

Immigration Control and Refugee Recognition Act (UNOFFICIAL TRANSLATION)

(Cabinet Order No.319 of 1951)

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Chapter I

(Purpose)

Article 1.

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

(Definition)

Article 2.

The terms in the following items as used in the Immigration Control and Refugee Recognition Act and under the orders thereof shall have such meanings as defined in each item respectively.

(1) Deleted.

(2) The term “alien” means any person who does not have Japanese nationality.

(3) The term “crewman” means a crew member of a vessel or aircraft.

(3)-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.

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

(5) The term “passport” means any of the following documents:

- a. A passport, a refugee travel document or any other certificate in lieu of the passport (including a travel certificate issued by a Japanese consular officer) issued by the Japanese Government, a foreign government recognized by the Japanese Government or any authorized international organization.
- b. A document, which is equivalent to the documents specified in (a), issued by any authorized organization of the region to be prescribed by a Cabinet order.

(6) The term “crewman's pocket-ledger” means a mariner's pocket-ledger or any other equivalent document issued to a crewman by an authorized organization.

(7) The term “trafficking in persons” means any of the following acts:

- a. The Kidnapping or the buying or selling of persons for the purpose of making a profit, committing an indecent act or causing injury to their life or physical being, or delivering, receiving, transporting or harboring such persons who have been kidnapped or bought or sold;
- b. Except for the acts set forth in Sub-item (a), placing persons under the age of 18 under one's own control for the purpose of making a profit, committing an indecent act or causing injury to their life or physical being;
- c. Except for the acts set forth in Sub-item (a), delivering persons under the age of 18, knowing that they will be or might be placed under the control of a person who has the purpose of making a profit, committing an indecent act or causing injury to their life or physical being.

(8) The term “port of entry or departure” means a seaport or airport at which an alien enters or departs from Japan to be prescribed by a Ministry of Justice ordinance.

(9) The term “carrier” means the contractor who is engaged in the business of transporting persons or goods by means of a vessel or aircraft between Japan and areas outside of Japan.

(10) The term “immigration inspector” means the immigration inspector provided for in Article 61-3.

(11) The term “supervising immigration inspector” means an immigration inspector of supervisory rank designated by the Minister of Justice.

(12) The term “special inquiry officer” means an immigration inspector designated by the Minister of Justice and authorized to hold hearings.

(12)-2 The term “refugee inquirer” means an immigration inspector designated by the Minister of Justice to carry out the duties provided for in Article 61-3, Paragraph 2, Item (2) (applicable only to the parts concerning Article 22-4, Paragraph 2 applicable mutatis mutandis to Article 61-2-8, Paragraph 2) and in Item (6) (applicable only to the parts concerning Article 61-2-14, Paragraph 1).

(13) The term “immigration control officer” means the immigration control officer provided for in Article 61-3-2.

(14) The term “investigation of violation” means an investigation conducted by an immigration control officer into cases of violation of laws or regulations for entry, landing or residence of an alien.

(15) The term “immigration center” means the immigration center provided for in Article 13 of the Ministry of Justice Establishment Law (Law No.93 of 1999).

(16) The term “detention house” means the detention facilities provided for in Article 61-6.

(Status of Residence and Term of Residence)

Article 2-2.

An alien may reside in Japan only under a status of residence determined by the permission for landing, the permission for acquisition or the permission for any changes thereof, unless otherwise provided for by the Immigration Control and Refugee Recognition Act or other laws.

2. The categories of status of residence shall be as specified in Annexed Tables I and II. An alien residing in Japan under a status of residence specified in the left-hand column of Table I may engage in the activities described in the right-hand column corresponding to that status, while an alien residing under a status of residence specified in the left-hand column of Table II may engage in the activities of a person with the civil status or position described in the right-hand column corresponding to that status.

3. The period during which an alien may reside as provided for in Paragraph 1 (hereinafter referred to as “period of stay”) shall be determined for each status of residence by a Ministry of Justice ordinance. The period of stay for any status other than that of diplomat, official or permanent resident shall not exceed 3 years (5 years in the case of the status of residence of “Designated Activities” (excluding those related to d. in the right-hand column of (5) of Annexed Table I)).

CHAPTER II ENTRY AND LANDING

SECTION I ENTRY OF AN ALIEN

(Entry of an Alien)

Article 3.

Any alien who falls under any one of the following items shall not enter Japan.

(1) A person who does not possess a valid passport. (This shall not apply to a crewman possessing a valid crewman's pocket-ledger.)

(2) A person who intends to land in Japan without receiving a stamp of permission for landing or without obtaining authorized permission for landing (hereinafter referred to as “permission for landing”) from an immigration inspector (except for those who fall under the preceding item).

2. An alien who seeks to become a crewman in Japan shall be deemed a crewman for the purpose of application of the preceding paragraph.

SECTION II LANDING OF AN ALIEN

Article 4.

Deleted

(Denial of Landing)

Article 5.

Any alien who falls under any one of the following items shall be denied permission for landing in Japan.

(1) A person who falls under any of the following categories of infections, which are provided for by the Law Concerning Prevention of Infections and Medical Care for Patients with Infections (Law No. 114, 1998): Category 1 or Category 2 infections or designated infections (with respect to the infections to which the provisions of Article 19 or 20 of the Law shall apply, in accordance with the Cabinet order under the provisions of Article 7 of the Law) including a person who is regarded as a patient of Category 1 or Category 2 infections or designated infections under the provisions of Article 8 of the Law, or any person who has symptoms of a new infection.

(2) A person who, due to a mental disorder, is unable to discern between right and wrong or whose ability for such discernment is significantly lacking, and is not accompanied by those persons designated through a Ministry of Justice ordinance to assist him in engaging in activities in Japan.

(3) A person who is without financial state or resources and is likely to become a burden on the Japanese Government or a local public entity because of an inability to make a living.

(4) 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 labor for 1 year or more, or to an equivalent penalty except for those convicted of a political offense.

(5) 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 sentenced to a penalty.

(5)-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 in accordance with the provisions of the Immigration Control and Refugee Recognition Act or expelled from any other country in accordance with the provisions of any law or regulation of that country for killing, injuring, assaulting or threatening a person, or damaging or destroying a building or other things 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 or destroy a building or other things in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the municipality where the venue is to be located. (This refers to “ward” where the Tokyo special wards exist or to cities designated in Article 252-19, Paragraph 1 of the Local Autonomy Law

(Law No.67 of 1947)) or to neighboring places provided for use to unspecified persons or to a large number of persons.

(6) A person who illegally possesses any narcotics or psychotropic substances as provided for by the Narcotics and Psychotropic Substances Control Law (Law No. 14 of 1953), or marijuana as provided for by the Marijuana Control Law (Law No. 124 of 1948), or poppy, opium or poppy plants as provided for by the Opium Law (Law No. 71 of 1954), or stimulants or raw materials used to make stimulants as provided for by the Stimulants Control Law (Law No. 252 of 1951), or any other apparatus used for smoking or eating opium.

(7) A person who engages or has engaged in prostitution, or procuring prostitutes for other persons or solicitation or furnishing a place for prostitution, or any other business directly connected to prostitution (excluding those who engage or have engaged in these businesses under the control of another due to trafficking in persons).

(7)-2 A person who has committed trafficking in persons or instigated or aided another to commit it.

(8) A person who illegally possesses firearms or swords and other such weapons as provided for by the Law for Controlling the Possession of Firearms or Swords and Other Such Weapons (Law No.6 of 1958) or explosives provided for by the Explosives Control Law (Law No.149 of 1950).

(9) A person who falls under any of (a) to (d) where the period set forth in the relevant provisions has not yet elapsed:

- a. A person who has been denied landing for any of the reasons under the provisions of either Item (6) 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 under any of the items of Article 24 (excluding Item (4), Sub-items (l) to (o), and Item (4)-3) and has not previously been deported from Japan or has not previously departed from Japan by a departure order under the provisions of Article 55-3, Paragraph 1, before the date of deportation---5 years from the date of deportation.
- c. A person (excluding those who fall under Sub-item (b)) who has previously been deported from Japan for any of the reasons under any of the items of Article 24 (excluding Item (4), Sub-items (e) to (o), and Item (4)-3) ---10 years from the date of deportation.
- d. A person who has departed from Japan by a departure order under the provisions of Article 55-3, Paragraph 1---1 year from the date of departure.

(9)-2 A person who has been sentenced to imprisonment with or without labor on the charge of a crime provided for by Book II, Chapters XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan (Law No. 45 of 1907), or by Article 1, 1-2 or 1-3 (except for the parts concerning Article 222 or 261 of the Penal Code of Japan) of the Law Concerning Punishment of Physical Violence and Other Related Matters (Law No. 60 of 1926), or by the Law for Prevention and Disposition of Robbery, Theft and Other Related Matters (Law No. 9 of 1930), or by Article 15 or 16 of the Law concerning Prohibition of Profession of special picking tools, and Other Related Matters(LawNo.65 of 2003) during his stay in Japan with the status of residence specified in the left-hand column of Annexed Table I,

who subsequently left Japan and whose sentence became final when he was outside of Japan, and for whom 5 years have not yet elapsed from the date when the sentence became final.

(10) A person who has been deported from Japan for coming under any one of Article 24, Item (4), Sub-items (1) to (o).

(11) 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.

(12) 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 injuring of officials of the Government or of local public entities for the reason of their being such officials.
- b. A political party or organization, which encourages illegal damage or destruction of public installations or facilities.
- c. A political party or organization, which encourages acts of dispute such as stopping or preventing normal maintenance or operation of security equipment of a plant or place of work.

(13) A person who attempts to prepare, distribute, or display printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization provided for in Item (11) or the preceding item.

(14) A person whom, other than those coming under the preceding items, the Minister of Justice has reasonable grounds to believe is likely to commit an act which could be detrimental to the interests or public security of Japan.

2. Even in cases where an alien seeking to land in Japan does not fall under any of the items of the preceding paragraph, if the country of which he is a national or citizen denies landing of a Japanese national therein for any reasons other than those given in the items of the same paragraph, the Minister of Justice may deny his landing for the same reasons.

CHAPTER III PROCEDURES FOR LANDING

SECTION I EXAMINATION FOR LANDING

(Application for Landing)

Article 6.

Any alien (excluding a crewman; hereinafter referred to as the same in this section) who seeks to land in Japan shall have a valid passport with a visa issued by a Japanese consular officer. However, a visa is not required for the passport of an alien for whom a visa issued by a Japanese consular officer shall be deemed unnecessary pursuant to an international agreement or through notice to that effect from the Japanese Government to a foreign government or for the passport of

an alien for whom the re-entry permission provided for in Article 26 has been granted or for the refugee travel document which has been issued pursuant to the provisions of Article 61-2-12.

2. The alien given in the main text of the preceding paragraph shall apply for landing to an immigration inspector at the port of entry or departure where he seeks to land and undergo an examination for landing in accordance with the procedures provided for by a Ministry of Justice ordinance.

(Immigration Inspector's Examination)

Article 7.

When the application stipulated in Paragraph 2 of the preceding article is made, an immigration inspector shall conduct an examination of the said alien as to whether or not he meets each of the following conditions for landing in Japan. (With respect to an alien who has received re-entry permission under the provisions of Article 26, Paragraph 1 or the refugee travel document under the provisions of Article 61-2-12, Paragraph 1, only the conditions given in the following Items (1) and (4) are to be applied.)

(1) The passport possessed by the alien and the visa affixed thereto, if such is required, must be valid.

(2) The activities to be engaged in while in Japan stated in the application must not be false, and must fall under one of the activities described in the right-hand column of Annexed Table I (with respect to the activities described in the right-hand column of Annexed Table I (5) (only the part related to d), the proposed activities must be activities designated by the Minister of Justice in the Official Gazette), or the activities of a person with the civil status or position described in the right-hand column of Annexed Table II (the civil status or position in the right-hand column under "Permanent Resident" shall be excluded; with respect to the position specified under "Long-Term Resident", the proposed position must be one of the positions designated by the Minister of Justice in the Official Gazette), and shall fulfill with respect to those who intend to engage in the activities described in the right-hand column of Annexed Table I (2) and (4) and in the right-hand column of Annexed Table I (5) (only the part related to b.) the requirements provided for by a Ministry of Justice ordinance which shall be stipulated in consideration of factors including but not limited to the effects on Japanese industry and public welfare.

(3) The period of stay applied for must be in accordance with the provisions of the Ministry of Justice ordinance stipulated under Article 2-2, Paragraph 3.

(4) The alien must not fall under any one of the items of Article 5, Paragraph 1.

2. The alien subject to the examination provided for in the preceding paragraph shall establish the fact that he meets the landing requirements stipulated therein. In this case, an alien who seeks to engage in an activity specified in the right-hand column of (5) of Annexed Table I (only the parts related to a. to c.) shall use the certificate as provided for in the next article to establish the fact that he meets the conditions specified in Item (2) of the same paragraph.

3. The Minister of Justice shall consult with the heads of the relevant administrative organizations in prescribing the ordinance referred to in Paragraph 1, Item 2.

(Certificate of Eligibility)

Article 7-2.

Upon advance application by an alien intending to land in Japan (excluding those who intend to engage in the activities described in the right-hand column corresponding to “Temporary Visitor” specified in Annexed Table I (3)), the Minister of Justice, in accordance with the provisions of a Ministry of Justice ordinance, may issue a certificate of eligibility stating that the alien concerned meets the conditions set forth in Article 7, Paragraph 1, Item 2.

2. The application for issuance of a certificate of eligibility stipulated in the preceding paragraph may be made by a member of staff of the organization wishing to accept the alien concerned, or by some other proxy, as provided for by a Ministry of Justice ordinance.

(Boarding of Vessel or Aircraft)

Article 8.

An immigration inspector may, when conducting the examination provided for in Article 7, Paragraph 1, board the vessel or aircraft.

(Endorsement Stamp of Permission for Landing)

Article 9.

If as a result of the examination, the immigration inspector deems that the alien has met the conditions for landing provided for in Article 7, Paragraph 1, he shall endorse as such by affixing a stamp of permission for landing in the passport of the alien.

2. In the case of the preceding paragraph, the determination of whether or not the alien falls under Article 5, Paragraph 1, Item (1) or Item (2) shall be made subject to medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.

3. The immigration inspector shall, when affixing the endorsement stamp of permission for landing as provided for in Paragraph 1, determine the status of residence and period of stay of the alien concerned and enter it clearly in his passport. However, this shall not apply in cases where the alien lands with the re-entry permission provided for in Article 26, Paragraph 1, or if the alien has in his possession a refugee travel document as provided for in Article 61-2-12, Paragraph 1.

