

Guide to Application for Assistance in Child's Return

December, 2020

Hague Convention Division, Ministry of Foreign Affairs

- This "Guide to Application for Assistance in Child's Return" explains application documents which shall be submitted to the Minister for Foreign Affairs, designated as Central Authority in Japan set forth in the Convention on the Civil Aspects of International Child Abduction (the Hague Convention), to file an application for assistance in child's return to Foreign State or child's return to Japan.
- Before you begin to prepare for application documents based on this Guide, please refer to the website of the Central Authority of Japan (http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html) to make sure your case does not fall under any of dismissal reasons of application and to read the explanation on the selection of which country's Central Authority the application shall be submitted etc.

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1. General Considerations

(1) Required Documents

To file an application for Assistance in Child's Return to the Central Authority of Japan, the following 4 types of documents are required. For details of each document, please refer to the indicated page listed on the right side of the box below.

<Required Documents for Application for Assistance in Child's Return>	Corresponding Section in this "Guide"
[1] Application Form for Assistance in Child's Return	2. (P. 2 -13)
[2] Supplementary Page for the Second or More Children (only in case you apply for more than one child)	3. (P. 13)
[3] Attached Documents	4. (P. 13 -21)
[4] List of Attached Documents	5. (P. 20)

(2) Acquisition of Application Form

In regard to [1], [2] and [3] of required documents, specific forms (Japanese or English) are provided. You can download these forms at the Website of the Central Authority of Japan (http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html).

(3) Completing Application Form on Personal Computer

These forms are posted on the Website of the Central Authority of Japan as fillable PDF files. Please fill in each field of the forms, by typing on a personal computer, wherever possible. In the case where you need to fill in the forms by hand, please write clearly and distinctly in block letters.

(4) Language Used for Application

You can use only Japanese or English in an application for Assistance to the Central Authority of Japan. In regard to the documents whose forms are specified in [1], [2] and [4], make sure to write in Japanese in the Japanese form or in English in the English form (Except where the use of language other than Japanese or English is required). Also, please attach Japanese or English translation to attached documents written in languages other than Japanese or English.

2. Application Form for Assistance in Child's Return

(1) Note on Completing Application Form

When there is a deficiency in stated contents of the application, it may need to be corrected or dismissed. For this reason, please complete the application form carefully with necessary details.

For the sake of prompt screening and assistance, any blanks in the application form shall be regarded as either these matters are unknown or the applicant has no request about these matters.

(2) Considerations to Provide Information which Contributes to Identification of Whereabouts of the Child

If the whereabouts of the child pertaining to the application is unknown and the Central Authority needs to identify the whereabouts of the child and a person who lives together with the child, it is important to provide as much information as possible. The more information you provide, the higher the possibility for the Central Authority to promptly and accurately identify the whereabouts of the child.

For this reason, please fill in each of the fields in the application form; "Child pertaining to the application" (page 2), "Person who is considered to have done a removal or retention of the child" (page 3) and "Person who is considered to live together with the child" (page 5) with detailed information by carefully considering the following points.

(a) In the case where you have more than one piece of information relevant to one field, please provide all available pieces of information.

Example: When you know 3 e-mail addresses of the person who is considered to live together with the child, please provide all these 3 addresses. If you know differences in the usage of these addresses (for work, for private, etc.), please add that information also.

(b) Even if you have vague information or you are uncertain about the information, please provide the information as much as you possibly know.

Example: If you don't know the exact address of the child but know that the child is in Kanto Region based on the information obtained from the grandparents of the child, please write "the child lives in Kanto Region according to the grandparents of the child" in the field of the current domicile or address of the child.

- (c) Even if you don't have the latest information but have old information, please provide that information with a note stating such that the information is not latest.

Example: If you don't have information about current and valid passport of the child but have information of his/her old and invalid passport, please provide information of the old passport stating that the information is not current.

In case, you cannot provide necessary information due to insufficient space of the fields in the application, you may attach additional sheet of paper. If so, please make sure to state that the additional paper is attached in the relevant field.

(3) Descriptions on Each Form

In regard to the fields in each form, please read following pages.

➤ Application Form P. 1

Application for Assistance in Child's Return

《Note》

- Before completing this application, please read the 'Application for Assistance in Child's Return' and follow the instructions.
- Please provide as much information as possible.
- Please indicate in the 'Preferred contact person with the Central Authority' field.

If the applicant uses his/her name written in language other than Japanese or English but in the State of your nationality or current residence, etc., write down your name in said language. We need this information for communicating with the foreign Central Authorities and for translating documents into said foreign language.

1. Applicant	
Name	English Last name
	Japanese (Chinese character, if possible) Last name
	Other Language (if any) Language name
Date of birth	Day
Nationality	
Relation with the child	<input type="checkbox"/> Father
Domicile, residence or location of office	Country
Telephone no.	Country code + ()
Mobile Telephone no.	Country code + ()
Fax no.	Country code + ()
E-mail address	
Identity card	Type of identity card
Details of your legal adviser	
Name	English Last name
	Japanese (Chinese character, if possible) Last name
	Country
Location of office	
Telephone no.	
Fax no.	
E-mail address	
License	Country
Preferred contact person with the Central Authority	<input type="checkbox"/> This legal adviser <input type="checkbox"/> Applicant <input type="checkbox"/> Either one will be fine

"Nationality"
If the applicant has two or more nationalities, write them all down.

