

## **Annexes**

### **Annex 1**

#### **Penal Code relating to crimes of enforced disappearance (Extract)**

##### **(Harboring of Criminals)**

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

##### **(Suppression of Evidence)**

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

##### **(Counterfeiting of Official Documents)**

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

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

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

##### **(Making of False Official Documents)**

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

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

(False Entries in the Original of Notarized Deeds)

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

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

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

(Uttering of Counterfeit Official Documents)

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

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

(Counterfeiting of Private Documents)

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

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

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

(Falsifying Medical Certificates)

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

(Uttering of Counterfeit Private Documents)

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

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

(Unauthorized Creation of Electromagnetic Records)

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

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

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

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

(Abuse of Authority by public officers)

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

(Abuse of Authority by Special public officers)

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

(Assault and Cruelty by Special public officers)

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

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

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

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

(Assault)

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

(Unlawful Capture and Confinement)

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

(Unlawful Capture or Confinement Causing Death or Injury)

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

(Kidnapping of Minors)

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

(Kidnapping for Profit)

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

(Kidnapping for Ransom)

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

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

(Kidnapping for Transportation out of a Country)

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

(Buying or Selling of Human Beings)

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

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

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

but not more than 10 years.

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

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

(Transportation of Kidnapped Persons out of a Country)

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

(Delivery of Kidnapped Persons)

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

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

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

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

(Attempts)

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

(Reduction of Punishment in the Case of Release)

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

(Preparation for Kidnapping for Ransom)

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

(Complaints)

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

(Intimidation)

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

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

(Damaging of Documents for Government Use)

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

この出入国管理及び難民認定法の翻訳は、平成二十年法律第三十号までの改正（平成20年5月12日公布）について、「法令用語日英標準対訳辞書」（平成18年3月版）に準拠して作成したものです。

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This English translation of the Immigration Control and Refugee Recognition Act has been prepared (up to the revisions of Act No. 30 of 2008 (Promulgation May 2, 2008)) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

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## 出入国管理及び難民認定法（昭和二十六年十月四日政令第三百十九号） Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951)

### 第一章 総則

### CHAPTER I GENERAL PROVISIONS

#### 第一条 （目的）

#### Article 1 (Purpose)

出入国管理及び難民認定法は、本邦に入国し、又は本邦から出国するすべての人の出入国の公正な管理を図るとともに、難民の認定手続を整備することを目的とする。

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.

#### 第二条 （定義）

#### Article 2 (Definition)

出入国管理及び難民認定法及びこれに基づく命令において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

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

##### 一 削除

##### (i) Deleted.



二 外国人 日本<sup>1</sup>の国籍を有しない者をいう。

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

三 乗員 船舶又は航空機（以下「船舶等」という。）の乗組員をいう。

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

三の二 難民 難民の地位に関する条約（以下「難民条約」という。）第一条の規定又は難民の地位に関する議定書第一条の規定により難民条約の適用を受ける難民をいう。

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

四 日本国領事官等 外国に駐在する日本国の大使、公使又は領事官をいう。

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

五 旅券 次に掲げる文書をいう。

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

イ 日本国政府、日本国政府の承認した外国政府又は権限のある国際機関の発行した旅券又は難民旅行証明書その他当該旅券に代わる証明書（日本国領事官等の発行した渡航証明書を含む。）

(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.

ロ 政令で定める地域の権限のある機関の発行したイに掲げる文書に相当する文書

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

六 乗員手帳 権限のある機関の発行した船員手帳その他乗員に係るこれに準ずる文書をいう。

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

七 人身取引等 次に掲げる行為をいう。

(vii) The term "trafficking in persons" means any of the following acts:

イ 営利、わいせつ又は生命若しくは身体に対する加害の目的で、人を略取し、誘拐し、若しくは売買し、又は略取され、誘拐され、若しくは売買された者を引き渡し、

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1 英米法の例にならい、出入国管理及び難民認定法では「外国人」の訳語として長く“alien”が用いられている。

1. Based on examples in acts of the U.K. and the U.S., the term "alien" has long been used in the Immigration Control and Refugee Recognition Act.

収受し、輸送し、若しくは蔵匿すること。

(a) The kidnapping or the buying or selling of persons for the purpose of profit, indecency or threat to a person's life or body, or delivering, receiving, transporting or hiding such persons who have been kidnapped or bought or sold;

ロ イに掲げるもののほか、営利、わいせつ又は生命若しくは身体に対する加害の目的で、十八歳未満の者を自己の支配下に置くこと。

(b) In addition to the acts listed in sub-item (a), placing persons under 18 years of age under one's own control for the purpose of profit, indecency or threat to a person's life or body;

ハ イに掲げるもののほか、十八歳未満の者が営利、わいせつ若しくは生命若しくは身体に対する加害の目的を有する者の支配下に置かれ、又はそのおそれがあることを知りながら、当該十八歳未満の者を引き渡すこと。

(c) In addition to the acts listed in sub-item (a), delivering persons under 18 years of age, knowing that they will be or are likely to be placed under the control of a person who has the purpose of profit, indecency or threat to a person's life or body.

八 出入国港 外国人が出入国すべき港又は飛行場で法務省令で定めるものをいう

(viii) The term "port of entry or departure" means a seaport or airport at which an alien enters or departs from Japan, as provided for by a Ministry of Justice ordinance.

九 運送業者 本邦と本邦外の地域との間において船舶等により人又は物を運送する事業を営む者をいう。

(ix) The term "carrier" means an operator 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.

十 入国審査官 第六十一条の三に定める入国審査官をいう。

(x) The term "immigration inspector" means the immigration inspector provided for in Article 61-3.

十一 主任審査官 上級の入国審査官で法務大臣が指定するものをいう。

(xi) The term "supervising immigration inspector" means an immigration inspector of supervisory rank designated by the Minister of Justice.

十二 特別審理官 口頭審理を行わせるため法務大臣が指定する入国審査官をいう。

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

十二の二 難民調査官 第六十一条の三第二項第二号（第六十一条の二の八第二項において準用する第二十二条の四第二項に係る部分に限る。）及び第六号（第六十一条の二の十四第一項に係る部分に限る。）に掲げる事務を行わせるため法務大臣が指定する入国審査官をいう。

(xii-2) The term "refugee inquirer" means an immigration inspector designated by

the Minister of Justice to execute the duties prescribed in Article 61-3, paragraph (2), item (ii) (limited to the parts pertaining to Article 22-4, paragraph (2), as applied mutatis mutandis to Article 61-2-8, paragraph (2)) and in item (vi) (limited to the parts pertaining to Article 61-2-14, paragraph (1)).

十三 入国警備官 第六十一条の三の二に定める入国警備官をいう。

(xiii) The term "immigration control officer" means the immigration control officer provided for in Article 61-3-2.

十四 違反調査 入国警備官が行う外国人の入国、上陸又は在留に関する違反事件の調査をいう。

(xiv) The term "investigation into violations" means an investigation conducted by an immigration control officer into cases of violation of laws or regulations on entry, landing or residence of an alien.

十五 入国者収容所 法務省設置法（平成十一年法律第九十三号）第十三条に定める入国者収容所をいう。

(xv) The term "immigration detention center" means the immigration detention center provided for in Article 13 of the Act for Establishment of the Ministry of Justice (Act No. 93 of 1999).

十六 収容場 第六十一条の六に定める収容場をいう。

(xvi) The term "detention house" means the detention facility provided for in Article 61-6.

## 第二条の二（在留資格及び在留期間）

### Article 2-2 (Status of Residence and Period of Stay)

1 本邦に在留する外国人は、出入国管理及び難民認定法及び他の法律に特別の規定がある場合を除き、それぞれ、当該外国人に対する上陸許可若しくは当該外国人の取得に係る在留資格又はそれらの変更に係る在留資格をもつて在留するものとする。

(1) 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, except as otherwise provided for by the Immigration Control and Refugee Recognition Act or other laws.

2 在留資格は、別表第一又は別表第二の上欄に掲げるとおりとし、別表第一の上欄の在留資格をもつて在留する者は当該在留資格に応じそれぞれ本邦において同表の下欄に掲げる活動を行うことができ、別表第二の上欄の在留資格をもつて在留する者は当該在留資格に応じそれぞれ本邦において同表の下欄に掲げる身分若しくは地位を有する者としての活動を行うことができる。

(2) The categories of statuses of residence shall be as listed in Appended Tables I and II. An alien residing in Japan under a status of residence listed in the left-hand column of Table I may engage in the activities listed in the right-hand column corresponding to that status, while an alien residing under a status of

residence listed in the left-hand column of Table II may engage in the activities of a person with the status or position listed in the right-hand column corresponding to that status.

- 3 第一項の外国人が在留することのできる期間（以下「在留期間」という。）は、各在留資格について、法務省令で定める。この場合において、外交、公用及び永住者の在留資格以外の在留資格に伴う在留期間は、三年（特定活動（別表第一の五の表の下欄二に係るものを除く。）の在留資格にあつては、五年）を超えることができない。
- (3) The period during which an alien may reside as set forth in paragraph (1) (hereinafter referred to as "period of stay") shall be determined for each status of residence by a Ministry of Justice ordinance; and when the status of residence is one other than that of diplomat, official or permanent resident, the period of stay shall not exceed 3 years (5 years in the case of the status of residence of "Designated Activities" (except for those related to d. in the right-hand column of (5) of Appended Table I).

## 第二章 入国及び上陸

### CHAPTER II ENTRY AND LANDING

#### 第一節 外国人の入国

#### SECTION I ENTRY OF AN ALIEN

#### 第三条（外国人の入国）

##### Article 3 (Entry of an Alien)

- 1 次の各号のいずれかに該当する外国人は、本邦に入つてはならない。
- (1) Any alien who falls under any of the following items shall not enter Japan.
- 一 有効な旅券を所持しない者（有効な乗員手帳を所持する乗員を除く。）
- (i) A person who does not possess a valid passport (except for a crew member possessing a valid crew member's pocket-ledger).
- 二 入国審査官から上陸許可の証印若しくは第九条第四項の規定による記録又は上陸の許可（以下「上陸の許可等」という。）を受けないで本邦に上陸する目的を有する者（前号に掲げる者を除く。）
- (ii) A person who intends to land in Japan without receiving a seal of verification for landing or undergoing the recording of the prescribed data pursuant to the provision of Article 9, paragraph (4), or without obtaining authorized permission for landing (hereinafter referred to as "permission for landing") from an immigration inspector (except for those set forth in the preceding item).
- 2 本邦において乗員となる外国人は、前項の規定の適用については、乗員とみなす。
- (2) An alien who seeks to become a crew member in Japan shall be deemed to be a crew member with regard to the application of the provisions of the preceding

paragraph.

## 第二節 外国人の上陸

### SECTION II LANDING OF AN ALIEN

#### 第四条 削除

#### Article 4 Deleted

#### 第五条 (上陸の拒否)

#### Article 5 (Denial of Landing)

1 次の各号のいずれかに該当する外国人は、本邦に上陸することができない。

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

一 感染症の予防及び感染症の患者に対する医療に関する法律（平成十年法律第百十四号）に定める一類感染症、二類感染症、新型インフルエンザ等感染症若しくは指定感染症（同法第七条の規定に基づき、政令で定めるところにより、同法第十九条又は第二十条の規定を準用するものに限る。）の患者（同法第八条（同法第七条において準用する場合を含む。）の規定により一類感染症、二類感染症、新型インフルエンザ等感染症又は指定感染症の患者とみなされる者を含む。）又は新感染症の所見がある者

(i) A person who falls under any of the following categories of infections, which are provided for by the Act on Prevention of Infections and Medical Care for Patients with Infections (Act No. 114, 1998): Category 1 or Category 2 infections or new or reemerging influenza infections or designated infections (limited to the infections to which the provisions of Article 19 or 20 of the same Act shall apply mutatis mutandis, pursuant to the provisions of a Cabinet Order pursuant to the provisions of Article 7 of the same Act) including a person who is regarded as a patient of Category 1 or Category 2 infections or new or reemerging influenza infections or designated infections pursuant to the provisions of Article 8 of the same Act (including cases where it is applied mutatis mutandis pursuant to Article 7 of the same Act), or any person who has symptoms of a new infection.

二 精神上の障害により事理を弁識する能力を欠く常況にある者又はその能力が著しく不十分な者で、本邦におけるその活動又は行動を補助する者として法務省令で定めるものが随伴しないもの

(ii) A person who, due to a mental disorder, is unable to understand right from wrong or whose capacity for such understanding is significantly lacking, and is not accompanied by those persons provided for by a Ministry of Justice ordinance to assist him or her in engaging in activities in Japan.

三 貧困者、放浪者等で生活上国又は地方公共団体の負担となるおそれのある者

(iii) A person who is indigent or without a fixed dwelling place and is likely to

become a burden on the Japanese Government or a local public entity because of an inability to make a living.

四 日本国又は日本国以外の国の法令に違反して、一年以上の懲役若しくは禁錮又はこれらに相当する刑に処せられたことのある者。ただし、政治犯罪により刑に処せられた者は、この限りでない。

(iv) A person who has been convicted of a violation of any law or regulation of Japan, or of any other country, and has been sentenced to imprisonment with or without work for 1 year or more, or to an equivalent penalty. However, this shall not apply to those convicted of a political offense.

五 麻薬、大麻、あへん、覚せい剤又は向精神薬の取締りに関する日本国又は日本国以外の国の法令に違反して刑に処せられたことのある者

(v) A person who has been convicted of a violation of any law or regulation of Japan or of any other country relating to the control of narcotics, marijuana, opium, stimulants or psychotropic substances, and has been sentenced to a penalty.

五の二 国際的規模若しくはこれに準ずる規模で開催される競技会若しくは国際的規模で開催される会議（以下「国際競技会等」という。）の経過若しくは結果に関連して、又はその円滑な実施を妨げる目的をもって、人を殺傷し、人に暴行を加え、人を脅迫し、又は建造物その他の物を損壊したことにより、日本国若しくは日本国以外の国の法令に違反して刑に処せられ、又は出入国管理及び難民認定法の規定により本邦からの退去を強制され、若しくは日本国以外の国の法令の規定によりその国から退去させられた者であつて、本邦において行われる国際競技会等の経過若しくは結果に関連して、又はその円滑な実施を妨げる目的をもって、当該国際競技会等の開催場所又はその所在する市町村（東京都の特別区の存する区域及び地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市にあつては、区）の区域内若しくはその近傍の不特定若しくは多数の者の用に供される場所において、人を殺傷し、人に暴行を加え、人を脅迫し、又は建造物その他の物を損壊するおそれのあるもの

(v-2) A person who has been convicted of a violation of any law or regulation of Japan or of any other country or has been deported from Japan pursuant to the provisions of the Immigration Control and Refugee Recognition Act or deported from any other country pursuant to the provisions of any law or regulation of that country for killing, injuring, assaulting or threatening a person, or damaging a building or other objects in relation to the process or results of an international competition or a competition of an equivalent scale or an international conference (hereinafter referred to as "international competition") or with the intent of preventing the smooth operation thereof, and is likely to kill, injure, assault or threaten a person, or damage a building or other objects in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the municipality where the venue

is located (this refers to "ward" in areas where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947)) or to neighboring places provided for use to unspecified persons or a number of persons.

六 麻薬及び向精神薬取締法（昭和二十八年法律第十四号）に定める麻薬若しくは向精神薬、大麻取締法（昭和二十三年法律第二百二十四号）に定める大麻、あへん法（昭和二十九年法律第七十一号）に定めるけし、あへん若しくはけしがら、覚せい剤取締法（昭和二十六年法律第二百五十二号）に定める覚せい剤若しくは覚せい剤原料又はあへん煙を吸食する器具を不法に所持する者

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

七 売春又はその周旋、勧誘、その場所の提供その他売春に直接に関係がある業務に従事したことのあつた者（人身取引等により他人の支配下に置かれていた者が当該業務に従事した場合を除く。）

(vii) A person who has engaged in prostitution, or intermediation or solicitation of prostitutes for other persons or provision of a place for prostitution, or any other business directly connected to prostitution (except for those who have engaged in these businesses under the control of another due to trafficking in persons).

七の二 人身取引等を行い、唆し、又はこれを助けた者

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

八 銃砲刀剣類所持等取締法（昭和三十三年法律第六号）に定める銃砲若しくは刀剣類又は火薬類取締法（昭和二十五年法律第四百九号）に定める火薬類を不法に所持する者

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

九 次のイからニまでに掲げる者で、それぞれ当該イからニまでに定める期間を経過していないもの

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

イ 第六号又は前号の規定に該当して上陸を拒否された者 拒否された日から一年

(a) A person who has been denied landing for any of the reasons prescribed in the provisions of either item (vi) or the preceding item---1 year from the date

of denial.

ロ 第二十四条各号（第四号オからヨまで及び第四号の三を除く。）のいずれかに該当して本邦からの退去を強制された者で、その退去の日前に本邦からの退去を強制されたこと及び第五十五条の三第一項の規定による出国命令により出国したことの無いもの 退去した日から五年

(b) A person who has been deported from Japan for any of the reasons set forth in any of the items of Article 24 (except for item (iv), sub-items (l) to (o), and items (iv-3) and has not previously been deported from Japan or has not previously departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1), before the aforesaid date of deportation---5 years from the date of deportation.

ハ 第二十四条各号（第四号オからヨまで及び第四号の三を除く。）のいずれかに該当して本邦からの退去を強制された者（ロに掲げる者を除く。） 退去した日から十年

(c) A person (except for those listed in sub-item (b)) who has previously been deported from Japan for falling under any of the items of Article 24 (except for item (iv), sub-items (l) to (o), and item (iv-3) ---10 years from the date of deportation.

ニ 第五十五条の三第一項の規定による出国命令により出国した者 出国した日から一年

(d) A person who has departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph 1---1 year from the date of departure.

九の二 別表第一の上欄の在留資格をもつて本邦に在留している間に刑法（明治四十年法律第四十五号）第二編第十二章、第十六章から第十九章まで、第二十三章、第二十六章、第二十七章、第三十一章、第三十三章、第三十六章、第三十七章若しくは第三十九章の罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）第一条、第一条ノ二若しくは第一条ノ三（刑法第二百二十二条又は第二百六十一条に係る部分を除く。）の罪、盗犯等の防止及び処分に関する法律（昭和五年法律第九号）の罪又は特殊開錠用具の所持の禁止等に関する法律（平成十五年法律第六十五号）第十五条若しくは第十六条の罪により懲役又は禁錮に処する判決の宣告を受けた者で、その後出国して本邦外にある間にその判決が確定し、確定の日から五年を経過していないもの

(ix-2) A person who has been sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapters XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan (Act No. 45 of 1907), or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), or the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters (Act No. 9 of 1930), or Article 15 or 16 of the Act on Prohibition of Possession of



Special Picking Tools, and Other Related Matters (Act No. 65 of 2003) during his/her stay in Japan with the status of residence listed in the left-hand column of Appended Table I, who subsequently left Japan and whose sentence became final and binding when he or she was outside of Japan, and for whom 5 years have not yet elapsed from the date when the sentence became final and binding.

十 第二十四条第四号オからヨまでのいずれかに該当して本邦からの退去を強制された者

(x) A person who has been deported from Japan for falling under any of Article 24, item (iv), sub-items (1) to (o).

十一 日本国憲法又はその下に成立した政府を暴力で破壊することを企て、若しくは主張し、又はこれを企て若しくは主張する政党その他の団体を結成し、若しくはこれに加入している者

(xi) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any organization which attempts or advocates the same.

十二 次に掲げる政党その他の団体を結成し、若しくはこれに加入し、又はこれと密接な関係を有する者

(xii) A person who organizes, or is a member of, or is closely affiliated with any of the following political parties or organizations:

イ 公務員であるという理由により、公務員に暴行を加え、又は公務員を殺傷することを勧奨する政党その他の団体

(a) A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or of local public entities for the reason of their being such officials

ロ 公共の施設を不法に損傷し、又は破壊することを勧奨する政党その他の団体

(b) A political party or organization which encourages illegal damage or destruction of public facilities

ハ 工場事業場における安全保持の施設の正常な維持又は運行を停廃し、又は妨げるような争議行為を勧奨する政党その他の団体

(c) A political party or organization which encourages acts of dispute such as stopping or preventing normal maintenance or operation of security facilities of a plant or place of work

十三 第十一号又は前号に規定する政党その他の団体の目的を達するため、印刷物、映画その他の文書図画を作成し、頒布し、又は展示することを企てる者

(xiii) A person who attempts to prepare, distribute, or exhibit printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization prescribed in item (xi) or the preceding item.

十四 前各号に掲げる者を除くほか、法務大臣において日本国の利益又は公安を害する行為を行うおそれがあると認めるに足りる相当の理由がある者

(xiv) In addition to those persons listed in items (i) to (xiii), a person whom the Minister of Justice has reasonable grounds to believe is likely to commit an act which could be detrimental to the interests or public security of Japan.