4. Except for cases where an endorsement stamp of permission for landing is affixed as stipulated in Paragraph 1, the immigration inspector shall deliver the alien to a special inquiry officer for a hearing as provided for in the following article.

5. Except in cases where the special provisions of Section 4 apply, an alien shall not land unless he has had his passport endorsed by the stamp of permission for landing as provided for in Paragraph 1 of this article, Article 10, Paragraph 7, or Article 11, Paragraph 4.

SECTION II HEARING AND FILING OF AN OBJECTION

(Hearing)

Article 10.

A special inquiry officer shall promptly conduct a hearing when the alien has been delivered to him pursuant to Paragraph 4 of the preceding article.

2. The special inquiry officer shall, when he has conducted a hearing, prepare a record thereof.

3. The alien or a representative appearing upon his request may, in the course of the hearing, produce evidence and cross-examine the witnesses.

4. The alien may have the attendance of one of his relatives or acquaintances with the permission of the special inquiry officer.

5. The special inquiry officer may, ex officio or upon request of the alien, order the presence of witnesses, administer oaths and hear testimony in accordance with the procedures provided for by a Ministry of Justice ordinance.

6. The special inquiry officer may make inquiries to public offices or to public or private organizations and request submission of reports on necessary facts if deemed necessary for the hearing.

7. If the special inquiry officer finds, as a result of the hearing, that the alien fulfills the conditions for landing provided for in Article 7, Paragraph 1, he shall immediately affix the endorsement stamp of permission for landing in the passport of the alien.

8. The provisions of Paragraph 3 of the preceding article shall apply to the endorsement stamp of permission for landing given in the preceding paragraph.

9. If the special inquiry officer finds, as a result of the hearing, that the alien does not fulfill the conditions for landing provided for in Article 7, Paragraph 1, he shall promptly notify the alien of the findings and the reason therefor, and inform him that he may file an objection pursuant to the provisions of the following article.

10. If the alien, upon receipt of the notice given in the preceding paragraph, has no objection to the findings given in the preceding paragraph, the special inquiry officer shall order him to leave Japan after he has signed a statement that he will not file an objection and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the alien arrived.

(Filing of an Objection)

Article 11.

If an alien who has received the notice given in Paragraph 9 of the preceding article has an objection to the findings, he 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 complaint to a supervising immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance.

2. If the objection given in the preceding paragraph is filed, a supervising immigration inspector shall present to the Minister of Justice the record of the hearing stipulated in Paragraph 2 of the preceding article and other pertinent documents.

3. When the Minister of Justice has received the objection stipulated in Paragraph 1, he shall make a decision on whether or not the objection is with reason and notify the supervising immigration inspector of such decision.

4. The supervising immigration inspector shall, if he has received from the Minister of Justice a notice of decision to the effect that the objection is with reason, immediately affix the endorsement stamp of permission for landing in the passport of the alien.

5. The provisions of Article 9, Paragraph 3 shall apply to the endorsement stamp of permission for landing given in the preceding paragraph.

6. The supervising immigration inspector shall, if he has received from the Minister of Justice a notice of decision that the objection is without reason, inform the alien promptly of the decision and order him to leave Japan, and at the same time likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the alien arrived.

(Special Cases of Decisions of the Minister of Justice)

Article 12.

In making a decision as provided for in Paragraph 3 of the preceding article, the Minister of Justice may, even if he finds that the objection filed is without reason, grant special permission for landing to such alien if the alien concerned falls under any of the following items.

(1) He has received permission for re-entry.

(2) He has entered Japan under the control of another due to trafficking in persons.

(3) The Minister of Justice finds that circumstances exist that warrant the granting of special permission for landing.

2. The permission granted under the preceding paragraph shall be regarded, with respect to application of Paragraph 4 of the preceding article, as a decision to the effect that the objection filed was with reason.

SECTION III PROVISIONAL LANDING AND OTHERS

(Permission for Provisional Landing)

Article 13.

A supervising immigration inspector may, if he finds it specifically necessary during the process of the procedures for landing as provided for in this chapter, grant permission for provisional landing to an alien until completion of the procedures.

2. If the supervising immigration inspector grants the permission as provided for in the preceding paragraph, he shall issue a provisional landing permit to the alien.

3. If the permission as provided for in Paragraph 1 is granted, the supervising immigration inspector may impose restrictions on the alien's place of stay and area of movement, oblige the alien to appear at a summons, or may impose other necessary conditions as provided for by a Ministry of Justice ordinance, and have him deposit a bond in Japanese currency not exceeding 2 million yen or an equivalent amount in a foreign currency in accordance with the provisions of a Ministry of Justice ordinance.

4. The bond provided for in the preceding paragraph shall be returned to the alien concerned when the alien has received the endorsement stamp of permission for landing provided for in Article 10, Paragraph 7 or Article 11, Paragraph 4, or when the alien is ordered to leave Japan in accordance with the provisions of Article 10, Paragraph 10 or Article 11, Paragraph 6.

5. If an alien who has been granted the permission provided for in Paragraph 1 has violated the attached conditions as provided for in Paragraph 3 and if the alien has escaped or failed to appear at a summons without justifiable reason, the supervising immigration inspector shall confiscate in whole or in other cases in part the bond stipulated in the same paragraph in accordance with the provisions of a Ministry of Justice ordinance.

6. If the supervising immigration inspector has reasonable grounds to suspect that an alien who has been granted the permission as provided for in Paragraph 1 is likely to escape, he may issue a written detention order and have the alien detained by an immigration control officer.

7. The provisions of Articles 40, 41 and Article 42, Paragraph 1 shall apply mutatis mutandis to the detention as provided for in the preceding paragraph. In such case for Article 40 "the written detention order provided for in Paragraph 1 of the preceding article" shall read "the written detention order provided for in Article 13, Paragraph 6"; "the suspect" shall read "the alien granted permission for provisional landing"; and "essential facts of the suspected offense" shall read "grounds for detention" respectively. In Article 41, Paragraph 1 "shall be within 30 days. However, if the supervising immigration inspector finds that there are unavoidable

circumstances, he may extend such period for only a further 30 days” shall read “for a period of time preceding the completion of procedures for landing provided for in Chapter III which the supervising immigration inspector deems to be necessary”; and in Paragraph 3 of the same article and Article 42, Paragraph 1 “a suspect” shall read “an alien granted permission for provisional landing”.

(Place of Stay for an Alien Ordered Exclusion)

Article 13-2.

In the event that the deportation which has been ordered in accordance with the provisions of Article 10, Paragraph 10 or Article 11, Paragraph 6 cannot be carried out due to the operating schedule of the vessel or aircraft or other reasons not attributable to the alien, a special inquiry officer or a supervising immigration inspector may permit the alien to stay in a designated facility in the vicinity of the port for a designated period, following the provisions of a Ministry of Justice ordinance.

2. A special inquiry officer or a supervising immigration inspector shall, when he has designated the facility and the period given in the preceding paragraph, inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the alien arrived of such designation.

SECTION IV SPECIAL CASES OF LANDING

(Permission for Landing at a Port of Call)

Article 14.

An immigration inspector may grant an alien (excluding crewmen) aboard a vessel or aircraft permission for landing at the port of call if he is to proceed via Japan to an area outside Japan, and desires to land and stay for not more than 72 hours in an area in the vicinity of the port of entry or departure upon an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft. However, this shall not apply to an alien who falls under any one of the items of Article 5, Paragraph 1.

2. In granting the permission provided for in the preceding paragraph, an immigration inspector shall affix an endorsement stamp of permission for landing at the port of call in the passport of the alien concerned.

3. In granting the permission provided for in Paragraph 1, an immigration inspector may impose restrictions upon the alien's period of landing, area of movement and other necessary conditions as provided for by a Ministry of Justice ordinance.

(Permission for Landing in Transit)

Article 15.

An immigration inspector may grant an alien (excluding crewmen) aboard a vessel permission for landing in transit upon an application from the captain of the vessel or the carrier who operates the vessel when such alien desires to land temporarily for sightseeing purposes while the vessel is in Japan and to return to said vessel at another port of entry or departure at which the vessel is scheduled to call.

2. An immigration inspector may, upon an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft, grant an alien (excluding crewmen) aboard the vessel or aircraft permission for landing in transit when such alien desires to proceed to an area outside Japan via Japan and to make a transit stop in order to leave Japan within 3 days of his entry into Japan from another port of entry or departure in the vicinity of the port at which the said alien entered Japan on board a vessel or aircraft other than the one on which the alien arrived in Japan.

3. In granting the permission provided for in the preceding two paragraphs, an immigration inspector shall affix an endorsement stamp of permission for landing in transit in the passport of the alien concerned.

4. In granting the permission provided for in Paragraph 1 or 2, an immigration inspector may impose restrictions upon the alien's period of landing, route to be followed in transit and other necessary conditions as provided for by a Ministry of Justice ordinance.

5. The provision of the proviso to Paragraph 1 of the preceding article shall apply *mutatis mutandis* in the case of Paragraphs 1 and 2 of this article.

(Landing Permission for Crewmen)

Article 16.

An immigration inspector may grant landing permission for crewmen to a foreign crewman (including those who have become crewmen in Japan; hereinafter referred to as the same in this article) who desires to land for a period of less than 15 days for the purpose of transferring to another vessel or aircraft (including boarding of a vessel or aircraft), rest, shopping or other similar purposes upon an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft (including the vessel or aircraft he is to board) in accordance with the procedures provided for by a Ministry of Justice ordinance.

2. An immigration inspector may grant multiple landing permission for crewmen to a crewman who falls under one of the following subparagraphs if he deems that there are reasonable grounds to do so:

(1) Where a foreign crewman of a vessel placed on regular service between Japan and other countries or of other ships frequently stopping at Japanese ports, wishes to land in Japan during

multiple calls of the vessel, for rest, shopping or other similar purposes within 1 year from the date of permission, and an application for such permission is made by the captain of the vessel or the carrier who operates the vessel concerned, in accordance with the procedures provided for by a Ministry of Justice ordinance.

(2) Where a foreign crewman of a carrier engaged in regular airline services between Japan and other countries wishes to land in Japan for a maximum of fifteen days from each arrival date for rest, shopping or other similar purposes and to leave from the same airport as a crewman of an aircraft belonging to the same carrier, on multiple occasions within 1 year from the date of permission, and an application for such permission is made by the carrier concerned, in accordance with the procedures provided for by a Ministry of Justice ordinance.

3. In granting the permission provided for in the preceding two paragraphs, an immigration inspector shall issue a crewman's landing permit to the crewman concerned.

4. In granting the permission provided for in Paragraph 1, the immigration inspector may impose restrictions upon the crewman's period of landing, area of movement (including the route to be followed in transit) and other necessary conditions, and if deemed necessary, his fingerprints may be taken in accordance with a Ministry of Justice ordinance.

5. The proviso to Article 14, Paragraph 1, shall apply *mutatis mutandis* in the case of Paragraphs 1 and 2 of this article.

6. If an immigration inspector finds that a crewman is to land with the permission given in Paragraph 2 and falls under any of the items of Article 5, Paragraph 1, the immigration inspector shall revoke the permission immediately.

7. Other than the cases provided for in the preceding paragraph, an immigration inspector may revoke the permission, in accordance with the procedures provided for by a Ministry of Justice ordinance, if the immigration inspector finds it inappropriate to continue granting the permission concerned. In such case, when the crewman is in Japan the immigration inspector shall designate a period within which the crewman shall return to his ship or leave Japan.

(Permission for Emergency Landing)

Article 17.

In the case of disease or any other accident, which urgently requires the landing of an alien aboard a vessel or aircraft for the purpose of undergoing medical treatment, an immigration inspector may grant permission for emergency landing to the alien concerned upon the request of 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 medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.

2. In granting the permission provided for in the preceding paragraph, an immigration inspector shall issue an emergency landing permit to the alien concerned.

3. When the permission provided for in Paragraph 1 has been granted, the captain of the vessel or aircraft or the carrier given in the same paragraph shall be liable to pay the costs of living, medical treatment, or funeral service of the alien concerned and any other expenses incurred during his emergency landing.

(Landing Permission Due to Disaster)

Article 18.

An immigration inspector may, if a vessel or aircraft is in distress and he finds it necessary for rescue and protection of alien victims on board the vessel or aircraft or any other emergency measures to be carried out, grant the alien concerned permission for landing due to disaster upon an application from the mayor of the city, town or village which is carrying out the rescue and protection work under the provisions of the Sea Casualties Rescue Law (Law No.95 of 1899), or upon an application from the captain of the vessel or aircraft which has carried out the rescue and protection of the alien victims, the captain of the vessel or aircraft in distress or the carrier who operates the vessel or aircraft.

2. The immigration inspector shall grant permission for landing due to disaster immediately, regardless of the provision of the preceding paragraph, when he has taken delivery of the alien stipulated in the preceding paragraph from a police official or maritime safety official.

3. In granting the permission provided for in the preceding two paragraphs, the immigration inspector shall issue to the alien concerned a landing permit due to disaster.

4. In granting the permission provided for in Paragraph 1 or Paragraph 2, the immigration inspector may impose restrictions upon the alien's period of landing, area of movement and other necessary conditions as provided for a Ministry of Justice ordinance.

(Landing Permission for Temporary Refuge)

Article 18-2.

An immigration inspector may grant permission for landing for temporary refuge upon an application from an alien aboard a vessel or aircraft, who is considered to fall under one of the following items:

(1) A person who has entered Japan on the grounds provided for in Article 1, Paragraph A-(2) of the Refugee Convention or other similar grounds thereto after fleeing from a territory where his life, physical being or physical freedom was likely to be endangered.

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

2. In granting the permission provided for in the preceding paragraph, an immigration inspector shall issue to the alien concerned a landing permit for temporary refuge.

3. In granting the permission provided for in Paragraph 1, an immigration inspector may impose restrictions upon the alien's period of landing, place of stay, area of movement and other necessary conditions, and if deemed necessary, his fingerprints may be taken in accordance with a Ministry of Justice ordinance.

CHAPTER IV RESIDENCE AND DEPARTURE

SECTION I RESIDENCE, CHANGE OF STATUS OF RESIDENCE, REVOCATION, AND OTHER RELATED MATTERS

(Residence)

Article 19.

Any alien who is a resident under a status of residence specified in the left-hand column of Annexed Table I shall not engage in the activities described in the following subparagraphs, with regard to the categories identified therein, except where he engages in them with the permission granted pursuant to Paragraph 2 of this article.