"Domicile, residence or location of the office"
If the applicant is an individual, write the address or residence. If the applicant is a juridical person, write the location of the office in the State of the child's habitual residence (the State where the child used to live, etc.).
If the whereabouts of the child pertaining to the application and the domicile etc. written in this field are found in the same country, the application will be dismissed.

"Telephone no., etc."
Write down a working telephone number, etc. as the Central Authority will communicate with the applicant using this contact information provided here.

"Identity card"
Write down information of the applicant's identity card satisfying the following conditions (a) to (c), and attach a copy of said identity card (see examples of identity card in page12).
(a) name, domicile, etc., and date of birth of the applicant are stated
(b) issued or provided by a public agency, by a foreign government recognized by the Japanese government or by an authorized international organization
(c) valid as of the application date

"Information about your legal advisor"
Write down information, if any, about your lawyer, who represents you in relation to this application. If you leave this section blank, you will need to submit a power of attorney in order to have your attorney contact the Central Authority.

"License "
Write down the names of countries where your legal adviser is qualified and the names of qualifications.

"Preferred contact person with the Central Authority"
The Central Authority will contact checked person with priority, but if the person cannot be contacted successfully, other persons who are not checked may be contacted.

* In the case where you file an application for assistance in more than one child's return, please write down information of the first child on this page, and write about the second or more children on "Supplementary Page for More than One Child " and attach to the form.

➤ Application Form P. 2

2. Child pertaining to the a	
Name	English Last name
	Japanese (Chinese character, if possible) Last name
	Other Language (if any) Language name Last name Middle name(s) and First name
Alias(if any)	
Date of birth	Day Month Year
Nationality	Country
Place of birth (if Japanese, registered domicile)	Country
Habitual residence before removal or retention	
Current domicile or residence	
Telephone no.	+ () - - - - -
Mobile Telephone no.	+ () - - - - -
Fax no.	+ () - - - - -
E-mail address	
Passport (Please provide information of all passport possessed)	Issu Typ
Identity card (Only if you cannot provide passport information)	Typ
Description	Hei
Other useful information to identify the whereabouts	

"Name"

If the child is Japanese or foreign national who has stayed in Japan more than 3 months, write down the same name as registered in Basic Resident Register Network System (name written in Residence certificate or Basic Resident Registry Card).

The name written in Chinese characters is highly important information to identify the whereabouts of the child. For this reason, provide such information as much as possible when Chinese characters are used in the name. If you cannot write it in this field, you may attach another sheet of paper showing the name written in Chinese characters.

"Alias"

If any alias or popular names other than the official name may be used, please write them down. If the name is changed due to marriage or divorce of the parents, etc., please write down the old name.

"Date of birth"

If the age of the child is 16 or over, the application will be dismissed.

"Nationality"

In the case where you hold two or more nationalities, write down all of them.

"Habitual residence before removal or retention"

Write down the name of State and the address of habitual residence (where the child used to live), and length of the residence there. Also note that if you apply for assistance in child's return to Japan and country other than Japan is written as the State of habitual residence, the application will be dismissed.

"Current domicile or residence", " Telephone no.," etc.

It is often the case that the applicant does not know these information, but put down as much as you know, as this is useful information to identify the whereabouts (Cross-refer to 2(2) on page2).

"Passport" and "Identity card"

Provide information of the child's passport. Or, if it's not known, provide information of the child's identity card satisfying the following conditions (a) and (b).

- (a) name and date of birth are stated
 - (b) issued or provided by a public agency, by a foreign government recognized by the Japanese government or by an authorized international organization
- Also, attach a copy of passport or identity card written in this field.

Write down the child's height in centimeters (cm) and weight in kilograms (kg). Even when the accurate information is not available, write down approximate figures.

"Other useful information to identify the whereabouts"

Information that cannot be stated in the fields above (second telephone no., email address, passport information, information about identity card, etc.), write them down in this field. Also, if the Central Authority needs to identify the whereabouts of the child, write down as much information that might connect to the whereabouts of the child as possible. (The same shall apply hereinafter.)

➤ Application Form P. 3

3. Person who is considered to have done a removal or retention of the child				
Name	English	Last name	Middle name(if any)	First name
	Japanese (Chinese character, if possible)	Last name	First name	
	Other Language (if any)	Language name	Last name	Middle name(if any) First name
Alias(if any)	Last name		First name	
Date of birth	Day	Month	Year	
Nationality				
Relation with the child	<input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Other ()			
Place of birth (if Japanese, registered domicile)	Country	Address		
Domicile or residence	Country	Address		
Telephone no.	Country code + () - (0) - -			
Mobile Telephone no.	Country code + () - (0) - -			
Fax no.	Country code + () - (0) - -			
E-mail address				
Passport (Please provide information of all passport possessed)	Issued			
Description	Height			
	Other			
Claim to victimhood of domestic violence	<input type="checkbox"/> This person is claiming or might be possible to claim to victimhood of domestic violence. <input type="checkbox"/> This person is not claiming and will not claim to victimhood of domestic violence.			
Live together with the child	<input type="checkbox"/> This person lives or may live together with the child. <input checked="" type="checkbox"/> This person does not live together with the child.			
Other useful information to identify the whereabouts	Ex: Person who might be able to provide additional information (name, address, telephone no., e-mail address, relation with this person) , place of work etc.			