2 法務大臣は、本邦に上陸しようとする外国人が前項各号のいずれにも該当しない場合でも、その者の国籍又は市民権の属する国が同項各号以外の事由により日本人の上陸を拒否するときは、同一の事由により当該外国人の上陸を拒否することができる。

(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 or she is a national or citizen denies landing to a Japanese national therein for any reasons other than those set forth in the items of the same paragraph, the Minister of Justice may deny his/her landing for the same reasons.

### 第三章 上陸の手続

## CHAPTER III PROCEDURES FOR LANDING

### 第一節 上陸のための審査

## SECTION I EXAMINATION FOR LANDING

### 第六条 (上陸の申請)

#### Article 6 (Application for Landing)

1 本邦に上陸しようとする外国人（乗員を除く。以下この節において同じ。）は、有効な旅券で日本国領事官等の査証を受けたものを所持しなければならない。ただし、国際約束若しくは日本国政府が外国政府に対して行つた通告により日本国領事官等の査証を必要としないこととされている外国人の旅券、第二十六条の規定による再入国の許可を受けている者の旅券又は第六十一条の二の十二の規定による難民旅行証明書の交付を受けている者の当該証明書には、日本国領事官等の査証を要しない。

(1) Any alien (except for a crew member; hereinafter the same shall apply in this section) who seeks to land in Japan shall possess a valid passport with a visa issued by a Japanese consular officer. However, a visa is not required for the passport of an alien for whom a visa issued by a Japanese consular officer shall be deemed unnecessary pursuant to an international agreement or through notification to that effect from the Japanese Government to a foreign government or for the passport of an alien for whom the re-entry permission pursuant to the provisions of 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 前項本文の外国人は、その者が上陸しようとする出入国港において、法務省令で定める手続により、入国審査官に対し上陸の申請をして、上陸のための審査を受けなければならない。

(2) The alien set forth in the first sentence 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.

- 3 前項の申請をしようとする外国人は、入国審査官に対し、申請者の個人の識別のために用いられる法務省令で定める電子計算機の用に供するため、法務省令で定めるところにより、電磁的方式（電子的方式、磁気的方式その他の知覚によつては認識することができない方式をいう。以下同じ。）によつて個人識別情報（指紋、写真その他の個人を識別することができる情報として法務省令で定めるものをいう。以下同じ。）を提供しなければならない。ただし、次の各号のいずれかに該当する者については、この限りでない。

- (3) An alien who seeks to apply for landing as set forth in the preceding paragraph shall provide to an immigration inspector information for personal identification (fingerprints, photographs or other information as provided for by a Ministry of Justice ordinance that serves to identify the individual; the same shall apply hereinafter) in an electromagnetic form (an electronic form, a magnetic form or other forms that cannot be recognized by human perception; the same shall apply hereinafter) for use by a computer as provided for by a Ministry of Justice ordinance, which is utilized for personal identification of the applicant, pursuant to the provisions of the Ministry of Justice ordinance. However, this shall not apply to a person who falls under any of the following items:

一 日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法（平成三年法律第七十一号）に定める特別永住者（以下「特別永住者」という。）

- (i) A special permanent resident provided for by the Special Act on the Immigration Control of, Inter Alia, Those who have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan (Act No. 71 of 1991) (hereinafter referred to as a "special permanent resident").

二 十六歳に満たない者

- (ii) A person who is under 16 years of age.

三 本邦において別表第一の一の表の外交の項又は公用の項の下欄に掲げる活動を行おうとする者

- (iii) A person who seeks to engage in Japan in an activity listed in the right-hand column under "Diplomat" or "Official" of (1) of Appended Table I.

四 国の行政機関の長が招へいする者

- (iv) A person who is invited by the head of any national administrative organ.

五 前二号に掲げる者に準ずる者として法務省令で定めるもの

- (v) A person provided for by a Ministry of Justice ordinance as equivalent to a person listed in any of the two items immediately preceding this item.

## 第七条（入国審査官の審査）

### Article 7 (Immigration Inspector's Examination)

- 1 入国審査官は、前条第二項の申請があつたときは、当該外国人が次の各号（第二十六

条第一項の規定により再入国の許可を受け又は第六十一条の二の十二第一項の規定により交付を受けた難民旅行証明書を所持して上陸する外国人については、第一号及び第四号)に掲げる上陸のための条件に適合しているかどうかを審査しなければならない。

(1) When the application set forth in paragraph (2) of the preceding Article is made, an immigration inspector shall conduct an examination of the said alien as to whether or not he or she conforms to each of the following conditions for landing in Japan. (With respect to an alien who has received re-entry permission pursuant to the provisions of Article 26, paragraph (1) or a refugee travel document pursuant to the provisions of Article 61-2-12, paragraph (1), only the conditions listed in the following items (i) and (iv) are to be applied.)

一 その所持する旅券及び、査証を必要とする場合には、これに与えられた査証が有効であること。

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

二 申請に係る本邦において行おうとする活動が虚偽のものでなく、別表第一の下欄に掲げる活動（五の表の下欄（ニに係る部分に限る。）に掲げる活動については、法務大臣があらかじめ告示をもつて定める活動に限る。）又は別表第二の下欄に掲げる身分若しくは地位（永住者の項の下欄に掲げる地位を除き、定住者の項の下欄に掲げる地位については法務大臣があらかじめ告示をもつて定めるものに限る。）を有する者としての活動のいずれかに該当し、かつ、別表第一の二の表及び四の表の下欄並びに五の表の下欄（ロに係る部分に限る。）に掲げる活動を行おうとする者については我が国の産業及び国民生活に与える影響その他の事情を勘案して法務省令で定める基準に適合すること。

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

三 申請に係る在留期間が第二条の二第三項の規定に基づく法務省令の規定に適合する

ものであること。

(iii) The period of stay stated in the application must conform to the provisions of the Ministry of Justice ordinance pursuant to the provisions of Article 2-2, paragraph (3).

四 当該外国人が第五条第一項各号のいずれにも該当しないこと。

(iv) The alien must not fall under any of the items of Article 5, paragraph (1).

2 前項の審査を受ける外国人は、同項に規定する上陸のための条件に適合していることを自ら立証しなければならない。この場合において、別表第一の五の表の下欄（イからハまでに係る部分に限る。）に掲げる活動を行おうとする外国人は、同項第二号に掲げる条件に適合していることの立証については、次条に規定する証明書をもつてしなければならない。

(2) The alien subject to the examination set forth in the preceding paragraph shall prove that he or she conforms to the conditions for landing prescribed therein. In this case, an alien who seeks to engage in an activity listed in the right-hand column of (5) of Appended Table I (only the parts pertaining to (a) to (c)) shall use the certificate as provided for in the following Article to prove that he or she conforms to the conditions as listed in item (ii) of the same paragraph.

3 法務大臣は、第一項第二号の法務省令を定めようとするときは、あらかじめ、関係行政機関の長と協議するものとする。

(3) The Minister of Justice shall consult with the heads of the relevant administrative organs in prescribing the ordinance set forth in paragraph (1), item (ii).

4 入国審査官は、第一項の規定にかかわらず、前条第三項各号のいずれにも該当しないと認める外国人が同項の規定による個人識別情報の提供をしないときは、第十条の規定による口頭審理を行うため、当該外国人を特別審理官に引き渡さなければならない。

(4) Notwithstanding the provisions of paragraph (1), if an alien who, an immigration inspector acknowledges does not fall under any item of paragraph (3) of the preceding Article, fails to provide information for personal identification pursuant to the provisions of the same paragraph, the inspector shall deliver the alien to a special inquiry officer for a hearing pursuant to the provisions of Article 10.

## 第七条の二 （在留資格認定証明書）

### Article 7-2 (Certificate of Eligibility)

1 法務大臣は、法務省令で定めるところにより、本邦に上陸しようとする外国人（本邦において別表第一の三の表の短期滞在の項の下欄に掲げる活動を行おうとする者を除く。）から、あらかじめ申請があつたときは、当該外国人が前条第一項第二号に掲げる条件に適合している旨の証明書を交付することができる。

(1) Upon advance application by an alien intending to land in Japan (except for those who intend to engage in the activities listed in the right-hand column

corresponding to "Temporary Visitor" specified in Appended Table I (3)), the Minister of Justice, pursuant to the provisions of a Ministry of Justice ordinance, may issue a certificate of eligibility stating that the alien concerned conforms to the conditions set forth in Article 7, paragraph (1), item (ii).

- 2 前項の申請は、当該外国人を受け入れようとする機関の職員その他の法務省令で定める者を代理人としてこれを行うことができる。
- (2) The application for issuance of a certificate of eligibility as set forth 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 agent, as provided for by a Ministry of Justice ordinance.

#### **第八条** （船舶等への乗込）

##### **Article 8 (Boarding of a Vessel or Aircraft)**

入国審査官は、第七条第一項の審査を行う場合には、船舶等に乗込することができる。

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

#### **第九条** （上陸許可の証印）

##### **Article 9 (Seal of Verification for Landing)**

- 1 入国審査官は、審査の結果、外国人が第七条第一項に規定する上陸のための条件に適合していると認定したときは、当該外国人の旅券に上陸許可の証印をしなければならない。
- (1) If as a result of the examination, an immigration inspector finds that an alien conforms to the conditions for landing prescribed in Article 7, paragraph (1), he shall endorse as such by affixing a seal of verification for landing in the passport of the alien.
- 2 前項の場合において、第五条第一項第一号又は第二号の規定に該当するかどうかの認定は、厚生労働大臣又は法務大臣の指定する医師の診断を経た後にしなければならない。
- (2) In the case referred to the preceding paragraph, the determination of whether or not the alien falls under Article 5, paragraph (1), item (i) or item (ii) shall be made subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.
- 3 第一項の証印をする場合には、入国審査官は、当該外国人の在留資格及び在留期間を決定し、旅券にその旨を明示しなければならない。ただし、当該外国人が第二十六条第一項の規定により再入国の許可を受けて、又は第六十一条の二の十二第一項の規定により交付を受けた難民旅行証明書を所持して上陸するものである場合は、この限りでない。
- (3) The immigration inspector shall, when affixing the seal of verification for landing set forth in paragraph (1), decide the status of residence and period of stay of the alien concerned and enter it clearly in his/her passport. However, this shall not apply in cases where the alien lands with the re-entry permission

pursuant to the provisions of Article 26, paragraph (1), or if the alien lands with a refugee travel document issued pursuant to the provisions of Article 61-2-12, paragraph (1).

- 4 入国審査官は、次の各号のいずれにも該当する外国人が第七条第一項に規定する上陸のための条件に適合していると認定したときは、氏名、上陸年月日、上陸する出入国港その他の法務省令で定める事項を上陸許可の証印に代わる記録のために用いられるファイルであつて法務省令で定める電子計算機に備えられたものに記録することができる。この場合においては、第一項の規定にかかわらず、同項の証印をすることを要しない。

(4) When an immigration inspector has found that an alien who falls under any of the following items conforms to the conditions for landing prescribed in Article 7, paragraph (1), he may record the alien's name, date of landing, the port of entry or departure at which the alien lands or other data as provided for by a Ministry of Justice ordinance on a file used as a record, which is a substitute for the seal of verification for landing and that is available on a computer as provided for by a Ministry of Justice ordinance. In this case, notwithstanding the provisions of paragraph (1) of this Article, the immigration inspector does not have to affix the seal of verification set forth in the same paragraph.

一 第七項の規定による登録を受けた者であること。

(i) The alien is registered pursuant to the provisions of paragraph (7) of this Article.

二 上陸の申請に際して、法務省令で定めるところにより、電磁的方式によつて個人識別情報を提供していること。

(ii) The alien has provided information for personal identification in an electromagnetic form pursuant to the provisions of the Ministry of Justice ordinance when making an application for landing.

- 5 第一項の規定による上陸許可の証印又は前項の規定による記録をする場合を除き、入国審査官は、次条の規定による口頭審理を行うため、当該外国人を特別審理官に引き渡さなければならない。

(5) Except for cases where a seal of verification for landing is affixed pursuant to the provisions of paragraph (1) or the prescribed data is recorded pursuant to the provision of the preceding paragraph, the immigration inspector shall deliver the alien to a special inquiry officer for a hearing pursuant to the provisions of the following Article.

- 6 外国人は、第四節に特別の規定がある場合を除き、第一項、次条第八項若しくは第十一条第四項の規定による上陸許可の証印又は第四項の規定による記録を受けなければ上陸してはならない。

(6) Except for cases where the special provisions of Section IV apply, an alien shall not land unless he/she has had his/her passport endorsed by the seal of verification for landing pursuant to the provisions of paragraph (1) of this Article, paragraph (8) of the following Article or Article 11, paragraph (4), or he/she has had his/her

prescribed data recorded pursuant to the provision of paragraph (4) of this Article.

7 法務大臣は、本邦に在留する外国人で本邦に再び上陸する意図をもつて出国しようとするものが、次の各号（特別永住者にあつては、第三号を除く。）のいずれにも該当し、かつ、その上陸しようとする出入国港において第四項の規定による記録を受けることを希望するときは、法務省令で定めるところにより、その旨の登録をすることができる。

(7) If an alien residing in Japan who desires to depart from Japan with the intention of landing again in Japan falls under all of the following items (except for item (iii) in the case of a special permanent resident) and desires to have his/her prescribed data recorded pursuant to the provision of paragraph (4) of this Article at the port of entry or departure at which he/she lands, the Minister of Justice may make a registration to that effect pursuant to the provisions of a Ministry of Justice ordinance.

一 第二十六条第一項の規定により再入国の許可を受けていること又は第六十一条の二の十二第一項の規定により交付を受けた難民旅行証明書を所持していること。

(i) The alien has been granted a re-entry permit pursuant to the provisions of Article 26, paragraph (1) or possesses a refugee travel document which has been issued to him/her pursuant to the provisions of Article 61-2-12, paragraph (1).

二 法務省令で定めるところにより、電磁的方式によつて個人識別情報を提供していること。

(ii) The alien has provided information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.

三 当該登録の時ににおいて、第五条第一項各号のいずれにも該当しないこと。

(iii) The alien does not fall under any of the items of Article 5, paragraph (1) at the time of such registration.

## 第二節 口頭審理及び異議の申出

## SECTION II HEARING AND FILING OF AN OBJECTION

### 第十条（口頭審理）

#### Article 10 (Hearing)

1 特別審理官は、第七条第四項又は前条第五項の規定による引渡しを受けたときは、当該外国人に対し、速やかに口頭審理を行わなければならない。

(1) A special inquiry officer shall, when he/she has taken delivery of an alien pursuant to the provisions of Article 7, paragraph (4) or paragraph (5) of the preceding Article, promptly conduct a hearing on the alien.

2 特別審理官は、口頭審理を行つた場合には、口頭審理に関する記録を作成しなければならない。

(2) The special inquiry officer shall, when he/she has conducted a hearing, prepare a



record thereof.

- 3 当該外国人又はその者の出頭させる代理人は、口頭審理に当つて、証拠を提出し、及び証人を尋問することができる。
- (3) The alien or a representative appearing upon his/her request may, in the course of the hearing, produce evidence and examine the witnesses.
- 4 当該外国人は、特別審理官の許可を受けて、親族又は知人の一人を立ち会わせることができる。
- (4) The alien may have the attendance of one of his/her relatives or acquaintances with the permission of the special inquiry officer.
- 5 特別審理官は、職権に基き、又は当該外国人の請求に基き、法務省令で定める手続により、証人の出頭を命じて、宣誓をさせ、証言を求めることができる。
- (5) The special inquiry officer may, ex officio or upon the request of the alien, order the appearance of witnesses, put them under oath and seek testimony in accordance with the procedures provided for by a Ministry of Justice ordinance.
- 6 特別審理官は、口頭審理に関し必要がある場合には、公務所又は公私の団体に照会して必要な事項の報告を求めることができる。
- (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 found necessary for the hearing.
- 7 特別審理官は、口頭審理の結果、第七条第四項の規定による引渡しを受けた外国人が、第六条第三項各号のいずれにも該当しないと認定したときは、当該外国人に対し、速やかにその旨を知らせて、本邦からの退去を命ずるとともに、当該外国人が乗つてきた船舶等の長又はその船舶等を運航する運送業者にその旨を通知しなければならない。ただし、当該外国人が、特別審理官に対し、法務省令で定めるところにより、電磁的方式によつて個人識別情報を提供したときは、この限りでない。
- (7) When the special inquiry officer finds, as a result of the hearing, that the alien who has been delivered to him/her pursuant to the provisions of Article 7, paragraph (4) does not fall under any of the items of paragraph (3) of Article 6, he/she shall promptly notify the alien of the findings and order the alien to depart from Japan and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the alien arrived. However, this shall not apply if the alien provides the special inquiry officer with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- 8 特別審理官は、口頭審理の結果、当該外国人（第七条第四項の規定による引渡しを受けた外国人にあつては、第六条第三項各号のいずれかに該当すると認定した者又は特別審理官に対し法務省令で定めるところにより電磁的方式によつて個人識別情報を提供した者に限る。第十項において同じ。）が第七条第一項に規定する上陸のための条件に適合していると認定したときは、直ちにその者の旅券に上陸許可の証印をしなければならない。

(8) If the special inquiry officer finds, as a result of the hearing, that the alien (in the case of an alien who has been delivered to him/her pursuant to the provisions of Article 7, paragraph (4), this will only apply to an alien who, a special inquiry officer finds, falls under any item of Article 6, paragraph (3) or to an alien who provides the special inquiry officer with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance; hereinafter the same shall apply in paragraph (10)) conforms to the conditions for landing as prescribed in Article 7, paragraph (1), the special inquiry officer shall immediately affix the seal of verification for landing in the passport of the alien.

9 前条第三項の規定は、前項の証印をする場合に準用する。

(9) The provisions of paragraph (3) of the preceding Article shall apply *mutatis mutandis* to the seal of verification for landing set forth in the preceding paragraph.

10 特別審理官は、口頭審理の結果、当該外国人が第七条第一項に規定する上陸のための条件に適合していないと認定したときは、その者に対し、速やかに理由を示してその旨を知らせるとともに、次条の規定により異議を申し出ることができる旨を知らせなければならない。

(10) If the special inquiry officer finds, as a result of the hearing, that the alien does not conform to the conditions for landing prescribed in Article 7, paragraph (1), he/she shall promptly notify the alien of the findings and the reason therefor, and inform the alien that he/she may file an objection pursuant to the provisions of the following Article.

11 前項の通知を受けた場合において、当該外国人が同項の認定に服したときは、特別審理官は、その者に対し、異議を申し出ない旨を記載した文書に署名させ、本邦からの退去を命ずるとともに、当該外国人が乗つてきた船舶等の長又はその船舶等を運航する運送業者にその旨を通知しなければならない。

(11) If the alien, upon receipt of the notice set forth in the preceding paragraph, has no objection to the findings set forth in the preceding paragraph, the special inquiry officer shall order the alien to depart from Japan after he/she has signed a statement that he/she will not file an objection and shall likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the alien arrived.

## **第十一条 (異議の申出)**

### **Article 11 (Filing of an Objection)**

1 前条第十項の通知を受けた外国人は、同項の認定に異議があるときは、その通知を受けた日から三日以内に、法務省令で定める手続により、不服の事由を記載した書面を主任審査官に提出して、法務大臣に対し異議を申し出ることができる。

(1) If an alien who has received the notice set forth in paragraph (10) of the

preceding Article has an objection to the findings, he/she may, within 3 days from receipt of the notice, file an objection with the Minister of Justice by submitting a document with a statement of his/her complaint to a supervising immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance.

2 主任審査官は、前項の異議の申出があつたときは、前条第二項の口頭審理に関する記録その他の関係書類を法務大臣に提出しなければならない。

(2) If the objection set forth in the preceding paragraph is filed, the supervising immigration inspector shall submit to the Minister of Justice the records of the hearing as set forth in paragraph (2) of the preceding Article and other pertinent documents.

3 法務大臣は、第一項の規定による異議の申出を受理したときは、異議の申出が理由があるかどうかを裁決して、その結果を主任審査官に通知しなければならない。

(3) When the Minister of Justice has received the objection pursuant to the provisions of paragraph (1), he/she shall decide whether or not the objection is with reason and notify the supervising immigration inspector of such decision.

4 主任審査官は、法務大臣から異議の申出が理由があると裁決した旨の通知を受けたときは、直ちに当該外国人の旅券に上陸許可の証印をしなければならない。

(4) The supervising immigration inspector shall, if he/she has received from the Minister of Justice a notice of a decision to the effect that the objection is with reason, immediately affix the seal of verification for landing in the passport of the alien.

