection, or when the accused has no objection to his/her counsel not appearing.

Article 84 (1) The presiding judge shall give the grounds for detention in court.

(2) The public prosecutor, the accused or his/her counsel, and other requesting persons may state their opinions; provided, however, that the presiding judge may, when he/she believes it to be appropriate, order them to submit written opinions in lieu of oral statements.

Article 143 The court may, except as otherwise provided in this Code, examine any person as a witness.

Article 144 The court shall not examine, without the consent of the supervisory public agency, a public officer or ex-public officer on matters which he/she has come to know, when the officer or the public office asserts that the knowledge of the public officer or ex-public officer pertains to official confidential information; provided, however, that the supervisory public agency may not refuse to give consent except where such examination may harm important national interests.

Article 145 When the person prescribed in the following items asserts as prescribed in the preceding Article, the court may not examine him/her as a witness without the consent of the House with regard to the person prescribed in item (i), or the consent of the Cabinet with regard to the person prescribed in item (ii).

(i) A Member or ex-Member of the House of Representatives or the House of Councillors

(ii) The Prime Minister, other Ministers of State or ex-Ministers of State.

(2) In the cases prescribed in the preceding paragraph, the House of Representatives, the House of Councillors and the Cabinet may not refuse to give consent except where such examination may harm important national interests.

Article 146 Any person may refuse to give testimony when there is the fear that such testimony may result in his/her criminal prosecution or conviction.

Article 147 Any person may refuse to give testimony when there is the fear that such testimony may result in criminal prosecution or conviction against:

(i) His/her spouse, blood relatives within the third degree of kinship or relatives by affinity within the second degree of kinship or a person who formerly had such relative relationships with him/her;

- (ii) His/her guardian, the supervisor of his/her guardian or a curator
- (iii) A person for whom he/she is a guardian, supervisor of a guardian or a curator

Article 148 A person who has the relationship prescribed in the preceding Article with one or more of the accomplices or co-defendants may not refuse to give testimony on matters relating only to the other accomplices or codefendants.

Article 149 A physician, dentist, midwife, nurse, attorney (including a foreign lawyer registered in Japan), patent attorney, notary public or a person engaged in a religious occupation, or any other person who was formerly engaged in any of these professions may refuse to give testimony on matters pertaining to the confidential information of others which he/she came to know through entrusted professional conduct; provided, however, that this shall not apply when the person in question has given consent, when the refusal is deemed to be an abuse of rights wholly for the interests of the accused (unless the person is the accused), or where there exist other circumstances provided for by the Rules of Court.

Article 150 (1) When the summoned witness does not appear without justifiable reason, the court may punish him/her by a ruling of a civil fine of not more than 100,000 yen and order him/her to compensate for the expenses caused by the absence.
(2) An immediate appeal against the ruling prescribed in the preceding paragraph may be filed.

Article 151 (1) Any person summoned as a witness who does not appear without justifiable reason shall be punished by a fine of not more than 100,000 yen or a misdemeanor detention.
(2) The court may, taking into account his/her circumstances, punish the person who has committed the crime prescribed in the preceding paragraph by cumulative imposition of both a fine and misdemeanor detention.

Article 152 When the witness fails to obey the summons, the court may resummons or subpoena him/her.

Article 153 The provisions of Articles 62, 63 and 65 shall apply mutatis mutandis to the summons of a witness. The provisions of Articles 62, 64, 66, 67, 70, 71 and paragraph (1) of Article 73 shall apply mutatis mutandis to the subpoena of a witness.

Article 153-2 When it is necessary to escort or bring a witness to the designated place on execution of a subpoena, the court may temporarily detain him/her at the nearest police station or any other appropriate place.

Article 154 The court shall, except as otherwise provided in this Code, have a witness swear an oath.

Article 155 (1) The court shall, with regard to a witness unable to understand the meaning of an oath, examine him/her without the oath.

(2) Even if the witness prescribed in the preceding paragraph has sworn an oath, the admissibility of his/her statement as testimony shall not be denied or weakened.

Article 156 (1) The court may have a witness testify on matters inferred from the things which he/she has actually experienced.

(2) The admissibility of the testimony prescribed in the preceding paragraph shall not be denied or weakened even if the testimony contains an expert opinion.

Article 157 (1) The public prosecutor and the accused or his/her counsel may attend the examination of a witness.

(2) The date, time and location of the witness examination shall be notified in advance to those who are entitled to attend the examination in accordance with the preceding paragraph; provided, however, that this shall not apply when any of these persons declares in advance to the court their intent of not attending.