Refer to the explanation on each field in the previous page.

"Claim to victimhood of domestic violence"
 Check the appropriate box if there is a possibility that the person considered to have done a removal or retention of the child is claiming or might be possible to claim to victimhood of domestic violence, including cases where the applicant regards it as a false statement.

Even if the person considered to have done a removal or retention of the child does not live together with the child at present, when the person is highly likely to have information to identify the whereabouts of the child, state as such in "Other useful information" field.

➤ Application Form P. 4

4. Necessary matters to clarify that the applicant has the rights of custody with respect to the child under the laws and regulations of the state of habitual residence of the child and that the applicant's rights of custody are breached due to the removal or retention of the child			
<p>Explanation to clarify that the applicant has the rights of custody with respect to the child under the laws and regulations of the state of habitual residence of the child</p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Legal basis: Name of laws and regulations</td> <td style="width: 40%;">Provision no</td> </tr> </table> <p>Explanatio</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e6f2ff;"> <p>"Legal basis"</p> <p>Specify Act names and Article number of the child's State of habitual residence (or those of Japan in case filing for an Application for Assistance in Child's Return to Japan), which constitute legal grounds of the applicant's rights to custody of the child. Also, submit copies of relevant Articles as attached documents. When two or more Acts constitute legal grounds, write them all down.</p> <p>In the case where laws and regulations of State other than the State of the child's habitual residence may apply, due to the private international law (conflicts of laws: determining which laws and regulations of nationals or States should or should not be applied) of the habitual State, write down the Act names and Article number of the private international law, as well as the names of the applied state, region, regulations, Act, and the Article numbers.</p> </div>	Legal basis: Name of laws and regulations	Provision no
Legal basis: Name of laws and regulations	Provision no		
<p>Time, place and circumstances of the removal or retention of the child</p>	<div style="border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e6f2ff;"> <p>"Explanation"</p> <p>Refer to page10 and page11 of this guide for methods and examples of the <u>explanation</u>.</p> <p>If you file an application for 2 or more children, explain your rights of custody for all of them.</p> </div> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e6f2ff;"> <p>"Time, place, and circumstances of the removal or retention of the child"</p> <p>Describe the situation in detail when the child was removed or retained. In the case where you file an application for 2 or more children, describe the specific time, place and conditions when each child was removed or retained.</p> </div>		
<p>Circumstances of the breach of applicant's rights of custody</p>	<p>Ex: Whether the person who is considered to have done a removal or retention of the child or the person who is considered to live together with the child has contacted you, whether he/she has declared his/her intention not to return the child etc.</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e6f2ff;"> <p>"Circumstances of the breach of applicant's rights of custody"</p> <p>Describe in detail how your rights of custody have been breached. In the case where you file an application for 2 or more children, describe how your rights of custody for each child have been breached.</p> </div>		

➤ Application Form P. 6

6. Other		
Civil court proceeding	In Japan	<p>"Civil court proceeding"</p> <p>If an adjudication case on designation or modification of a person with parental authority or the disposition regarding custody of the child (including the case pertaining to the judicial decision on ancillary disposition prescribed in Article 32 (1) of the Personal Status Litigation Act) is pending in Japan, the court will suspend the adjudication proceedings after notification from the Minister for Foreign Affairs that s/he receives the application for Assistance in Child's Return. In this case, the court will notify the respondent that the applicant has filed the application for Assistance in Child's Return to the Minister for Foreign Affairs.</p>
	Outside Japan	
Criminal prosecution		<p><input type="checkbox"/> The person who is considered to have done a removal or retention of the child or</p> <p>"Criminal prosecution"</p> <p>Write down criminal prosecution cases, if any. As this is important information to smoothly realize the return of child, write down as much accurate information as you may know.</p> <p>Even when no criminal prosecution is sought, if any criminal complaints or criminal accusations have been filed, provide the information in "Others".</p> <p><input type="checkbox"/> No criminal prosecution</p> <p><input type="checkbox"/> Other ()</p>
Identification of whereabouts		<p><input type="checkbox"/> I hope the Central Authority will identify whereabouts of the child and the person who lives together with the child.</p> <p><input type="checkbox"/> I do not need the Central Authority to identify whereabouts of the child and the person who lives together with the child.</p>
Central Authority's measures to be taken (only when you apply for assistance in child's return from Japan)	(1)	<p>"Central Authority's measures to be taken"</p> <p>Describe in this field only when you file an application for Assistance in Child's Return to a Foreign State. No need to fill out this field when you file an application for Assistance in Child's Return to Japan.</p>
	(2)	<p>case whereabouts of them are identified.</p> <p>(if you chose only (2), please indicate either of the following)</p> <p><input type="checkbox"/> To the extent necessary to identify whereabouts of them, the Central Authority afford to contact with the person who lives with the child.</p> <p><input checked="" type="checkbox"/> I hope the Central Authority will not contact with the person who lives with the child.</p>
Other for the Aut		<p>Check the box, if you wish the Central Authority NOT to contact with the person living together with the child until you file an appeal to the court to prevent from recurrent removal and retention of the child.</p> <p>When this box is checked, you should note that a prompt and accurate discovery of the whereabouts of the child by the Central Authority may be hindered due to the fact that it is unable to directly contact with the person living with the child.</p> <p>Please also note that, even when this box is checked, the Central Authority or related organizations may contact the person unavoidably in the process of discovering the whereabouts of the child.</p>