5 第九条第三項の規定は、前項の証印をする場合に準用する。

(5) The provisions of Article 9, paragraph (3) shall apply mutatis mutandis to the affixing of the seal of verification for landing set forth in the preceding paragraph.

6 主任審査官は、法務大臣から異議の申出が理由がないと裁決した旨の通知を受けたときは、速やかに当該外国人に対しその旨を知らせて、本邦からの退去を命ずるとともに、当該外国人が乗ってきた船舶等の長又はその船舶等を運航する運送業者にその旨を知らせなければならない。

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

## 第十二条 (法務大臣の裁決の特例)

### Article 12 (Special Cases of Decisions of the Minister of Justice)

1 法務大臣は、前条第三項の裁決に当たつて、異議の申出が理由がないと認める場合でも、当該外国人が次の各号のいずれかに該当するときは、その者の上陸を特別に許可することができる。

(1) In making a decision as set forth in paragraph (3) of the preceding Article, the Minister of Justice may, even if he/she finds that the objection filed is without reason, grant special permission for landing to such alien if the alien concerned falls under any of the following items.

一 再入国の許可を受けているとき。

(i) He/She has received permission for re-entry.

二 人身取引等により他人の支配下に置かれて本邦に入つたものであるとき。

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

三 その他法務大臣が特別に上陸を許可すべき事情があると認めるとき。

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

2 前項の許可は、前条第四項の適用については、異議の申出が理由がある旨の裁決とみなす。

(2) The permission set forth in 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.

### 第三節 仮上陸等

## SECTION III PROVISIONAL LANDING AND OTHER RELATED MATTERS

### 第十三条 (仮上陸の許可)

#### Article 13 (Permission for Provisional Landing)

1 主任審査官は、この章に規定する上陸の手段中において特に必要であると認める場合には、その手段が完了するときまでの間、当該外国人に対し仮上陸を許可することができる。

(1) A supervising immigration inspector may, if he/she finds it specifically necessary during the process of the procedures for landing as prescribed in this Chapter, grant permission for provisional landing to an alien until completion of the procedures.

2 前項の許可を与える場合には、主任審査官は、当該外国人に仮上陸許可書を交付しなければならない。

(2) If the supervising immigration inspector grants the permission set forth in the preceding paragraph, he/she shall issue a provisional landing permit to the alien.

3 第一項の許可を与える場合には、主任審査官は、当該外国人に対し、法務省令で定めるところにより、住居及び行動範囲の制限、呼出しに対する出頭の義務その他必要と認める条件を付し、かつ、二百万円を超えない範囲内で法務省令で定める額の保証金を本邦通貨又は外国通貨で納付させることができる。

(3) If the permission set forth in paragraph (1) is granted, the supervising

immigration inspector may impose restrictions on the alien's residence and area of movement, oblige the alien to appear at a summons, and may impose other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance, and have him/her pay a deposit in Japanese currency not exceeding 2 million yen or an equivalent amount in a foreign currency provided for by a Ministry of Justice ordinance.

- 4 前項の保証金は、当該外国人が第十条第八項若しくは第十一条第四項の規定により上陸許可の証印を受けたとき、又は第十条第七項若しくは第十一項若しくは第十一条第六項の規定により本邦からの退去を命ぜられたときは、その者に返還しなければならない。
- (4) The deposit set forth in the preceding paragraph shall be returned to the alien concerned when the alien has received the seal of verification for landing pursuant to the provisions of Article 10, paragraph (8) or Article 11, paragraph (4), or when the alien is ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or 11 or Article 11, paragraph (6).
- 5 主任審査官は、第一項の許可を受けた外国人が第三項の規定に基き附された条件に違反した場合には、法務省令で定めるところにより、逃亡し、又は正当な理由がなくて呼出に応じないときは同項の保証金の全部、その他のときはその一部を没取するものとする。
- (5) If the alien who has been granted the permission set forth in paragraph (1) has violated the conditions imposed pursuant to the provisions of paragraph (3) and if the alien has fled or failed to appear at a summons without justifiable reason, the supervising immigration inspector shall sequester the whole or in other cases part of the deposit set forth in the same paragraph pursuant to the provisions of a Ministry of Justice ordinance.
- 6 主任審査官は、第一項の許可を受けた外国人が逃亡する虞があると疑うに足りる相当の理由があるときは、収容令書を発付して入国警備官に当該外国人を収容させることができる。
- (6) If the supervising immigration inspector has reasonable grounds to suspect that the alien who has been granted the permission as set forth in paragraph (1) is likely to flee, he/she may issue a written detention order and have the alien detained by an immigration control officer.
- 7 第四十条から第四十二条第一項までの規定は、前項の規定による収容に準用する。この場合において、第四十条中「前条第一項の収容令書」とあるのは「第十三条第六項の収容令書」と、「容疑者」とあるのは「仮上陸の許可を受けた外国人」と、「容疑事実の要旨」とあるのは「収容すべき事由」と、第四十一条第一項中「三十日以内とする。但し、主任審査官は、やむを得ない事由があると認めるときは、三十日を限り延長することができる。」とあるのは「第三章に規定する上陸の手続が完了するまでの間において、主任審査官が必要と認める期間とする。」と、同条第三項及び第四十二条第一項中「容疑者」とあるのは「仮上陸の許可を受けた外国人」と読み替えるものとする。
- (7) The provisions of Articles 40, 41 and Article 42, paragraph (1) shall apply

mutatis mutandis to the detention pursuant to the provisions of the preceding paragraph. In this case, "the written detention order set forth in paragraph (1) of the preceding Article" in Article 40 shall be deemed to be replaced with "the written detention order set forth in Article 13, paragraph (6)"; "the suspect" with "the alien granted permission for provisional landing"; and "the summary of the suspected offense" with "grounds for detention," respectively. In Article 41, paragraph (1), "shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period for only a further 30 days" shall be deemed to be replaced with "for a period of time preceding the completion of procedures for landing provided for in Chapter III which the supervising immigration inspector finds to be necessary"; and in paragraph (3) of the same Article and Article 42, paragraph (1), "a suspect" shall be deemed to be replaced with "an alien granted permission for provisional landing."

#### **第十三条の二 （退去命令を受けた者がとどまることができる場所）**

##### **Article 13-2 (Place of Stay for an Alien Ordered Exclusion)**

- 1 特別審理官又は主任審査官は、それぞれ第十条第七項若しくは第十一項又は第十一条第六項の規定により退去を命ずる場合において、当該外国人が船舶等の運航の都合その他その者の責めに帰することができない事由により直ちに本邦から退去することができないと認めるときは、法務省令で定めるところにより、当該外国人に対して、その指定する期間内に限り、出入国港の近傍にあるその指定する施設にとどまることを許すことができる。
- (1) In the event that the exclusion which has been ordered pursuant to the provisions of Article 10, paragraph (7) or (11) or Article 11, paragraph (6) cannot be carried out due to the operating schedule of the vessel or aircraft or other reasons not imputable 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 of entry or departure for a designated period, pursuant to the provisions of a Ministry of Justice ordinance.
- 2 特別審理官又は主任審査官は、前項の指定をしたときは、当該外国人及びその者が乗ってきた船舶等の長又はその船舶等を運航する運送業者に対しその旨を通知しなければならない。
- (2) The special inquiry officer or the supervising immigration inspector shall, when he/she has designated the facility and the period set forth in the preceding paragraph, likewise inform the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft by which the alien arrived.

#### **第四節 上陸の特例**

##### **SECTION IV SPECIAL CASES OF LANDING**

#### 第十四条 （寄港地上陸の許可）

##### Article 14 (Permission for Landing at a Port of Call)

- 1 入国審査官は、船舶等に乗っている外国人で、本邦を経由して本邦外の地域に赴こうとするもの（乗員を除く。）が、その船舶等の寄港した出入国港から出国するまでの間七十二時間の範囲内で当該出入国港の近傍に上陸することを希望する場合において、その者につき、その船舶等の長又はその船舶等を運航する運送業者の申請があつたときは、当該外国人に対し寄港地上陸を許可することができる。ただし、第五条第一項各号のいずれかに該当する者に対しては、この限りでない。
- (1) An immigration inspector may grant an alien (except for crew members) aboard a vessel or aircraft permission for landing at the port of call if he/she 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 of the items of Article 5, paragraph (1).
- 2 入国審査官は、前項の許可に係る審査のために必要があると認めるときは、法務省令で定めるところにより、当該外国人に対し、電磁的方式によつて個人識別情報を提供させることができる。
- (2) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding paragraph, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- 3 第一項の許可を与える場合には、入国審査官は、当該外国人の所持する旅券に寄港地上陸の許可の証印をしなければならない。
- (3) In granting the permission set forth in paragraph (1), the immigration inspector shall affix a seal of verification for landing at the port of call in the passport of the alien concerned.
- 4 第一項の許可を与える場合には、入国審査官は、法務省令で定めるところにより、当該外国人に対し、上陸時間、行動の範囲その他必要と認める制限を付することができる。
- (4) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the alien's period of landing, area of movement and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

#### 第十五条 （通過上陸の許可）

##### Article 15 (Permission for Landing in Transit)

- 1 入国審査官は、船舶に乗っている外国人（乗員を除く。）が、船舶が本邦にある間、臨時観光のため、その船舶が寄港する本邦の他の出入国港でその船舶に帰船するように

通過することを希望する場合において、その者につき、その船舶の船長又はその船舶を運航する運送業者の申請があつたときは、当該外国人に対し通過上陸を許可することができる。

(1) An immigration inspector may grant an alien (except for crew members) 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 入国審査官は、船舶等に乗っている外国人で、本邦を経由して本邦外の地域に赴こうとするもの（乗員を除く。）が、上陸後三日以内にその入国した出入国港の周辺の他の出入国港から他の船舶等で出国するため、通過することを希望する場合において、その者につき、その船舶等の長又はその船舶等を運航する運送業者の申請があつた

(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 (except for crew members) aboard the vessel or aircraft permission for landing in transit when such alien desires to proceed via Japan to an area outside Japan and to make a transit stop in order to depart from Japan within 3 days of his/her entry into Japan from another port of entry or departure in the vicinity of the port at which the said alien entered Japan on board a vessel or aircraft other than the one on which the alien arrived in Japan.

3 入国審査官は、前二項の許可に係る審査のために必要があると認めるときは、法務省令で定めるところにより、当該外国人に対し、電磁的方式によつて個人識別情報を提供させることができる。

(3) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.

4 第一項又は第二項の許可を与える場合には、入国審査官は、当該外国人の所持する旅券に通過上陸の許可の証印をしなければならない。

(4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall affix a seal of verification for landing in transit in the passport of the alien concerned.

5 第一項又は第二項の許可を与える場合には、入国審査官は、法務省令で定めるところにより、当該外国人に対し、上陸期間、通過経路その他必要と認める制限を付することができる。

(5) In granting the permission set forth in paragraph (1) or (2), the immigration inspector may impose restrictions on the alien's period of landing, route to be followed in transit and other necessary conditions pursuant to the provisions of a



Ministry of Justice ordinance

6 前条第一項ただし書の規定は、第一項又は第二項の場合に準用する。

(6) The provisions of the proviso to paragraph (1) of the preceding Article shall apply mutatis mutandis in the cases referred to in paragraphs (1) and (2) of this Article.

#### 第十六条 (乗員上陸の許可)

#### Article 16 (Landing Permission for Crew Members)

1 入国審査官は、外国人である乗員（本邦において乗員となる者を含む。以下この条において同じ。）が、船舶等の乗換え（船舶等への乗組みを含む。）、休養、買物その他これらに類似する目的をもつて十五日を超えない範囲内で上陸を希望する場合において、法務省令で定める手続により、その者につき、その者が乗り組んでいる船舶等（その者が乗り組むべき船舶等を含む。）の長又はその船舶等を運航する運送業者の申請があつたときは、当該乗員に対し乗員上陸を許可することができる。

(1) An immigration inspector may grant landing permission for crew members to a foreign crew member (including those who have become crew members in Japan; hereinafter the same shall apply in this Article) who desires to land for a period not exceeding 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/she is to board) in accordance with the procedures provided for by a Ministry of Justice ordinance.

2 入国審査官は、次の各号のいずれかに該当する場合において相当と認めるときは、当該各号に規定する乗員に対し、その旨の乗員上陸の許可をすることができる。

(2) An immigration inspector may grant landing permission for crew members to a crew member who falls under any of the following items if he/she finds that there are reasonable grounds to do so:

一 本邦と本邦外の地域との間の航路に定期的に就航する船舶その他頻繁に本邦の出入国港に入港する船舶の外国人である乗員が、許可を受けた日から一年間、数次にわたり、休養、買物その他これらに類似する目的をもつて当該船舶が本邦にある間上陸することを希望する場合であつて、法務省令で定める手続により、その者につき、その者が乗り組んでいる船舶の長又はその船舶を運航する運送業者から申請があつたとき。

(i) Where a foreign crew member of a vessel placed on regular service between Japan and other countries or of other vessels frequently entering into Japanese ports of entry and departure, wishes to land in Japan for rest, shopping or other similar purposes on multiple occasions within 1 year from the date of permission, upon an application from the captain of the vessel or the carrier who operates the vessel on which the alien is aboard, in accordance with the procedures provided for by a Ministry of Justice ordinance.

- 二 本邦と本邦外の地域との間の航空路に定期的に航空機を就航させている運送業者に所属する外国人である乗員が、許可を受けた日から一年間、数次にわたり、その都度、同一の運送業者の運航する航空機の乗員として同一の出入国港から出国することを条件として休養、買物その他これらに類似する目的をもつて本邦に到着した日から十五日を超えない範囲内で上陸することを希望する場合であつて、法務省令で定める手続により、その者につき、当該運送業者から申請があつたとき。
- (ii) Where a foreign crew member of a carrier engaged in regular airline services between Japan and other countries wishes to land in Japan for a period not exceeding fifteen days from each arrival date for rest, shopping or other similar purposes and to depart from the same airport of entry or departure as a crew member of an aircraft belonging to the same carrier, on multiple occasions within 1 year from the date of permission, upon an application from the carrier concerned, in accordance with the procedures provided for by a Ministry of Justice ordinance.
- 3 入国審査官は、前二項の許可に係る審査のために必要があると認めるときは、法務省令で定めるところにより、当該外国人に対し、電磁的方式によつて個人識別情報を提供させることができる。
- (3) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in the preceding two paragraphs, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- 4 第一項又は第二項の許可を与える場合には、入国審査官は、当該乗員に乗員上陸許可書を交付しなければならない。
- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a crew member's landing permit to the crew member concerned.
- 5 第一項の許可を与える場合には、入国審査官は、法務省令で定めるところにより、当該乗員に対し、上陸期間、行動範囲（通過経路を含む。）その他必要と認める制限を付することができる。
- (5) In granting the permission set forth in paragraph (1), the immigration inspector may impose restrictions on the crew member's period of landing, area of movement (including the route to be followed in transit) and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.
- 6 第十四条第一項ただし書の規定は、第一項及び第二項の場合に準用する。
- (6) The provisions of the proviso to Article 14, paragraph (1), shall apply mutatis mutandis in the cases referred to in paragraphs (1) and (2) of this Article.
- 7 入国審査官は、第二項の許可を受けている乗員が当該許可に基づいて上陸しようとする場合において、必要があると認めるときは、法務省令で定めるところにより、当該乗員に対し、電磁的方式によつて個人識別情報を提供させることができる。

- (7) When the crew member who has been granted the permission set forth in paragraph (2) of this Article intends to land based on such permission, the immigration inspector may, if he/she finds it necessary to do so, require the crew member to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance.
- 8 入国審査官は、第二項の許可を受けている乗員が当該許可に基づいて上陸しようとする場合において、当該乗員が第五条第一項各号のいずれかに該当することを知つたときは、直ちに当該許可を取り消すものとする。
- (8) When the crew member who has been granted the permission set forth in paragraph (2) intends to land based on such permission, and when the immigration inspector finds that the crew member falls under any of the items of Article 5, paragraph (1), the immigration inspector shall revoke the permission immediately.
- 9 前項に定める場合を除き、入国審査官は、第二項の許可を受けている乗員に対し、引き続き当該許可を与えておくことが適当でないと認める場合には、法務省令で定める手続により、当該許可を取り消すことができる。この場合において、その乗員が本邦にあらるときは、当該乗員が帰船又は出国するために必要な期間を指定するものとする。
- (9) In addition to the cases referred to in the preceding paragraph, the immigration inspector may revoke the permission, in accordance with the procedures provided for by a Ministry of Justice ordinance, if the immigration inspector finds it inappropriate to continue granting the permission concerned. In this case, when the crew member is in Japan, the immigration inspector shall designate a period within which the crew member shall return to his/her ship or depart from Japan.

## 第十七条 (緊急上陸の許可)

### Article 17 (Permission for Emergency Landing)

- 1 入国審査官は、船舶等に乗っている外国人が疾病その他の事故により治療等のため緊急に上陸する必要を生じたときは、当該外国人が乗っている船舶等の長又はその船舶等を運航する運送業者の申請に基づき、厚生労働大臣又は法務大臣の指定する医師の診断を経て、その事由がなくなるまでの間、当該外国人に対し緊急上陸を許可することができる。
- (1) 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 based on an application from the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft until the cause thereof ceases to exist, subject to a medical examination by a physician designated by the Minister of Health, Labour and Welfare or the Minister of Justice.
- 2 入国審査官は、前項の許可に係る審査のために必要があると認めるときは、法務省令で定めるところにより、当該外国人に対し、電磁的方式によつて個人識別情報を提供さ

せることができる。

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

3 第一項の許可を与える場合には、入国審査官は、当該外国人に緊急上陸許可書を交付しなければならない。

(3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue an emergency landing permit to the alien concerned.

4 第一項の許可があつたときは、同項の船舶等の長又は運送業者は、緊急上陸を許可された者の生活費、治療費、葬儀費その他緊急上陸中の一切の費用を支弁しなければならない。

(4) When the permission set forth in paragraph (1) has been granted, the captain of the vessel or aircraft or the carrier set forth in the same paragraph shall be liable to pay the costs of living, medical treatment, or the funeral service of the alien concerned and any other expenses incurred during the emergency landing.

#### 第十八条 (遭難による上陸の許可)

#### Article 18 (Landing Permission Due to Distress)

1 入国審査官は、遭難船舶等がある場合において、当該船舶等に乗っていた外国人の救護のためその他緊急の必要があると認めたときは、水難救護法（明治三十二年法律第九十五号）の規定による救護事務を行う市町村長、当該外国人を救護した船舶等の長、当該遭難船舶等の長又は当該遭難船舶等に係る運送業者の申請に基づき、当該外国人に対し遭難による上陸を許可することができる。

(1) An immigration inspector may, if a vessel or aircraft is in distress and he/she 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 distress based on an application from the mayor of the city, town or village which is carrying out the rescue and protection work pursuant to the provisions of the Sea Casualties Rescue Act (Act No. 95 of 1899), or upon an application 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 入国審査官は、警察官又は海上保安官から前項の外国人の引渡しを受けたときは、同項の規定にかかわらず、直ちにその者に対し遭難による上陸を許可するものとする。

(2) The immigration inspector shall grant permission for landing due to distress immediately, notwithstanding the provisions of the preceding paragraph, when he/she has taken delivery of the alien set forth in the preceding paragraph from a police official or coast guard officer.

- 3 入国審査官は、第一項の許可に係る審査のために必要があると認めるときは、法務省令で定めるところにより、当該外国人に対し、電磁的方式によつて個人識別情報を提供させることができる。前項の規定による引渡しを受ける場合において必要があると認めるときも、同様とする。
- (3) When the immigration inspector finds it necessary for examination pertaining to the granting of the permission set forth in paragraph (1) of this Article, he/she may require the alien to provide him/her with information for personal identification in an electromagnetic form pursuant to the provisions of a Ministry of Justice ordinance. This will also apply if he/she finds it necessary to do so when taking delivery of the alien pursuant to the provisions of the preceding paragraph.
- 4 第一項又は第二項の許可を与える場合には、入国審査官は、当該外国人に遭難による上陸許可書を交付しなければならない。
- (4) In granting the permission set forth in paragraph (1) or (2), the immigration inspector shall issue a landing permit due to distress to the alien concerned.
- 5 第一項又は第二項の許可を与える場合には、入国審査官は、法務省令で定めるところにより、当該外国人に対し、上陸期間、行動の範囲その他必要と認める制限を付することができる。
- (5) In granting the permission set forth in paragraph (1) or paragraph (2), the immigration inspector may impose restrictions on the alien's period of landing, area of movement and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

#### 第十八条の二 (一時庇護のための上陸の許可)

##### Article 18-2 (Landing Permission for Temporary Refuge)

- 1 入国審査官は、船舶等に乗っている外国人から申請があつた場合において、次の各号に該当すると思料するときは、一時庇護のための上陸を許可することができる。
- (1) 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 all of the following items:
- 一 その者が難民条約第一条A (2)に規定する理由その他これに準ずる理由により、その生命、身体又は身体的自由を害されるおそれのあつた領域から逃れて、本邦に入つた者であること。
- (i) A person who has entered Japan on the grounds prescribed in Article 1, paragraph A-(2) of the Refugee Convention or other equivalent grounds thereto after fleeing from a territory where his/her life, body or physical freedom was likely to be endangered.
- 二 その者を一時的に上陸させることが相当であること。
- (ii) It would be appropriate for permission for temporary landing to be granted.
- 2 入国審査官は、前項の許可に係る審査のために必要があると認めるときは、法務省令で定めるところにより、当該外国人に対し、電磁的方式によつて個人識別情報を提供さ

せることができる。

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

3 第一項の許可を与える場合には、入国審査官は、当該外国人に一時庇護許可書を交付しなければならない。

(3) In granting the permission set forth in paragraph (1), the immigration inspector shall issue a landing permit for temporary refuge to the alien concerned.