(3) The person prescribed in paragraph (1) of this Article may, when he/she attends the examination, examine the witness him/herself after notifying the presiding judge of his intent.

Article 157-2 (1) In the examination of a witness the court may, after hearing the opinions of the public prosecutor and the accused or his/her counsel, when, taking into account the witness's age, mental or physical condition or other circumstances, the witness is likely to feel extreme anxiety or tension, have the witness accompanied during the testimony of the witness by those who are appropriate in easing the witness's anxiety or tension, and are unlikely to disturb examination by a judge or persons concerned in the case or the testimony of the witness, and are unlikely to unduly influence the contents of the testimony.

(2) The person accompanying the witness in accordance with the preceding paragraph shall not behave in any manner, during the testimony of the witness, which may disturb examination by a judge or persons concerned in the case or the testimony of the witness, or which may unduly influence the contents of the testimony.

Article 157-3 (1) In the examination of a witness the court may, after hearing the opinions of the public prosecutor and the accused or his/her counsel, when, taking into account the nature of the crime, the witness's age, mental or physical condition, relationship with the accused or other circumstances that the witness is likely to feel pressure and his/her peace of mind is likely to be seriously harmed while testifying in the presence of the accused (including cases with the method provided in paragraph (1) of the following Article) and when the court believes it to be appropriate, take measures so that the accused and the witness cannot discern the state of the other either from one side or from both sides; provided, however, that measures to make it impossible for the accused to discern the state of the witness may only be taken when counsel is present.

(2) In the examination of a witness, the court may, after hearing the opinions of the public prosecutor and the accused or his/her counsel, when it believes it to be appropriate, taking into account the nature of the crime, the witness's age, mental or physical condition or effects upon his/her honor or other circumstances, take measures so that the spectators and the witness cannot discern the state of the other.

Article 157-4 (1) In the examination of a witness prescribed in the following items, the court may, when it believes it to be appropriate, after hearing the opinions of the public prosecutor and the accused or his/her counsel, have the witness be present in a place other than the place where the judge and other persons concerned in the case are present for examination of the witness (limited to the same premises), and examine the witness in a way using devices that allow recognition of the state of the other and communication by transmission of visual images and sound:

(i) The victim of the crimes or attempts of the crimes provided for in Articles 176 to 178-2, or 181, Articles 225 or paragraph(3) of Article 226 (limited to cases with the purpose of indecency or marriage; the same shall apply in this item hereinafter), paragraph (1) (limited to cases with the purpose of accessory to the person who commits the crime provided for in Article 225) or paragraph (3) (limited to cases with the purpose of indecency) of Article 227, or the first sentence of Article 241 of Penal Code

(ii) The victim of the crimes provided for in paragraph (1) of Article 60 or in paragraph (2) pertaining to item (ix) of paragraph (1) of Article 34 of the Child Welfare Act (Act No. 164, 1947), or Articles 4 to 8 of the Act on Punishing Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act No. 512, 1999).

(iii) In addition to those prescribed in the preceding two items, a person who, taking into account the nature of the crime, his/her age, mental or physical condition, the relationship with the accused or other circumstances, is likely to feel pressure and whose peace of mind would be seriously harmed while testifying at the place where the judge and persons concerned in the case are present for examination of the witness.

(2) In the examination of a witness with the measure prescribed in the preceding paragraph, the court may, when it is supposed that the witness will be requested to testify on the same facts again in another criminal procedure, after hearing the opinions of the public prosecutor and the accused or his/her counsel and with the consent of the witness, record the examination, the testimony and the circumstances of the witness on a recording medium (limited to that which is able to record images and sound simultaneously; the same shall apply hereinafter).

(3) The recording medium on which the examination, the testimony and the circumstances of the witness are recorded in accordance with the preceding paragraph shall be attached to the case records as part of the trial records.

Article 158 (1) The court may, after hearing the opinions of the public prosecutor and the accused or his/her counsel, and when the court believes it to be necessary, taking into account the importance of the witness, his/her age, occupation, physical condition and other circumstances and the gravity of the case, summon a witness for examination to a place outside of the court or examine him/her at his/her present place.

(2) In the case prescribed in the preceding paragraph, the court shall give the public prosecutor and the accused or his/her counsel an opportunity to know in advance of the matters to be examined.

(3) The public prosecutor and the accused or his/her counsel may request the court to examine other necessary matters in addition to the matters for examination prescribed in the preceding paragraph.

Article 159 (1) The court shall, when the public prosecutor, the accused or his/her counsel was absent from the examination prescribed in the preceding Article, give him/her an opportunity to know of the contents of the testimony of the witness.