(1) An alien who is a resident under a status of residence specified in the left-hand column of Annexed Tables I(1), I(2) and I(5): activities related to the management of business involving income or activities for which he receives remuneration (excluding rewards for lectures not given as a matter of business, incidental remuneration in daily life and other payments described in a Ministry of Justice ordinance; the same hereinafter), which are not included in those activities described in the right-hand column of those tables corresponding to each status of residence.

(2) An alien who is a resident under a status of residence specified in the left-hand column of Annexed Tables I(3) and I(4): activities related to the management of business involving income or activities for which he receives remuneration.

2. When an application has been submitted by an alien who is a resident under a status of residence specified in the left-hand column of Annexed Table I, in accordance with the procedures provided for in a Ministry of Justice ordinance, to engage in activities related to the management of business involving income or activities for which he receives remuneration, which are not included in those activities described in the right-hand column of the same table, the Minister of Justice may grant permission if he finds reasonable grounds to do so to the extent that there is no interference with the original activities under the status of residence.

3. Any foreign crewman who has been granted permission for landing under Articles 16 to 18 shall continue to be regarded as a crewman, after ceasing to be a crewman through discharge, as long as he remains in Japan.

(Certificate of Authorization for Employment)

Article 19-2.

Should an application be submitted by an alien residing in Japan, the Minister of Justice may issue a document which certifies the eligibility of the applicant for activities related to the management of business involving income or activities for which he receives remuneration in accordance with the provisions of a Ministry of Justice ordinance.

2. No one shall discriminate in employing an alien for failure to show or submit the certificate given 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 receives remuneration.

(Change of Status of Residence)

Article 20.

Any alien who has a status of residence may have his status of residence changed (including the period of stay thereon; hereinafter referred to as the same in Paragraphs 1 to 3). (In the case of an alien residing under the status of residence of “Designated Activities” the activities, specifically designated by the Minister of Justice with respect to the person concerned, are to be regarded as a status of residence)

2. Any alien who wishes to have his status of residence changed pursuant to the provision of the preceding paragraph shall apply to the Minister of Justice for the change of status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance. However, if he desires to change his status of residence to that of “Permanent Resident”, he shall comply with the procedures provided for in Article 22, Paragraph 1.

3. When an application for change of status of residence has been submitted, the Minister of Justice may grant permission only when he finds that there are reasonable grounds to grant the change of status of residence on the strength of the documents submitted by the alien. However, in the case of an application submitted by a person whose status of residence is “Temporary Visitor”, permission shall not be granted unless the application is made based on special unavoidable circumstances.

4. When the permission given in the preceding paragraph has been granted, if the alien has his passport in his possession, the Minister of Justice shall have an immigration inspector enter the new status of residence and period of stay in the passport of the alien, and if the alien does not have a passport in his possession, shall have the immigration inspector either issue a certificate of status of residence with the new status of residence and period of stay entered or enter the new status of residence and period of stay in the previously issued certificate of status of residence. In such case the contents of the permission will become effective as of the time of entry or issuance.

(Extension of Period of Stay)

Article 21.

Any alien residing in Japan may, without changing his status of residence, have his period of stay extended.

2. Any alien who wishes to extend his period of stay pursuant to the provision of the preceding paragraph shall apply to the Minister of Justice for the extension of such period in accordance with the procedures provided for by a Ministry of Justice ordinance.

3. When the application provided for in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when there are reasonable grounds to grant extension of the period of stay on the strength of the documents submitted by the alien.

4. When the permission provided for in the preceding paragraph has been granted, if the alien has his passport in his possession, the Minister of Justice shall have an immigration inspector enter the new period of stay in the passport of the alien, and if the alien does not have his passport in his possession shall have the immigration inspector either issue to the alien a certificate of status of residence with the status of residence and new period of stay entered or enter the new period of stay in the previously issued certificate of status of residence. In such case the provisions of the last sentence of Paragraph 4 of the preceding article, shall apply mutatis mutandis.

(Permission for Permanent Residence)

Article 22.

Any alien who wishes to change his status of residence to that of “Permanent Resident” shall apply to the Minister of Justice for permission of permanent residence in accordance with the procedures provided for by a Ministry of Justice ordinance.

2. When the application provided for in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he deems that the alien fulfills the following items and that his permanent residence will be in accordance with the interests of Japan. However, the following items do not have to be fulfilled in the case of spouses and children of Japanese nationals, those who have Permanent Residence status or those who are special permanent residents as stipulated in the Special Law on the Immigration Control of Inter Alia, Those Who Have Lost Japanese Nationality on the Basis of the Treaty of Peace with Japan (Law No. 71 of 1991, hereinafter referred to as “special permanent resident”):

(1) The alien's behavior and conduct must be good.

(2) The alien must have sufficient assets or ability to make an independent living.

3. When the permission provided for in the preceding paragraph has been granted, if the alien has his passport in his possession, the Minister of Justice shall have an immigration inspector repeal the status of residence and period of stay entered in the alien's passport and affix an endorsement

stamp of permission for permanent residence in his passport, and if the alien does not have his passport in his possession shall have an immigration inspector issue to the alien a certificate of status of residence with permission for permanent residence. In such case the permission shall become effective as of the time of affixing of the endorsement stamp or issuance of the certificate.

(Acquisition of Status of Residence)

Article 22-2.

Any person who has renounced Japanese nationality or any alien who is to stay in Japan without following the procedures for landing as provided for in the preceding chapter, through birth or for any other cause, may, notwithstanding the provision of Article 2-2, Paragraph 1, continue to stay in Japan without acquiring a status of residence for up to a period of 60 days, on and after the date of his renouncement of Japanese nationality, birth, or other cause.

2. An alien as stipulated in the preceding paragraph who wishes to stay in Japan for longer than the period given in the same paragraph, shall apply to the Minister of Justice for the acquisition of status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance within 30 days of the date of his renouncement of Japanese nationality, birth, or other cause.

3. The provisions of Article 20, Paragraphs 3 and 4 shall apply mutatis mutandis to the procedures for an application to acquire status of residence as provided for in the preceding paragraph (except for an application to acquire the status of residence of permanent resident). In such case as in Article 20, Paragraph 3, “the change of status of residence” shall read “the acquisition of status of residence”.

4. The provisions of the preceding article shall apply mutatis mutandis to the procedures for an application to acquire the status of residence of permanent resident, in the course of the application to acquire status of residence under Paragraph 2. In this case in Paragraph 1 of the preceding article “to change his status of residence” shall read “to acquire his status of residence”; in the same paragraph “to change his status of residence to that” shall read “to acquire his status of residence”; in Paragraph 3 of the same article “repeal the status of residence and period of stay entered in the alien's passport and affix an endorsement stamp of permission for permanent residence in his passport” shall read “affix an endorsement stamp of permission for permanent residence in his passport”.

Article 22-3.

The provisions of Paragraphs 2 to 4 of the preceding article shall apply mutatis mutandis to an alien who has received permission for landing for the temporary refuge provided for in Article 18-2, Paragraph 1, only in cases where he is to reside under any status of residence specified in the left-hand column of Annexed Table I or II. In this case in Paragraph 2 of the preceding article “within thirty days of the date of his renouncement of Japanese nationality, birth, or other cause” shall read “within the period of landing as indicated in the permission for landing”.

(Revocation of Status of Residence)

Article 22-4.

Where any of the following facts are found with respect to an alien residing in Japan under a status of residence specified in the left-hand column of Annexed Table I or Annexed Table II (excluding those recognized as refugees under Article 61-2, Paragraph 1), the Ministry of Justice may revoke the alien's status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance.

(1) The alien has received, by making a false statement or by other dishonest means, an endorsement stamp of permission for landing or special permission under the provisions of Chapter III, Section I or II, on the consideration that he does not fall under any of the items of Article 5, Paragraph 1.

(2) The alien has received, by making a false statement or by other dishonest means, an endorsement stamp of permission for landing (an endorsement stamp of permission for landing or special permission under the provisions of Chapter III, Section I or II (applicable only to those with the authority to decide status of residence) or the permission under the provisions of this section (excluding Article 19, Paragraph 2), and where two or more stamps or permissions have been granted, the most recent; hereinafter referred to as the same in this item, the next item, and Item (4)), on the consideration that the activities stated in the application for such permission, as those in which he intends to be engaged are not false and fall under the activities described in the right-hand column of Annexed Table I or the activities of a person with the civil status or position described in the right-hand column of Annexed Table II.

(3) Other than the cases provided for in the preceding two items, the alien has received, by making a false statement or by other dishonest means, an endorsement stamp of permission for landing.

(4) Other than the cases provided for in the preceding three items, the alien has received, by submitting or presenting a document that contains a false statement (including the certificate under the provisions of Article 7-2, Paragraph 1, obtained by submitting or presenting a document or drawing that contains a false statement and a visa obtained for the passport by submitting or presenting a document or drawing that contains a false statement) or a drawing that contains a false statement, an endorsement stamp of permission for landing.

(5) Other than the cases provided for in any of the preceding items, the alien residing under a status of residence specified in the left-hand column of Annexed Table I has failed to continue to engage in the activities described in the right-hand column corresponding to that status for three months or more while residing in Japan (excluding cases where the alien has justifiable reason for not engaging in the activities while residing in Japan).

2. When revoking the status of residence under the provisions of the preceding paragraph, the Minister of Justice shall have the immigration inspector that he designates hear the opinions of the alien.

3. When having the designated immigration inspector hear the opinions under the provisions of the preceding paragraph, the Minister of Justice shall notify the alien, in advance, of the date and place of the hearing as well as the facts constituting the grounds for the revocation.
4. The alien or a representative may appear on the date set forth in the preceding paragraph to state opinions and submit evidence.
5. Should the alien fail to appear before the hearing provided for in Paragraph 2 without justifiable reason, the Minister of Justice may, notwithstanding the provisions of the said paragraph, revoke the status of residence under the provisions of Paragraph 1 without hearing the alien's opinions.
6. When revoking the status of residence under the provisions of Paragraph 1 (applicable only from Item (3) to Item (5)), the Minister of Justice shall designate a period not exceeding 30 days within which the alien shall depart from Japan.
7. When designating the period under the provisions of the preceding paragraph, the Minister of Justice may, as provided for by a Ministry of Justice ordinance, impose restrictions upon the alien's place of residence and area of movement, and other conditions which the Minister of Justice may consider necessary.

SECTION II REQUIREMENTS FOR RESIDENCE

(Carrying and Presentation of Passport or Permit)

Article 23.

Any alien in Japan shall carry on his person at all times the passport, or provisional landing permit, crewman's landing permit, emergency landing permit, landing permit due to disaster, landing permit for temporary refuge or permit for provisional stay. However, this shall not apply if the alien carries on his person the certificate of alien registration under the Alien Registration Law (Law No.125 of 1952).

2. The alien stipulated in the preceding paragraph shall show his passport or permit specified in the same paragraph to an immigration inspector, immigration control officer, police official, maritime safety official or any other official of the state or local public entity as provided for by a Ministry of Justice ordinance, if such an official requests the presentation of the passport or permit in the performance of his duties.
3. The official stipulated in the preceding paragraph shall, in cases where he requests the presentation of the passport or permit provided for in Paragraph 1, carry with him an identification card showing his official status and produce it upon request.
4. The provision of the first sentence of Paragraph 1 shall not apply to an alien under 16 years of age.

(Deportation)

Article 24.

Any alien who falls under any one of the following items may be deported from Japan in accordance with the procedures provided for in the following chapter.

- (1) A person who has entered Japan in violation of the provisions of Article 3.
- (2) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.
 - (2)-2 A person whose status of residence has been revoked under the provisions of Article 22-4, Paragraph 1 (applicable only to Item (1) or Item (2)).
 - (2)-3 A person who has received a designation of period under the provisions of Article 22-4, Item (6) (including cases where the same shall apply mutatis mutandis to Article 61-2-8, Paragraph 2) but stays in Japan beyond the period designated.
- (3) A person who has forged or altered a document or drawing, has prepared a false document or drawing, or has used, possessed, transferred or lent a forged or altered document or drawing or false document or drawing, or has arranged the transfer or lending thereof with the intent of helping another alien to illegally receive issuance of a certificate, an endorsement stamp of permission for landing or special permission under the provisions of Chapter III, Section I or II, permission for landing under the provisions of Chapter III, Section IV or the permission under the provisions of Chapter IV, Section I or Chapter V, Section III.
 - (3)-2 A person who the Minister of Justice determines, having reasonable grounds to believe as much, is likely to commit the criminal act for the purpose of intimidation of the general public and of governments (hereinafter in this item to be referred to as the “criminal act for the purpose of intimidation of the general public and of governments”) provided for in Article 1 of the Law for Punishment of the Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments (Law No. 67 of 2002), the act of preparing for the criminal act for the purpose of intimidation of the general public and of governments, or the act of facilitating the criminal act for the purpose of intimidation of the general public and of governments.
 - (3)-3 A person whose entry into Japan shall be prevented pursuant to an international agreement.
- (4) An alien in Japan (except for those to whom permission for provisional landing, permission for landing at a port of call, permission for landing in transit, landing permission for crewmen, or landing permission due to disaster has been granted) who falls under any one of the following sub-items:
 - a. A person who is clearly found to be engaged solely in activities related to the management of business involving income or activities for which he receives remuneration in violation of the

provisions of Article 19, Paragraph 1 (excluding those under the control of another due to trafficking in persons).