4 第一項の許可を与える場合には、入国審査官は、法務省令で定めるところにより、当該外国人に対し、上陸期間、住居及び行動範囲の制限その他必要と認める条件を付することができる。

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

#### 第四章 在留及び出国

#### CHAPTER IV RESIDENCE AND DEPARTURE

##### 第一節 在留、在留資格の変更及び取消し等

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

#### 第十九条 (在留)

#### Article 19 (Residence)

1 別表第一の上欄の在留資格をもつて在留する者は、次項の許可を受けて行う場合を除き、次の各号に掲げる区分に応じ当該各号に掲げる活動を行つてはならない。

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

一 別表第一の一の表、二の表及び五の表の上欄の在留資格をもつて在留する者 当該在留資格に応じこれらの表の下欄に掲げる活動に属しない収入を伴う事業を運営する活動又は報酬（業として行うものではない講演に対する謝金、日常生活に伴う臨時の報酬その他の法務省令で定めるものを除く。以下同じ。）を受ける活動

(i) An alien who is a resident under a status of residence listed in the left-hand column of Appended Tables I (1), I (2) and I (5): activities related to the

management of business involving income or activities for which he/she receives reward (except for rewards for lectures not given on a regular basis, incidental reward in daily life and other payments provided for by a Ministry of Justice ordinance; the same shall apply hereinafter), which are not included in those activities listed in the right-hand column of those tables corresponding to each status of residence.

二 別表第一の三の表及び四の表の上欄の在留資格をもつて在留する者 収入を伴う事業を運営する活動又は報酬を受ける活動

(ii) An alien who is a resident under a status of residence listed in the left-hand column of Appended Tables I (3) and I (4): activities related to the management of business involving income or activities for which he/she receives reward.

2 法務大臣は、別表第一の上欄の在留資格をもつて在留する者から、法務省令で定める手続により、当該在留資格に応じ同表の下欄に掲げる活動の遂行を阻害しない範囲内で当該活動に属しない収入を伴う事業を運営する活動又は報酬を受ける活動を行うことを希望する旨の申請があつた場合において、相当と認めるときは、これを許可することができる。

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

3 第十六条から第十八条までに規定する上陸の許可を受けた外国人である乗員は、解雇により乗員でなくなつても、本邦にある間は、引き続き乗員とみなす。

(3) Any foreign crew member who has been granted permission for landing pursuant to the provisions of Articles 16 to 18 shall continue to be regarded as a crew member, after ceasing to be a crew member through discharge, as long as he/she remains in Japan.

## 第十九条の二 (就労資格証明書)

### Article 19-2 (Certificate of Authorization for Employment)

1 法務大臣は、本邦に在留する外国人から申請があつたときは、法務省令で定めるところにより、その者が行うことができる収入を伴う事業を運営する活動又は報酬を受ける活動を証明する文書を交付することができる。

(1) When an application has been 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/she receives reward pursuant to the provisions of a Ministry of Justice ordinance.

2 何人も、外国人を雇用する等の際し、その者が行うことができる収入を伴う事業を運営する活動又は報酬を受ける活動が明らかな場合に、当該外国人が前項の文書を提示し又は提出しないことを理由として、不利益な取扱いをしてはならない。

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

## 第二十条 (在留資格の変更)

### Article 20 (Change of Status of Residence)

1 在留資格を有する外国人は、その者の有する在留資格（これに伴う在留期間を含む。以下第三項までにおいて同じ。）の変更（特定活動の在留資格を有する者については、法務大臣が個々の外国人について特に指定する活動の変更を含む。）を受けることができる。

(1) Any alien who has a status of residence may have his/her status of residence changed (including the period of stay thereon; hereinafter the same shall apply in paragraphs (1) to (3)) (in the case of an alien residing under the status of residence of "Designated Activities," including a change in the activities specifically designated by the Minister of Justice with respect to the person concerned).

2 前項の規定により在留資格の変更を受けようとする外国人は、法務省令で定める手続により、法務大臣に対し在留資格の変更を申請しなければならない。ただし、永住者の在留資格への変更を希望する場合は、第二十二条第一項の定めるところによらなければならない。

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

3 前項の申請があつた場合には、法務大臣は、当該外国人が提出した文書により在留資格の変更を適当と認めるに足りる相当の理由があるときに限り、これを許可することができる。ただし、短期滞在の在留資格をもつて在留する者の申請については、やむを得ない特別の事情に基づくものでなければ許可しないものとする。

(3) When an application for change of status of residence has been submitted as set forth in the preceding paragraph, the Minister of Justice may grant permission only when he/her finds that there are reasonable grounds to grant the change of 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 法務大臣は、前項の許可をする場合には、入国審査官に、当該許可に係る外国人が旅券を所持しているときは旅券に新たな在留資格及び在留期間を記載させ、旅券を所持していないときは当該外国人に対し新たな在留資格及び在留期間を記載した在留資格証明書を交付させ、又は既に交付を受けている在留資格証明書に新たな在留資格及び在留期間を記載させるものとする。この場合において、その許可は、当該記載又は交付のあつた時に、その記載された内容をもつて効力を生ずる。

- (4) When the permission set forth in the preceding paragraph has been granted, if the alien has his/her passport in his/her 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/her possession, shall have the immigration inspector either issue to the alien 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 this case, the permission will become effective as of the time of entry or issuance.

## 第二十一条 (在留期間の更新)

### Article 21 (Extension of Period of Stay)

- 1 本邦に在留する外国人は、現に有する在留資格を変更することなく、在留期間の更新を受けることができる。
- (1) Any alien residing in Japan may, without changing his/her status of residence, have his/her period of stay extended.
- 2 前項の規定により在留期間の更新を受けようとする外国人は、法務省令で定める手続により、法務大臣に対し在留期間の更新を申請しなければならない。
- (2) Any alien who wishes to have his/her period of stay extended pursuant to the provisions of the preceding paragraph shall apply to the Minister of Justice for an extension of such period in accordance with the procedures provided for by a Ministry of Justice ordinance.
- 3 前項の申請があつた場合には、法務大臣は、当該外国人が提出した文書により在留期間の更新を適当と認めるに足りる相当の理由があるときに限り、これを許可することができる。
- (3) When the application set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that there are

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2. 通常業務において“extension”の用語が用いられており、在留期間更新を許可する際にも用いられてきたものであるため、ここで“renewal”を用いるのは適当でない。

2. The term "extension" has been used in daily operations and also in granting permission for extension of the period of stay. Therefore, "renewal" is not a suitable word here.

reasonable grounds to grant the extension of the period of stay on the strength of the documents submitted by the alien.

- 4 法務大臣は、前項の許可をする場合には、入国審査官に、当該許可に係る外国人が旅券を所持しているときは旅券に新たな在留期間を記載させ、旅券を所持していないときは当該外国人に対し在留資格及び新たな在留期間を記載した在留資格証明書を交付させ、又は既に交付を受けている在留資格証明書に新たな在留期間を記載させるものとする。この場合においては、前条第四項後段の規定を準用する。

(4) When the permission set forth in the preceding paragraph has been granted, if the alien has his/her passport in his/her 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 a passport in his/her 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 this case, the provisions of the second sentence of paragraph (4) of the preceding Article shall apply mutatis mutandis.

## 第二十二条 (永住許可)

### Article 22 (Permission for Permanent Residence)

- 1 在留資格を変更しようとする外国人で永住者の在留資格への変更を希望するものは、法務省令で定める手続により、法務大臣に対し永住許可を申請しなければならない。
- (1) Any alien who wishes to change his/her status of residence to that of "Permanent Resident" shall apply to the Minister of Justice for permission for permanent residence in accordance with the procedures provided for by a Ministry of Justice ordinance.
- 2 前項の申請があつた場合には、法務大臣は、その者が次の各号に適合し、かつ、その者の永住が日本国の利益に合すると認めたときに限り、これを許可することができる。ただし、その者が日本人、永住許可を受けている者又は特別永住者の配偶者又は子である場合においては、次の各号に適合することを要しない。
- (2) When the application set forth in the preceding paragraph has been submitted, the Minister of Justice may grant permission only when he/she finds that the alien conforms to the following items and that his/her permanent residence will be in accordance with the interests of Japan. However, the following items do not have to be conformed to in cases of the spouse and children of Japanese nationals, of residents with permanent residence status or of special permanent residents.
- 一 素行が善良であること。
- (i) The alien's behavior and conduct must be good.
- 二 独立の生計を営むに足る資産又は技能を有すること。
- (ii) The alien must have sufficient assets or skills to make an independent living.
- 3 法務大臣は、前項の許可をする場合には、入国審査官に、当該許可に係る外国人が旅

券を所持しているときは旅券に記載された在留資格及び在留期間をまつ消させた上当該旅券に永住許可の証印をさせ、旅券を所持していないときは永住を許可された旨を記載した在留資格証明書を交付させるものとする。この場合において、その許可は、当該証印又は交付のあつた時に、その効力を生ずる。

- (3) When the permission set forth in the preceding paragraph has been granted, if the alien has his/her passport in his/her 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 a seal of verification for permanent residence in his/her passport, and if the alien does not have his/her passport in his/her possession shall have the immigration inspector issue to the alien a certificate of status of residence with permission for permanent residence. In this case, the permission will become effective as of the time of affixing of the seal of verification or issuance of the certificate.

## 第二十二條の二（在留資格の取得）

### Article 22-2 (Acquisition of Status of Residence)

- 1 日本の国籍を離脱した者又は出生その他の事由により前章に規定する上陸の手続を経ることなく本邦に在留することとなる外国人は、第二條の二第一項の規定にかかわらず、それぞれ日本の国籍を離脱した日又は出生その他当該事由が生じた日から六十日を限り、引き続き在留資格を有することなく本邦に在留することができる。
- (1) 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 provisions of Article 2-2, paragraph (1), continue to stay in Japan without acquiring a status of residence for a period not exceeding 60 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.
- 2 前項に規定する外国人で同項の期間をこえて本邦に在留しようとするものは、日本の国籍を離脱した日又は出生その他当該事由が生じた日から三十日以内に、法務省令で定めるところにより、法務大臣に対し在留資格の取得を申請しなければならない。
- (2) The alien prescribed in the preceding paragraph who wishes to stay in Japan for longer than the period set forth in the same paragraph, shall apply to the Minister of Justice for the acquisition of status of residence in accordance with the procedures pursuant to the provisions of a Ministry of Justice ordinance within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause.
- 3 第二十条第三項及び第四項の規定は、前項に規定する在留資格の取得の申請（永住者の在留資格の取得の申請を除く。）の手続に準用する。この場合において、第二十条第三項中「在留資格の変更」とあるのは、「在留資格の取得」と読み替えるものとする。
- (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

prescribed in the preceding paragraph (except for an application to acquire the status of residence of permanent resident). In this case, "the change of status of residence" in Article 20, paragraph (3) shall be deemed to be replaced with "the acquisition of status of residence,"

- 4 前条の規定は、第二項に規定する在留資格の取得の申請中永住者の在留資格の取得の申請の手續に準用する。この場合において、前条第一項中「在留資格を変更」とあるのは「在留資格を取得」と、「在留資格への変更」とあるのは「在留資格の取得」と、同条第三項中「旅券に記載された在留資格及び在留期間をまつ消させた上当該旅券に永住許可の証印」とあるのは「旅券に永住許可の証印」と読み替えるものとする。

- (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 the status of residence as prescribed in paragraph (2). In this case, "to change his/her status of residence" in paragraph (1) of the preceding Article shall be deemed to be replaced with "to acquire his/her status of residence"; in the same paragraph "to change his/her status of residence to that" shall be deemed to be replaced with "to acquire his/her 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 a seal of verification for permanent residence in his/her passport" shall be deemed to be replaced with "affix a seal of verification for permanent residence in his/her passport."

## 第二十二條の三

### Article 22-3

前条第二項から第四項までの規定は、第十八條の二第一項に規定する一時庇護のための上陸の許可を受けた外国人で別表第一又は別表第二の上欄の在留資格のいずれかをもつて在留しようとするものに準用する。この場合において、前条第二項中「日本の国籍を離脱した日又は出生その他当該事由が生じた日から三十日以内」とあるのは、「当該上陸の許可に係る上陸期間内」と読み替えるものとする。

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 prescribed in Article 18-2, paragraph (1), only in cases where he/she is to reside under any status of residence listed in the left-hand column of Appended Table I or II. In this case, "within 30 days, on and after the date of his/her renouncement of Japanese nationality, birth, or other cause" in paragraph (2) of the preceding Article shall be deemed to be replaced with "within the period of landing pertaining to the permission for landing."

## 第二十二條の四 (在留資格の取消し)

#### Article 22-4 (Revocation<sup>3</sup> of Status of Residence)

1 法務大臣は、別表第一又は別表第二の上欄の在留資格をもつて本邦に在留する外国人（第六十一条の二第一項の難民の認定を受けている者を除く。）について、次の各号に掲げるいずれかの事実が判明したときは、法務省令で定める手続により、当該外国人が現に有する在留資格を取り消すことができる。

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

一 偽りその他不正の手段により、当該外国人が第五条第一項各号のいずれにも該当しないものとして、前章第一節又は第二節の規定による上陸許可の証印（第九条第四項の規定による記録を含む。）又は許可を受けたこと。

(i) The alien has received, by deceit or other wrongful means, a seal of verification for landing (including the recording of the prescribed data pursuant to the provision of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section I or II, on the consideration that he/she does not fall under any of the items of Article 5, paragraph (1).

二 偽りその他不正の手段により、上陸許可の証印等（前章第一節若しくは第二節の規定による上陸許可の証印若しくは許可（在留資格の決定を伴うものに限る。）又はこの節（第十九条第二項を除く。）の規定による許可をいい、これらが二以上ある場合には直近のものをいうものとする。以下この号、次号及び第四号において同じ。）の申請に係る本邦において行おうとする活動が虚偽のものでなく、別表第一の下欄に掲げる活動又は別表第二の下欄に掲げる身分若しくは地位を有する者としての活動のいずれかに該当するものとして、当該上陸許可の証印等を受けたこと。

(ii) The alien has received, by deceit or other wrongful means, a seal of verification for landing (a seal of verification for landing or special permission pursuant to the provisions of Chapter III, Section I or II (limited to those with the decision of status of residence) or the permission pursuant to the provisions of this section (except for Article 19, paragraph (2))), and where two or more seals or permissions have been granted, the most recent; hereinafter the same shall apply in this item, the next item, and item (iv)), on the consideration that the activities stated in the application for such permission, as those in which

3 内閣官房編集の法令用語日英標準対訳辞書では、「取消し」の訳語として“rescission”が明示されているが、取消しの効果に遡及効がないことを明らかにするため、代わりとして“revocation”を用いている（以下同じ）。

3. The term "revocation" is used here instead of "rescission" stipulated in the dictionary compiled by the Cabinet Secretariat. This is to clarify the point that the effect of rescission shall not be traced back (the same shall apply hereinafter).

he/she intends to be engaged are not false and fall under any of the activities listed in the right-hand column of Appended Table I or the activities of a person with the status or position listed in the right-hand column of Appended Table II.

三 前二号に掲げるもののほか、偽りその他不正の手段により、上陸許可の証印等を受けたこと。

(iii) In addition to the cases listed in the preceding two items, the alien has received, by deceit or other wrongful means, a seal of verification for landing.

四 前三号に掲げるもののほか、不実の記載のある文書（不実の記載のある文書又は図画の提出又は提示により交付を受けた第七条の二第一項の規定による証明書及び不実の記載のある文書又は図画の提出又は提示により旅券に受けた査証を含む。）又は図画の提出又は提示により、上陸許可の証印等を受けたこと。

(iv) In addition to the cases listed in the preceding three items, the alien has received, by submitting or presenting a document that contains a false entry (including the certificate pursuant to the provisions of Article 7-2, paragraph (1), obtained by submitting or presenting a document or drawing that contains a false entry and a visa obtained for the passport by submitting or presenting a document or drawing that contains a false entry) or a drawing that contains a false entry, a seal of verification for landing.

五 前各号に掲げるもののほか、別表第一の上欄の在留資格をもつて在留する者が、当該在留資格に応じ同表の下欄に掲げる活動を継続して三月以上行わないで在留していること（当該活動を行わないで在留していることにつき正当な理由がある場合を除く。）。

(v) In addition to the cases listed in any of the preceding items, the alien residing under a status of residence listed in the left-hand column of Appended Table I has failed to continue to engage in the activities listed in the right-hand column corresponding to that status for three months or more while residing in Japan (except for cases where the alien has justifiable reason for not engaging in the activities while residing in Japan).

2 法務大臣は、前項の規定による在留資格の取消しをしようとするときは、その指定する入国審査官に、当該外国人の意見を聴取させなければならない。

(2) When revoking the status of residence pursuant to the provisions of the preceding paragraph, the Minister of Justice shall have an immigration inspector that he/she has designated hear the opinion of the alien.

3 法務大臣は、前項の意見の聴取をさせるときは、あらかじめ、意見の聴取の期日及び場所並びに取消しの原因となる事実を当該外国人に通知しなければならない。

(3) When having the designated immigration inspector hear the opinion pursuant to 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 当該外国人又はその者の代理人は、前項の期日に出頭して、意見を述べ、及び証拠を

提出することができる。

(4) The alien or a representative may appear on the date set forth in the preceding paragraph to state an opinion and submit evidence.

5 法務大臣は、当該外国人が正当な理由がなく第二項の意見の聴取に応じないときは、同項の規定にかかわらず、意見の聴取を行わないで、第一項の規定による在留資格の取消しをすることができる。

(5) When the alien fails to appear before the hearing set forth in paragraph (2) without justifiable reason, the Minister of Justice may, notwithstanding the provisions of the same paragraph, revoke the status of residence pursuant to the provisions of paragraph (1) without hearing the alien's opinion.

6 法務大臣は、第一項（第三号から第五号までに係るものに限る。）の規定により在留資格を取り消す場合には、三十日を超えない範囲内で当該外国人が出国するために必要な期間を指定するものとする。

(6) When revoking the status of residence pursuant to the provisions of paragraph (1) (limited to those pertaining to item (iii) to item (v)), the Minister of Justice shall designate a period not exceeding 30 days within which the alien shall depart from Japan.

7 法務大臣は、前項の規定により期間を指定する場合には、法務省令で定めるところにより、当該外国人に対し、住居及び行動範囲の制限その他必要と認める条件を付することができる。

(7) When designating the period pursuant to the provisions of the preceding paragraph, the Minister of Justice may impose restrictions on the alien's residence and area of movement, and other necessary conditions pursuant to the provisions of a Ministry of Justice ordinance.

## 第二節 在留の条件

## SECTION II CONDITIONS FOR RESIDENCE

第二十三条 （旅券又は許可書の携帯及び呈示）

### Article 23 (Carrying and Presentation of Passport or Permit)

1 本邦に在留する外国人は、常に旅券又は仮上陸許可書、乗員上陸許可書、緊急上陸許可書、遭難による上陸許可書、一時庇護許可書若しくは仮滞在許可書を携帯していなければならない。ただし、外国人登録法（昭和二十七年法律第二百五号）による外国人登録証明書を携帯する場合は、この限りでない。

(1) Any alien in Japan shall carry on his/her person at all times the passport or provisional landing permit, crew member's landing permit, emergency landing permit, landing permit due to distress, landing permit for temporary refuge or permit for provisional stay. However, this shall not apply if the alien carries on his/her person the alien registration certificate provided for in the Alien Registration Act (Act No. 125 of 1952).