(2) When the testimony of the witness prescribed in the preceding paragraph is unexpected and extremely disadvantageous to the accused, the accused or his/her counsel may request the court to examine other additional necessary matters.

(3) The court may, when it is deemed to be without good reason, dismiss the request prescribed in the preceding paragraph.

Article 160 (1) When a witness refuses to swear an oath or testify without justifiable reason, the court may punish him/her by a ruling of a civil fine of not more than 100,000 yen and order him/her to compensate for the expenses caused by his/her refusal.

(2) An immediate appeal against the ruling prescribed in the preceding paragraph may be filed.

Article 161 (1) Any person who refuses to swear an oath or testify without justifiable reason shall be punished by a fine of not more than 100,000 yen or a misdemeanor detention.

(2) The court may, taking into account his/her circumstances, punish the person who has committed the crime prescribed in the preceding paragraph by cumulative imposition of both a fine and misdemeanor detention.

Article 162 The court may, when it is necessary, order the witness to be accompanied to a designated place by a ruling. When he/she disobeys the order without justifiable reason, the court may subpoena him/her.

Article 163 (1) When a witness is to be examined outside the court, the court may commission a judge of a collegiate panel to examine him/her, or delegate examination to a judge of the district court, family court or summary court of the present place of the accused.

(2) The delegated judge may re-delegate a judge of another district court, family court or summary court, who has the competence to be delegated.

(3) The delegated judge may, when he/she lacks the competence for the delegated matters, transfer them to a judge of another district court, family court or summary court, who has the competence to be delegated.

(4) The commissioned or delegated judge may, with respect to examination of a witness, take the measures belonging to a court or a presiding judge; provided, however, that the court also may render the rulings prescribed in Articles 150 and 160.

(5) The proceedings provided in paragraphs (2) and (3) of Article 158 and Article 159 shall, notwithstanding the provision of the preceding paragraph, be exercised by the court.

Article 164 (1) A witness may request travel expenses, a daily allowance and accommodation charges; provided, however, that this shall not apply when he/she refuses to swear an oath or testify without justifiable reason.

(2) When a witness has received payment of travel expenses, a daily allowance or accommodation charges in advance, but does not appear in court or refuses to swear an oath or testify without justifiable reason, he/she shall return the expenses which he/she received.

Article 189 (1) A police official shall perform his/her duties as a judicial police official pursuant to the provisions of other acts, or pursuant to the regulations of the National Public Safety Commission or Prefectural Public Safety Commission.

(2) A judicial police official shall, when he/she deems that an offense has been committed, investigate the offender and evidence thereof.

Article 191 (1) A public prosecutor may, if he/she deems it necessary, investigate an offense him/herself.

(2) A public prosecutor's assistant officer shall investigate an offense under the orders of a public prosecutor.

Article 198 (1) A public prosecutor, public prosecutor's assistant officer or judicial police official may ask any suspect to appear in their offices and interrogate him/her if it is necessary for the investigation of a crime; provided, however, that the suspect may, except in cases where he/she is under arrest or under detention, refuse to appear or after he/she has appeared, may withdraw at any time.

(2)~(5) (omitted)

Article 199 (1) When there exists sufficient probable cause to suspect that an offense has been committed by a suspect, a public prosecutor, public prosecutor's assistant officer or judicial police official may arrest him/her upon an arrest warrant issued in advance by a judge; provided, however, that with respect to offenses punishable with a fine not exceeding 300,000 yen (20,000 yen as a temporary measure for offenses other than those prescribed in the Penal Code, the Act on Punishment of Physical Violence

and Others and the Act on Penal Provisions related to Economic Activities), misdemeanor imprisonment without work or a petty fine, the suspect may only be arrested in cases where the suspect has no fixed dwelling or where he/she fails, without justifiable grounds, to make the appearance provided for in the preceding Article.

(2) In cases where a judge deems that there exists sufficient probable cause to suspect that the suspect has committed an offense, he/she shall issue the arrest warrant set forth in the preceding paragraph, upon the request of a public prosecutor or a judicial police officer (in the case of a judicial police officer who is a police official, only a person designated by the National Public Safety Commission or the Prefectural Public Safety Commission and who ranks as equal to or above chief inspector; the same shall apply hereinafter in this Article); provided, however, that this shall not apply in cases where the judge deems that there is clearly no necessity to arrest the suspect.

(3) When asking for the arrest warrant set forth in paragraph (1), a public prosecutor or judicial police official shall inform the court of all requests or issuances of arrest warrants, if any, that have been made previously against the same suspect for the same offense.