- b. A person who stays in Japan beyond the period of stay authorized without obtaining an extension or change thereof.
- c. A person who has committed trafficking in persons or instigated or aided another to commit it.
- d. A person who has been punished for violation of the provisions of Paragraph 1 (excluding Item (6)) to Paragraph 3 of Article 23 of the Passport Law (Law No. 267 of 1951).
- e. A person who has been punished for violation of the provisions of Article 74 to 74-6-3, or 74-8.
- f. A person who has been sentenced to imprisonment or a heavier penalty for violation of the provisions of laws and ordinances relating to alien registration except for those who have been found guilty with suspension of execution of sentence.
- g. A person who is a juvenile provided for by the Juvenile Law (Law No.168 of 1948) and who was sentenced on and after November 1, 1951, to imprisonment with or without labor for not less than 3 years.
- h. A person who has been convicted later than November 1, 1951, for violation of a provision of the Narcotics and Psychotropic Substances Control Law, the Marijuana Control Law, the Opium Law, the Stimulants Control Law, the Law Concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Law No.94 of 1991) or Book II, Chapter XIV of the Penal Code (Law No.45 of 1907).
- i. Except for those under Sub-items (d) to (h), a person who has been sentenced on and after November 1, 1951, to imprisonment with labor or imprisonment for life or for a period of not less than 1 year However, this shall not apply to those who have been found guilty with suspension of execution of sentence.
- j. A person who is engaged in prostitution or procuring prostitutes for others, solicitation, furnishing a place for prostitution, or any other business directly connected to prostitution (excluding those under the control of another due to trafficking in persons).
- k. A person who has incited, instigated, or aided the illegal entry or illegal landing of an alien into Japan.
- l. A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any other organization, which attempts or advocates the same.
- m. A person who organizes, or is a member of, or is closely associated or 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 injuring of officials of the Government or local public entities for the reason of their being such officials.
 - 2. A political party or organization, which encourages illegal damage or destruction of public installations or facilities.
 - 3. A political party or organization, which encourages acts of dispute such as stopping or preventing normal maintenance or operation of security equipment of a plant or a place of work.
- n. A person who has prepared, distributed or displayed printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization provided for in Sub-item (1) or (m).
- o. Except for those under Sub-items (a) to (n), a person who, the Minister of Justice determines, has committed acts detrimental to the interests or security of Japan.

(4)-2 A person who is staying in Japan with a status of residence specified in the left-hand column of Annexed Table I and has been sentenced to imprisonment with or without labor on the charge of a crime provided for by Book II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, or by Article 1, 1-2 or 1-3 (except for the parts concerning Article 222 or 261 of the Penal Code of Japan) of the Law Concerning Punishment of Physical Violence and Other Related Matters, or by the Law for Prevention and Disposition of Robbery, Theft or Article 15 or 16 of the Law concerning Prohibition of Profession of special picking tools, and Other Related Matters.

(4)-3 A person whose status of residence is “Temporary Visitor”, and has illegally killed, injured, assaulted or threatened a person, or damaged or destroyed a building or other things 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 a municipality where the venue is to be located. (This refers to “ward” where Tokyo special wards exist or to cities designated in Article 252-19, Paragraph 1 of the Local Autonomy Law) or to neighboring places provided for use to unspecified persons or to a large number of persons.

(5) A person who has been granted permission for provisional landing and escapes or fails to appear at a summons without justifiable reason in violation of the conditions imposed based on Article 13, Paragraph 3.

(5)-2 A person who has been ordered to leave Japan based on the provisions of Article 10, Paragraph 10, or Article 11, Paragraph 6 but does not leave without delay.

(6) A person granted permission for landing at a port of call, permission for landing in transit, landing permission for crewmen, permission for emergency landing, landing permission due to disaster or landing permission for temporary refuge who stays in Japan beyond the period entered in his passport or permit.

(6) -2 A person who has been designated a period based on the provisions of Article 16, Paragraph 7, but does not return to his vessel or leave Japan within that period.

(7) A person provided for in Article 22-2, Paragraph 1, who stays in Japan beyond the period prescribed in Article 22-2, Paragraph 1, without receiving permission pursuant to Paragraph 3 of the same article, applicable mutatis mutandis to Article 20, Paragraphs 3 and 4 or pursuant to Article 22-2, Paragraph 4, applicable mutatis mutandis to Article 22, Paragraphs 2 and 3.

(8) A person who has been given a departure order under the provisions of Article 55-3, Paragraph 1, but stays in Japan beyond the time limit for departure under the departure order.

(9) A person whose departure order has been revoked under the provisions of Article 55-6.

(10) A person who stays in Japan with permission granted under Article 61-2-2, Paragraph 1, or Article 61-2-3, where the recognition of his refugee status has been revoked under the provisions of Article 61-2-7, Paragraph 1 (applicable only to Item (1) or Item (3)).

Article 24-2.

The Minister of Justice shall seek the opinions of the Minister of Foreign Affairs, the Commissioner General of the National Police Agency, the Director-General of the Public Security Intelligence Agency and the Commandant of the Japan Coast Guard prior to the decision provided for in Item (3)-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 opinion to the Minister of Justice concerning the decision provided for in Item (3)-2 of the preceding article.

(Departure Order)

Article 24-3.

Any alien who falls under any of Item (2)-3 of Article 24, Sub-item (b) of Item (4), Item (6) or Item (7) of the preceding article and also falls under all of the following items (hereinafter referred to as an “alien subject to a departure order”) shall, notwithstanding the provisions of the said article, be ordered to depart from Japan in accordance with the procedures set forth in Chapter V, Section I to Section III and Chapter V-2:

- (1) The alien has appeared at an immigration office by himself with the intention of departing from Japan promptly.
- (2) The alien does not fall under any of Item (3) of Article 24, Sub-items (c) to (o) of Item (4), Item (8) or Item (9) of the preceding article.
- (3) The alien has not been sentenced to imprisonment with or without labor on the charge of a crime provided for by Book 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 (excluding the parts concerning Article 222 or 261 of the Penal Code of Japan) of the Law Concerning Punishment of Physical Violence and Other Related Matters, the Law for Prevention and Disposition of Robbery, Theft, and Other Such Matters, or Articles 15 or 16 of the Law Concerning Prohibition of Possession of Special Picking Tools and Other Related Matters.
- (4) The alien has no past record of being deported from Japan or of departing from Japan by a departure order under the provisions of Article 55-3, Paragraph 1.
- (5) The alien is expected with certainty to depart from Japan promptly.

SECTION III DEPARTURE

(Procedures for Departure)

Article 25.

Any alien (excluding crewmen but including those departing with the re-entry permission provided for in Article 26; hereinafter referred to as the same in the following article) who is to depart from Japan with the intention to proceed to an area outside of Japan shall receive confirmation of departure from an immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance at the port of entry or departure from which he leaves Japan.

2. The alien stipulated in the preceding paragraph shall not leave Japan unless he has received confirmation of departure.

(Deferment of Confirmation of Departure)

Article 25-2.

An immigration inspector may suspend confirmation of departure for up to 24 hours after the application for confirmation has been made in accordance with the provisions of the preceding article by an alien who desires to leave Japan with the intention to proceed to an area outside of Japan, when a notification has been received from relevant agencies that the alien is any one of the following.

(1) A person who is subject to legal action for a crime for which the death sentence or life sentence, imprisonment with labor for 3 years or more, or imprisonment may be imposed; or a person against whom a warrant of arrest, a warrant of custody, warrant of detention, or a warrant of legal consultation detention has been issued.

(2) A person who has been sentenced to imprisonment or a heavier penalty and has not been found guilty with suspension of execution of sentence, and who must complete the sentence or must wait until being freed from completion of the sentence (except for those released on parole).

(3) A person against whom a warrant for provisional confinement or confinement has been issued based on the provisions of the Law on Extradition (Law No.68 of 1953).

2. An immigration inspector shall, when he has suspended confirmation of departure as provided for in the preceding paragraph, immediately notify to that effect the relevant agency from which the notification of the preceding paragraph was received.

(Re-entry Permission)

Article 26.

The Minister of Justice may grant re-entry permission to an alien in accordance with the procedures provided for by a Ministry of Justice ordinance upon an application from the alien who is residing in Japan (except for those who have received permission for provisional landing and have received permission for landing under Articles 14 to 18) and is to depart from Japan with the intention of re-entering Japan prior to the date of expiration of his period of stay (or the period within which he is eligible to stay in cases where he has no fixed period of stay). In doing so, the Minister of Justice may grant multiple re-entry permission upon application if considered to be appropriate.

2. The Minister of Justice shall, when granting the permission provided for in the preceding paragraph, have an immigration inspector endorse a re-entry permit in the passport of the alien if he possesses a passport, or issue a re-entry permit in accordance with the procedures provided for by a Ministry of Justice ordinance if he is not in possession of a passport and is unable to acquire one for reason of being without nationality or any other reasons. In such case the permission shall become effective as of the time of endorsement by stamping or the date written on the re-entry permit.

3. The Minister of Justice shall determine a period of validity of re-entry permission (including multiple re-entry permission), which shall not exceed 3 years from the date of issuance of the permission.

4. The Minister of Justice may, if he finds that a person who has left Japan with re-entry permission has reasonable grounds for not being able to re-enter within the valid period of the permission, grant an extension, upon application, of the period of validity up to a period of 1 year and within 4 years from the issuance date of the re-entry permission.

5. The permission provided for in the preceding paragraph shall be entered in the passport or the re-entry permit, and the administrative work shall be entrusted to a Japanese consular officer.

6. If the Minister of Justice finds that it is not appropriate to further grant multiple re-entry permission to an alien who has re-entered with multiple re-entry permission, the permission may be revoked while the said alien is in Japan.

7. The re-entry permit provided for in Paragraph 2 shall be considered as a passport, only in cases of entry into Japan, in accordance with the re-entry permission of the re-entry permit concerned.

CHAPTER V PROCEDURES FOR DEPORTATION

SECTION I INVESTIGATION OF VIOLATIONS

(Investigation of Violations)

Article 27.

An immigration control officer may, when he finds an alien whom he recognizes as falling under any one of the items of Article 24, conduct an investigation into any violation that may have been committed by such alien (hereinafter referred to as “suspect”).

(Necessary Inquiries and Information for Investigation of Violations)

Article 28.

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

2. An immigration control officer may make inquiries to public offices or to public or private organizations for information on necessary matters connected with investigations of violations.

(Request of Appearance and Investigation of a Suspect)

Article 29.

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

2. In the case of the preceding paragraph, an immigration control officer shall put the suspect's statement on record.

3. In putting the statement on record as given in the preceding paragraph, an immigration control officer shall make the suspect read it or he will read it aloud to the suspect and have him sign it, and shall affix his own signature thereto.

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

(Request of Appearance of Witnesses)

Article 30.

An immigration control officer may, if it is necessary in conducting an investigation into a violation, request the appearance of a witness for questioning.

2. In the case of the preceding paragraph an immigration control officer shall put 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 of the preceding paragraph. In this case “suspect” in Paragraphs 3 and 4 of the preceding article shall read “witness”.

(Inspection, Search and Seizure)

Article 31.

An immigration control officer may, in cases where it is necessary in conducting an investigation into a violation, carry out a visit of inspection, search or seizure with permission from a judge of the district court or summary court exercising jurisdiction over the area where his office is located.

2. In the case of the preceding paragraph, if urgency is required, an immigration control officer may take such action as provided for in the same paragraph with permission from a judge of the district court or summary court exercising jurisdiction over the place subject to inspection, persons or articles subject to search, articles subject to search, or articles subject to seizure.

3. An immigration control officer shall, when he is to apply for the permission provided for in Paragraph 1 or in the preceding paragraph, submit an application together with data that indicates that a suspect is likely to fall under one of the items of Article 24 and if the immigration control officer is to inspect a place such as a dwelling other than that of the suspect he shall submit data that indicates the existence of circumstances under which the place is likely to be connected with a case of violation. If the immigration control officer is to search a person other than the suspect, his personal effects, dwellings or other places he shall submit data that indicates existence of an article which should be seized and that such article is likely to be connected with a case of violation and if the immigration control officer is to seize the article of a person other than the suspect he shall submit data that indicates existence of circumstances that the article is likely to be connected with a case of violation.

4. When the application provided for in the preceding paragraph is submitted, a judge of the district court or summary court shall enter in the warrant the place of inspection, the person or articles subject to search, articles to be seized, official position and name in full of the applicant, the effective period of the warrant, and the name of the court with a signature and seal, and deliver it to the immigration control officer.

5. An immigration control officer may deliver the warrant provided for in the preceding paragraph to another immigration control officer and have him carry out inspection, search or seizure.

(Necessary Actions)

Article 32.

An immigration control officer may, in the event that it is necessary to carry out a search or seizure, remove locks, open seals, or take any other necessary actions.

(Carrying of Identification Card)

Article 33.

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

(Attendance at Search or Seizure)

Article 34.

An immigration control officer shall, in the event that he conducts a search or seizure at a dwelling or building, ensure that the proprietor, tenant, administrator or person who acts in the capacity of such person is present. If this cannot be done, he shall ensure that a neighbor or an official of a local public entity is present.

(Restriction on Hours)

Article 35.

An immigration control officer shall not enter any dwelling or building to conduct a search or seizure before sunrise or after sunset, unless the warrant indicates that it may be conducted at night.

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

3. An immigration control officer shall not be required to act according to the restrictions stipulated in Paragraph 1 when conducting a search or seizure at the following places:

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

(2) A hotel, restaurant or any other place which the public may frequent even at night; provided however, that this shall apply only during the hours open to the public.

(Prohibition of Entry and Exit)

Article 36.

An immigration control officer may prohibit any person from entering or leaving the premises without permission while he is conducting an investigation, inspection, search or seizure.

(Procedures for Seizure)

Article 37.

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

2. An immigration control officer shall, should he find that there is no need to retain a seized article, return it promptly.

(Preparation of Records)

Article 38.

An immigration control officer shall, in the event that he has conducted an inspection, search or seizure, prepare a record thereof and make a person required to be present read it, or he will read it aloud to the person and have him sign it, and shall affix his own signature thereto.

2. In the case of 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 that effect in the record.

SECTION II DETENTION

(Detention)

Article 39.

An immigration control officer may, if he has reasonable grounds to believe that a suspect falls under any one of the items of Article 24, detain the suspect in accordance with a written detention order.

2. Such a written detention order as given in the preceding paragraph shall be issued upon application from an immigration control officer by a supervising immigration inspector of the office to which the former is attached.

(Form of a Written Detention Order)

Article 40.

In the written detention order provided for in Paragraph 1 of the preceding article, the name, place of residence, nationality of the suspect, summary of the suspected offense, place of detention, effective period and date of issuance of the order, and other matters provided for by a Ministry of Justice ordinance shall be written and a supervising immigration inspector shall sign his name and affix his seal thereto.

(Period and Place of Detention and Entrusting of Custody)

Article 41.

The period of detention determined by the written detention order shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable circumstances, he may extend such period for only a further 30 days.

2. The place wherein the alien may be detained under the written detention order shall be an immigration center, detention house, or any other proper place designated by the Minister of Justice or by a supervising immigration inspector commissioned by the Minister of Justice.

3. A police official may, upon the request of a supervising immigration inspector who finds it necessary, place a suspect under custody in a police station.

(Procedures for Detention)

Article 42.

An immigration control officer shall, when he detains a suspect based on a written detention order, show the detention order to the suspect.