- 2 前項の外国人は、入国審査官、入国警備官、警察官、海上保安官その他法務省令で定める国又は地方公共団体の職員が、その職務の執行に当り、同項の旅券又は許可書の呈示を求めたときは、これを呈示しなければならない。
- (2) The alien set forth in the preceding paragraph shall present his/her passport or permit set forth in the same paragraph to an immigration inspector, immigration control officer, police official, coast guard officer or any other official of the state or local public entity as provided for by a Ministry of Justice ordinance, if such official requests the presentation of the passport or permit in the execution of his/her duties.
- 3 前項に規定する職員は、第一項の旅券又は許可書の呈示を求める場合には、その身分を示す証票を携帯し、請求があるときは、これを呈示しなければならない。
- (3) The official prescribed in the preceding paragraph shall, in cases where he/she requests the presentation of the passport or permit set forth in paragraph (1), carry with him/her an identification card showing his/her official status and present it upon request.
- 4 第一項本文の規定は、十六歳に満たない外国人には適用しない。
- (4) The provisions referred to in the first sentence of paragraph (1) shall not apply to an alien under 16 years of age.

## 第二十四条 (退去強制)

### Article 24 (Deportation)

- 1 次の各号のいずれかに該当する外国人については、次章に規定する手続により、本邦からの退去を強制することができる。

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

一 第三条の規定に違反して本邦に入つた者

(i) A person who has entered Japan in violation of the provisions of Article 3.

二 入国審査官から上陸の許可等を受けないで本邦に上陸した者

(ii) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.

二の二 第二十二條の四第一項（第一号又は第二号に係るものに限る。）の規定により在留資格を取り消された者

(ii-2) A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to those pertaining to item (i) or item (ii)).

二の三 第二十二條の四第六項（第六十一條の二の八第二項において準用する場合を含む。）の規定により期間の指定を受けた者で、当該期間を経過して本邦に残留するもの

(ii-3) A person who has received a designated period of stay pursuant to the provisions of Article 22-4, paragraph (6) (including cases where it is applied



mutatis mutandis to Article 61-2-8, paragraph (2)) and has stayed in Japan beyond the designated period.

三 他の外国人に不正に前章第一節若しくは第二節の規定による証明書の交付、上陸許可の証印（第九条第四項の規定による記録を含む。）若しくは許可、同章第四節の規定による上陸の許可又はこの章の第一節若しくは次章第三節の規定による許可を受けさせる目的で、文書若しくは図画を偽造し、若しくは変造し、虚偽の文書若しくは図画を作成し、又は偽造若しくは変造された文書若しくは図画若しくは虚偽の文書若しくは図画を行使し、所持し、譲渡し、貸与し、若しくはその譲渡し若しくは貸与のあつせんをした者

(iii) 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, a seal of verification for landing (including the recording of the prescribed data pursuant to the provision of Article 9, paragraph (4)) or special permission pursuant to the provisions of Chapter III, Section I or II, permission for landing pursuant to the provisions of Chapter III, Section IV or the permission pursuant to the provisions of Section I of this chapter or Section III of the following chapter.

三の二 公衆等脅迫目的の犯罪行為のための資金の提供等の処罰に関する法律（平成十四年法律第六十七号）第一条に規定する公衆等脅迫目的の犯罪行為（以下この号において「公衆等脅迫目的の犯罪行為」という。）、公衆等脅迫目的の犯罪行為の予備行為又は公衆等脅迫目的の犯罪行為の実行を容易にする行為を行うおそれがあると認めるに足りる相当の理由がある者として法務大臣が認定する者

(iii-2) A person who the Minister of Justice determines, having reasonable grounds to believe as much, is likely to commit a 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 Act for Punishment of the Financing of Criminal Activities for the Purpose of Intimidation of the General Public and of Governments (Act No. 67 of 2002), 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.

三の三 国際約束により本邦への入国を防止すべきものとされている者

(iii-3) A person whose entry into Japan shall be prevented pursuant to an international agreement.

四 本邦に在留する外国人（仮上陸の許可、寄港地上陸の許可、通過上陸の許可、乗員上陸の許可又は遭難による上陸の許可を受けた者を除く。）で次に掲げる者のいずれかに該当するもの

(iv) An alien residing 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 crew members, or landing permission due to distress has been granted) who falls under any of the following sub-items:

イ 第十九条第一項の規定に違反して収入を伴う事業を運営する活動又は報酬を受ける活動を専ら行っていると明らかに認められる者（人身取引等により他人の支配下に置かれている者を除く。）

(a) A person who is clearly found to be engaged solely in activities related to the management of business involving income or activities for which he/she receives reward in violation of the provisions of Article 19, paragraph (1) (except for those under the control of another due to trafficking in persons).

ロ 在留期間の更新又は変更を受けないで在留期間を経過して本邦に残留する者

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

ハ 人身取引等を行い、唆し、又はこれを助けた者

(c) A person who has committed trafficking in persons or incited or aided another to commit it.

ニ 旅券法（昭和二十六年法律第二百六十七号）第二十三条第一項（第六号を除く。）から第三項までの罪により刑に処せられた者

(d) A person who has been punished for violation of the provisions of paragraph (1) (except for item (vi)) to paragraph (3) of Article 23 of the Passport Act (Act No. 267 of 1951).

ホ 第七十四条から第七十四条の六の三まで又は第七十四条の八の罪により刑に処せられた者

(e) A person who has been punished for violation of the provisions of Articles 74 to 74-6-3, or 74-8.

ヘ 外国人登録に関する法令の規定に違反して禁錮以上の刑に処せられた者。ただし、執行猶予の言渡しを受けた者を除く。

(f) A person who has been sentenced to imprisonment or a heavier punishment for violation of the provisions of laws and regulations relating to alien registration, except for those who have been found guilty with suspension of execution of sentence.

ト 少年法（昭和二十三年法律第百六十八号）に規定する少年で昭和二十六年十一月一日以後に長期三年を超える懲役又は禁錮に処せられたもの

(g) A person who is a juvenile provided for by the Juvenile Act (Act No. 168 of 1948) and who has been sentenced on or after November 1, 1951, to imprisonment with or without work for not less than 3 years.

チ 昭和二十六年十一月一日以後に麻薬及び向精神薬取締法、大麻取締法、あへん法、覚せい剤取締法、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の

防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律（平成三年法律第九十四号）又は刑法第二編第十四章の規定に違反して有罪の判決を受けた者

(h) A person who has been convicted on or after November 1, 1951, for violation of a provision of the Narcotics and Psychotropic Substances Control Act, the Marijuana Control Act, the Opium Control Act, the Stimulants Control Act, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation (Act No. 94 of 1991) or Part II, Chapter XIV of the Penal Code (Act No. 45 of 1907).

リ ニからチまでに掲げる者のほか、昭和二十六年十一月一日以後に無期又は一年を超える懲役若しくは禁錮に処せられた者。ただし、執行猶予の言渡しを受けた者を除く。

(i) In addition to those persons listed in sub-items (d) to (h), a person who has been sentenced on or after November 1, 1951, to imprisonment with work 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.

ヌ 売春又はその周旋、勧誘、その場所の提供その他売春に直接に関係がある業務に従事する者（人身取引等により他人の支配下に置かれている者を除く。）

(j) A person who engages or has engaged in prostitution, or intermediation or solicitation of prostitutes for others, or provision of a place for prostitution, or any other business directly connected to prostitution (except for those under the control of another due to trafficking in persons).

ル 他の外国人が不法に本邦に入り、又は上陸することをあおり、唆し、又は助けた者

(k) A person who has stirred up, incited, or aided the illegal entry or illegal landing of another alien into Japan.

オ 日本国憲法又はその下に成立した政府を暴力で破壊することを企て、若しくは主張し、又はこれを企て若しくは主張する政党その他の団体を結成し、若しくはこれに加入している者

(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.

ワ 次に掲げる政党その他の団体を結成し、若しくはこれに加入し、又はこれと密接な関係を有する者

(m) A person who organizes, or is a member of, or is closely affiliated with any of the following political parties or other organizations:

(1) 公務員であるという理由により、公務員に暴行を加え、又は公務員を殺傷す

ることを勧奨する政党その他の団体

1. A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or local public entities for the reason of their being such officials.

(2) 公共の施設を不法に損傷し、又は破壊することを勧奨する政党その他の団体

2. A political party or organization, which encourages illegal damage or destruction of public installations or facilities.

(3) 工場事業場における安全保持の施設の正常な維持又は運行を停廃し、又は妨げるような争議行為を勧奨する政党その他の団体

3. A political party or organization, which encourages acts of dispute such as stopping or preventing the normal maintenance or operation of security facilities of a plant or a place of work.

カ オ又はワに規定する政党その他の団体の目的を達するため、印刷物、映画その他の文書図画を作成し、頒布し、又は展示した者

(n) A person who has prepared, distributed or exhibited printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization as prescribed in sub-item (1) or (m).

ヨ イからカまでに掲げる者のほか、法務大臣が日本国の利益又は公安を害する行為を行つたと認定する者

(o) In addition to those persons listed in sub-items (a) to (n), a person who, the Minister of Justice determines, has committed acts detrimental to the interests or public security of Japan.

四の二 別表第一の上欄の在留資格をもつて在留する者で、刑法第二編第十二章、第十六章から第十九章まで、第二十三章、第二十六章、第二十七章、第三十一章、第三十三章、第三十六章、第三十七章若しくは第三十九章の罪、暴力行為等処罰に関する法律第一条、第一条ノ二若しくは第一条ノ三（刑法第二百二十二条 又は第二百六十一条 に係る部分を除く。）の罪、盗犯等の防止及び処分に関する法律の罪又は特殊開錠用具の所持の禁止等に関する法律第十五条若しくは第十六条の罪により懲役又は禁錮に処せられたもの

(iv-2) A person who is staying in Japan with a status of residence listed in the left-hand column of Appended Table I and has been sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, or in the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters or Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters.

四の三 短期滞在の在留資格をもつて在留する者で、本邦において行われる国際競技会

等の経過若しくは結果に関連して、又はその円滑な実施を妨げる目的をもって、当該国際競技会等の開催場所又はその所在する市町村（東京都の特別区の存する区域及び地方自治法第二百五十二条の十九第一項の指定都市にあつては、区）の区域内若しくはその近傍の不特定若しくは多数の者の用に供される場所において、不法に、人を殺傷し、人に暴行を加え、人を脅迫し、又は建造物その他の物を損壊したもの

(iv-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 objects 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 designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act) or to neighboring places provided for use to unspecified persons or a number of persons.

五 仮上陸の許可を受けた者で、第十三条第三項の規定に基づき付された条件に違反して、逃亡し、又は正当な理由がなくて呼出しに応じないもの

(v) A person who has been granted permission for provisional landing and flees or fails to appear at a summons without justifiable reason in violation of the conditions imposed pursuant to the provisions of Article 13, paragraph (3).

五の二 第十条第七項若しくは第十一項又は第十一条第六項の規定により退去を命ぜられた者で、遅滞なく本邦から退去しないもの

(v-2) A person who has been ordered to depart from Japan pursuant to the provisions of Article 10, paragraph (7) or (11), or Article 11, paragraph (6) but does not depart without delay.

六 寄港地上陸の許可、通過上陸の許可、乗員上陸の許可、緊急上陸の許可、遭難による上陸の許可又は一時庇護のための上陸の許可を受けた者で、旅券又は当該許可書に記載された期間を経過して本邦に残留するもの

(vi) A person who has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crew members, permission for emergency landing, landing permission due to distress or landing permission for temporary refuge, but stays in Japan beyond the period entered in his/her passport or permit.

六の二 第十六条第九項の規定により期間の指定を受けた者で、当該期間内に帰船し又は出国しないもの

(vi-2) A person who has been designated a period for departure pursuant to the provisions of Article 16, paragraph (9), but does not return to his/her vessel or depart from Japan within that period.

七 第二十二條の二第一項に規定する者で、同条第三項において準用する第二十条第三項及び第四項の規定又は第二十二條の二第四項において準用する第二十二條第二項及び第三項の規定による許可を受けないで、第二十二條の二第一項に規定する期間を経

過して本邦に残留するもの

- (vii) A person prescribed 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 the provisions of Article 20, paragraphs (3) and (4), as applied mutatis mutandis to Article 22-2, paragraph (3) or pursuant to the provisions of Article 22-2, paragraphs (2) and (3), as applied mutatis mutandis to Article 22, paragraph (4).

八 第五十五条の三第一項の規定により出国命令を受けた者で、当該出国命令に係る出国期限を経過して本邦に残留するもの

- (viii) A person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), but stays in Japan beyond the time limit for departure pertaining to the departure order.

九 第五十五条の六の規定により出国命令を取り消された者

- (ix) A person whose departure order has been revoked pursuant to the provisions of Article 55-6.

十 第六十一条の二の二第一項若しくは第二項又は第六十一条の二の三の許可を受けて在留する者で、第六十一条の二の七第一項（第一号又は第三号に係るものに限る。）の規定により難民の認定を取り消されたもの

- (x) A person who stays in Japan with permission granted pursuant to the provisions of Article 61-2-2, paragraph (1), or Article 61-2-3, but whose recognition of refugee status has been revoked pursuant to the provisions of Article 61-2-7, paragraph (1) (limited to those pertaining to item (i) or item (iii)).

## 第二十四条の二

### Article 24-2

- 1 法務大臣は、前条第三号の二の規定による認定をしようとするときは、外務大臣、警察庁長官、公安調査庁長官及び海上保安庁長官の意見を聴くものとする。
  - (1) The Minister of Justice shall seek the opinions of the Minister of Foreign Affairs, the Commissioner General of the National Police Agency, the Director-General of the Public Security Intelligence Agency and the Commandant of the Japan Coast Guard prior to the decision prescribed in the provisions of item (iii-2) of the preceding Article.
- 2 外務大臣、警察庁長官、公安調査庁長官又は海上保安庁長官は、前条第三号の二の規定による認定に関し法務大臣に意見を述べることができる。
  - (2) The Minister of Foreign Affairs, the Commissioner General of the National Police Agency, the Director-General of the Public Security Intelligence Agency or the Commandant of the Japan Coast Guard may express his/her opinion to the Minister of Justice pertaining to the decision prescribed in the provisions of item

(iii-2) of the preceding Article.

## 第二十四条の三（出国命令）

### Article 24-3 (Departure Order)

第二十四条第二号の三、第四号ロ又は第六号から第七号までのいずれかに該当する外国人で次の各号のいずれにも該当するもの（以下「出国命令対象者」という。）については、同条の規定にかかわらず、次章第一節から第三節まで及び第五章の二に規定する手続により、出国を命ずるものとする。

Any alien who falls under any of item (ii-3) of Article 24, sub-item (b) of item (iv), item (vi) or item (vii) 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 same Article, be ordered to depart from Japan in accordance with the procedures provided for in Chapter V, Section I to Section III and Chapter V-2:

一 速やかに本邦から出国する意思をもつて自ら入国管理官署に出頭したこと。

(i) The alien has voluntarily appeared at an immigration office with the intention of departing from Japan promptly.

二 第二十四条第三号、第四号ハからヨまで、第八号又は第九号のいずれにも該当しないこと。

(ii) The alien does not fall under any of item (iii) of Article 24, sub-items (c) to (o) of item (iv), item (viii) or item (ix) of the preceding Article.

三 本邦に入つた後に、刑法第二編第十二章、第十六章から第十九章まで、第二十三章、第二十六章、第二十七章、第三十一章、第三十三章、第三十六章、第三十七章若しくは第三十九章の罪、暴力行為等処罰に関する法律第一条、第一条ノ二若しくは第一条ノ三（刑法第二百二十二条又は第二百六十一条に係る部分を除く。）の罪、盗犯等の防止及び処分に関する法律の罪又は特殊開錠用具の所持の禁止等に関する法律第十五条若しくは第十六条の罪により懲役又は禁錮に処せられたものでないこと。

(iii) The alien has not been sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, Articles 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Articles 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools and Other Related Matters.

四 過去に本邦からの退去を強制されたこと又は第五十五条の三第一項の規定による出国命令により出国したことがないこと。

(iv) The alien has no past record of being deported from Japan or of departing from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1).

五 速やかに本邦から出国することが確実と見込まれること。

(v) The alien is expected with certainty to depart from Japan promptly.

### 第三節 出国

## SECTION III DEPARTURE

### 第二十五条 (出国の手續)

#### Article 25 (Procedures for Departure)

- 1 本邦外の地域に赴く意図をもつて出国しようとする外国人（乗員を除き、第二十六条の規定により再入国の許可を受けて出国する外国人を含む。次条において同じ。）は、その者が出国する出入国港において、法務省令で定める手續により、入国審査官から出国の確認を受けなければならない。
- (1) Any alien (except for crew members but including those departing with the re-entry permission pursuant to the provisions of Article 26; the same shall apply in the following Article) who is to depart from Japan with the intention of proceeding to an area outside of Japan shall receive confirmation of departure from an immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance at the port of entry or departure from which he/she departs from Japan.
- 2 前項の外国人は、出国の確認を受けなければ出国してはならない。
- (2) The alien set forth in the preceding paragraph shall not depart from Japan unless he/she has received confirmation of departure.

### 第二十五条の二 (出国確認の留保)

#### Article 25-2 (Deferment of Confirmation of Departure)

- 1 入国審査官は、本邦に在留する外国人が本邦外の地域に赴く意図をもつて出国しようとする場合において、関係機関から当該外国人が次の各号のいずれかに該当する者である旨の通知を受けているときは、前条の出国の確認を受けるための手續がされた時から二十四時間を限り、その者について出国の確認を留保することができる。
- (1) An immigration inspector may defer confirmation of departure for up to 24 hours after the application for confirmation set forth in the preceding Article has been made by an alien who desires to depart from Japan with the intention of proceeding to an area outside of Japan, when a notice has been received from relevant organizations that the alien falls under any of the following.
  - 一 死刑若しくは無期若しくは長期三年以上の懲役若しくは禁錮に当たる罪につき訴追されている者又はこれらの罪を犯した疑いにより逮捕状、勾引状、勾留状若しくは鑑定留置状が発せられている者
  - (i) A person who is being prosecuted for a crime for which the death penalty or life sentence, imprisonment with or without work for 3 years or more, may be imposed; or a person for whom an arrest warrant, subpoena, detention warrant,



or warrant of detention for examination has been issued.

二 禁錮以上の刑に処せられ、その刑につき執行猶予の言渡しを受けなかつた者で、刑の執行を終わるまで、又は執行を受けることがなくなるまでのもの（当該刑につき仮釈放中の者を除く。）

(ii) A person who has been sentenced to imprisonment or a heavier penalty and has not been granted 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).

三 逃亡犯罪人引渡法（昭和二十八年法律第六十八号）の規定により仮拘禁許可状又は拘禁許可状が発せられている者

(iii) A person for whom a permit of provisional detention or a detention permit has been issued pursuant to the provisions of the Act on Extradition (Act No. 68 of 1953).

2 入国審査官は、前項の規定により出国の確認を留保したときは、直ちに同項の通知をした機関にその旨を通報しなければならない。

(2) An immigration inspector shall, when he/she has deferred confirmation of departure pursuant to the provisions of the preceding paragraph, immediately notify to that effect the relevant organization from which the notice set forth in the preceding paragraph was received.

## 第二十六条 （再入国の許可）

### Article 26 (Re-entry Permission)

1 法務大臣は、本邦に在留する外国人（仮上陸の許可を受けている者及び第十四条から第十八条までに規定する上陸の許可を受けている者を除く。）がその在留期間（在留期間の定めのない者にあつては、本邦に在留し得る期間）の満了の日以前に本邦に再び入国する意図をもつて出国しようとするときは、法務省令で定める手続により、その者の申請に基づき、再入国の許可を与えることができる。この場合において、法務大臣は、その者の申請に基づき、相当と認めるときは、当該許可を数次再入国の許可とすることができる。

(1) 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 an alien residing in Japan (except for those who have received permission for provisional landing and those who have received the permission for landing provided for in 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/her period of stay (or the period within which he/her is eligible to stay in cases where he/she has no fixed period of stay). In this case, the Minister of Justice may grant multiple re-entry permission as the said permission, based on an application from the alien, if considered to be appropriate.

2 法務大臣は、前項の許可をする場合には、入国審査官に、当該許可に係る外国人が旅

券を所持しているときは旅券に再入国の許可の証印をさせ、旅券を所持していない場合で国籍を有しないことその他の事由で旅券を取得することができないときは、法務省令で定めるところにより、再入国許可書を交付させるものとする。この場合において、その許可は、当該証印又は再入国許可書に記載された日からその効力を生ずる。

(2) The Minister of Justice shall, when granting the permission set forth in the preceding paragraph, have an immigration inspector affix a seal of verification for re-entry in the passport of the alien if the alien has his/her passport in his/her possession, or issue a re-entry permit pursuant to the provisions of a Ministry of Justice ordinance if the alien does not have his/her passport in his/her possession and is unable to acquire one for reason of being without nationality or any other reasons. In this case, the permission shall become effective as of the date written on the seal of verification or the re-entry permit.