Article 203 (1) When a judicial police officer has arrested a suspect upon an arrest warrant or has received a suspect who was arrested upon an arrest warrant, he/she shall immediately inform the suspect of the essential facts of the suspected crime and the fact that the suspect may appoint defense counsel and then, giving the suspect an opportunity for explanation, he/she shall immediately release the suspect when he/she believes that it is not necessary to detain the suspect, or shall carry out the procedure of referring the suspect together with the documents and articles of evidence to a public prosecutor within 48 hours of the suspect being placed under physical restraint when he/she believes that it is necessary to detain the suspect.

(2) In the case of the preceding paragraph, the judicial police officer shall ask the suspect whether or not the suspect has defense counsel and if the suspect does have defense counsel, he/she shall not be required to inform the suspect of the fact that the suspect may appoint defense counsel.

(3) When the judicial police officer informs the suspect of the fact that the suspect may appoint defense counsel in accordance with the provision of paragraph (1) for the case provided for in paragraph (1) of Article 37-2, the judicial police officer shall also enlighten the suspect that, in cases where a request for further detention of the suspect is made, the suspect may request the judge to appoint defense counsel when the suspect is unable to appoint defense counsel him/herself because of indigence or other reasons and

that when requesting the judge for appointment of defense counsel the suspect must submit a report of financial resources; or if the suspect's resources are equal to or above the base amount, the suspect must have first requested a bar association (the bar association to which the request of paragraph (1) of Article 31-2 in accordance with paragraph (2) of Article 37-3 is to be made) to appoint defense counsel.

(4) When the suspect is not referred within the time limitation as provided for in paragraph (1), the suspect shall be released immediately.

Article 204 (1) When a public prosecutor has arrested a suspect upon an arrest warrant or has received a suspect who was arrested upon an arrest warrant (excluding such suspect as is referred in accordance with the preceding Article), he/she shall immediately inform the suspect of the essential facts of the suspected crime and the fact that the suspect may appoint defense counsel and then, giving the suspect an opportunity for explanation, he/she shall immediately release the suspect when he/she believes that it is not necessary to detain the suspect, or shall request a judge to detain the suspect within 48 hours of the suspect being placed under physical restraint when he/she believes that it is necessary to detain the suspect; provided, however, that when the public prosecutor has instituted prosecution during the time limitation, he/she shall not be required to request detention.

(2) When the public prosecutor informs the suspect of the fact that the suspect may appoint defense counsel in accordance with the provision of the preceding paragraph for the case provided for in paragraph (1) of Article 37-2, he/she shall also enlighten the suspect that, in cases where a request for further detention of the suspect is made, the suspect may request the judge to appoint defense counsel when the suspect is unable to appoint defense counsel him/herself because of indigence or other reasons and that when requesting the judge for appointment of defense counsel the suspect must submit a report of financial resources; or if the suspect's resources are equal to or above the base amount, the suspect must have first requested a bar association (the bar association to which the request of paragraph (1) of Article 31-2 in accordance with paragraph (2) of Article 37-3 is to be made) to appoint defense counsel.

(3) When a public prosecutor does not request detention or institute prosecution during the time limitation, he/she shall release the suspect immediately.

(4) The provision of paragraph (2) of the preceding Article shall apply *mutatis mutandis* to the case of paragraph (1).

Article 207 (1) The judge who has been requested detention pursuant to the

provision of the preceding three Articles shall have the same authority as a court or a presiding judge regarding the disposition thereof; provided, however, that this shall not apply to bail.

(2) When informing the suspect of the alleged facts of the crime in a case provided for in paragraph (1) of Article 37-2, the judge set forth in the preceding paragraph shall inform the suspect that the suspect may appoint defense counsel and that, when the suspect is unable to appoint defense counsel him/herself because of indigence or other reasons, he/she may request that defense counsel be appointed for him/her; provided, however, that this shall not apply when the suspect already has defense counsel.

(3) When a judge informs the suspect of the fact that the suspect may request that defense counsel be appointed for him/her in accordance with the provisions of the preceding paragraph, he/she shall also enlighten the suspect of the fact that the suspect must submit a report of financial resources when requesting that defense counsel be appointed; or if the suspect's resources are equal to or are above the base amount, the suspect must have first requested a bar association (the bar association to which the request of paragraph (1) of Article 31-2 in accordance with the provisions of paragraph (2) of Article 37-3 is to be made) to appoint defense counsel.