2. In cases of urgency, an immigration control officer may, even if he is not in possession of a written detention order, detain a suspect informing the suspect of the summary of the suspected offense and also of the fact that the order is outstanding, provided that the order shall be shown to the suspect as soon as possible.

(Emergency Cases)

Article 43.

If an immigration control officer finds that there are reasonable grounds to believe that a person clearly falling under one of the items of Article 24 is likely to escape before issuance of the written detention order, the immigration control officer may detain him without a written detention order.

2. In cases where detention has been carried out in accordance with provisions of the preceding paragraph, the immigration control officer shall notify a supervising immigration inspector promptly of the grounds therefor and request the issuance of a written detention order.

3. In such a case as of the preceding paragraph, if a supervising immigration inspector does not approve the detention as provided for 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 shall deliver the suspect to an immigration inspector together with the records and evidence within 48 hours from the time he has taken the suspect into custody.

SECTION III EXAMINATION, HEARING AND FILING OF OBJECTIONS

(Examination by an Immigration Inspector)

Article 45.

An immigration inspector shall, when a suspect has been delivered to him pursuant to the provision of the preceding article, promptly examine whether the suspect falls under the category of alien subject to deportation (alien who falls under any of the items of Article 24 but does not fall under the category of alien subject to a departure order; hereinafter referred to as the same).

2. An immigration inspector shall, in the event that he has held an examination in accordance with the preceding paragraph, prepare a record thereof.

(Burden of Proof on the Suspect)

Article 46.

Any suspect subject to examination under the preceding article, when he is suspected of falling under any one of Items (1) (except for the part concerning Article 3 (1) b), or (2) in Article 24, shall have the burden of proof to establish that he does not fall under the item.

(Procedures after Examination)

Article 47.

An immigration inspector shall immediately release a suspect when he has found, as a result of examination, that the suspect does not fall under any one of the items of Article 24.

2. When an immigration inspector finds, as a result of examination, that the suspect falls under the category of alien subject to a departure order, he shall promptly notify a supervising

immigration inspector of his findings. In this case, if the suspect has been given a departure order under the provisions of Article 55-3, Paragraph 1, the immigration inspector shall immediately release the suspect.

3. When an immigration inspector finds, as a result of examination, that the suspect falls under the category of alien subject to deportation, he shall promptly notify a supervising immigration inspector and the suspect of his findings in writing together with the statement of grounds for such findings.

4. When an immigration inspector submits a notification in accordance with the preceding paragraph, he shall notify the suspect that he may request a hearing pursuant to the provisions of Article 48.

5. In the case of Paragraph 3, if the suspect has no objection to the findings, the supervising immigration inspector shall, after having the alien sign a document with a statement that he will not request a hearing, promptly issue a written deportation order under the provision of Article 51.

(Hearing)

Article 48.

Any suspect who has received the notification provided for in Paragraph 3 of the preceding article may, if he has an objection to the findings provided for in the same paragraph, orally request a special inquiry officer for a hearing within 3 days from the date of notification.

2. An immigration inspector shall, when a request has been made for the hearing under the preceding paragraph, submit the record provided for in Article 45, Paragraph 2 and other pertinent documents to a special inquiry officer.

3. A special inquiry officer shall, when a request is made for a hearing in accordance with Paragraph 1, promptly notify the suspect of the time and place of hearing and conduct the hearing.

4. A special inquiry officer shall, when a hearing is held in accordance with the preceding paragraph, prepare a record of the hearing.

5. The provisions of Article 10, Paragraphs 3 to 6 shall apply mutatis mutandis to the proceedings of a hearing under Paragraph 3.

6. When a special inquiry officer finds, as a result of the hearing, that the findings given in Paragraph 3 of the preceding article are not supported by factual evidence (only in cases where the suspect does not fall under any of the items of Article 24), he shall immediately release the suspect.

7. When a special inquiry officer finds, as a result of the hearing, that the findings given in Paragraph 3 of the preceding article are not supported by factual evidence (only in cases where the suspect falls under the category of alien subject to a departure order), he shall promptly notify a supervising immigration inspector of his findings. In this case, if the suspect has been given a departure order under 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 given in Paragraph 3 of the preceding article, he shall promptly notify the supervising immigration inspector and the suspect to that effect, and at the same time notify the suspect that he may file an objection pursuant to the provisions of Article 49.

9. If the suspect, upon receipt of the notification provided for in the preceding paragraph, has no objection to the findings given in the same paragraph, the supervising immigration inspector shall have him sign a document with a statement that he will not file an objection and promptly issue the written deportation order provided for in Article 51.

(Filing of an Objection)

Article 49.

Any suspect, upon receipt of the notification provided for in Paragraph 8 of the preceding article, may, in cases where he has an objection to the findings under the same paragraph, file an objection with the Minister of Justice by submitting to a supervising immigration inspector, within 3 days from the date of receipt of the notification, a written statement containing the grounds for his complaint in accordance with the procedures provided for by a Ministry of Justice ordinance.

2. When the objection provided for in the preceding paragraph has been filed, a supervising immigration inspector shall submit to the Minister of Justice a record of the examination given in Article 45, Paragraph 2, and a record of the hearing given in Paragraph 4 of the preceding article, and other pertinent documents.

3. When the Minister of Justice has received the objection filed under Paragraph 1, he shall decide whether the objection is with reason and notify a supervising immigration inspector of his decision.

4. The supervising immigration inspector shall, upon receipt of notification from the Minister of Justice of his decision that the objection is with reason (only in 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 has issued a departure order to the suspect under the provisions of Article 55-3, Paragraph 1, he shall immediately release the suspect upon receipt of notification from the Minister of Justice of the decision that the objection has been found to be with reason (provided that the suspect does not fall under the category of alien subject to a departure order).

6. The supervising immigration inspector shall, upon receipt of notification from the Minister of Justice of the decision that the objection is without reason, promptly notify the suspect to that effect and issue a written deportation order in accordance with the provision of Article 51.

(Special Cases of Decisions by the Minister of Justice)

Article 50.

The Minister of Justice may, even if he finds that the objection filed is without reason, in making a decision under Paragraph 3 of the preceding article, grant the suspect special permission to stay in Japan if he falls under any of the following items:

- (1) He has obtained permission for permanent residence.
- (2) He has had in the past a permanent domicile in Japan as a Japanese national.
- (3) He resides in Japan under the control of another due to trafficking in persons.
- (4) The Minister of Justice finds grounds for granting special permission to stay, other than the previous two subparagraphs.

2. In the case of the preceding paragraph, the Minister of Justice may impose conditions, which he may deem necessary such as on the period of stay, in accordance with a Ministry of Justice ordinance.

3. The permission in accordance with Paragraph 1 shall be regarded as a decision that the objection filed is with reason with respect to the application of Paragraph 4 of the preceding article.

SECTION IV ENFORCEMENT OF WRITTEN DEPORTATION ORDERS

(Form of Written Deportation Orders)

Article 51.

A deportation order issued in accordance with Article 47, Paragraph 5, Article 48, Paragraph 9 or Article 49, Paragraph 6, or in accordance with the deportation procedures based on the provisions of Article 63, Paragraph 1, shall contain the full name, age and nationality of the alien, reason for deportation, destination, date of issuance of the deportation order, and other matters as provided for by a Ministry of Justice ordinance, and the name and seal of a supervising immigration inspector shall be affixed thereto.

(Enforcement of Written Deportation Orders)

Article 52.

A written deportation order shall be enforced by an immigration control officer.

2. A police official or maritime safety official may, at the request of a supervising immigration inspector who finds it necessary due to shortage of immigration control officers, enforce a written deportation order.

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

4. In the case of the preceding paragraph, if a person against whom a deportation order has been issued desires to leave Japan voluntarily at his own expense, the director of an immigration center or a supervising immigration inspector may permit him to do so upon an application from the said person. In this case, regardless of the entries in the written deportation order and the provisions of the following article, the director of an immigration center or a supervising immigration inspector may determine the destination of the person based on his application.

5. If, in the case of the main text of Paragraph 3, the alien cannot be deported immediately, an immigration control officer may detain him in an immigration center, detention house, or any other place designated by the Minister of Justice or by a supervising immigration inspector commissioned by the Minister of Justice until such time as deportation becomes possible.

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

(Destinations of Deportation)

Article 53.

Any person subject to deportation shall be deported to a country of which he is a national or citizen.

2. If the person cannot be deported to such country as provided for in the preceding paragraph, such person shall be deported to one of the following countries in accordance with his wishes:

(1) A country in which he had been residing immediately prior to his entry into Japan.

(2) A country in which he once resided before his entry into Japan.

(3) A country to which the port, where he boarded the vessel or aircraft departing for Japan, belongs.

(4) A country where his place of birth is located.

(5) A country to which his birthplace belonged at the time of his birth.

(6) Any country other than those given in the preceding items.

3. Except for cases where the Minister of Justice finds it considerably detrimental to the interests and security of Japan, the countries provided for in the preceding two paragraphs shall not include the territories of countries stipulated in the Refugee Convention, Article 33, Paragraph 1.

SECTION V PROVISIONAL RELEASE

(Provisional Release)

Article 54.

Any person detained under a written detention order or deportation order, his proxy, curator, spouse, lineal relative or sibling may apply for provisional release to the director of an immigration center or supervising immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance.

2. The director of an immigration center or a supervising immigration inspector may accord provisional release to an alien detained under a written detention order or deportation order upon the application provided for in the preceding paragraph or ex officio, taking into consideration such matters as circumstances, evidence produced in support of the application, character and the financial ability of the alien in accordance with a Ministry of Justice ordinance, upon his depositing a bond of not more than 3 million yen as provided for by a Ministry of Justice ordinance, and with conditions as may be deemed necessary, such as restrictions on place of residence and area of movement and the obligation of appearing at a summons.

3. The director of an immigration center or a supervising immigration inspector, if he deems it proper, may permit a letter of guarantee submitted by a person other than the alien detained under a written detention order or deportation order to be substituted for the bond. Such a letter of guarantee shall contain the amount of the bond and a statement that the bond will be paid at any time.

(Revocation of Provisional Release)

Article 55.

The director of an immigration center or a supervising immigration inspector may revoke a provisional release if the alien accorded provisional release has escaped, he has reasonable grounds to suspect the alien will attempt to escape, the alien fails to comply with an order to appear at a summons without justifiable reason, or has violated any of the conditions of provisional release.

2. The director of an immigration center or a supervising immigration inspector shall, if he revokes the provisional release under the preceding paragraph, prepare a written revocation of

provisional release and hand it to an immigration control officer with the written detention order or deportation order attached.

3. The director of an immigration center or a supervising immigration inspector shall confiscate the bond in whole if he revokes a provisional release on the grounds that the person may escape or has failed to comply with an order to appear at a summons without justifiable reason and he shall confiscate the bond in part if he revokes a provisional release on any other grounds.

4. Should the provisional release of any person be revoked, an immigration control officer shall show a written revocation of provisional release and a detention order or deportation order to such person and detain him at an immigration center, detention house, or any other place designated by the Minister of Justice or a supervising immigration inspector commissioned by the Minister of Justice.

5. An immigration control officer may, in cases of emergency, detain a person who is to have his provisional release revoked without a written revocation of provisional release and a detention order or deportation order by informing him that the provisional release has been revoked. However, a written revocation of provisional release and a detention order or deportation order shall be shown to such person as soon as possible.

CHAPTER V-2 DEPARTURE ORDERS

(Examination for Departure Orders)

Article 55-2.

An immigration control officer shall, if he finds reasonable grounds to believe that a suspect falls under the category of alien subject to a departure order, notwithstanding the provisions of Article 39, send the suspect's case of violation to an immigration inspector.

2. The immigration inspector shall, when he receives the case of violation under the provisions of the preceding paragraph, immediately examine whether the suspect falls under the category of alien subject to a departure order.

3. When the immigration inspector finds, as a result of examination, that the suspect falls under the category of alien subject to a departure order, he shall promptly notify a supervising immigration inspector of his findings.

4. The immigration inspector shall, if he finds reasonable grounds to believe that the suspect falls under the category of alien subject to deportation, notify an immigration control officer of his findings and send the case of violation back to the immigration control officer.

(Departure Orders)

Article 55-3.

A supervising immigration inspector shall, upon receipt of the notification under the provisions of Article 47, Paragraph 2, Article 48, Paragraph 7, Article 49, Paragraph 5, or Paragraph 3 of the preceding article, immediately order the suspect concerned in the notification to depart from Japan. In such 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 under the provisions of the preceding paragraph, the supervising immigration inspector shall deliver a written departure order to the suspect as set forth in the next paragraph.

3. When ordering departure under the provisions of Paragraph 1, the supervising immigration inspector may, as provided for by a Ministry of Justice ordinance, impose restrictions upon 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 issued under the provisions of Paragraph 2 of the preceding article shall contain the full name, age and nationality of the alien who has been given a departure order, the reason for the departure order, the time limit for departure, the date of issuance of the departure order, and other matters as provided for by a Ministry of Justice ordinance, and the name and seal of a supervising immigration inspector shall also be affixed thereto.

(Extension of the Time Limit for Departure)

Article 55-5.

Upon receiving notification from the alien who has been given a departure order under the provisions of Article 55-3, Paragraph 1, that the alien is unable to depart from Japan by the time limit for departure under the departure order, the supervising immigration inspector may, as provided for by a Ministry of Justice ordinance, extend the time limit for departure, provided that the supervising immigration inspector finds reasons not attributable to the alien such as the operating schedule of the vessel or aircraft used for departure.

(Revocation of a Departure Orders)

Article 55-6.

The supervising immigration inspector may, when the alien who has been given a departure order under the provisions of Article 55-3, Paragraph 1 violates any of the restrictions imposed under the provisions of Paragraph 3 of the said article, revoke the departure order.

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

(Duty of Cooperation)

Article 56.

The captain of a vessel or aircraft entering Japan and the carrier who operates such a vessel or aircraft shall cooperate with an immigration inspector in carrying out his duties such as immigration inspection.

(Duty of Checking Passports or Other Documents)

Article 56-2.

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

(Duty of Reporting)

Article 57.