3 法務大臣は、再入国の許可（数次再入国の許可を含む。）を与える場合には、当該許可が効力を生ずるものとされた日から三年を超えない範囲内においてその有効期間を定めるものとする。

(3) The Minister of Justice shall, when granting re-entry permission (including multiple re-entry permission), decide a valid period for the re-entry permission, which shall not exceed 3 years from the effective date of the permission.

4 法務大臣は、再入国の許可を受けて出国した者について、当該許可の有効期間内に再入国することができない相当の理由があると認めるときは、その者の申請に基づき、一年を超えず、かつ、当該許可が効力を生じた日から四年を超えない範囲内で、当該許可の有効期間の延長の許可をすることができる。

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

5 前項の許可は、旅券又は再入国許可書にその旨を記載して行うものとし、その事務は、日本国領事官等に委任するものとする。

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

6 法務大臣は、数次再入国の許可を受けている外国人で再入国したものに対し、引き続き当該許可を与えておくことが適当でないと認める場合には、その者が本邦にある間において、当該許可を取り消すことができる。

(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 第二項の規定により交付される再入国許可書は、当該再入国許可書に係る再入国の許可に基づき本邦に入国する場合に限り、旅券とみなす。

- (7) The re-entry permit issued pursuant to the provisions of paragraph (2) shall be considered as a passport, only in cases of entry into Japan, based on the re-entry permission pertaining to the re-entry permit concerned.

## **第五章 退去強制の手続**

### **CHAPTER V PROCEDURES FOR DEPORTATION**

#### **第一節 違反調査**

#### **SECTION I INVESTIGATION INTO VIOLATIONS**

##### **第二十七条 (違反調査)**

##### **Article 27 (Investigation into Violations)**

入国警備官は、第二十四条各号の一に該当すると思料する外国人があるときは、当該外国人（以下「容疑者」という。）につき違反調査をすることができる。

An immigration control officer may, when he believes that an alien falls under any 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").

##### **第二十八条 (違反調査について必要な取調べ及び報告の要求)**

##### **Article 28 (Necessary Questioning and Requests for Information for Investigation into Violations)**

- 1 入国警備官は、違反調査の目的を達するため必要な取調べをすることができる。ただし、強制の処分は、この章及び第八章に特別の規定がある場合でなければできない。

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

- 2 入国警備官は、違反調査について、公務所又は公私の団体に照会して必要な事項の報告を求めることができる。

(2) An immigration control officer may make requests to public offices or to public or private organizations for information on necessary matters connected with investigations into violations.

##### **第二十九条 (容疑者の出頭要求及び取調べ)**

##### **Article 29 (Request for Appearance and Questioning of Suspects)**

- 1 入国警備官は、違反調査をするため必要があるときは、容疑者の出頭を求め、当該容疑者を取り調べるることができる。

(1) 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/her.

- 2 前項の場合において、入国警備官は、容疑者の供述を調書に記載しなければならない。
- (2) In the case referred to in the preceding paragraph, the immigration control officer shall enter the suspect's statement on record.
- 3 前項の調書を作成したときは、入国警備官は、容疑者に閲覧させ、又は読み聞かせて、署名をさせ、且つ、自らこれに署名しなければならない。
- (3) In entering the statement on record as set forth in the preceding paragraph, the immigration control officer shall have the suspect inspect it or the immigration control officer will read it aloud to the suspect and have him/her sign it, and shall affix his/her own signature thereto.
- 4 前項の場合において、容疑者が署名することができないとき、又は署名を拒んだときは、入国警備官は、その旨を調書に附記しなければならない。
- (4) In the case referred to in the preceding paragraph, if the suspect is unable to sign or refuses to sign the statement, the immigration control officer shall make an additional entry to such effect in the record.

### 第三十条 (証人の出頭要求)

#### Article 30 (Request for Appearance of Witnesses)

- 1 入国警備官は、違反調査をするため必要があるときは、証人の出頭を求め、当該証人を取り調べることができる。
- (1) An immigration control officer may, in cases where it is necessary to conduct an investigation into any violation, request the appearance of a witness and interview him/her.
- 2 前項の場合において、入国警備官は、証人の供述を調書に記載しなければならない。
- (2) In the case referred to in the preceding paragraph, the immigration control officer shall enter the witness's statement on record.
- 3 前条第三項及び第四項の規定は、前項の場合に準用する。この場合において、前条第三項及び第四項中「容疑者」とあるのは「証人」と読み替えるものとする。
- (3) The provisions of paragraphs (3) and (4) of the preceding Article shall apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, "suspect" in paragraphs (3) and (4) of the preceding Article shall be deemed to be replaced with "witness."

### 第三十一条 (臨検、搜索及び押収)

#### Article 31 (Inspection, Search and Seizure)

- 1 入国警備官は、違反調査をするため必要があるときは、その所属官署の所在地を管轄する地方裁判所又は簡易裁判所の裁判官の許可を得て、臨検、搜索又は押収をすることができる。
- (1) An immigration control officer may, in cases where it is necessary to conduct an investigation into any violation, carry out an inspection, search or seizure with

permission from a judge of the district court or summary court exercising jurisdiction over the area where his/her office is located.

- 2 前項の場合において、急速を要するときは、入国警備官は、臨検すべき場所、搜索すべき身体若しくは物件又は押収すべき物件の所在地を管轄する地方裁判所又は簡易裁判所の裁判官の許可を得て、同項の処分をすることができる。

(2) In the case referred to in the preceding paragraph, in case of urgency, the immigration control officer may take such action as set forth in the same paragraph with permission from a judge of the district court or summary court exercising jurisdiction over the place subject to inspection, the persons or articles subject to search, or articles subject to seizure.

- 3 入国警備官は、第一項又は前項の許可を請求しようとするときは、容疑者が第二十四条各号の一に該当すると思料されるべき資料並びに、容疑者以外の者の住居その他の場所を臨検しようとするときは、その場所が違反事件に関係があると認めるに足りる状況があることを認めるべき資料、容疑者以外の者の身体、物件又は住居その他の場所について搜索しようとするときは、押収すべき物件の存在及びその物件が違反事件に関係があると認めるに足りる状況があることを認めるべき資料、容疑者以外の者の物件を押収しようとするときは、その物件が違反事件に関係があると認めるに足りる状況があることを認めるべき資料を添付して、これをしなければならない。

(3) The immigration control officer shall, when he/she is to apply for the permission set forth in paragraph (1) or in the preceding paragraph, submit an application together with proof that indicates that a suspect is considered to fall under any of the items of Article 24, and if the immigration control officer is to inspect a place such as a residence other than that of the suspect, he/she shall submit proof that indicates the existence of circumstances which show the place is likely to be connected with the case of violation. If the immigration control officer is to search a person other than the suspect, an article, residence or other place of the person, he/she shall submit proof that indicates existence of circumstances which show that an article should be seized and that such article is likely to be connected with the case of violation, and if the immigration control officer is to seize an article of a person other than the suspect, he/she shall submit proof that indicates existence of circumstances which show that the article is likely to be connected with the case of violation.

- 4 前項の請求があつた場合においては、地方裁判所又は簡易裁判所の裁判官は、臨検すべき場所、搜索すべき身体又は物件、押収すべき物件、請求者の官職氏名、有効期間及び裁判所名を記載し、自ら記名押印した許可状を入国警備官に交付しなければならない。

(4) When the application set forth in the preceding paragraph is submitted, a judge of a district court or summary court shall enter in the permit the place of inspection, the person or articles subject to search, articles to be seized, the position and name in full of the officer making the application, the valid period of the permit, and the name of the court with the name and seal of the judge, and

deliver it to the immigration control officer.

5 入国警備官は、前項の許可状を他の入国警備官に交付して、臨検、搜索又は押収をさせることができる。

(5) The immigration control officer may deliver the permit set forth in the preceding paragraph to another immigration control officer and have him/her carry out the inspection, search or seizure.

### **第三十二条 (必要な処分)**

#### **Article 32 (Necessary Dispositions)**

入国警備官は、搜索又は押収をするため必要があるときは、錠をはずし、封を開き、その他必要な処分をすることができる。

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

### **第三十三条 (証票の携帯)**

#### **Article 33 (Carrying of an Identification Card)**

入国警備官は、取調、臨検、搜索又は押収をする場合には、その身分を示す証票を携帯し、関係人の請求があるときは、これを呈示しなければならない。

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

### **第三十四条 (搜索又は押収の立会)**

#### **Article 34 (Attendance at a Search or Seizure)**

入国警備官は、住居その他の建造物内で搜索又は押収をするときは、所有者、借主、管理者又はこれらの者に代るべき者を立ち会わせなければならない。これらの者を立ち会わせることができないときは、隣人又は地方公共団体の職員を立ち会わせなければならない。

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

### **第三十五条 (時刻の制限)**

#### **Article 35 (Restriction on Hours)**

1 入国警備官は、日出前、日没後には、許可状に夜間でも執行することができる旨の記載がなければ、搜索又は押収のため、住居その他の建造物内に入つてはならない。

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

2 入国警備官は、日没前に搜索又は押収に着手したときは、日没後でも、その処分を継続することができる。

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

3 左の場所で搜索又は押収をするについては、入国警備官は、第一項に規定する制限によることを要しない。

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

一 風俗を害する行為に常用されるものと認められる場所

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

二 旅館、飲食店その他夜間でも公衆が出入することができる場所。但し、公開した時間内に限る。

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

### 第三十六条 (出入禁止)

#### Article 36 (Prohibition of Entry and Exit)

入国警備官は、取調、臨検、搜索又は押収をする間は、何人に対しても、許可を得ないでその場所に入出することを禁止することができる。

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

### 第三十七条 (押収の手続)

#### Article 37 (Procedures for Seizure)

1 入国警備官は、押収をしたときは、その目録を作り、所有者、所持者若しくは保管者又はこれらの者に代るべき者にこれを交付しなければならない。

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

2 入国警備官は、押収物について、留置の必要がないと認めたときは、すみやかにこれを還付しなければならない。

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

### 第三十八条 (調書の作成)

#### Article 38 (Preparation of Records)

1 入国警備官は、臨検、搜索又は押収をしたときは、これらに関する調書を作成し、立会人に閲覧させ、又は読み聞かせて、署名をさせ、且つ、自らこれに署名しなければならない。

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

2 前項の場合において、立会人が署名することができないとき、又は署名を拒んだときは、入国警備官は、その旨を調書に附記しなければならない。

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

## 第二節 収容

## SECTION II DETENTION

### 第三十九条 (収容)

#### Article 39 (Detention)

1 入国警備官は、容疑者が第二十四条各号の一に該当すると疑うに足りる相当の理由があるときは、収容令書により、その者を収容することができる。

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

2 前項の収容令書は、入国警備官の請求により、その所属官署の主任審査官が発付するものとする。

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

### 第四十条 (収容令書の方式)

#### Article 40 (Form of a Written Detention Order)

前条第一項の収容令書には、容疑者の氏名、居住地及び国籍、容疑事実の要旨、収容すべき場所、有効期間、発付年月日その他法務省令で定める事項を記載し、且つ、主任審査官がこれに記名押印しなければならない。

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



thereto.

#### 第四十一条 （収容の期間及び場所並びに留置の嘱託）

##### Article 41 (Period and Place of Detention and Commission of Custody)

- 1 収容令書によつて収容することができる期間は、三十日以内とする。但し、主任審査官は、やむを得ない事由があると認めるときは、三十日を限り延長することができる。  
(1) The period of detention determined pursuant to the written detention order shall be within 30 days. However, if a supervising immigration inspector finds that there are unavoidable reasons, he/she may extend such period for only a further 30 days.
- 2 収容令書によつて収容することができる場所は、入国者収容所、収容場その他法務大臣又はその委任を受けた主任審査官が指定する適当な場所とする。  
(2) The place wherein the alien may be detained pursuant to the written detention order shall be an immigration detention 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 警察官は、主任審査官が必要と認めて依頼したときは、容疑者を留置施設に留置することができる。  
(3) A police official may, upon the request of a supervising immigration inspector who finds it necessary, place a suspect under custody in a detention-facility.

#### 第四十二条 （収容の手続）

##### Article 42 (Procedures for Detention)

- 1 入国警備官は、収容令書により容疑者を収容するときは、収容令書を容疑者に示さなければならない。  
(1) An immigration control officer shall, when he/she detains a suspect pursuant to a written detention order, show the detention order to the suspect.
- 2 入国警備官は、収容令書を所持しない場合でも、急速を要するときは、容疑者に対し、容疑事実の要旨及び収容令書が発付されている旨を告げて、その者を収容することができる。但し、収容令書は、できるだけすみやかに示さなければならない。  
(2) In cases of urgency, an immigration control officer may, even if he/she is not in possession of a written detention order, detain a suspect by giving the suspect a summary of the suspected offense and informing him/her that the order has been issued, provided that the order shall be shown to the suspect as soon as possible.

#### 第四十三条 （要急事件）

##### Article 43 (Cases of Emergency)

- 1 入国警備官は、第二十四条各号の一に明らかに該当する者が収容令書の発付をまつていては逃亡の虞があると信ずるに足る相当の理由があるときは、収容令書の発付をまたずに、その者を収容することができる。

- (1) If an immigration control officer finds that there are reasonable grounds to believe that a person clearly falling under any of the items of Article 24 is likely to flee before issuance of a written detention order, the immigration control officer may detain him/her without a written detention order.
- 2 前項の収容を行つたときは、入国警備官は、すみやかにその理由を主任審査官に報告して、収容令書の発付を請求しなければならない。
- (2) In cases where detention has been carried out as set forth in the preceding paragraph, the immigration control officer shall notify a supervising immigration inspector promptly of the grounds therefor and request the issuance of a written detention order.
- 3 前項の場合において、主任審査官が第一項の収容を認めないときは、入国警備官は、直ちにその者を放免しなければならない。
- (3) In the case referred to in the preceding paragraph, if the supervising immigration inspector does not approve the detention set forth in paragraph (1), the immigration control officer shall immediately release the detained person.

#### **第四十四条 (容疑者の引渡)**

##### **Article 44 (Delivery of the Suspect)**

入国警備官は、第三十九条第一項の規定により容疑者を収容したときは、容疑者の身体を拘束した時から四十八時間以内に、調書及び証拠物とともに、当該容疑者を入国審査官に引き渡さなければならない。

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

#### **第三節 審査、口頭審理及び異議の申出**

### **SECTION III EXAMINATION, HEARING AND FILING OF AN OBJECTION**

#### **第四十五条 (入国審査官の審査)**

##### **Article 45 (Examination by an Immigration Inspector)**

- 1 入国審査官は、前条の規定により容疑者の引渡しを受けたときは、容疑者が退去強制対象者（第二十四条各号のいずれかに該当し、かつ、出国命令対象者に該当しない外国人をいう。以下同じ。）に該当するかどうかを速やかに審査しなければならない。
- (1) An immigration inspector shall, when he/she has taken delivery of a suspect pursuant to the provisions of the preceding Article, promptly examine whether the suspect falls under the category of an alien subject to deportation (alien who falls under any of the items of Article 24 but does not fall under the category of an alien subject to a departure order; the same shall apply hereinafter).

2 入国審査官は、前項の審査を行つた場合には、審査に関する調書を作成しなければならない。

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

#### 第四十六条 （容疑者の立証責任）

##### Article 46 (Burden of Proof on the Suspect)

前条の審査を受ける容疑者のうち第二十四条第一号（第三条第一項第二号に係る部分を除く。）又は第二号に該当するとされたものは、その号に該当するものでないことを自ら立証しなければならない。

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

#### 第四十七条 （審査後の手続）

##### Article 47 (Procedures after Examination)

1 入国審査官は、審査の結果、容疑者が第二十四条各号のいずれにも該当しないと認定したときは、直ちにその者を放免しなければならない。

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

2 入国審査官は、審査の結果、容疑者が出国命令対象者に該当すると認定したときは、速やかに主任審査官にその旨を知らせなければならない。この場合において、入国審査官は、当該容疑者が第五十五条の三第一項の規定により出国命令を受けたときは、直ちにその者を放免しなければならない。

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

3 入国審査官は、審査の結果、容疑者が退去強制対象者に該当すると認定したときは、速やかに理由を付した書面をもつて、主任審査官及びその者にその旨を知らせなければならない。

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

4 前項の通知をする場合には、入国審査官は、当該容疑者に対し、第四十八条の規定に

よる口頭審理の請求をすることができる旨を知らせなければならない。

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

5 第三項の場合において、容疑者がその認定に服したときは、主任審査官は、その者に対し、口頭審理の請求をしない旨を記載した文書に署名させ、速やかに第五十一条の規定による退去強制令書を発付しなければならない。

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

#### 第四十八条 (口頭審理)

##### Article 48 (Hearing)

1 前条第三項の通知を受けた容疑者は、同項の認定に異議があるときは、その通知を受けた日から三日以内に、口頭をもつて、特別審理官に対し口頭審理の請求をすることができる。

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

2 入国審査官は、前項の口頭審理の請求があつたときは、第四十五条第二項の調書その他の関係書類を特別審理官に提出しなければならない。

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

3 特別審理官は、第一項の口頭審理の請求があつたときは、容疑者に対し、時及び場所を通知して速やかに口頭審理を行わなければならない。

(3) The special inquiry officer shall, when a request is made for the hearing set forth in paragraph (1), promptly notify the suspect of the time and place of the hearing and conduct the hearing.

4 特別審理官は、前項の口頭審理を行つた場合には、口頭審理に関する調書を作成しなければならない。

(4) The special inquiry officer shall, when a hearing is held as set forth in the preceding paragraph, prepare a record of the hearing.

5 第十条第三項から第六項までの規定は、第三項の口頭審理の手續に準用する。

(5) The provisions of Article 10, paragraphs (3) to (6) shall apply mutatis mutandis to the proceedings of the hearing set forth in paragraph (3).

6 特別審理官は、口頭審理の結果、前条第三項の認定が事実と相違すると判定したとき(容疑者が第二十四条各号のいずれにも該当しないことを理由とする場合に限る。)は、

直ちにその者を放免しなければならない。

(6) When a special inquiry officer finds, as a result of the hearing, that the findings set forth in paragraph (3) of the preceding Article are not supported by factual evidence (limited to cases where the suspect does not fall under any of the items of Article 24), he/she shall immediately release the suspect.

7 特別審理官は、口頭審理の結果、前条第三項の認定が事実と相違すると判定したとき（容疑者が出国命令対象者に該当することを理由とする場合に限る。）は、速やかに主任審査官にその旨を知らせなければならない。この場合において、特別審理官は、当該容疑者が第五十五条の三第一項の規定により出国命令を受けたときは、直ちにその者を放免しなければならない。

(7) When a special inquiry officer finds, as a result of the hearing, that the findings set forth in paragraph (3) of the preceding Article are not supported by factual evidence (limited to cases where the suspect falls under the category of an alien subject to a departure order), he/she shall promptly notify a supervising immigration inspector of the findings. In this case, if the suspect has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), the immigration inspector shall immediately release the suspect.

8 特別審理官は、口頭審理の結果、前条第三項の認定が誤りがないと判定したときは、速やかに主任審査官及び当該容疑者にその旨を知らせるとともに、当該容疑者に対し、第四十九条の規定により異議を申し出ることができる旨を知らせなければならない。

(8) When a special inquiry officer finds, as a result of the hearing, that there is no error in the findings set forth in paragraph (3) of the preceding Article, he/she shall promptly notify the supervising immigration inspector and the suspect to that effect, and at the same time notify the suspect that the suspect may file an objection pursuant to the provisions of Article 49.

9 前項の通知を受けた場合において、当該容疑者が同項の判定に服したときは、主任審査官は、その者に対し、異議を申し出ない旨を記載した文書に署名させ、速やかに第五十一条の規定による退去強制令書を発付しなければならない。

(9) If the suspect, upon receipt of the notice set forth in the preceding paragraph, has no objection to the findings set forth in the same paragraph, the supervising immigration inspector shall have him/her sign a document with a statement that he/she will not file an objection and promptly issue the written deportation order pursuant to the provisions of Article 51.

#### 第四十九条 （異議の申出）

##### Article 49 (Filing of an Objection)

1 前条第八項の通知を受けた容疑者は、同項の判定に異議があるときは、その通知を受けた日から三日以内に、法務省令で定める手続により、不服の事由を記載した書面を主任審査官に提出して、法務大臣に対し異議を申し出ることができる。

(1) Any suspect, upon receipt of the notice set forth in paragraph (8) of the

preceding Article, may, in cases where he/she has an objection to the findings set forth in 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 notice, a written statement containing the grounds for his/her complaint in accordance with the procedures provided for by a Ministry of Justice ordinance.