(4) When a judge has received the request for detention set forth in paragraph (1), he/she shall promptly issue a detention warrant; provided, however, that when the judge deems that there are no grounds for detention or when a detention warrant cannot be issued pursuant to the provisions of paragraph (2) of the preceding Article, he/she shall immediately order the release of the suspect without issuing a detention warrant.

Article 210 (1) When there are sufficient grounds to suspect the commission of an offense punishable by death, or life imprisonment with or without work or for a maximum period of three years or more, and in addition, because of urgency an arrest warrant from a judge cannot be obtained, a public prosecutor, a public prosecutor's assistant officer or a judicial police official may arrest the suspect after notifying the suspect of the reasons therefor. In such cases, the procedure of obtaining an arrest warrant from a judge shall be taken immediately. Where an arrest warrant is not issued, the suspect shall be released immediately.

(2) The provisions of Article 200 shall apply mutatis mutandis to the arrest warrant set forth in the preceding paragraph.

Article 213 Any person may arrest a flagrant offender without an arrest warrant.

Article 218 (1) A public prosecutor, a public prosecutor's assistant officer or a judicial police official may, if necessary for the investigation of an offense, conduct a search, seizure, seizure ordering records or inspection upon a warrant issued by a judge. In such cases, the inspection and examination of a person shall be conducted upon a warrant for physical examination.

(2) Where the article to be seized is a computer, and with regard to a recording medium connected via telecommunication lines to such computer, it may be reasonably supposed that such recording medium was used to retain electromagnetic records, which have been made or altered using such computer or electromagnetic records which may be altered or erased using such computer, the computer or other recording medium may be seized after such electromagnetic records have been copied onto such computer or other recording medium.

(3) In cases where a suspect is placed under physical restraint, his/her fingerprints or footprints may be taken, his/her height or weight may be measured and his/her photographs may be taken without the warrant set forth in the paragraph (1), only when he/she is not stripped naked.

(4) The warrant set forth in paragraph (1) shall be issued upon the request of a public prosecutor, a public prosecutor's assistant officer or a judicial police officer.

(5) When a public prosecutor, a public prosecutor's assistant officer or a judicial police officer requests a warrant for physical examination, he/she shall indicate the reason for the necessity of the examination, the sex and physical condition of the person to be examined and other matters as provided in the Rules of Court.

(6) A judge may provide conditions that he/she deems appropriate for the inspection and examination of a person.

Article 220 (1) When a public prosecutor, a public prosecutor's assistant officer or a judicial police official arrests a suspect pursuant to the provision of Article 199 or arrests a flagrant offender, he/she may, if necessary, take the following measures. The same shall apply, if necessary, to cases where the suspect is arrested pursuant to the provision of Article 210:

(i) Entry into the residence of another person, or the premises, buildings or vessels guarded by another person to search for the suspect;

(ii) Search, seizure or inspection on the spot at the arrest.

(2) The seized materials shall be returned immediately when an arrest warrant is unable to be obtained in the case set forth in the second sentence of the preceding paragraph. The provision of paragraph (3) of Article 123 shall apply mutatis mutandis in

such case.

(3) For the measures set forth in paragraph (1), a warrant need not be obtained.

(4) The provisions of item (ii) of paragraph (1) and the preceding paragraph shall apply mutatis mutandis to cases where a public prosecutor's assistant officer or a judicial police official executes a subpoena or detention warrant. The provision of item (i) of paragraph (1) shall also apply mutatis mutandis to cases where the subpoena or detention warrant issued against a suspect is executed.

Article 230 A person who has been injured by an offense may file a complaint.

Article 231 (1) A statutory representative of a victim may file a complaint independently.

(2) When a victim has died, his/her spouse, a lineal relative, brother or sister may file a complaint, but not when this is against the express wishes of the victim.

Article 232 Where the statutory representative of a victim is the suspect, the spouse of the suspect, a relative by blood within the fourth degree of kinship or a relative by affinity within the third degree of kinship of the suspect, then a relative of the victim may file a complaint independently.

Article 233 (1) With respect to the offense of defamation of a deceased person, his/her relatives or descendants may file a complaint.

(2) The provision of the preceding paragraph shall apply also where, with respect to the offense of defamation, the victim has died without filing a complaint, but not when this goes against the express wishes of the victim.

Article 234 Where there is no person who can file a complaint with regard to an offense prosecutable upon a complaint, a public prosecutor may, upon the application of an interested person, designate a person who can file a complaint.