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

2. The captain of a vessel or aircraft leaving Japan shall report upon the request of an immigration inspector at the port of entry or departure from which the vessel or aircraft leaves the matters related to its crewmen and passengers as provided for in the preceding paragraph.
3. The captain of a vessel or aircraft entering Japan shall, where he has knowledge of any alien aboard the vessel or aircraft, without a valid passport, crewman's pocket-ledger or re-entry permit, report such information immediately to an immigration inspector at the port of entry or departure.
4. The captain of a vessel or aircraft entering Japan shall, if a crewman who has been granted the permission provided for in Article 16, Paragraph 2 is on board, report immediately the name of the crewman and other matters provided for by a Ministry of Justice ordinance to an immigration inspector upon each arrival at a port of entry or departure.
5. The captain of a vessel or aircraft leaving Japan shall, at the request of an immigration inspector at the port of entry or departure from which the vessel or aircraft departs, report whether the person granted permission for landing in transit as provided for in Article 15,

Paragraph 1, has returned to his vessel or aircraft, whether the person who received landing permission for crewmen is aboard the correct vessel or aircraft, and whether any person who seeks to depart from Japan in violation of the provisions of Article 25, Paragraph 2, or Article 60, Paragraph 2, is aboard the vessel or aircraft.

(Duty of Prevention of Landing)

Article 58.

The captain of a vessel or aircraft arriving in Japan shall, if he has knowledge of any alien provided for in Paragraph 3 of the preceding article aboard the vessel or aircraft, prevent such alien from landing.

(Duty of Sending Back)

Article 59.

The captain of a vessel or aircraft or the carrier who operates a vessel or aircraft that has transported any alien coming under any one of the following items shall promptly send back such an alien outside Japan at his own expense and on his own responsibility by the same vessel or aircraft or any other vessel or aircraft owned by the same carrier:

- (1) Any person denied landing in accordance with the provisions of Chapter III, Section I or II.
- (2) Any person deported for coming under any one of Article 24, Items (5) to (6)-2.
- (3) Other than those provided for in the preceding item, and among those who have been ordered within 5 years from the date of landing to be deported for coming under any one of the items of Article 24, any alien of whom the captain of a vessel or aircraft or the carrier who operates the vessel or aircraft can be considered as having had clear knowledge of the existence of grounds for deportation at the time of his landing.

2. In the case of the preceding paragraph, if the carrier concerned cannot send an alien back by the vessel or aircraft given in the same paragraph, he shall send back the said alien promptly by some other vessel or aircraft on his own responsibility and at his own expense.

3. Despite the provisions of the preceding two paragraphs concerning the expense and responsibility of the captain of a vessel or aircraft or the carrier, a supervising immigration inspector may exempt the captain or the carrier from bearing all or a part of the expenses and responsibility arising from keeping the alien who is specified by Paragraph 1 (1) at the facility designated under the provisions of Article 13-2, Paragraph 1, provided that the alien concerned has 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.

The Minister of Justice may have an immigration inspector inquire into the facts, if necessary, for conducting dispositions relating to the issuance of a certificate in accordance with the provision of Article 7-2, Paragraph 1 or relating to permission in accordance with the provisions of Article 12, Paragraph 1, Article 19, Paragraph 2, Article 20, Paragraph 3 (including cases where the same shall apply mutatis mutandis under Article 22-2, Paragraph 3 (including cases where the same shall apply mutatis mutandis under Article 22-3)), Article 21, Paragraph 3, Article 22, Paragraph 2 (including cases where the same shall apply mutatis mutandis under Article 22-2, Paragraph 4 (including cases where the same shall apply mutatis mutandis under Article 22-3)), Article 50, Paragraph 1, or Article 61-2-11, or relating to the revocation of status of residence in accordance with the provision of Article 22-4, Paragraph 1.

2. An immigration inspector may request an alien and other persons concerned to make an appearance, may ask questions, or request the presentation of documents, if necessary, for the inquiry as provided for in the preceding paragraph.

3. The Minister of Justice or an immigration inspector may make inquiries to public offices or to public or private organizations and request submission of reports on necessary facts in relation to the inquiry of Paragraph 1.

CHAPTER VII DEPARTURE FROM AND RETURN TO JAPAN OF JAPANESE NATIONALS

(Departure of Japanese Nationals)

Article 60.

Any Japanese national (excluding crewmen) who departs from Japan with the intention to proceed to an area outside of Japan shall carry with him a valid passport and shall receive confirmation of departure from Japan from an immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance, at the port of entry or departure from which such person departs.

2. A Japanese national under the preceding paragraph shall not depart from Japan unless he has received confirmation of departure from Japan.

(Return to Japan of Japanese Nationals)

Article 61.

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

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

(Recognition of Refugee Status)

Article 61-2.

The Minister of Justice may, if an alien in Japan submits an application in accordance with the procedures provided for by a Ministry of Justice ordinance, recognize such person as a refugee (hereinafter referred to as “recognition of refugee status”) based on the data furnished.

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

(Permission Concerning Status of Residence)

Article 61-2-2.

The Minister of Justice shall, when he recognizes an alien as a refugee pursuant to Paragraph 1 of the preceding article and the alien who has filed the application under the provisions of the said paragraph falls under the category of alien without a status of residence (aliens other than those who stay in Japan under a status of residence specified in the left-hand column of Annexed Table I and Annexed Table II, those who have been granted permission for landing for temporary refuge and have not stayed in Japan beyond the period stated in the permit, and special permanent residents; hereinafter referred to as the same), permit the alien to acquire the status of residence “Long-Term Resident”, unless the alien falls under any of the following items:

(1) The alien has filed the application under Paragraph 1 of the preceding article 6 months after the date on which he landed in Japan (or the date on which he became aware of the fact that the circumstances in which he might have become a refugee arose while he was in Japan), unless there were unavoidable circumstances.

(2) The alien has not entered Japan directly from a territory where his life, physical being or physical freedom was likely to be persecuted on the grounds set forth in Article 1, Paragraph A-(2) of the Refugee Convention, unless the circumstances in which he might have become a refugee arose while he was in Japan.

(3) The alien falls under Item (3) or Sub-items (e) to (o) of Item (4) of Article 24.

(4) The alien has been sentenced, after entering Japan, to imprisonment with or without labor on the charge of a crime provided for by Book 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 concerning Article 222 or 261 of the Penal Code of Japan) of the Law Concerning Punishment of Physical Violence and Other Related Matters, the Law for Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Articles 15 or 16 of the Law Concerning Prohibition of Possession of Special Picking Tools and Other Related Matters.

2. When an alien without a status of residence has filed the application under Paragraph 1 of the preceding article and is denied recognition as a refugee or permission is not granted under the preceding paragraph, the Minister of Justice shall examine whether there are grounds for granting special permission to stay to the alien without a status of residence, and may grant special permission to stay if he finds such grounds.

3. When granting permission under the preceding two paragraphs, the Minister of Justice shall determine the status of residence and the period of stay, and have an immigration inspector issue to the alien without a status of residence a certificate of status of residence that states the status of residence and the period of stay. In this case, the permission shall become effective with the contents thereof and as of the time of issuance.

4. When granting permission under Paragraph 1 or Paragraph 2, the Minister of Justice shall revoke the permission for provisional landing or permission for landing under the provisions of Chapter III, Section IV, which has been granted to the alien.

Article 61-2-3.

When an alien recognized as a refugee (excluding those who have acquired a status of residence with permission under Paragraph 2 of the preceding article) files an application to change his status to that of “Long-Term Resident” under the provisions of Article 20, Paragraph 2, or files an application to acquire the status of residence “Long-Term Resident”, under the provisions of Article 22-2, Paragraph 2 (including cases where the same shall apply mutatis mutandis under Article 22-3), the Minister of Justice shall, notwithstanding the provisions of Article 20, Paragraph 3 (including the cases where the same shall apply mutatis mutandis under Article 22-2, Paragraph 3 (including the cases where the same shall apply mutatis mutandis under Article 22-3)), grant permission to the alien, unless the alien falls under Item (1), Paragraph 1 of the preceding article.

(Permission for Provisional Stay)

Article 61-2-4.

The Minister of Justice shall, when an alien without a status of residence files the application under Article 61-2, Paragraph 1, permit the alien to provisionally stay in Japan, unless he falls under any of the following.

- (1) The alien has been granted permission for provisional landing.
- (2) The alien has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crewmen, permission for emergency landing or landing permission due to disaster, and has not stayed in Japan beyond the period given in his passport or permit.
- (3) The alien has been permitted to stay in Japan under the provisions of Article 22-2, Paragraph 1.
- (4) The alien came under any of the persons provided for in Article 5, Paragraph 1, Items (4) to (14) when he entered Japan.
- (5) There are reasonable grounds to suspect that the alien falls under any of the persons provided for in Item (3) or Sub-items (e) to (o) of Item (4) of Article 24.
- (6) The alien clearly falls under any of Article 61-2-2, Paragraph 1, Item (1) or Item (2).
- (7) The alien has been sentenced, after entering Japan, to imprisonment with or without labor on the charge of a crime provided for by Book 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 concerning Article 222 or 261 of the Penal Code of Japan) of the Law Concerning Punishment of Physical Violence and Other Related Matters, the Law for Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Article 15 or 16 of the Law Concerning Prohibition of Possession of Special Picking Tools and Other Related Matters.
- (8) A written deportation order has been issued to the alien.
- (9) There are reasonable grounds to suspect that the alien is likely to escape.

2. When granting permission under the preceding paragraph, the Minister of Justice shall, as provided for by a Ministry of Justice ordinance, determine the period of stay concerning the permission (hereinafter referred to as the “period of provisional stay”), and have an immigration inspector deliver to the alien without a status of residence a permit for provisional stay that states the period of provisional stay. In such case, the permission shall become effective with the contents thereof and as of the time of delivery.

3. When granting permission under Paragraph 1, the Minister of Justice may, as provided for by a Ministry of Justice ordinance, impose upon the alien without a status of residence restrictions on the place of residence, area of movement, activities, the obligation of appearing at a summons, and other conditions which may be considered necessary and, if deemed necessary, his fingerprints may be taken.

4. Upon receiving an application filed by an alien with the permission under Paragraph 1 to extend the period of provisional stay, the Minister of Justice shall permit the extension. In this case, the provisions of Paragraph 2 shall apply mutatis mutandis.

5. When an alien with the permission under Paragraph 1 subsequently comes to fall under any of the following items, the period of provisional stay granted to the alien (including the period of provisional stay extended under the provisions of the preceding paragraph; hereinafter referred to as the same) shall be deemed to have terminated at the time he comes to fall under the item.

(1) No objection has been filed under Article 61-2-9, Paragraph 1, against denial of recognition of refugee status, and the period set forth in Paragraph 2 of the said article has passed.

(2) An objection has been filed under Article 61-2-9, Paragraph 1, against denial of recognition of refugee status, but the objection has been withdrawn or a decision has been made to deny or dismiss the objection.

(3) The alien has been recognized as a refugee and has not been granted permission under Article 61-2-2, Paragraph 1 or Paragraph 2.

(4) The permission under Paragraph 1 has been revoked under the provisions of the next article.

(5) The application under Article 61-2, Paragraph 2, has been withdrawn.

(Revocation of Permission for Provisional Stay)

Article 61-2-5.

When any of the facts given in the following items are found with respect to an alien who has been granted permission under Paragraph 1 of the preceding article, the Minister of Justice may revoke the permission in accordance with the procedures provided for by a Ministry of Justice ordinance.

(1) The alien fell under any of Items (4) to (8) of Paragraph 1 of the preceding article when he was granted permission under the said paragraph.

(2) The alien has come to fall under Item (5) or Item (7) of Paragraph 1 of the preceding article after he was granted permission under the said paragraph.

(3) The alien has violated the conditions imposed under the provisions of Paragraph 3 of the preceding article.

(4) The alien has, with the intention of being recognized as a refugee, presented forged or altered materials or false materials, made false statements, or had persons concerned make false statements.

(5) The alien has carried out procedures to receive confirmation of departure under Article 25.

(Relation with the Procedures for Deportation)

Article 61-2-6.

The procedures for deportation set forth in Chapter V (including the procedures for deportation under the provisions of Article 63, Paragraph 1; hereinafter referred to as the same) shall not be carried out with respect to an alien who has been granted permission under Article 61-2-2, Paragraph 1 or Paragraph 2, on the grounds that the alien fell under any of the items of Article 24 when he was granted the permission.

2. The procedures for deportation set forth in Chapter V shall be suspended with respect to an alien without a status of residence who has filed the application under Article 61-2, Paragraph 1, and has been granted permission under Article 61-2-4, Paragraph 1, until the period of provisional stay concerning the permission has passed, even if there are reasonable grounds to suspect that the alien falls under any of the items of Article 24.

3. When the procedures for deportation set forth in Chapter 5 are carried out, deportation under the provisions of Article 52, Paragraph 3 (including delivery under the proviso of the said paragraph and deportation under Article 59; hereinafter referred to as the same) shall be suspended with respect to an alien without a status of residence who has filed the application under Article 61-2, Paragraph 1 and has not been granted permission under Article 61-2-4, Paragraph 1 or whose period of provisional stay concerning the permission has passed (excluding those who fall under Items (1) to (3) and Item (5) of Paragraph 5 of the said article), until the alien falls under any of the cases given in Items (1) to (3) of Paragraph 5 of the said article.

4. The provisions of Article 50, Paragraph 1, shall not apply to the procedures for deportation set forth in Chapter V where they are carried out with respect to an alien set forth in Paragraph 2, who has come to fall under any of Items (1) to (3) of Paragraph 5 of Article 61-2-4, or who falls under the provisions of the preceding paragraph.

(Revocation of Recognition of Refugee Status)

Article 61-2-7.

When any of the facts given in the following items are found with respect to an alien residing in Japan who has been recognized as a refugee, the Minister of Justice shall revoke the recognition of refugee status in accordance with the procedures provided for by a Ministry of Justice ordinance.

(1) The alien has been recognized as a refugee by making a false statement or by other dishonest means.

(2) The alien has come to fall under any of Article 1, C-(1) through (6) of the Refugee Convention.

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

2. The Minister of Justice shall notify in writing with the reason attached, when revoking the recognition of refugee status as stipulated in the preceding paragraph, the alien concerned and place a notice in the Official Gazette of the loss of validity of the alien's certificate of refugee status and the refugee travel document.

3. When an alien who has been issued a certificate of refugee status or a refugee travel document receives notice of revocation of the recognition of refugee status as given in the preceding paragraph, he must return these certificates to the Minister of Justice without delay.

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

Article 61-2-8.

When it is found that an alien residing in Japan under a status of residence specified in the left-hand column of Annexed Table I or Annexed Table II who is recognized as a refugee and has obtained, by making a false statement or by other dishonest means, permission under Article 61-2-2, Paragraph 1 on the grounds that the alien does not fall under any of the items of the said paragraph, the Minister of Justice may revoke his status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance.