2 主任審査官は、前項の異議の申出があつたときは、第四十五条第二項の審査に関する調書、前条第四項の口頭審理に関する調書その他の関係書類を法務大臣に提出しなければならない。

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

3 法務大臣は、第一項の規定による異議の申出を受理したときは、異議の申出が理由があるかどうかを裁決して、その結果を主任審査官に通知しなければならない。

(3) When the Minister of Justice has received the objection filed pursuant to the provisions of paragraph (1), he/she shall determine whether the objection is with reason and notify a supervising immigration inspector of his/her determination.

4 主任審査官は、法務大臣から異議の申出（容疑者が第二十四条各号のいずれにも該当しないことを理由とするものに限る。）が理由があると裁決した旨の通知を受けたときは、直ちに当該容疑者を放免しなければならない。

(4) The supervising immigration inspector shall, upon receipt of a notice from the Minister of Justice of his/her determination that the objection is with reason (limited to cases where the suspect does not fall under any of the items of Article 24), immediately release the suspect.

5 主任審査官は、法務大臣から異議の申出（容疑者が出国命令対象者に該当することを理由とするものに限る。）が理由があると裁決した旨の通知を受けた場合において、当該容疑者に対し第五十五条の三第一項の規定により出国命令をしたときは、直ちにその者を放免しなければならない。

(5) When the supervising immigration inspector receives from the Minister of Justice a notice of the determination that the objection has been found to be with reason (limited to the cases where the suspect falls under the category of an alien subject to a departure order), the supervising immigration inspector shall, when issuing a departure order to the suspect pursuant to the provisions of Article 55-3, paragraph (1), immediately release the suspect.

6 主任審査官は、法務大臣から異議の申出が理由がないと裁決した旨の通知を受けたときは、速やかに当該容疑者に対し、その旨を知らせるとともに、第五十一条の規定による退去強制令書を発付しなければならない。

(6) The supervising immigration inspector shall, if he/she has received from the

Minister of Justice a notice of the determination that the objection is without reason, promptly notify the suspect to that effect and issue a written deportation order pursuant to the provisions of Article 51.

#### 第五十条 (法務大臣の裁決の特例)

##### Article 50 (Special Cases of Determination by the Minister of Justice)

- 1 法務大臣は、前条第三項の裁決に当たつて、異議の申出が理由がないと認める場合でも、当該容疑者が次の各号のいずれかに該当するときは、その者の在留を特別に許可することができる。
  - (1) The Minister of Justice may, even if he/she finds that the objection filed is without reason, in making the determination set forth in paragraph (3) of the preceding Article, grant the suspect special permission to stay in Japan if the suspect falls under any of the following items:
    - 一 永住許可を受けているとき。
      - (i) He/She has obtained permission for permanent residence.
    - 二 かつて日本国民として本邦に本籍を有したことがあるとき。
      - (ii) He/She has had in the past a registered domicile in Japan as a Japanese national.
    - 三 人身取引等により他人の支配下に置かれて本邦に在留するものであるとき。
      - (iii) He/She resides in Japan under the control of another due to trafficking in persons.
    - 四 その他法務大臣が特別に在留許可すべき事情があると認めるとき。
      - (iv) The Minister of Justice finds grounds for granting special permission to stay, other than the previous items.
  - 2 前項の場合には、法務大臣は、法務省令で定めるところにより、在留期間その他必要と認める条件を附することができる。
    - (2) In the case referred to in the preceding paragraph, the Minister of Justice may impose conditions, which he/she may deem necessary such as on the period of stay, pursuant to the provisions of a Ministry of Justice ordinance.
  - 3 第一項の許可は、前条第四項の適用については、異議の申出が理由がある旨の裁決とみなす。
    - (3) The permission set forth in paragraph (1) shall be regarded as a determination that the objection filed is with reason with respect to the application of paragraph (4) of the preceding Article.

#### 第四節 退去強制令書の執行

##### SECTION IV ENFORCEMENT OF WRITTEN DEPORTATION ORDERS

#### 第五十一条 (退去強制令書の方式)

##### Article 51 (Form of Written Deportation Orders)

第四十七条第五項、第四十八条第九項若しくは第四十九条第六項の規定により、又は第六十三条第一項の規定に基づく退去強制の手續において発付される退去強制令書には、退去強制を受ける者の氏名、年齢及び国籍、退去強制の理由、送還先、発付年月日その他法務省令で定める事項を記載し、かつ、主任審査官がこれに記名押印しなければならない。

A deportation order issued pursuant to the provisions of Article 47, paragraph (5), Article 48, paragraph (9) or Article 49, paragraph (6), or in accordance with the deportation procedures pursuant to the provisions of Article 63, paragraph (1), shall contain the full name, age and nationality of the alien subject to deportation, 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.

## 第五十二条 (退去強制令書の執行)

### Article 52 (Enforcement of Written Deportation Orders)

- 1 退去強制令書は、入国警備官が執行するものとする。
  - (1) A written deportation order shall be enforced by an immigration control officer.
- 2 警察官又は海上保安官は、入国警備官が足りないため主任審査官が必要と認めて依頼したときは、退去強制令書の執行をすることができる。
  - (2) A police official or coast guard officer may, upon the request of a supervising immigration inspector who finds it necessary due to shortage of immigration control officers, enforce a written deportation order.
- 3 入国警備官(前項の規定により退去強制令書を執行する警察官又は海上保安官を含む。以下この条において同じ。)は、退去強制令書を執行するときは、退去強制を受ける者に退去強制令書又はその写しを示して、速やかにその者を次条に規定する送還先に送還しなければならない。ただし、第五十九条の規定により運送業者が送還する場合には、入国警備官は、当該運送業者に引き渡すものとする。
  - (3) In enforcing a deportation order, an immigration control officer (including a police official or coast guard officer who enforces a written deportation order pursuant to the provisions of the preceding paragraph; hereinafter the same shall apply in this Article) shall show the deportation order or its copy to the alien subject to deportation and have him/her deported promptly to the destination provided for in the following Article. However, the immigration control officer shall deliver him/her to the carrier if the alien is to be sent back by the carrier pursuant to the provisions of Article 59.
- 4 前項の場合において、退去強制令書の発付を受けた者が、自らの負担により、自ら本邦を退去しようとするときは、入国者収容所長又は主任審査官は、その者の申請に基づき、これを許可することができる。この場合においては、退去強制令書の記載及び次条の規定にかかわらず、当該申請に基づき、その者の送還先を定めることができる。
  - (4) In the case referred to in the preceding paragraph, if a person for whom a deportation order has been issued desires to depart from Japan voluntarily at



his/her own expense, the director of an immigration detention center or a supervising immigration inspector may permit him/her to do so based on an application from the said person. In this case, notwithstanding the entries in the written deportation order and the provisions of the following Article, the director of an immigration detention center or the supervising immigration inspector may decide the destination of the person based on his/her application.

- 5 入国警備官は、第三項本文の場合において、退去強制を受ける者を直ちに本邦外に送還することができないときは、送還可能のときまで、その者を入国者収容所、収容場その他法務大臣又はその委任を受けた主任審査官が指定する場所に収容することができる。
- (5) In the case referred to in the first sentence of paragraph (3), if the alien cannot be deported immediately, the immigration control officer may detain him/her in an immigration detention center, detention house, or any other place designated by the Minister of Justice or designated by a supervising immigration inspector commissioned by the Minister of Justice until such time as deportation becomes possible.
- 6 入国者収容所長又は主任審査官は、前項の場合において、退去強制を受ける者を送還することができないことが明らかになったときは、住居及び行動範囲の制限、呼出に対する出頭の義務その他必要と認める条件を附して、その者を放免することができる。
- (6) In the case referred to in the preceding paragraph, the director of an immigration detention center or the supervising immigration inspector may, if it is found that the alien cannot be deported, release him/her with conditions as may be deemed necessary such as restrictions on the place of residence and area of movement and the obligation of appearing at a summons.

### 第五十三条 (送還先)

#### Article 53 (Destinations of Deportation)

- 1 退去強制を受ける者は、その者の国籍又は市民権の属する国に送還されるものとする。
- (1) Any person subject to deportation shall be deported to a country of which he/she is a national or citizen.
- 2 前項の国に送還することができないときは、本人の希望により、左に掲げる国のいずれかに送還されるものとする。
- (2) If the person cannot be deported to such country as set forth in the preceding paragraph, such person shall be deported to any of the following countries pursuant to his/her wishes:
- 一 本邦に入国する直前に居住していた国
  - (i) A country in which he/she had been residing immediately prior to his/her entry into Japan.
  - 二 本邦に入国する前に居住していたことのある国
  - (ii) A country in which he/she once resided before his/her entry into Japan.

三 本邦に向けて船舶等に乗った港の属する国

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

四 出生地の属する国

(iv) A country where his/her place of birth is located.

五 出生時にその出生地の属していた国

(v) A country to which his/her birthplace belonged at the time of his/her birth.

六 その他の国

(vi) Any country other than those prescribed in the preceding items.

3 法務大臣が日本国の利益又は公安を著しく害すると認める場合を除き、前二項の国には難民条約第三十三条第一項に規定する領域の属する国を含まないものとする。

(3) Except for cases where the Minister of Justice finds it considerably detrimental to the interests and public security of Japan, the countries set forth in the preceding two paragraphs shall not include the territories of countries as prescribed in the Refugee Convention, Article 33, paragraph (1).

## 第五節 仮放免

### SECTION V PROVISIONAL RELEASE

#### 第五十四条 (仮放免)

#### Article 54 (Provisional Release)

1 収容令書若しくは退去強制令書の発付を受けて収容されている者又はその者の代理人、保佐人、配偶者、直系の親族若しくは兄弟姉妹は、法務省令で定める手続により、入国者収容所長又は主任審査官に対し、その者の仮放免を請求することができる。

(1) Any person detained pursuant to a written detention order or deportation order, his/her representative, curator, spouse, lineal relative or sibling may apply for provisional release to the director of the immigration detention center or a supervising immigration inspector in accordance with the procedures provided for by a Ministry of Justice ordinance.

2 入国者収容所長又は主任審査官は、前項の請求により又は職権で、法務省令で定めるところにより、収容令書又は退去強制令書の発付を受けて収容されている者の情状及び仮放免の請求の理由となる証拠並びにその者の性格、資産等を考慮して、三百万円を超えない範囲内で法務省令で定める額の保証金を納付させ、かつ、住居及び行動範囲の制限、呼出しに対する出頭の義務その他必要と認める条件を付して、その者を仮放免することができる。

(2) The director of the immigration detention center or a supervising immigration inspector may accord provisional release to the alien detained pursuant to a written detention order or deportation order upon the application set forth in the preceding paragraph or ex officio, taking into consideration such matters as circumstances, evidence produced in support of the application, character and the

assets of the alien pursuant to the provisions of a Ministry of Justice ordinance, upon the alien paying a deposit not exceeding 3 million yen as provided for by a Ministry of Justice ordinance, and with conditions as may be deemed necessary, such as restrictions on the place of residence and area of movement and the obligation of appearing at a summons.

3 入国者収容所長又は主任審査官は、適当と認めるときは、収容令書又は退去強制令書の発付を受けて収容されている者以外の者の差し出した保証書をもって保証金に代えることを許すことができる。保証書には、保証金額及びいつでもその保証金を納付する旨を記載しなければならない。

(3) The director of the immigration detention center or a supervising immigration inspector, if he/she deems it appropriate, 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 deposit. Such a letter of guarantee shall contain the amount of the deposit and a statement that the deposit will be paid at any time.

#### 第五十五条 （仮放免の取消）

#### Article 55 (Revocation of Provisional Release)

1 入国者収容所長又は主任審査官は、仮放免された者が逃亡し、逃亡すると疑うに足りる相当の理由があり、正当な理由がなくて呼出に応ぜず、その他仮放免に附された条件に違反したときは、仮放免を取り消すことができる。

(1) The director of an immigration detention center or a supervising immigration inspector may revoke a provisional release if the alien accorded provisional release has fled, he/she has reasonable grounds to suspect that the alien will attempt to flee, 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 前項の取消をしたときは、入国者収容所長又は主任審査官は、仮放免取消書を作成し、収容令書又は退去強制令書とともに、入国警備官にこれを交付しなければならない。

(2) The director of the immigration detention center or a supervising immigration inspector shall, if he/she revokes the provisional release pursuant to the provisions of the preceding paragraph, prepare a written revocation of provisional release and deliver it to an immigration control officer with the written detention order or deportation order attached.

3 入国者収容所長又は主任審査官は、逃亡し、又は正当な理由がなくて呼出に応じないことを理由とする仮放免の取消をしたときは保証金の全部、その他の理由によるときはその一部を没取するものとする。

(3) The director of the immigration detention center or a supervising immigration inspector shall confiscate the deposit in whole if he/she revokes a provisional release on the grounds that the person may flee or has failed to comply with an order to appear at a summons without justifiable reason, and he/she shall

confiscate the deposit in part if he/she revokes a provisional release on any other grounds.

- 4 入国警備官は、仮放免を取り消された者がある場合には、その者に仮放免取消書及び収容令書又は退去強制令書を示して、その者を入国者収容所、収容場その他法務大臣又はその委任を受けた主任審査官が指定する場所に収容しなければならない。
- (4) If the provisional release of any person has been 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/her at an immigration detention 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 入国警備官は、仮放免取消書及び収容令書又は退去強制令書を所持しない場合でも、急速を要するときは、その者に対し仮放免を取り消された旨を告げて、その者を収容することができる。但し、仮放免取消書及び収容令書又は退去強制令書は、できるだけすみやかに示さなければならない。
- (5) An immigration control officer may, in cases of emergency, detain a person who is to have his/her provisional release revoked without a written revocation of provisional release and a detention order or deportation order, by informing him/her that the provisional release has been revoked. However, a written revocation of provisional release and a detention order or deportation order shall be shown to such person as soon as possible.

## 第五章の二 出国命令

### CHAPTER V-2 DEPARTURE ORDERS

#### 第五十五条の二 (出国命令に係る審査)

#### Article 55-2 (Examination Pertaining to Departure Orders)

- 1 入国警備官は、容疑者が出国命令対象者に該当すると認めるに足りる相当の理由があるときは、第三十九条の規定にかかわらず、当該容疑者に係る違反事件を入国審査官に引き継がなければならない。
- (1) An immigration control officer shall, if he/she finds that there are reasonable grounds to believe that a suspect falls under the category of an alien subject to a departure order, notwithstanding the provisions of Article 39, send the case of violation pertaining to the suspect to an immigration inspector.
- 2 入国審査官は、前項の規定により違反事件の引継ぎを受けたときは、当該容疑者が出国命令対象者に該当するかどうかを速やかに審査しなければならない。
- (2) The immigration inspector shall, when he/she receives the case of violation pursuant to the provisions of the preceding paragraph, immediately examine whether the suspect falls under the category of an alien subject to a departure order.

- 3 入国審査官は、審査の結果、当該容疑者が出国命令対象者に該当すると認定したときは、速やかに主任審査官にその旨を知らせなければならない。
- (3) When the immigration inspector finds, as a result of the examination that the suspect falls under the category of an alien subject to a departure order he/she shall promptly notify a supervising immigration inspector of the findings.
- 4 入国審査官は、当該容疑者が退去強制対象者に該当すると疑うに足る相当の理由があるときは、その旨を入国警備官に通知するとともに、当該違反事件を入国警備官に差し戻すものとする。
- (4) The immigration inspector shall, if he/she finds that there are reasonable grounds to suspect that the suspect falls under the category of an alien subject to deportation, notify the immigration control officer of his/her findings and send the case of violation back to the immigration control officer.

### 第五十五条の三 (出国命令)

#### Article 55-3 (Departure Orders)

- 1 主任審査官は、第四十七条第二項、第四十八条第七項、第四十九条第五項又は前条第三項の規定による通知を受けたときは、速やかに当該通知に係る容疑者に対し、本邦からの出国を命じなければならない。この場合において、主任審査官は、十五日を超えない範囲内で出国期限を定めるものとする。
- (1) A supervising immigration inspector shall, if he/she has received the notice pursuant to the provisions of Article 47, paragraph (2), Article 48, paragraph (7), Article 49, paragraph (5), or paragraph (3) of the preceding Article, immediately order the suspect pertaining to the notice to depart from Japan. In this case, the supervising immigration inspector shall designate a period not exceeding 15 days within which the suspect shall depart from Japan.
- 2 主任審査官は、前項の規定により出国命令をする場合には、当該容疑者に対し、次条の規定による出国命令書を交付しなければならない。
- (2) When ordering departure pursuant to the provisions of the preceding paragraph, the supervising immigration inspector shall deliver a written departure order pursuant to the provisions of the following Article to the suspect.
- 3 主任審査官は、第一項の規定により出国命令をする場合には、法務省令で定めるところにより、当該容疑者に対し、住居及び行動範囲の制限その他必要と認める条件を付することができる。
- (3) When ordering departure pursuant to the provisions of paragraph (1), the supervising immigration inspector may, as provided for by a Ministry of Justice ordinance, impose restrictions on the suspect's place of residence and area of movement, and other conditions which the supervising immigration inspector may deem necessary.

### 第五十五条の四 (出国命令書の方式)

#### **Article 55-4 (Form of Written Departure Orders)**

前条第二項の規定により交付される出国命令書には、出国命令を受ける者の氏名、年齢及び国籍、出国命令の理由、出国期限、交付年月日その他法務省令で定める事項を記載し、かつ、主任審査官がこれに記名押印しなければならない。

A written departure order delivered pursuant to the provisions of paragraph (2) of the preceding Article shall contain the full name, age and nationality of the 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.

#### **第五十五条の五 （出国期限の延長）**

##### **Article 55-5 (Extension of the Time Limit for Departure)**

主任審査官は、法務省令で定めるところにより、第五十五条の三第一項の規定により出国命令を受けた者から、当該出国命令に係る出国期限内に出国することができない旨の申出があつた場合には、船舶等の運航の都合その他その者の責めに帰することができない事由があると認めるときに限り、当該出国期限を延長することができる。

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

#### **第五十五条の六 （出国命令の取消し）**

##### **Article 55-6 (Revocation of Departure Orders)**

主任審査官は、第五十五条の三第一項の規定により出国命令を受けた者が同条第三項の規定に基づき付された条件に違反したときは、当該出国命令を取り消すことができる。

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

#### **第六章 船舶等の長及び運送業者の責任**

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

#### **第五十六条 （協力の義務）**

## **Article 56 (Duty of Cooperation)**

本邦に入る船舶等の長及びその船舶等を運航する運送業者は、入国審査官の行う審査その他の職務の遂行に協力しなければならない。

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 executing his/her duties such as immigration inspection.

## **第五十六条の二 (旅券等の確認義務)**

### **Article 56-2 (Duty of Checking Passports or Other Documents)**

本邦に入る船舶等を運航する運送業者（運送業者がないときは、当該船舶等の長）は、外国人が不法に本邦に入ることを防止するため、当該船舶等に乗ろうとする外国人の旅券、乗員手帳又は再入国許可書を確認しなければならない。

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, crew member's pocket-ledger or re-entry permit possessed by aliens who intend to board the vessel or aircraft.

## **第五十七条 (報告の義務)**

### **Article 57 (Duty of Reporting)**

- 1 本邦に入る船舶等の長は、法務省令で定めるところにより、あらかじめ、その船舶等が到着する出入国港の入国審査官に対し、その乗員及び乗客に係る氏名その他の法務省令で定める事項を報告しなければならない。
- (1) 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 at the port of entry or departure where the vessel or aircraft will arrive the names of its crew members and passengers and other matters as provided for by a Ministry of Justice ordinance.
- 2 本邦から出る船舶等の長は、その船舶等が出発する出入国港の入国審査官の要求があったときは、その乗員及び乗客に係る前項に規定する事項を報告しなければならない。
- (2) The captain of a vessel or aircraft departing from Japan shall report upon the request of an immigration inspector at the port of entry or departure from which the vessel or aircraft departs matters pertaining to its crew members and passengers as prescribed in the preceding paragraph.
- 3 本邦に入る船舶等の長は、有効な旅券、乗員手帳又は再入国許可書を所持しない外国人がその船舶等に乗っていることを知ったときは、直ちにその旨をその出入国港の入国審査官に報告しなければならない。
- (3) The captain of a vessel or aircraft entering Japan shall, if he/she has knowledge of any alien aboard the vessel or aircraft without a valid passport, crew member's pocket-ledger or re-entry permit, report such information immediately to an

immigration inspector at the port of entry or departure.