➤ Application Form P. 7

To Minister for Foreign Affairs of Japan

You need to select one of these boxes.

Write the date when you complete the Application Form.

Day Month Year

The statement in this application and attached documents is true and correct, and

(Please indicate whether you are applying for return to Foreign State or to Japan)

under the provision of Article 8 of the Convention on the Civil Aspects of International Child Abduction and Article 4(1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction, I submit an application for assistance in child's return from Japan to other foreign member state of the Convention (assistance in child's return to foreign state).

under the provision of Article 8 of the Convention on the Civil Aspects of International Child Abduction and Article 11(1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction, I submit an application for assistance in child's return from other foreign member state of the Convention to Japan (assistance in child's return to Japan).

(4) Field for Explanation on Applicant's Rights of Custody

To clearly state "Explanation to clarify that the applicant has the rights of custody with respect to the child under the laws and regulations of the State of habitual residence of the child" on page 4 of Application Form for Assistance in Child's Return (on page 7 in this Guide) in the field, it is recommended to state in following order: (a) explanation of legal provision, (b) application of Act on the fact, and (c) conclusion.

Example 1: Descriptions of applicant's rights of custody based on family relationships such as marriage

Legal basis; name of laws and regulations Civil Code (Japan)	Article No. Article 818 (3) and Article 820
Explanation (a) According to Article 818 (3) of Civil Code, "parental authority shall be exercised jointly by married parents." Article 820 of the same Code prescribes, "a person who exercises parental authority holds the right, and bears the duty, to care for and educate the child for the child's interests." (b) Child A was born between the applicant and Person B, who is in a marital relationship with the applicant. While the applicant is under negotiation with Person B regarding divorce agreement, the legal marital relationship still continues up to now. For this reason, the applicant exercises parental authority jointly with Person B as married parents. (c) Therefore, the applicant has the right of custody as a person who exercises parental authority over Child A.	

- In this case, please submit, as attached documents to the application, (a) the Articles 818 (3) and 820 of Civil Code, (b) a copy of a certificate of resident registry or a transcript or abstract of the applicant's family register, and other documents, etc. issued by public agency which indicate that the applicant and Person B continue to have marital relationship and Child A was born between them.

Example 2: Description of applicant's rights of custody based on legally effective agreement between the parties

Legal basis; name of laws and regulations Family and Relatives Act (Country xx)	Article No. No.yyy
Explanation	

- (a) Article yyy of Family Act of Country xx prescribes "A husband and wife may divorce by agreement. In this case, a document to indicate the agreement concerning who will have custody over a child and how to share the expenses that arise from raising a child shall be submitted to the court."
- (b) Child A is a child who was born to them in 2009 when the applicant was married to Person B. The applicant divorced B in 2011 by agreement that the applicant and Person B should jointly have the right of custody over Child A.
- (c) Therefore, the applicant has the right of custody over Child A.

- In this case, please submit, as attached documents to the application, (a) Article yy of Family and Relatives Act (Country xx), (b) a copy of document which indicates that the applicant and Person B jointly have the right of custody over Child A (in this case, it is also required that the said document was submitted to the court.).

Example 3: Description of applicant's rights of custody based on judgment, etc. issued by the court

<p>Legal basis: name of laws and regulations</p> <p>Civil Code (Japan)</p>	<p>Article No.</p> <p>Article 766 (1) and (2)</p>
<p>Explanation</p> <p>(a) Article 766 (1) of Civil Code prescribes "If parents divorce by agreement, the matter of who will have custody over a child and matters regarding visitation or other contacts of the father or the mother with a child, and sharing the expense arising from child's custody and any other necessary matters on the child's custody shall be determined by that agreement." And the same Article paragraph (2) prescribes, "If the agreement as said in the previous paragraph has not been made, or cannot be made, these matters of the same paragraph shall be determined by the family court."</p> <p>(b) Child A and Child B were born between the applicant and Person C who was in a marital relationship with the applicant. Then the applicant took negotiation and mediation procedure for divorce with Person C, but failed to reach an agreement on parental authority. For this reason, the applicant filed a divorce case to the court and a final and binding judgment was issued that the applicant should have the parental authority.</p> <p>(c) Therefore, the applicant has the parental authority including the rights of custody over Child A and B.</p>	