2. The provisions of Paragraphs (2) to (7) of Article 22-4 shall apply mutatis mutandis to the revocation of the status of residence under the preceding paragraph. In this case, “immigration inspector” in Paragraph 2 of the said article shall read “refugee inquirer”, and “applicable only from Items (3) to Item (5)” in Paragraph 6 of the said article shall read “Article 61-2-8, Paragraph 1.”

(Filing of an Objection)

Article 61-2-9.

If an alien has an objection to one of the following decisions, he may file an objection with the Minister of Justice by submitting a document that states the matters provided for by a Ministry of Justice ordinance.

(1) Denial of recognition of refugee status.

(2) Revocation of recognition of refugee status as stipulated in Article 61-2-7, Paragraph 1.

2. The period set forth in Article 45 of the Administrative Complaint Investigation Law (Law No.160 of 1962) for the objection under the preceding article shall be within 7 days from the date on which the alien received the notification under Article 61-2, Paragraph 2, or Article 61-2-7, Paragraph 2.

3. When making a decision on the objection under Paragraph 1, the Minister of Justice shall, as provided for by a Ministry of Justice ordinance, consult with the refugee examination counselors.

4. When making a decision under Article 47, Paragraph 1 or Paragraph 2 of the Administrative Complaint Investigation Law regarding the objection under 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 intervener opportunities to present his opinions orally. In this case, the Minister of Justice shall immediately give him such opportunities.

6. The refugee examination counselors may observe the procedures in which the petitioner or intervener presents his opinions under the proviso of Article 25, Paragraph 1, which shall apply mutatis mutandis under Article 48 of the Administrative Complaint Administrative Law, or the preceding paragraph, and may question the petitioner or intervener.

(Refugee Examination Counselor)

Article 61-2-10.

The Ministry of Justice shall have a certain number of refugee examination counselors who are to present their opinions on the recognition of refugee status with respect to the objection under Paragraph 1 of the preceding article.

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

3. The term of the refugee examination counselors shall be for 2 years, and they may be reappointed.

4. The refugee examination counselors shall perform their duties on a part-time basis.

(Special Rules on Permanent Residence Permits for Refugees)

Article 61-2-11.

If a person who has been recognized as a refugee has applied for permanent residence as provided for in Article 22, Paragraph 1, the Minister of Justice may grant permission despite the

provision of the main text of Paragraph 2 of the same article, and even if the person does not fulfill Item (2) of the same paragraph.

(Refugee Travel Document)

Article 61-2-12.

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

2. Any alien who is to be issued a refugee travel document in Japan under the provisions of the preceding paragraph while possessing a refugee travel document issued by a foreign country shall submit the foreign refugee travel document before receiving the refugee travel document under the preceding paragraph.

3. The term of validity of the refugee travel document given in Paragraph 1 shall be 1 year.

4. A person who has been issued the refugee travel document as provided for in Paragraph 1 may enter and depart from Japan within the term of validity. In this case, the re-entry permission provided for in Article 26 will not be required.

5. In the case of the preceding paragraph, if the Minister of Justice deems it necessary, the period of validity for entry with the refugee travel document may be limited to over 3 months and within 1 year.

6. The Minister of Justice may, if a person who has departed from Japan with the refugee travel document provided for in Paragraph 1 has reasonable grounds for not being able to enter Japan within the validity term of the refugee travel document, extend the validity term of the document by a period not exceeding 6 months upon an application by the person concerned.

7. The extension stipulated in the preceding paragraph shall be entered in the refugee travel document and the administrative work shall be entrusted to a Japanese consular officer.

8. The Minister of Justice may, if he finds that there is a possibility of the person who has been issued a refugee travel document as provided for in Paragraph 1 committing an act detrimental to the interests or security of Japan, order the person while he is in Japan to return the refugee travel document within the time limit prescribed in accordance with a Ministry of Justice Ordinance.

9. The refugee travel document ordered to be returned as stipulated in the preceding paragraph shall lose its validity at the time it is returned or at the time it passes the expiration date as stipulated 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 as stipulated in the same paragraph, place a notice in the Official Gazette of the loss of validity of the refugee travel document concerned.

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

Article 61-2-13.

If an alien in Japan who has been recognized as a refugee receives a deportation order as provided for in Article 47, Paragraph 5, Article 48, Paragraph 9 or Article 49, Paragraph 6, or by the procedures for deportation in accordance with Article 63, Paragraph 1, the said alien shall promptly return the certificate of refugee status and refugee travel document in his possession to the Minister of Justice.

(Inquiry into the Facts)

Article 61-2-14.

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 under 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 under the provisions of Article 61-2-5, the revocation of recognition of refugee status under the provisions of Article 61-2-7, Paragraph 1, or the revocation of status of residence under the provisions of Article 61-2-8, Paragraph 1.

2. The refugee inquirer may request the persons concerned to make an appearance, may ask questions, or request the presentation of documents if necessary for the inquiry as stipulated in the preceding paragraph.

3. The Minister of Justice or the refugee inquirer may make inquiries to public offices or to public or private organizations and request submission of reports on necessary facts in relation to the inquiry of Paragraph 1.

CHAPTER VIII MISCELLANEOUS PROVISIONS

(Immigration Inspector)

Article 61-3.

Immigration centers and regional immigration bureaus shall have immigration inspectors assigned.

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

(1) To conduct examinations and hearings concerning landing and deportation as well as examination of departure orders.

(2) To hear the opinions under the provisions of Article 22-4, Paragraph 2 (including cases where the same shall apply mutatis mutandis under Article 61-2-8, Paragraph 2).

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

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

(5) To deliver the departure order under Article 55-3, Paragraph 1.

(6) To conduct inquiries into facts in accordance with the provisions of Article 59-2, Paragraph 1 and Article 61-2-14, Paragraph 1.

3. An immigration inspector of a regional immigration bureau may, if he deems it necessary, carry out his duties beyond the area over which the regional immigration bureau exercises its jurisdiction.

(Immigration Control Officer)

Article 61-3-2.

Immigration centers and regional immigration bureaus shall have immigration control officers assigned.

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

(1) To conduct investigations into cases of violation of the provisions of laws and ordinances relating to entry, landing, or residence.

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

(3) To guard immigration centers, detention houses, or any other facility.

3. The provisions of Paragraph 3 of the preceding article shall apply *mutatis mutandis* to an immigration officer.

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

5. The ranks of immigration control officers shall be determined by a Cabinet order until such time as the position classifications may be decided in accordance with the Law Concerning the Position Classification Plan for National Public Service Officers (Law No.180 of 1950).

(Carrying and Use of Weapons)

Article 61-4.

An immigration inspector and an immigration control officer may carry weapons in performing their duties.

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

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

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

(Uniform and Identification Card)

Article 61-5.

An immigration inspector and an immigration control officer shall, when they perform their duties, unless otherwise provided for by laws and ordinances, wear their respective uniforms or carry with them a proper identification card indicating their official status.

2. The identification card given in the preceding paragraph shall be shown upon request to the person against whom the immigration inspector or immigration control officer is to perform his duties.

3. The forms of the uniform and identification card given in Paragraph 1 shall be prescribed by a Ministry of Justice ordinance.

(Detention House)

Article 61-6.

Regional immigration bureaus shall be equipped with a detention house for detaining persons who are subject to enforcement of written detention orders.

(Treatment of Detainees)

Article 61-7.

A person detained in an immigration center or detention house (hereinafter referred to as “detainee”) shall be given maximum liberty consistent with the security requirements of the immigration center or the detention house.

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

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

4. The director of an immigration center or regional immigration bureau may, when he considers it necessary for security or sanitation purposes of the immigration center or detention house, examine the person, personal effects, or clothing of the detainee, and may hold in custody the detainee's personal effects or clothing.

5. The director of the immigration center or regional immigration bureau may, when he considers it necessary for the security of the immigration center or detention house inspect any communications the detainee may send or receive, and may prohibit or restrict such sending or receipt.

6. Other than those provided for in the preceding paragraphs, necessary matters concerning the treatment of detainees shall be prescribed by a Ministry of Justice ordinance.

(Cooperation of Other Administrative Organs Concerned)

Article 61-8.

The director general of an internal bureau of the Ministry of Justice, as prescribed by a Cabinet order, or the director of an immigration center or a regional immigration bureau may request necessary cooperation from the National Police Agency, the Metropolitan Police Department, Prefectural Police Headquarters, the Maritime Safety Agency, Customs, Public Employment Office and other administrative organs concerned with regard to the enforcement of immigration control and recognition of refugee status.

2. Any administrative organ concerned whose cooperation has been requested pursuant to the provisions of the preceding paragraph shall comply with the request to the extent that such action will not interfere with the performance of its primary functions.

(Provision of Information)

Article 61-9.

The Minister of Justice may provide foreign authorities in charge of the duties corresponding to those duties of immigration control and recognition of refugee status prescribed by the Immigration Control and Refugee Recognition Act (hereinafter referred to as the "foreign immigration authorities" in this article) with information deemed helpful for the enforcement of their duties (limited to those corresponding to the duties of immigration control and recognition of refugee status prescribed by the Immigration Control and Refugee Recognition Act; hereinafter the same in the next paragraph).

2. Upon the provision of information in accordance with 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 enforce their duties.

3. Upon receiving a request from the foreign immigration authorities, the Minister of Justice may, notwithstanding the provisions of the preceding paragraph, give consent for the information provided under the preceding paragraph to be used for the investigation or adjudication of a foreign criminal case relating to the request, except in the following cases.

(1) The crime subject to the investigation or adjudication of the criminal case relating to 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.

(2) The act that constitutes the crime subject to the investigation or adjudication of the criminal case relating to the request would not constitute a crime under Japanese laws or regulations if it were committed in Japan.

(3) The foreign country that has made the request has not assured that it will accept a similar request from Japan.

4. When giving the consent under 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 (3) of the preceding paragraph.

(Basic Plan for Immigration Control)

Article 61-10.

The Minister of Justice shall formulate a basic plan for the control of entry and residence of an alien (hereinafter referred to as the Basic Plan for Immigration Control), in order to exercise equitable control over immigration affairs.

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

(1) Matters relating to an alien entering into and residing in Japan.

(2) Matters relating to guidelines for the control of entry and residence of an alien.

(3) Matters necessary for implementation of the control of entry and residence of an alien, other than those included in the preceding two paragraphs.

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

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

5. The provisions of the preceding two paragraphs shall also be applied in the event of modification of the Basic Plan for Immigration Control.

Article 61-11.

The Minister of Justice shall endeavor to exercise equitable control over the entry into and departure from Japan of aliens, based on the Basic Plan for Immigration Control.

(Furnishing of Information)

Article 62.

Any person may, if he has knowledge of an alien whom he recognizes as falling under any one of the items of Article 24, report such information.

2. Any official of the Government or a local public entity shall, if he has come to have knowledge of such an alien under the preceding paragraph in the performance of his duties, report such information.

3. In cases of the alien stipulated in Paragraph 1 who is serving a sentence and is to be released due to completion of the sentence, stay of execution of the sentence or for any other reason (excluding release on parole), or in cases where such alien is to be released from a juvenile prison or a women's guidance home after receiving the disposition stipulated in Article 24, Paragraph 1, Item (3) of the Juvenile Law or in Article 17 of the Anti-Prostitution Law (Law No.118 of 1956), the head of the correction institution shall report such information immediately.

4. The district offenders rehabilitation commission, in cases of the alien stipulated in Paragraph 1 who is serving a sentence or has been committed to a juvenile prison under the disposition stipulated in Article 24, Paragraph 1, Item (3) of the Juvenile Law or to a women's guidance home under the disposition stipulated in Article 17 of the Anti-Prostitution Law, when granting release on parole, or provisional release from juvenile prison or women's guidance home, shall report such information immediately.

5. The information provided for 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.

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

2. In cases of a written deportation order having been issued pursuant to the provision of the preceding paragraph, the enforcement of such order shall be carried out after the procedures under the provisions of laws and ordinances related to criminal suits, enforcement of sentences or treatment of the inmates of juvenile homes or the women's guidance home have been completed. However, the enforcement of such order may be carried out with the approval of the Prosecutor-General or the Superintending Prosecutor even when the alien is still serving his sentence.

3. If an immigration inspector, when carrying out the examination under Article 45 or Article 55-2, Paragraph 2, finds reasonable grounds to be convinced that the suspect has committed a crime, he shall file a formal accusation against him with a public prosecutor.

(Delivery of the Suspect)

Article 64.

If a public prosecutor has taken delivery of the suspect of the offense under Article 70 but has decided not to institute prosecution, he shall release the suspect and deliver him to an immigration control officer upon presentation of a written detention order or deportation order.

2. The head of the correctional institution shall, in the case of Article 62, Paragraph 3 or 4, if a written detention order or deportation order has been issued to the alien concerned, at the time of his release, deliver him to the immigration control officer concerned upon presentation of a written detention order or deportation order.

(Exception to the Code of Criminal Procedure)

Article 65.

A judicial police officer may, in cases where he has arrested or taken delivery of a suspect of one of the offenses under Article 70, or of an offender caught in the act of such offense and only in cases where a written detention order is issued and the person is not suspected of any other criminal offense, deliver the suspect to an immigration control officer together with the pertinent documents and evidence, notwithstanding the provision of Article 203 of the Code of Criminal Procedure (Law No.131 of 1948) (including cases where this shall apply mutatis mutandis under the provisions of Article 211 and 216 thereof).

2. In the case of the preceding paragraph, the procedure for delivering a suspect shall be taken within 48 hours from the time when the suspect was taken into custody.

(Reward for Providing Information)

Article 66.

If a person has furnished information under Article 62, Paragraph 1, and if such information has led to issuance of a written deportation order, the Minister of Justice may grant such person a reward of an amount not exceeding 50,000 yen as provided for by a Ministry of Justice

ordinance. However, this shall not apply in cases where the information was based on facts of which an official of the Government or a local public entity came to have knowledge in the performance of his duties.

(Fees)

Article 67.

An alien shall pay as provided for by a separate Cabinet order a fee not exceeding 10,000 yen to the Government for entry, issuance or endorsement by stamping any of the following permits:

- (1) Permission for change of status of residence under Article 20.
- (2) Permission for extension of period of stay under Article 21.
- (3) Permission for permanent residence under Article 22.
- (4) Re-entry permission under Article 26 (to include permission for extension of validity period).

Article 67-2.

