

<Tentative Translation>

Ordinance of the Ministry of Foreign Affairs No.1

Under the provisions of Article 4(2) and (3) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No.48 of 2013) (including the cases where these provisions are applied mutatis mutandis in Article 11 (2) of said Act), and Article 16 (2) and (3) of said Act (including the cases where these provisions are applied mutatis mutandis in Article 21 (2) of said Act), Ministerial Ordinance on application for assistance to the Minister for Foreign Affairs pursuant to the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction is established as follows.

January 21st, 2014

Fumio Kishida, the Minister for Foreign Affairs

Ministerial Ordinance on application for assistance to the Minister for Foreign Affairs pursuant to the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction

(Definition)

Article 1 The terms used in this Ministerial Ordinance shall follow the definitions in the Act for Implementation of Convention on the Civil Aspects of International Child Abduction (hereinafter referred to as the "Act").

(Application Form for Assistance in Child's Return)

Article 2 Pursuant to Article 4 (2) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 11 (2) of the Act) a person who intends to file an application (in the next Article referred to as the "applicant") for assistance in child's return to foreign state (in case where it is applied mutatis mutandis pursuant to Article 11(2) of the Act, application for assistance in child's return to Japan) shall submit, as designated by the Minister of Foreign Affairs, an application written in Japanese in accordance with form No.1 or written in English in accordance with form No.2.

(Attached Documents of Application for Assistance in Child's Return)

Article 3 (1) The documents specified by Ordinance of the Ministry of Foreign Affairs as prescribed in Article 4 (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 11(2) of the Act), shall be the following (limited to those written in Japanese or English, or those to which a Japanese or English translation is attached); provided, however, with regard to documents listed in (ii) to (vii) and (ix) to (xi), the Minister for Foreign Affairs may allow applicant to omit or to submit documents in lieu thereof if an unavoidable cause is acknowledged to exist:

(i) Copy of document, which is valid as of the application date, issued or provided by a public agency, by a foreign government recognized by the Japanese government or by an authorized international organization (hereinafter referred to as "public agency, etc.") in which same name, domicile, residence or location of office and date of birth (in case applicant is a judicial person, exclude date of birth; hereinafter the same shall apply in this item) are written as the name, domicile, residence or location of office (limited to those located in the state of habitual residence (in the case where it is applied mutatis mutandis pursuant to article 11(2), Japan; hereinafter the same shall apply in this Article) of a child who is sought to be returned (hereinafter referred to as "child pertaining to the application" in this Article) in the application for assistance in child's return to foreign state (in the case where it is applied mutatis mutandis pursuant to article 11(2), the application for assistance in child's return to Japan) and date of birth of the applicant written in the application form or of any other document similar thereto;

(ii) Copy of passport (meaning passports listed in Article 2, item (v) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951); hereinafter the same applies) of the child pertaining to the application, document issued or provided by a public agency, etc. in which name and date of birth of said child are written or any other document similar thereto;

(iii) Copy of document to certify that the child pertaining to the application held his/her habitual residence in the state of habitual residence written in

the application form;

- (iv) Photograph of the child pertaining to the application;
- (v) Copy of passport of the person who is considered to have done a removal or retention of the child pertaining to the application or document issued or provided by a public agency, etc. in which name and date of birth of said person are written or any other document similar thereto;
- (vi) Photograph of the person who is considered to have done a removal or retention of the child pertaining to the application;
- (vii) Relevant provisions of laws and regulations of the state of habitual resident of the child pertaining to the application which are the grounds for that the applicant has rights of custody with respect to the child pertaining to the application;
- (viii) Copy of document issued by a public agency, etc. or by a person who has statutory authority or document evidencing agreement among relevant persons which proves that the applicant has rights of custody with respect to the child pertaining to the application or any other document similar thereto;
- (ix) Copy of document which proves that the applicant's rights of custody with respect to the child pertaining to the application are breached due to the removal or retention of said child or any other document similar thereto;
- (x) Copy of passport of the person who is considered to live together with the child pertaining to the application, document issued or provided by a public agency, etc. in which name and date of birth of said person are written or any other document similar thereto;
- (xi) Photograph of the person who is considered to live together with the child pertaining to the application.