Article 235 (1) With respect to an offense prosecutable upon a complaint, no complaint shall be made after the lapse of six months from the day on which the complainant knew the offender; provided, however, that this shall not apply to the following:

(i) A complaint concerning the offenses proscribed in Articles 176 to 178, 225 or paragraph (1) of Article 227 (limited to offenses committed for the purpose of assisting

the person who committed the offense of Article 225) or paragraph (3) of the Penal Code, or a complaint to be made with regard to attempts of these offenses;

(ii) A complaint to be made by the representative of a foreign power pursuant to the provision of paragraph (2) of Article 232 of the Penal Code or a complaint to be made with regard to an offense against a foreign mission sent to Japan as prescribed in Article 230 or 231 of the Penal Code, by such mission.

(2) A complaint in the case prescribed in the proviso to Article 229 of the Penal Code shall not be valid unless it is made within six months from the day on which a decision declaring the marriage void or annulling it became final.

Article 236 Where there are two or more persons entitled to file a complaint, failure by one of them to observe the period for complaint shall not affect the others.

Article 237 (1) A complaint may be withdrawn at any time before the institution of prosecution.

(2) A person who has withdrawn his/her complaint may not file the complaint again.

(3) The provision of the preceding two paragraphs shall apply *mutatis mutandis* to a claim regarding a case which is to be accepted on a claim.

Article 238 (1) A complaint made against one or more accomplices in an offense prosecutable upon a complaint or the withdrawal thereof shall have effect with respect to the other accomplices.

(2) The provision of the preceding paragraph shall apply *mutatis mutandis* to an accusation or claim, or the withdrawal thereof, regarding a case which is to be received upon an accusation or claim.

Article 239 (1) Any person who believes that an offense has been committed may file an accusation.

(2) A government official or local government official shall file an accusation when they believe an offense has been committed.

Article 240 A complaint may be made by a representative. The same shall apply to the withdrawal of a complaint.

Article 241 (1) A complaint or an accusation shall be filed with a public prosecutor or a judicial police official in writing or orally.

(2) A public prosecutor or judicial police official shall make a written statement when they have received an oral complaint or accusation.

Article 242 A judicial police official shall, when they have received a complaint or accusation, send the document and articles of evidence regarding the complaint or the accusation to a public prosecutor immediately.

Article 243 The provision of the preceding two Articles shall apply *mutatis mutandis* to the withdrawal of a complaint or accusation.

Article 244 A complaint or withdrawal thereof to be made by the representative of a foreign country pursuant to the provisions of paragraph (2) of Article 232 may be filed with the Minister for Foreign Affairs notwithstanding the provisions of Article 241 and the preceding Article. The same shall apply to a complaint or withdrawal thereof regarding an offense against a foreign mission sent to Japan as prescribed in Article 230 or 231 of the Penal Code, to be made by such mission.

Article 247 Prosecution shall be instituted by a public prosecutor.

Article 250 (1) The statute of limitations shall be completed upon the lapse of the following periods with regard to crimes causing the death of a person and punishable with imprisonment without work or a greater punishment (except for those punishable with the death penalty):

- (i) 30 years for crimes punishable with life imprisonment with or without work;
- (ii) 20 years for crimes punishable with imprisonment with or without work for a long term of 20 years;
- (iii) 10 years for crimes other than the crimes provided for in the preceding two items.

(2) The statute of limitations shall be completed upon the lapse of the following periods with regard to crimes other than crimes causing the death of a person and punishable with imprisonment without work or a greater punishment.

- (i) 25 years for offenses punishable with death;
- (ii) 15 years for offenses punishable with life imprisonment with or without work;
- (iii) 10 years for offenses punishable with imprisonment with or without work for a long term of 15 years or more.
- (iv) 7 years for offenses punishable with imprisonment with or without work for a long term of less than 15 years;

- (v) 5 years for offenses punishable with imprisonment with or without work for a long term of less than 10 years;
- (vi) 3 years for offenses punishable with imprisonment with or without work for a long term of less than 5 years or with a fine;
- (vii) 1 year for offenses punishable with misdemeanor imprisonment without work or with a petty fine.

Article 253 (1) The statute of limitations shall commence to run at the time when the criminal act has ceased.

(2) Regarding a case of complicity, the statute of limitations shall, with respect to all accomplices, commence to run at the time when the final act ceased.

Article 255 (1) Where the offender is outside Japan or he/she conceals him/herself so that it is impossible to serve a transcript of the charging sheet or notification of the summary order, the statute of limitations shall be suspended during the period when the offender is outside Japan or conceals him/herself.

(2) Provisions shall be laid down in the Rules of Court for the matters necessary in proving the absence of the offender from Japan or the concealment which made the service of the charging sheet or notification of the summary order impossible.