- In this case, please submit, as attached documents to the application, (a) Article

766 (1) and (2) of Civil Code, (b) a copy of document to indicate the content of the judgment (the original or a transcript of the judgment and certificate of having become final and binding, in a foreign country those similar to such document)

Example 4: Descriptions of applicant’s rights of custody based on intention of child pursuant to laws and regulations

<p>Legal basis; name of laws and regulations</p> <p>Family Act (Country xxx)</p>	<p>Article No.</p> <p>No. yyy</p>
<p>Explanation</p> <p>(a) Article yyy of Family Act in County xx prescribes, "the care and custody of children under 7 years of age whose parents are divorced shall belong to the mother. ... (Partially omitted) ...the minor above 7 years of age but under the age of majority may choose one of the parents of his/her own will."</p> <p>(b) Child A was born between the applicant and Person B on (day) (month) in (year) when they were married, and is at present 10 years of age. Child A chose the applicant as the parent who has custody when the applicant and Person B divorced on (day (month) in (year).</p> <p>(c) Therefore, the applicant has the right of custody over Child A.</p>	

- In this case, please submit, as attached documents to the application, (a) Article --- of Family Act of Country xx, (b) a copy of document to indicate that Child A was born between the applicant and Person B and is at present 10 years of age (a transcript of the family register in Japan, a birth certificate or those similar to such document in a foreign country), and document to indicate that Child A has chosen the applicant as the parent who has custody (a written statement or a certificate of registered matters regarding care and custody, etc.)

3. Supplementary Page for the Second or More Children

In case you request for assistance for the return of 2 or more children, you have to supply information on each child separately on the “supplementary page for the second or more children” and attach those sheets with the application form.

Refer to page 4 of this Guide, as the content is the same as page 2 of the application form.

4. Attached Documents

(1) Details of Attached Documents

Attach 11 documents listed as the following [1] to [11].

If you are to submit the documents by postal mail, staple the documents by type in case they have more than two pages. Write down attached document numbers (from [1] to [11]) in the upper right in the first page of each document (if there is not enough space due to photograph, etc. write it on the back side)

[1] Copy of applicant's personal identification document (Compulsory)

(A) Attach the applicant's personal identification document which meets the following 3 requirements.

- Same (a) name, (b) domicile, residence or location of office and (c) date of birth are written as the name, domicile, residence, location of the office and date of birth described in the application form (if the applicant is a juridical person, date of birth is not required)
- Issued or provided by a public agency (such as administrative organizations of the State, local public entities, etc.) or a foreign government recognized by the Japanese government or an authorized international institution (hereinafter referred to as “public agency, etc.”).
- Valid as of the application date

(B) Examples of personal identification documents as follows.

(a) A copy of documents, etc. issued by a public office of Japan

(i) In the case where the applicant is an individual:

- Driver's license (limited to the ones with the person's present address. In the case where the present address is indicated on the back, a copy of both sides is required.)
- A copy of resident certificate or certificate of matters to be stated in the resident certificate
- Residential basic book card (limited to the ones with name, present address and date of birth)
- Certificate of seal impression
- A full or abridged copy of family register (limited to the ones with attached copy of tag of family register)
- Passport (limited to the ones with the person's present address)

- Health insurance card (limited to the ones with the person's present address, if it is a card-type with present address on the back, a copy of both sides is required.)
 - National pension handbook (limited to the ones with the person's present address)
 - Welfare handbook (limited to the ones with the person's present address)
 - Residence card (if present address is indicated on the back, a copy of both sides is required.)
 - Special permanent resident certificate (if present address is indicated on the back, a copy of both sides is required.)
 - Alien registration certificate (if present address is indicated on the back, a copy of both sides is required.)
- (ii) In the case where the applicant is a juridical person:
- Certificate of registered matters
 - Seal impression registration (limited to the one with the name of the corporation and the whereabouts of the office)
- (b) A copy of documents equivalent to (a) issued or provided by a foreign government or an authorized international institution

[2] Copy of passport or identification card of the child pertaining to the application
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- (A) A copy of passport
- If passport of the child (including the one not only issued by Japan but also issued by a foreign country, etc.) is available, attach a copy of the relevant passport.
- If the child has 2 or more nationalities and have 2 or more passports, attach a copy of all passports available.
- (B) A copy of personal identification certificate (only when a copy of passport cannot be attached)
- (a) In the case where a copy of passport is not available, attach a copy of identification card, etc. that meets the following requirements:
- Name and date of birth are stated
 - Issued or provided by public agency, etc.
- (b) Examples of a copy of passport or identification card of the child as follows.
- (i) A copy of documents issued by public agencies of Japan, etc.:
- A copy of resident certificate or certificate of items to be stated in the resident

- certificate
 - Residential basic book card (limited to the one with name and date of birth)
 - A full or abridged copy of family registration
 - Health insurance card
 - Welfare handbook
 - Residence card
 - Special permanent resident certificate
 - Alien registration certificate
- (ii) A copy of document equivalent to (i) issued or provided by a foreign government or an authorized international institution

[3] Copy of documents to show that the child pertaining to the application held his/her habitual residence in the State of habitual residence (the State of habitual residence is Japan in case of application for Assistance in Child's Return to Japan)

* In the case where you make applications for 2 or more children, copies for all the children pertaining to the application are required.