- (2) The Minister for Foreign Affairs may request the applicant who submit the copies of documents, etc. pursuant to the provision of the preceding paragraph to present the original version of said documents, etc.

(Application Form for Assistance in Visitation or Contacts with Child)

Article 4 Pursuant to Article 16 (2) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 21 (2) of the Act) a person who intends to file an application (in the next Article referred to as "applicant") for assistance in visitation or contact with child in Japan (in case where it is applied mutatis mutandis pursuant to Article 21(2) of the Act, application for assistance in visitation or contacts with child in foreign state) shall submit, as designated by the Minister of Foreign Affairs, an application written in Japanese in accordance with form No.3 or written in English in accordance with form No.4.

(Attached Documents of Application for Assistance in Visitation and Contacts with Child)

Article 5(1) The documents specified by Ordinance of the Ministry of Foreign Affairs as prescribed in Article 16 (3) of the Act (including the cases where it is applied mutatis mutandis pursuant to Article 21(2) of the Act) shall be the following (limited to those written in Japanese or English, or those to which a Japanese or English translation is attached); provided, however, with regard to documents listed in (ii) to (vii) and (ix) to (xi), the Minister for Foreign Affairs may allow applicant to omit or to submit documents in lieu thereof if a particularly unavoidable cause is acknowledged to exist:

- (i) Copy of document, which is valid as of the application date, issued or provided by a public agency, etc. in which same name, domicile or residence and date of birth are written as the name, domicile or residence and date of birth of the applicant written in the application form or any other document similar thereto;
- (ii) Copy of passport of the child with whom the visitation or other contacts is sought (hereinafter referred to as "child pertaining to the application" in this Article)) in the application for assistance in visitation or contacts with

child in Japan (in the case where it is applied mutatis mutandis pursuant to article 21(2), the application for assistance in visitation or contacts with child in foreign state), document issued or provided by a public agency, etc. in which name and date of birth of said child are written or any other document similar thereto;

(iii) Copy of document to certify that the child pertaining to the application held his/her habitual residence in the state or the territory where the child pertaining to the application held his/her habitual residence immediately before the visitation or other contacts with him/her by the applicant, which is written in the application form, became unable to be made or any other document similar thereto;

(iv) Photograph of the child pertaining to the application;

(v) Copy of passport of the person who is considered to be interfering with the visitation or contacts with child pertaining to the application or document issued or provided by a public agency, etc. in which name and date of birth of said person are written or any other document similar thereto;

(vi) Photograph of the person who is considered to be interfering with the visitation or contact with child pertaining to the application;

(vii) Relevant provisions of laws and regulations of the state or the territory the state where the child pertaining to the application held his/her habitual residence immediately before the visitation or other contacts with him/her by the applicant became unable to be made which are the grounds for that the applicant is entitled to visitation or other contacts with said child;

(viii) Copy of document issued by a public agency, etc. or by a person who has statutory authority or document evidencing agreement among relevant persons which proves that the applicant is entitled to visitation or other contacts with child pertaining to the application or any other document similar thereto;

- (ix) Copy of document which proves that the visitation or other contacts with the child pertaining to the application by the applicant has been interfered or any other document similar thereto;
 - (x) Copy of passport of the person who is considered to live together with child pertaining to the application, document issued or provided by a public agency, etc. in which name and date of birth of said person are written or any other document similar thereto;
 - (xi) Photograph of the person who is considered to live together with the child pertaining to the application.
- (2) The Minister for Foreign Affairs may request the applicant who submit the copies of documents, etc. pursuant to the provision of the preceding paragraph to present the original version of said documents, etc.

Supplementary Provision

(Effective Date)

This Ministerial Ordinance shall come into effect on the day of enforcement of the Act.