Any alien who is issued the certificate of authorization for employment provided for in Article 19-2, Paragraph 1, shall pay a fee in the amount provided for by a separate Cabinet order, which shall be determined by calculating the actual expenses.

Article 68.

An alien shall pay a fee when obtaining a refugee travel document as provided for in Article 61-2-12, Paragraph 1 or when having an extension of validity period entered in the refugee travel document as provided for in Paragraph 7 of the same article.

2. The amount of the fee given in the preceding paragraph shall be separately determined by a Cabinet order in accordance with Item 3 of the appendix of the Refugee Convention.

(Entrustment to a Ministerial Ordinance)

Article 69.

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

(Entrustment of Authority)

Article 69-2.

The authority of the Minister of Justice provided for by the Immigration Control and Refugee Recognition Act may be entrusted to the director of a regional immigration bureau in accordance with the provision of a Ministry of Justice ordinance. However, this shall not apply to the authorities provided for in Article 22, Paragraph 2 (including cases where the same shall apply mutatis mutandis under Article 22-2, Paragraph 4 (including cases where the same shall apply mutatis mutandis under Article 22-3)), the authorities provided for in Article 22-4, Paragraph 1 (applicable only to those cases concerning the status of permanent resident), and the authorities provided for in Article 61-2-7, Paragraph 1 and Article 61-2-11.

(Transitional Provision)

Article 69-3.

In cases of enactment of an order or revision or repeal under the provisions of the Immigration Control and Refugee Recognition Act, the order may determine necessary transitional provisions (including transitional provisions regarding penalties) insofar that such provisions are judged to be reasonably necessary for enactment, revision or repeal of the order.

CHAPTER IX PENAL PROVISIONS

Article 70.

Any person subject to any of the following items shall be punished with imprisonment with or without labor for not more than 3 years or a fine not exceeding 3 million yen, or shall be punished with either imprisonment with or without labor and a fine.

- (1) A person who entered Japan in violation of the provision of Article 3.
- (2) A person who landed in Japan without obtaining landing permission from an immigration inspector.
- (3) A person whose status of residence has been revoked under the provisions of Article 22-4, Paragraph 1 (applicable only to Item (1) or Item (2)) and who has stayed in Japan.
- (3)-2 A person who has received a designated period under the provisions of Article 22-4, Paragraph 6 (including cases where the same shall apply mutatis mutandis under Article 61-2-8, Paragraph 2) and has stayed in Japan beyond the period.
- (4) 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 has received remuneration in violation of the provisions of Article 19, Paragraph 1.

(5) A person who has stayed in Japan beyond the period of stay authorized without obtaining an extension or change thereof.

(6) A person who was granted permission for provisional landing and escaped or failed to appear at a summons without justifiable reason in violation of the conditions imposed under Article 13, Paragraph 3.

(7) A person who has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crewmen, permission for emergency landing, landing permission due to disaster or landing permission for temporary refuge and has stayed in Japan beyond the period given in his passport or permit.

(7)-2 A person, who was designated a period for departure under the provisions of Article 16, Paragraph 7, but did not return to his vessel or leave Japan within that period.

(8) A person provided for in Article 22-2, Paragraph 1, who without receiving permission pursuant to Paragraph 3 of the same article, applicable mutatis mutandis to Article 20, Paragraphs 3 and 4 or pursuant to Article 22-2, Paragraph 4, applicable mutatis mutandis to Article 22, Paragraphs 2 and 3, has stayed in Japan beyond the period provided for in Article 22-2, Paragraph 1.

(8)-2 A person who has been given a departure order under the provisions of Article 55-3, Paragraph 1, and has stayed in Japan beyond the time limit for departure under the departure order.

(8)-3 A person whose departure order has been revoked under the provisions of Article 55-6 and has stayed in Japan.

(8)-4 A person who has been granted permission under Article 61-2-4, Paragraph 1, and has stayed in Japan beyond the period of provisional stay.

(9) A person who was recognized as a refugee by making a false statement or by other dishonest means.

2. Any person falling under the preceding items (1) or (2) who has landed and stayed illegally in Japan, shall be punished in the same manner.

Article 70-2.

Any person who has committed any of the offenses provided for in Items (1), (2), (5), (7) of Paragraph 1 or Paragraph 2 of the preceding article, may be exempt from penalty if the evidence produced is applicable to each of the following items. However, this will be permitted only when, after having committed the offense, a report was submitted without delay in the presence of an immigration inspector corresponding to the following items:

(1) He is a refugee.

(2) He entered Japan directly from a territory which was likely to be harmful to his life, physical being, or physical liberty as prescribed in Article 1, Paragraph A-(2) of the Refugee Convention.

(3) The offense was committed because of reasonable grounds for the preceding item.

Article 71.

Any person who has departed or has attempted to depart from Japan in violation of the provisions of Article 25, Paragraph 2, or Article 60, Paragraph 2, shall be punished with imprisonment with or without labor for not more than 1 year or a fine not exceeding 300,000 yen, or shall be punished with either imprisonment with or without labor and a fine.

Article 72.

Any alien coming under any of the following items shall be punished with imprisonment with labor for not more than 1 year or with a fine not exceeding 200,000 yen, or shall be punished with both imprisonment and a fine.

(1) When a person taken into custody under a written detention order or deportation order has escaped.

(2) When a person released under the provision of Article 52, Paragraph 6 has escaped or has failed to appear at a summons without justifiable reason in violation of the conditions imposed under the provisions of the same paragraph.

(3) When a person permitted to land for temporary refuge has escaped in violation of the conditions imposed under the provisions of Article 18-2, Paragraph 3.

(3)-2 When a person who has been given a departure order under the provisions of Article 55-3, Paragraph 1 has escaped in violation of the conditions imposed under the provisions of Paragraph 3 of the said article.

(3)-3 When a person who has been given permission under Article 61-2-4, Paragraph 1 has escaped or has failed to appear at a summons without justifiable reason, in violation of the conditions imposed under the provisions of Paragraph 3 of the said article.

(4) 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.

(5) When a person who has been ordered to return the refugee travel document under Article 61-2-12, Paragraph 8 has failed to return it within the period under the provisions of the said paragraph.

Article 73.

Other than the cases to which the provisions of Article 70, Paragraph 1, Item (4) 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 receives remuneration in violation of the provisions of Article 19, Paragraph 1 shall be punished with imprisonment with or without labor for not more than 1 year or a fine not exceeding 2 million yen, or shall be punished with either imprisonment with or without labor and a fine.

Article 73-2.

Any person falling under any of the following items shall be punished with imprisonment with labor for not more than 3 years or a fine not exceeding 3 million yen, or shall be punished with both imprisonment and a fine.

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

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

(3) A person who has repeatedly mediated either the procurement of an alien to engage in illegal work or the act specified in the preceding item.

2. Illegal work given in the preceding paragraph means activities which violate the provisions of Article 19, Paragraph 1, or activities committed by those who fall under the provisions of Article 70, Paragraph 1, Item (1) to (3)-2, (5), (7), (7)-2, or (8)-2 to (8)-4, and for which he receives remuneration or other income.

Article 74.

Any person who has had collective stowaways (those aliens in groups who intend to land in Japan without obtaining permission for landing from an immigration inspector, or intend to land obtaining permission for landing from an immigration inspector by making a false statement or by other dishonest means; hereinafter referred to as the same) under his control enter into Japan or land in Japan shall be punished with imprisonment with labor for not more than 5 years or a fine of 3 million yen or less.

2. In cases where the person has committed the crime provided for in the preceding paragraph in the pursuit of profit, he shall be punished with imprisonment with labor for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen.

3. Attempts at the crimes provided for in the preceding two paragraphs (applicable only to the act of having the stowaways land) shall be punished.

Article 74-2.

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

2. In cases where the person has committed the crime of the preceding paragraph in the pursuit of profit, he shall be punished with imprisonment with labor for not more than 7 years and a fine not exceeding 5 million yen.

Article 74-3.

Any person who has prepared vessels or aircrafts for criminal use with the intention of committing the crime of Article 74, Paragraph 1 or 2, or the preceding article, shall be punished with imprisonment with labor 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 aircrafts for criminal use.

Article 74-4.

Any person who has received, from another person who committed the crimes of Article 74, Paragraph 1 or 2, all or some of the aliens aided to land, or who has transported, harbored, or concealed the aliens received, shall be punished with imprisonment with labor for not more than 5 years or a fine not exceeding 3 million yen. Any person who has received all or some of the aliens from the person who originally received them, or who has transported, harbored or concealed the aliens received, shall be punished in the same manner.

2. In cases where the person has committed the crime of the preceding paragraph in the pursuit of profit, he shall be punished with imprisonment with labor for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen.

3. Attempts of the crimes provided for in the preceding two paragraphs shall be punished.

Article 74-5.

Any person who has made preparations with the intention of committing crimes provided for in the preceding article, Paragraph 1 or 2, shall be punished with imprisonment with labor for not more than 2 years or a fine not exceeding 1 million yen.

Article 74-6.

Any person who has made the acts provided for in Article 70, Paragraph 1, Item (1) or (2) (hereinafter referred to as "illegal entry or landing") easier to commit shall be punished with imprisonment with labor for not more than 3 years or a fine not exceeding 3 million yen, or shall be punished with both imprisonment and a fine. Any person who has made these acts easier by offering a passport or a crewman's pocket-ledger, which is invalid to the holder, or fraudulent

documents produced as passports or crewman's pocket-ledgers, shall be punished in the same manner.

Article 74-6-2.

A person falling under any of the following items shall be punished with imprisonment with labor for not more than 3 years or a fine not exceeding 3 million yen, or shall be punished with both imprisonment and a fine.

(1) A person who, for the purpose of aiding another to commit illegal entry or landing, has received from an authorized organization in Japan a refugee travel document, travel certificate, crewman's pocket-ledger or re-entry permit issued by the authorized organization by making a false statement or by other dishonest means.

(2) A person who holds, offers or receives the following documents, for the purpose of aiding another to commit illegal entry or landing.

- a. Fraudulent documents produced as a passport (excluding passports under Article 2, Items (1) and (2) of the Passport Law and travel certificates under Article 19-3, Paragraph 1 of the said law; hereinafter the same in this paragraph), crewman's pocket-ledger or re-entry permit.
- b. Passport, crewman's pocket-ledger or re-entry permit that is invalid to the person who commits illegal entry or landing.

(3) A person who, for the purpose of violating the provisions of Article 70, Paragraph (1), Item (1) or (2), has received from an authorized organization in Japan a refugee travel document, travel certificate, crewman's pocket-ledger or re-entry permit issued by the authorized organization by making a false statement or by other dishonest mean.

(4) A person who holds, offers or receives the following documents, for the purpose of violating the provisions of Article 70, Paragraph (1), Item (1) or (2).

- a. Fraudulent documents produced as a passport, crewman's pocket-ledger or re-entry permit.
- b. Passport, crewman's pocket-ledger or re-entry permit that is invalid to the holder.

2. Any person who has violated the provisions of Item (1) or (2) of the preceding paragraph in the pursuit of profit shall be punished with imprisonment with labor for not more than 5 years and a fine not exceeding 5 million yen.

Article 74-6-3.

Attempts to commit the crimes provided for in the preceding article shall be punished.

Article 74-7.

Crimes provided for in Article 73-2, Paragraphs 1 and 2, Article 74-2 (except for the part concerning transportation within Japanese territory), Article 74-3 and the preceding three articles shall follow the cases provided for in Article 2 of the Penal Code.

Article 74-8.

Any person who has harbored or concealed aliens who fall under either of Article 24 (1) or (2) for the purpose of allowing the aliens to avoid deportation, shall be punished with imprisonment with labor for not more than 3 years or a fine not exceeding 3 million yen.

2. In cases where a person has committed the crime of the preceding paragraph in the pursuit of profit, he shall be punished with imprisonment with labor for not more than 5 years and a fine not exceeding 5 million yen.

3. Attempts to commit the crime provided for in the preceding two paragraphs shall be punished.

Article 75.

Any person who fails to appear without justifiable reason, refuses to testify or take an oath or gives false testimony in violation of the provision of Article 10, Paragraph 5 (including the cases where the same shall apply mutatis mutandis under Article 48, Paragraph 5) shall be punished with a fine not exceeding 200,000 yen.

Article 76.

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

(1) A person who does not carry a passport or a permit on his person in violation of the provisions of Article 23, Paragraph 1 (except for special permanent residents).

(2) A person who refuses to produce a passport or a permit in violation of the provisions of Article 23, Paragraph 2.

(Concurrent Impositions)

Article 76-2.

In cases where the representative of a corporation, the proxy of a corporation or of a person, the employee of a corporation or a person, or any other person working for a corporation or a person, has committed the crimes provided for in Article 73-2 to 74-6, crimes provided for in Article 74-6-2 (except for Paragraph 1, Items (3) and (4)) or attempts thereof, or crimes provided for in Article 74-8 in relation to the business of the corporation or the person, the corporation or the

person, along with the person who has committed the crime, shall be subject to the fine of each provision.

(Non-Penal Fines)

Article 77.

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

(1) A person who has refused to undergo or has obstructed the examination or any other duties which are performed by an immigration inspector in violation of the provisions of Article 56.

(1)-2 A person who has, in violation of the provisions of Article 56-2, let aliens enter Japan, without checking their passport, crewman's pocket-ledger or re-entry permit.

(2) A person who fails to make a report or makes a false report in violation of the provisions of Article 57, Paragraph 1 or 2, who fails to make a report in violation of the provisions of Paragraph 3 of the same article, or who fails to make a report or makes a false report in violation of the provisions of Paragraph 4 or 5 of the same article.

(3) A person who has failed to take preventive measures against landing in violation of the provisions of Article 58.

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

Article 77-2.

Any special permanent resident who does not carry a passport or a permit on his person in violation of the provisions of Article 22, Paragraph 1, shall be punished with a non-penal fine not exceeding 100,000 yen.

(Confiscation)

Article 78.

Any vessel or aircraft or vehicle used for a criminal act provided for in Article 70, Paragraph 1, Item (1), 74, 74-2 or 74-4 which is owned or possessed by an offender shall be confiscated. However, this shall not apply if the vessel or aircraft or the vehicle is owned by a person other than the offender and is applicable to any of the following:

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

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

Note: Sub-item (d) of Item (4) of Article 24, and the excerpts of the provisions in sub-item(o) of Item (4) of Article 24, Item (2) of Article 24-2, Article 61-2-2, Paragraph 1, Item(3) and Article 61-2-4, Paragraph 1, Item(5) shall not apply until December 9, 2005.