(A) If a copy of passport or identification card, etc. of the child pertaining to the application as in the above [2] has the address in the State of child's habitual residence, it is not necessary to attach a copy of document [3]. (If the address in the country of child's habitual residence is indicated in another page, make sure to attach the page where the child's address is indicated.)

In this case, write down both numbers [2] and [3] in the upper right (or on the back) of the document [2].

(B) If the document [2] does not meet the purpose of document [3], submit a copy of following documents (for example) to show that the child pertaining to the application held his/her habitual residence in the State of habitual resident.

- The page that shows (a) addressee, (b) address, (c) sender, (d) postal stamp as of the date before the incidence of the child's removal, of a mail matter which was sent from a public office, etc. to the child at the address of habitual residence
- Documents to indicate that the child was going to school, kindergarten, etc. in a habitual residence on a regular basis.

[4] Photograph of the child pertaining to the application

* In the case where you make an application for 2 or more children, photograph for all the children pertaining to the application are required.

Attach a photograph to meet the following requirements as much as possible.

- (A) The whole body is captured
- (B) Able to identify the face
- (C) Color photography

* You may attach 2 photographs; one with the whole body and one with the face focused.

[5] Copy of passport or identification card, etc. of the person who is considered to have removed and retained the child pertaining to the application

(A) Copy of passport

Attach a copy of passport (not only limited to the ones issued by Japan but also by a foreign government, etc.) of the person who is considered to have removed and retained the child pertaining to the application, if it is available.

If said person has 2 or more nationalities and have 2 or more passports, attach a copy of any available passports.

(B) Copy of identification card, etc.

(a) In case a copy of passport is not available, attach a copy of identification card, etc. that meets the following requirements.

- Name and date of birth are stated
- Issued or provided by public agency, etc.

(b) Examples of a copy of identification card as follows:

(i) A copy of documents issued by public agencies of Japan, etc.:

- Driver's license
- A copy of resident certificate or certificate of items to be stated in resident certificate
- Residential basic book card (limited to the ones with name, and date of birth)
- Certificate of seal impression
- A full or abridged copy of family registration
- Health insurance card
- National pension handbook
- Welfare handbook

- Residence card
 - Special permanent resident certificate
 - Alien registration certificate
- (ii) A copy of documents equivalent to (i) issued or provided by a foreign government or an authorized international institution

[6] Photograph of the person considered to have removed or retained the child pertaining to the application

Attach a photograph to meet the following requirements as much as possible.

- (A) The whole body is captured
- (B) Able to identify the face
- (C) Color photography

* You may attach 2 photographs; one with the whole body and one with the face focused.

[7] Relevant provisions of laws and regulations of the State of habitual residence (the State of habitual residence will be Japan, in case of applying for Assistance in Child's Return to Japan) of the child pertaining to the application, which will be the grounds that the applicant has rights of custody with respect to the child pertaining to the application

- (A) Attach the relevant provisions of laws and regulations as described as legal basis on page 4 of the Application Form. (Only the relevant Articles, not the entire Act, is required).
- (B) The Central Authority may request the applicant to explain regarding provisions of private international law (conflict of laws: laws and regulations to prescribe which country's law should or should not apply) of the country of a habitual residence and to submit the Articles. You are requested to have a good understanding on legal grounds including international private laws of the State of habitual residence before applying.

[8] 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 shows that the applicant has rights of custody with respect to the child pertaining to the application or any other document similar thereto (Compulsory)

- (A) Attach one of the following documents, which endorse the explanation described on page 4 of the Application Form that the applicant has the right of custody with respect to the child pertaining to the application:
- (a) Documents issued by public agencies or a person who has statutory authority
 - (b) Documents evidencing agreement among relevant persons
 - (c) Other documents equivalent to (a) or (b).
- (B) Examples of a copy of the documents stated above as follows. Please note that documents required to attach are different depending on legal grounds explaining your rights of custody. You have to attach appropriate documents based on your own case.
- (a) In the case where the legal family relationships, such as parent-child relationship, marital relationship etc., serve as the grounds of explanation of having rights of custody
 - A copy of a full or abridged family register, a copy of resident certificate, or another document similar thereto
 - A copy of marriage certificate, birth certificate, etc.(in case where there is no system of family register, or basic resident register in the county)
 - (b) In the case where decisions issued by judiciary institution, etc. serve as the grounds
 - Written tribunal decision about the rights of custody, original or transcript of judgment and certificate of having become final and binding (in the case where you attach tribunal decision, judgment, etc., make sure to attach the certificate with them)
 - Documents which describe the final judgment on rights of custody issued by a foreign court
 - (c) In the case where agreements serve as the ground.
 - Documents of legally valid agreement specifying the rights of custody (if the law of the country of habitual residence requires public agencies to follow the procedures, such as registration, approval, notification and submission of the relevant documents, it must be clearly stated that the relevant procedures are performed.)
 - (d) Others

- Documents indicating the facts and the intent other than case of (a) to (c) serve as the grounds that the applicant has the rights of custody of the child according to the laws and regulations of the country of habitual residence (for example, in the case where the intent of the child serves as the grounds, documents indicating that the child has chosen the parent who has custody, such as a written statement of the child or a certificate of registered matter on person who have the right of custody, are required.)