Article 290-2 (1) In handling the following cases, if a request is made by the victim or others of such case (meaning the victim or in cases where the victim has died or suffers from a serious physical or mental disorder, his/her spouse, a lineal relative, brother or sister; the same shall apply hereinafter), the legal representative for such victim or an attorney who has been entrusted by such persons, and when the court finds it appropriate after hearing the opinion of the accused or his/her counsel, it may render a ruling to such effect that matters identifying the victim (meaning the name and address of the victim or other matters which will identify the victim of such case; the same shall apply hereinafter) not be disclosed in an open court.

(i) Cases pertaining to the crimes provided for under Articles 176 through 178-2 or Article 181 of the Penal Code, the crimes provided for under Article 225 or paragraph (3) of Article 226-2 of the same Code (limited to cases with the purpose of indecency or marriage; the same shall apply in this item hereinafter) or the crimes provided for under paragraph (1) (limited to cases with the purpose of accessory to the person who commits the offense provided for under Article 225 or paragraph (3) of Article 226-2) or paragraph (3) (limited to cases with the purpose of indecency) of Article 227, or Article

241 of the same Code or attempts of these crimes.

(ii) Cases pertaining to the crimes provided for in paragraph (1) of Article 60 of the Child Welfare Act or the crimes provided for in paragraph (2) of Article 60 of the same Act pertaining to item (ix) of paragraph (1) of Article 34 of the same Act, or the crimes provided for in Articles 4 through 8 of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children.

(iii) In addition to the cases given in the preceding two items, cases where it is deemed that there is the risk that the honor or the peaceful existence of social life of the victim or others will be seriously harmed through matters identifying the victim being disclosed in an open court in the form of the mode of the crime, the state of the damage and other circumstances.

(2) The request set forth in the preceding paragraph shall be made to the public prosecutor in advance. In such case, the public prosecutor shall notify as such to the court together with the prosecutor's opinion.

(3) In addition to the matters prescribed in paragraph (1), in handling a case where the court finds a risk of physical or property harm, threat or confusion to the victim or victim's relatives through disclosing in an open court the mode of the crime, the state of the harm and other circumstances, when it finds it appropriate after hearing the opinions of the public prosecutor and the accused or his/her counsel, it may render a ruling to such effect that matters identifying the victim not be disclosed in an open court.

(4) Where the court comes to find that it is inappropriate for matters identifying the victim not to be disclosed in an open court with regard to a case where the ruling set forth in paragraph (1) or the preceding paragraph was rendered, that the case no longer comes under the cases given in item (i) or item (ii) of paragraph (1) owing to the applicable penal statute being revoked or modified pursuant to the provision of Article 312 or that the case no longer comes under the cases given in item (iii) of the same paragraph or the cases provided for in the preceding paragraph, it shall decide by a ruling to rescind the ruling set forth in paragraph (1) or the preceding paragraph.

Article 292-2 (1) The court shall, when a request is made by the victim or others, or the legal representative of such victim to state an opinion on the sentiments or other opinions relating to the case, have them state their opinions at the trial.

(2) A request for the statement of opinion prescribed in the preceding paragraph shall be made to the public prosecutor in advance. In such case, the public prosecutor shall notify as such to the court together with the prosecutor's opinion.

(3) The presiding judge or the associate judges may, after the victim or others, or the

legal representative of such victim have stated their opinion, question them in order to clarify the purport of the statements.

(4) The persons concerned in the case may, after the victim or others, or the legal representative of such victim have stated their opinion, question them in order to clarify the purport of their statements, with notification to the presiding judge.

(5) The presiding judge may place restrictions on the statement of opinion by the victim or others, or the legal representative of such victim or questions to be asked by persons concerned with the trial to the victim or others, or legal representative of such victim which overlap with prior statements or questions, or which are otherwise irrelevant to the case.

(6) The provisions of Article 157-2, 157-3 and paragraph (1) of 157-4 shall apply mutatis mutandis to the statement of opinion under the provisions of paragraph (1).

(7) The court may, when it deems it inappropriate, considering the state of the proceedings and other circumstances, have the victim and others submit written opinions in lieu of oral statements, or prohibit the stating of opinions.

(8) When a document has been submitted under the provisions of the preceding paragraph, the presiding judge shall make this clear at the trial. In this case, the presiding judge may, when he/she deems it appropriate, read out the document or give a summary thereof.

(9) The statement pursuant to the provisions of paragraph (1) or the document pursuant to the provision of paragraph 7 may not be used as evidence for fact finding of the crime.