[9] Copy of document which shows that the applicant's rights of custody with respect to the child pertaining to the application is breached due to the removal or retention of said child or any other document similar thereto

Examples of a copy of documents stated above as follows:

- E-mails or letters sent by the person who removed and retained the child, indicating the person's intention of not returning the child (Only name of the sender, address, postmark or sent date and the relevant part, not the entire e-mail or letters is required)
- Certificate of notification on the child removal or retention to related institutions

[10] Copy of passport or identification card, etc. of the person who is considered to live together with the child pertaining to the application

* If there is no person considered to live together with the child pertaining to the application other than the person considered to have removed or retained the child, the attachment is not necessary.

(A) A copy of passport

Attach a copy of passport of the person considered to live together with the child pertaining to the application, if it is available (not only limited to the ones issued by Japan but also by a foreign government, etc.). If the relevant person has 2 or more nationalities and 2 or more passports, attach a copy of any available passports.

(B) A copy of identification card, etc.

In the case where a copy of passport is not available, attach a copy of identification card, etc. that meets the following requirements. Refer to [5] for specific examples.

- Name and date of birth are stated
- Issued or provided by a public agency, etc.

[11] Photograph of the person considered to live together with the child pertaining to the application

* If there is no person considered to live together with the child pertaining to the application other than the person considered to have removed or retained the child, the attachment is not necessary.

Attach a photograph to meet the following requirements as much as possible:

- (A) The whole body is captured
- (B) Able to identify the face
- (C) Color photography

* You may attach 2 photographs; one with the whole body and one with the face focused.

(2) A case that required documents cannot be obtained

In the case where documents meeting the requirements cannot be attached, attach documents partially meeting the requirements or other documents similar thereto should be attached as a substitute. In this case, make sure to note that a substitute is attached and the reasons on the sections for the "reason why document cannot be attached" in the "List of Attached Documents".

Example 1: if the documents (a) issued by public agency, in which (b) name, (c) address, and (d) date of birth are stated (meeting the all 4 requirements) cannot be attached, submit both documents (a) issued by public agencies, in which (b) name and (c) address are written (the one meeting the 3 requirements, a, b, c) and documents (a) issued by public agencies, in which (b) name and (d) date of birth are written (the one meeting the 3 requirement, a, b, d).

Example 2: If documents issued by public agencies, with name, address and date of birth cannot be obtained, submit electricity bills issued by a public power company indicating the name, address and date of birth as a substitute.

(3) Omission of attached documents

If unavoidable circumstances are found to exist, the Minister for Foreign Affairs may have the document attachment omitted except for a copy of applicant's personal identification document ((1)[1]) and a copy of document to show applicant's rights of custody ((1)[8]).

In the case where you cannot attach any documents including substitutes, or you are late for submission due to a long time to obtain the document, indicate the relevant

document number in the "List of Attached Documents" and state the reasons clearly.

It is compulsory, however, to submit a copy of personal identification document of the applicant and a copy of documents to show the rights of custody. In the case where those documents meeting the requirements cannot be attached, the application will be dismissed. Even if you cannot obtain the document to meet the requirements, make sure to attach substitutive documents.

5. List of Attached Documents

Application for assistance in Child Return
List of Attached Documents

<<Note>>

> About descriptions of this list and explanations on each document, please refer to "Guide to Application for Assistance in Child's Return"

1. Attached documents		
No.	Attach	Name of documents
[1]	<input type="checkbox"/>	Copy of applicant's personal identification document (Compulsory)
[2]	<input type="checkbox"/>	Copy of passport or identification card, etc. of the child pertaining to the application
[3]	<input type="checkbox"/>	Copy of documents to show that the child pertaining to the application held a habitual residence in the state of habitual residence
[4]	<input type="checkbox"/>	Photograph of child pertaining to the application
[5]	<input type="checkbox"/>	Copy of document issued by public agency, etc. of the person considered to have removed or retained the child pertaining to the application
[6]	<input type="checkbox"/>	Photograph of the person who is considered to live together with the child pertaining to the application
[7]	<input type="checkbox"/>	Relevant provisions of laws and regulations of the state of habitual residence of the child pertaining to the application, which will be the grounds for that the applicant has rights of custody with respect to the child pertaining to the application
[8]	<input type="checkbox"/>	Copy of document issued by public agency, etc. or by person who has statutory authority or document evidencing agreement among relevant persons which shows that the applicant has right of custody with respect to the child pertaining to the application or any other document similar thereto (Compulsory)
[9]	<input type="checkbox"/>	Copy of document which proves that the applicant's rights of custody with respect to the child pertaining to the application is breached due to the removal or retention of said child or any other document similar thereto
[10]	<input type="checkbox"/>	Copy of passport or identification card, etc. of the person who is considered to live together with the child pertaining to the application
[11]	<input type="checkbox"/>	Photograph of the person who is considered to live together with the child pertaining to the application
2. Explanatory on the reason the applicant is unable to attach documents, etc.		
No.	Reason why documents cannot be attached or why substitutes are attached etc.	

Check the boxes for attached documents.

- > In case, you cannot attach the required document and attach the substitutive document instead, or you cannot attach the document for unavoidable reasons, specify the serial number of the relevant document and state the reasons and conditions clearly in concrete terms.
- > When you state the reasons, not only write your circumstances, such as "unable to obtain the document" or "do not have it," but also state specific reasons as why you cannot obtain and/or retain the document. When the reasons stated in this field are not sufficient, the Central Authority may request supplementary explanations or may dismiss the application.

- > About [10][11]
If there is no person possibly living together with the child other than the person considered to have removed or retained the child (when Application Form page 5 is left blank), you don't have to state the reasons for not attaching the documents number [10] and [11].

* You may

6. Submission of Application Documents

(1) Preservation of Copies of the Documents

The application documents (including the attached documents) will not be returned. The Central Authority may ask questions or confirm the stated contents in the application form during the process of application screening and operating procedures for assistance. For this reason, please make sure to photocopy the application documents (including the attached documents) before you submit the documents and keep the copies with you.

(2) Submission of the Application

Submit the application documents by postal mail or e-mail to the following address/e-mail address (If you use e-mail, please include the scanned data of the Attached Documents.) Submission by other means (FAX or delivering in person, etc.) is not accepted.

<Address>

Postal Code 100-8919

Kasumigaseki 2-2-1, Chiyoda-ku, Tokyo, Japan

Hague Convention Division, Consular Affairs Bureau, Ministry of Foreign Affairs

<E-mail Address>

hagueconventionjapan@mofa.go.jp

7. Procedure after Application is Filed

(1) Acknowledge Receipt of the Application

As soon as the application documents arrive at the office of the Central Authority, an acknowledge receipt will be sent via e-mail (or fax for an applicant who does not use e-mail) to notify the applicant of the reception of the application. If you do not receive this e-mail of the acknowledgement within a few days after the time your application documents believed to arrive at the office of the Central Authority, please contact the Central Authority for inquiry.

(2) Screening Procedures for the Application Documents

Soon after the reception of the application documents, the Central Authority begins screening in a timely manner. Within about 2 weeks, the Central Authority will decide

assistance or dismissal of the application, or contact the applicant for confirming the contents of the application documents.

Even if you make an inquiry for your screening status within 2 weeks after the reception of the application, we will not be able to answer your status at the time. We appreciate your understanding in this matter.

(3) Corrections of the Contents in the Application Form

If there is any change in the matters to be stated in application documents after submission, please contact the Central Authority to request for a correction.

If you are asked to submit documents for corrections in the application form, please do so promptly. If the document is not submitted in a timely manner, a prompt and appropriate screening of the application and/or implementation for the assistance by the Central Authority might possibly be hindered.

(4) Rescission of Decision of Assistance

Even after the decision to provide assistance has been made, the Minister for Foreign Affairs may make rescission if any of the following reason is found.

- | |
|---|
| <p><Reasons for Rescission of Application for Assistance in Child's Return></p> <ol style="list-style-type: none">1 Decision for Assistance was made despite the fact that the application falls under any of the items of Article 7 (1) or Article 13 (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (hereinafter referred to as the "Act").2 Decision for Assistance was made despite the fact that the application does not fall under Article 4 (1) or Article 11 (1) of the Act.3 When the application has been found to have fallen under any of the items of Article 7 (1) or Article 13 (1) of the Act.4 When the application has been found to have not fallen under Article 4 (1) or Article 11 (1) of the Act. |
|---|

8 . Contact Information

Please contact the Central Authority, if you have any questions regarding application documents and application procedures.

<p><Contact Information></p> <p>Hague Convention Division, Ministry of Foreign Affairs</p> <p>Tel: +81-(0)3-5501-8466 (Open on Weekdays 9:00 - 17:00 Except 12:30-13:30)</p>
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E-mail Address: hagueconventionjapan@mofa.go.jp

* We would be able to connect you to the person in charge, if you could state that you are calling regarding the application documents or procedures.

【Final Checklist before Submitting Application Documents】

- Have you checked whether or not your application may fall under any reasons for dismissal?

- Have you prepared all the required application documents?
 - [1] Application Form for Assistance in Child's Return
 - [2] Supplementary Page for the Second or More Children (only in case you request for 2 or more children's return.)
 - [3] Attached Documents
 - [4] List of the Required Attached Documents

- Have you not missed any attached documents?

- Have you photocopied the application documents?

- Have you checked if there is no mistakes in the address and the name of the sender?