Article 333 (1) When the case under public prosecution has been proven to be a crime, the court shall render punishment by a judgment, except as otherwise prescribed in Article 334.

(2) (omitted)

Article 351 (1) The public prosecutor or the accused may appeal.

(2) When a case which has been committed to trial pursuant to the provisions of item (ii) of Article 266 has been tried jointly with other cases and a decision has been rendered, the attorney who exercises the same function as a public prosecutor pursuant to the provisions of paragraph (1) of Article 266 and the public prosecutor in charge of the other cases may appeal the decision independently.

Article 352 A person, other than a public prosecutor or the accused, who has had a

ruling rendered against him/her may file an Kokoku-appeal.

Article 353 A statutory agent or a curator of the accused may appeal for the accused.

Article 354 When the grounds for detention have been disclosed, the person who requested such disclosure may appeal the detention for the accused. He/She may also appeal against a ruling for dismissal of such an appeal.

Article 355 The accused's agent or counsel in the first instance may appeal for the accused.

Article 429 (1) A person who is dissatisfied with a decision rendered by a judge of a summary court may file a request with the district court with jurisdiction for said decision to be rescinded or altered, and a person who is dissatisfied with the decision rendered by a judge of another court may file a request with the court to which such judge is assigned for said decision to be rescinded or altered, when the judge renders one of the following decisions:

(i) (omitted)

(ii) A decision regarding detention, bail, seizure, or the return of seized articles;

(iii)~(v) (omitted)

(2)~(5) (omitted)

Annex 5

Act of Extradition (Extract)

(Restrictions on extradition)

Article 2 A fugitive shall not be extradited in any of the following circumstances; provided that this shall not apply in cases falling under items (iii), (iv), (viii), or (ix) when the extradition treaty provides otherwise.

(i)~(iii) (omitted)

(iv) When the act constituting the requested offense is deemed to have been committed in Japan and would not be punishable under the laws and regulations of Japan by death or imprisonment with or without work for life or for a long term of three years or more.

(v)~(ix) (omitted)

(Detention of the fugitive)

Article 5 (1) Upon receiving the order from the Minister of Justice provided for in paragraph (1) of Article 4, the Superintending Prosecutor of the Tokyo High Public Prosecutors Office shall, except when the fugitive is being detained under a provisional detention permit or when the detention of the fugitive under a provisional detention permit has been suspended, have a public prosecutor of the Tokyo High Public Prosecutors Office detain the fugitive under a detention permit which has been issued in advance by a judge of the Tokyo High Court; provided that this provision shall not apply when the fugitive has a fixed residence and the Superintending Prosecutor of the Tokyo High Public Prosecutors Office finds that there is no risk of the fugitive fleeing.

(2)~(3) (omitted)

(Examination by the Tokyo High Court)

Article 9 (1) When the Tokyo High Court receives the application provided for in Article 8, it shall promptly begin its examination and render a decision. When the fugitive is detained under a detention permit, the decision shall be rendered, at the latest, within two months from the day on which the fugitive was taken into custody.

(2)~(4) (omitted)

(Decision of the Tokyo High Court)

Article 10 (1) The Tokyo High Court shall, on the basis of the results of the

examination provided for in paragraph (1) of Article 9, render its decision in the following manner.

- (i) When the application for examination is unlawful, a decision shall be to dismiss the application.
 - (ii) When the case is one in which the fugitive cannot be extradited, a decision shall be rendered to that effect.
 - (iii) When the case is one in which the fugitive can be extradited, a decision shall be rendered to that effect.
- (2)~(3) (omitted)

(Order of the Minister of Justice regarding extradition)

Article 14 (1) When the Minister of Justice finds it appropriate to extradite the fugitive, in a case where the decision provided for in item (iii) of paragraph (1) of Article 10 was rendered, the Minister shall order the Superintending Prosecutor of the Tokyo High Public Prosecutors Office to surrender the fugitive, and at the same time notify the fugitive to that effect; however, when the Minister finds it inappropriate to extradite the fugitive, the Minister shall immediately notify the Superintending Prosecutor of the Tokyo High Public Prosecutors Office and the fugitive to that effect, and order the Superintending Prosecutor of the Tokyo High Public Prosecutors Office to release the fugitive who is being detained under a detention permit.

(2)~(3) (omitted)

(Measures concerning provisional detention)

Article 24 The Minister of Justice shall, when he/she receives the documents provided for in Article 23 and finds it appropriate to provisionally detain the offender concerned, order the Superintending Prosecutor of the Tokyo High Public Prosecutors Office to provisionally detain the offender concerned.