- 4 本邦に入る船舶等の長は、当該船舶等に第十六条第二項の許可を受けている乗員が乗り組んでいるときは、当該船舶等が出入国港に到着する都度、直ちに、当該乗員の氏名その他法務省令で定める事項をその出入国港の入国審査官に報告しなければならない。
- (4) The captain of a vessel or aircraft entering Japan shall, if a crew member who has been granted the permission set forth in Article 16, paragraph (2) is on board, report immediately the name of the crew member 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 本邦から出る船舶等の長は、その船舶等の出発する出入国港の入国審査官の要求があったときは、第十五条第一項の規定による通過上陸の許可を受けた者がその船舶に帰船しているかどうか、乗員上陸の許可を受けた者で当該船舶等に乗り組むべきものが乗り組んでいるかどうか及び第二十五条第二項又は第六十条第二項の規定に違反して出国しようとする者が乗っているかどうかを報告しなければならない。
- (5) The captain of a vessel or aircraft departing from 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 pursuant to the provisions of Article 15, paragraph (1), has returned to his/her vessel or aircraft, whether the person who received landing permission for crew members 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.

#### **第五十八条 (上陸防止の義務)**

##### **Article 58 (Duty of Prevention of Landing)**

- 1 本邦に入る船舶等の長は、前条第三項に規定する外国人がその船舶等に乗っていることを知ったときは、当該外国人が上陸することを防止しなければならない。

The captain of a vessel or aircraft arriving in Japan shall, if he/she has knowledge of any alien prescribed in paragraph (3) of the preceding Article aboard the vessel or aircraft, prevent such alien from landing.

#### **第五十九条 (送還の義務)**

##### **Article 59 (Duty of Sending Back)**

- 1 次の各号の一に該当する外国人が乗ってきた船舶等の長又はその船舶等を運航する運送業者は、当該外国人をその船舶等又は当該運送業者に属する他の船舶等により、その責任と費用で、速やかに本邦外の地域に送還しなければならない。

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



owned by the same carrier:

一 第三章第一節又は第二節の規定により上陸を拒否された者

(i) Any person denied landing pursuant to the provisions of Chapter III, Section I or II.

二 第二十四条第五号から第六号の二までのいずれかに該当して本邦からの退去強制を受けた者

(ii) Any person deported for falling under any of Article 24, items (v) to (vi-2).

三 前号に規定する者を除き、上陸後五年以内に、第二十四条各号の一に該当して退去強制を受けた者のうち、その者の上陸のときに当該船舶等の長又は運送業者がその者について退去強制の理由となつた事実があることを明らかに知つていたと認められるもの

(iii) In addition to those prescribed in the preceding item, and among those who have been ordered within 5 years from the date of landing to be deported for falling under any of the items of Article 24, any alien regarding whom the captain of the 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/her landing.

2 前項の場合において、当該運送業者は、その外国人を同項に規定する船舶等により送還することができないときは、その責任と費用で、すみやかに他の船舶等により送還しなければならない。

(2) In the case referred to in the preceding paragraph, if the carrier concerned cannot send the alien back by the vessel or aircraft prescribed in the same paragraph, he/she shall send the alien back promptly by some other vessel or aircraft on his/her own responsibility and at his/her own expense.

3 主任審査官は、前二項の規定にかかわらず、これらの規定により船舶等の長又はその船舶等を運航する運送業者が負うべき責任と費用の負担のうち、第十三条の二第一項の規定によりとどまることができる場所として法務省令で定める施設の指定を受けている第一項第一号に該当する外国人を当該指定に係る施設にとどめておくことに伴うものについては、有効な旅券で日本国領事官等の査証を受けたものを所持する外国人に係るものに限り、その全部又は一部を免除することができる。

(3) Notwithstanding the provisions of the preceding two paragraphs, concerning the expense and responsibility of the captain of the vessel or aircraft or the carrier who operates the vessel or aircraft, a supervising immigration inspector may exempt the captain or the carrier from bearing all or part of the expenses and responsibility arising from keeping the alien who falls under paragraph (1), item (i) at a facility designated as provided by a Ministry of Justice ordinance as a place of stay pursuant to the provisions of Article 13-2, paragraph (1), provided that the alien concerned possesses a valid passport with a visa issued by a Japanese consular officer.

## 第六章の二 事実の調査

### CHAPTER VI-2 INQUIRY INTO THE FACTS

#### 第五十九条の二 (事実の調査)

##### Article 59-2 (Inquiry into the Facts)

- 1 法務大臣は、第七条の二第一項の規定による証明書の交付又は第十二条第一項、第十九条第二項、第二十条第三項（第二十二條の二第三項（第二十二條の三において準用する場合を含む。）において準用する場合を含む。）、第二十一条第三項、第二十二條第二項（第二十二條の二第四項（第二十二條の三において準用する場合を含む。）において準用する場合を含む。）、第五十条第一項若しくは第六十一条の二の十一の規定による許可若しくは第二十二條の四第一項の規定による在留資格の取消しに関する処分を行うため必要がある場合には、入国審査官に事実の調査をさせることができる。  
(1) The Minister of Justice may have an immigration inspector inquire into the facts, if necessary, in order to conduct dispositions relating to the issuance of a certificate pursuant to the provisions of Article 7-2, paragraph (1) or relating to permission pursuant to the provisions of Article 12, paragraph (1), Article 19, paragraph (2), Article 20, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), Article 21, paragraph (3), Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), Article 50, paragraph (1), or Article 61-2-11, or relating to the revocation of status of residence pursuant to the provisions of Article 22-4, paragraph (1).
- 2 入国審査官は、前項の調査のため必要があるときは、外国人その他の関係人に対し出頭を求め、質問をし、又は文書の提示を求めることができる。  
(2) An immigration inspector may require an alien and other persons concerned to make an appearance, may ask questions, or request the presentation of documents, if necessary, for the inquiry set forth in the preceding paragraph.
- 3 法務大臣又は入国審査官は、第一項の調査について、公務所又は公私の団体に照会して必要な事項の報告を求めることができる。  
(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 set forth in paragraph (1).

## 第七章 日本人の出国及び帰国

### CHAPTER VII DEPARTURE FROM AND RETURN TO JAPAN OF JAPANESE NATIONALS

#### 第六十条 (日本人の出国)

## **Article 60 (Departure of Japanese Nationals)**

- 1 本邦外の地域に赴く意図をもって出国する日本人（乗員を除く。）は、有効な旅券を所持し、その者が出国する出入国港において、法務省令で定める手続により、入国審査官から出国の確認を受けなければならない。
- (1) Any Japanese national (except for crew members) who departs from Japan with the intention of proceeding to an area outside of Japan shall possess a valid passport and shall receive confirmation of departure from 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 前項の日本人は、出国の確認を受けなければ出国してはならない。
- (2) The Japanese national set forth in the preceding paragraph shall not depart from Japan unless he/she has received confirmation of departure from Japan.

## **第六十一条 （日本人の帰国）**

### **Article 61 (Return to Japan of Japanese Nationals)**

本邦外の地域から本邦に帰国する日本人（乗員を除く。）は、有効な旅券（有効な旅券を所持することができないときは、日本の国籍を有することを証する文書）を所持し、その者が上陸する出入国港において、法務省令で定める手続により、入国審査官から帰国の確認を受けなければならない。

Any Japanese national (except for crew members) who returns to Japan from an area outside of Japan shall possess a valid passport (a document that certifies Japanese nationality if he/she is unable to possess a valid passport) and shall receive confirmation of 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.

## **第七章の二 難民の認定等**

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

## **第六十一条の二 （難民の認定）**

### **Article 61-2 (Recognition of Refugee Status)**

- 1 法務大臣は、本邦にある外国人から法務省令で定める手続により申請があつたときは、その提出した資料に基づき、その者が難民である旨の認定（以下「難民の認定」という。）を行うことができる。
- (1) 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 submitted.

2 法務大臣は、難民の認定をしたときは、法務省令で定める手続により、当該外国人に対し、難民認定証明書を交付し、その認定をしないときは、当該外国人に対し、理由を付した書面をもつて、その旨を通知する。

(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.

#### 第六十一条の二の二（在留資格に係る許可）

##### Article 61-2-2 (Permission Pertaining to Status of Residence)

1 法務大臣は、前条第一項の規定により難民の認定をする場合であつて、同項の申請をした外国人が在留資格未取得外国人（別表第一又は別表第二の上欄の在留資格をもつて本邦に在留する者、一時庇護のための上陸の許可を受けた者で当該許可書に記載された期間を経過していないもの及び特別永住者以外の者をいう。以下同じ。）であるときは、当該在留資格未取得外国人が次の各号のいずれかに該当する場合を除き、その者に定住者の在留資格の取得を許可するものとする。

(1) The Minister of Justice shall, when he/she recognizes an alien as a refugee pursuant to the provisions of paragraph (1) of the preceding Article and the alien who has filed the application set forth in the same paragraph falls under the category of an alien without a status of residence (aliens other than those who are staying in Japan under a status of residence listed in the left-hand column of Appended Table I and Appended 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; the same shall apply hereinafter), permit the alien to acquire the status of residence of "Long-Term Resident," unless the alien falls under any of the following items:

一 本邦に上陸した日（本邦にある間に難民となる事由が生じた者にあつては、その事実を知つた日）から六月を経過した後前条第一項の申請を行つたものであるとき。ただし、やむを得ない事情がある場合を除く。

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

二 本邦にある間に難民となる事由が生じた場合を除き、その者の生命、身体又は身体の自由が難民条約第一条A（2）に規定する理由によつて害されるおそれのあつた領域から直接本邦に入つたものでないとき。

(ii) The alien has not entered Japan directly from a territory where his/her life, body or physical freedom was likely to be persecuted on the grounds as

prescribed in Article 1, paragraph A- (2) of the Refugee Convention, unless the circumstances in which he/she might have become a refugee arose while he/she was in Japan.

三 第二十四条第三号又は第四号ハからヨまでに掲げる者のいずれかに該当するとき。

(iii) The alien falls under any of the persons listed in item (iii) or sub-items (c) to (o) of item (iv) of Article 24.

四 本邦に入つた後に、刑法第二編第十二章、第十六章から第十九章まで、第二十三章、第二十六章、第二十七章、第三十一章、第三十三章、第三十六章、第三十七章若しくは第三十九章の罪、暴力行為等処罰に関する法律第一条、第一条ノ二若しくは第一条ノ三（刑法第二百二十二条又は第二百六十一条に係る部分を除く。）の罪、盗犯等の防止及び処分に関する法律の罪又は特殊開錠用具の所持の禁止等に関する法律第十五条若しくは第十六条の罪により懲役又は禁錮に処せられたものであるとき。

(iv) The alien has been sentenced, after entering Japan, to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Articles 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools and Other Related Matters.

2 法務大臣は、前条第一項の申請をした在留資格未取得外国人について、難民の認定をしない処分をするとき、又は前項の許可をしないときは、当該在留資格未取得外国人の在留を特別に許可すべき事情があるか否かを審査するものとし、当該事情があると認めるときは、その在留を特別に許可することができる。

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

3 法務大臣は、前二項の許可をする場合には、在留資格及び在留期間を決定し、入国審査官に、当該在留資格未取得外国人に対し当該在留資格及び在留期間を記載した在留資格証明書を交付させるものとする。この場合において、その許可は、当該交付のあつた時に、その記載された内容をもつて効力を生ずる。

(3) When granting the permission set forth in the preceding two paragraphs, the Minister of Justice shall decide 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 法務大臣は、第一項又は第二項の許可をする場合において、当該在留資格未取得外国人が仮上陸の許可又は第三章第四節の規定による上陸の許可を受けているときは、当該仮上陸の許可又は上陸の許可を取り消すものとする。

(4) When granting the permission set forth in paragraph (1) or paragraph (2), the Minister of Justice shall revoke the permission for provisional landing or permission for landing pursuant to the provisions of Chapter III, Section IV, which has been granted to the alien.

### 第六十一条の二の三

#### Article 61-2-3

法務大臣は、難民の認定を受けている外国人（前条第二項の許可により在留資格を取得した者を除く。）から、第二十条第二項の規定による定住者の在留資格への変更の申請があつたとき、又は第二十二条の二第二項（第二十二条の三において準用する場合を含む。）の規定による定住者の在留資格の取得の申請があつたときは、第二十条第三項（第二十二条の二第三項（第二十二条の三において準用する場合を含む。）において準用する場合を含む。）の規定にかかわらず、当該外国人が前条第一項第一号に該当する場合を除き、これを許可するものとする。

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

### 第六十一条の二の四（仮滞在の許可）

#### Article 61-2-4 (Permission for Provisional Stay)

1 法務大臣は、在留資格未取得外国人から第六十一条の二第一項の申請があつたときは、当該在留資格未取得外国人が次の各号のいずれかに該当する場合を除き、その者に仮に本邦に滞在することを許可するものとする。

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

一 仮上陸の許可を受けているとき。

(i) The alien has been granted permission for provisional landing.

二 寄港地上陸の許可、通過上陸の許可、乗員上陸の許可、緊急上陸の許可又は遭難に

- よる上陸の許可を受け、旅券又は当該許可書に記載された期間を経過していないとき。
- (ii) The alien has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crew members, permission for emergency landing or landing permission due to distress, and has not stayed in Japan beyond the period given in his/her passport or permit.
- 三 第二十二條の二第一項の規定により本邦に在留することができるとき。
- (iii) The alien has been permitted to stay in Japan pursuant to the provisions of Article 22-2, paragraph (1).
- 四 本邦に入つた時に、第五條第一項第四号から第十四号までに掲げる者のいずれかに該当していたとき。
- (iv) The alien fell under any of the persons listed in Article 5, paragraph (1), items (iv) to (xiv) when he/she entered Japan.
- 五 第二十四條第三号又は第四号ハからヨまでに掲げる者のいずれかに該当すると疑うに足りる相当の理由があるとき。
- (v) There are reasonable grounds to suspect that the alien has fallen under any of the persons set forth in item (iii) or sub-items (c) to (o) of item (iv) of Article 24.
- 六 第六十一條の二の二第一項第一号又は第二号のいずれかに該当することが明らかであるとき。
- (vi) The alien has clearly fallen under any of Article 61-2-2, paragraph (1), item (i) or item (ii).
- 七 本邦に入つた後に、刑法第二編第十二章、第十六章から第十九章まで、第二十三章、第二十六章、第二十七章、第三十一章、第三十三章、第三十六章、第三十七章若しくは第三十九章の罪、暴力行為等処罰に関する法律第一条、第一条ノ二若しくは第一条ノ三（刑法第二百二十二条又は第二百六十一条に係る部分を除く。）の罪、盗犯等の防止及び処分に関する法律の罪又は特殊開錠用具の所持の禁止等に関する法律第十五条若しくは第十六条の罪により懲役又は禁錮に処せられたものであるとき。
- (vii) The alien has been sentenced, after entering Japan, to imprisonment with or without work on the charge of a crime provided for in Part II, Chapter XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan, or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others, the Act on Prevention and Disposition of Robbery, Theft, and Other Related Matters, or Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools and Other Related Matters.
- 八 退去強制令書の発付を受けているとき。
- (viii) A written deportation order has been issued to the alien.
- 九 逃亡するおそれがあると疑うに足りる相当の理由があるとき。
- (ix) There are reasonable grounds to suspect that the alien is likely to flee.
- 2 法務大臣は、前項の許可をする場合には、法務省令で定めるところにより、当該許可

に係る滞在期間（以下「仮滞在期間」という。）を決定し、入国審査官に、当該在留資格未取得外国人に対し当該仮滞在期間を記載した仮滞在許可書を交付させるものとする。この場合において、その許可は、当該交付のあつた時に、その記載された内容をもつて効力を生ずる。

(2) When granting the permission set forth in the preceding paragraph, the Minister of Justice shall, pursuant to the provisions of a Ministry of Justice ordinance, decide the period of stay pertaining to the permission (hereinafter referred to as the "period of provisional stay"), and have an immigration inspector issue to the alien without a status of residence a permit for provisional stay that states the period of provisional stay. In this case, the permission shall become effective with the contents thereof and as of the time of issuance.

3 法務大臣は、第一項の許可をする場合には、法務省令で定めるところにより、当該在留資格未取得外国人に対し、住居及び行動範囲の制限、活動の制限、呼出しに対する出頭の義務その他必要と認める条件を付し、かつ、必要があると認める場合は、指紋を押納つさせることができる。

(3) When granting the permission set forth in paragraph (1), the Minister of Justice may, pursuant to the provisions of 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/her fingerprints may be taken.

4 法務大臣は、第一項の許可を受けた外国人から仮滞在期間の更新の申請があつたときは、これを許可するものとする。この場合においては、第二項の規定を準用する。

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

5 第一項の許可を受けた外国人が次の各号に掲げるいずれかの事由に該当することとなつたときは、当該外国人に係る仮滞在期間（前項の規定により更新された仮滞在期間を含む。以下同じ。）は、当該事由に該当することとなつた時に、その終期が到来したものとする。

(5) When an alien with the permission set forth in 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 pursuant to the provisions of the preceding paragraph; the same shall apply hereinafter) shall be deemed to have terminated at the time he/she comes to fall under the item.

一 難民の認定をしない処分につき第六十一条の二の九第一項の異議申立てがなく同条第二項の期間が経過したこと。

(i) The objection set forth in Article 61-2-9, paragraph (1) has not been filed against a denial of recognition of refugee status, and the period set forth in



paragraph (2) of the same Article has passed.

二 難民の認定をしない処分につき第六十一条の二の九第一項の異議申立てがあつた場合において、当該異議申立てが取り下げられ、又はこれを却下若しくは棄却する旨の決定があつたこと。

(ii) The objection set forth in Article 61-2-9, paragraph (1) has been filed against a denial of recognition of refugee status, but the objection has been withdrawn or a decision has been made to deny or dismiss the objection.

三 難民の認定がされた場合において、第六十一条の二の二第一項及び第二項の許可をしない処分があつたこと。

(iii) The alien has been recognized as a refugee but has not been granted the permission set forth in Article 61-2-2, paragraph (1) or paragraph (2).

四 次条の規定により第一項の許可が取り消されたこと。

(iv) The permission set forth in paragraph (1) has been revoked pursuant to the provisions of the next Article.

五 第六十一条の二第一項の申請が取り下げられたこと。

(v) The application set forth in Article 61-2, paragraph (2) has been withdrawn.

#### 第六十一条の二の五（仮滞在の許可の取消し）

#### Article 61-2-5 (Revocation of Permission for Provisional Stay)

法務大臣は、前条第一項の許可を受けた外国人について、次の各号に掲げるいずれかの事実が判明したときは、法務省令で定める手続により、当該許可を取り消すことができる。

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

一 前条第一項の許可を受けた当時同項第四号から第八号までのいずれかに該当していたこと。

(i) The alien fell under any of items (iv) to (viii) of paragraph (1) of the preceding Article when he/she was granted the permission set forth in the same paragraph.

二 前条第一項の許可を受けた後に同項第五号又は第七号に該当することとなつたこと。

(ii) The alien has come to fall under item (v) or item (vii) of paragraph (1) of the preceding Article after he/she was granted the permission set forth in the same paragraph.

三 前条第三項の規定に基づき付された条件に違反したこと。

(iii) The alien has violated the conditions imposed pursuant to the provisions of paragraph (3) of the preceding Article.

四 不正に難民の認定を受ける目的で、偽造若しくは変造された資料若しくは虚偽の資料を提出し、又は虚偽の陳述をし、若しくは関係人に虚偽の陳述をさせたこと。

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

五 第二十五条の出国の確認を受けるための手続をしたこと。

(v) The alien has carried out procedures to receive the confirmation of departure set forth in Article 25.

#### 第六十一条の二の六（退去強制手続との関係）

##### Article 61-2-6 (Relation with the Procedures for Deportation)

1 第六十一条の二の二第一項又は第二項の許可を受けた外国人については、当該外国人が当該許可を受けた時に第二十四条各号のいずれかに該当していたことを理由としては、第五章に規定する退去強制の手続（第六十三条第一項の規定に基づく退去強制の手続を含む。以下この条において同じ。）を行わない。

(1) The procedures for deportation provided for in Chapter V (including the procedures for deportation pursuant to the provisions of Article 63, paragraph (1); hereinafter the same shall apply in this Article) shall not be carried out with respect to an alien who has been granted the permission set forth in 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/she was granted the permission.

2 第六十一条の二第一項の申請をした在留資格未取得外国人で第六十一条の二の四第一項の許可を受けたものについては、第二十四条各号のいずれかに該当すると疑うに足りる相当の理由がある場合であつても、当該許可に係る仮滞在期間が経過するまでの間は、第五章に規定する退去強制の手続を停止するものとする。

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

3 第六十一条の二第一項の申請をした在留資格未取得外国人で、第六十一条の二の四第一項の許可を受けていないもの又は当該許可に係る仮滞在期間が経過することとなつたもの（同条第五項第一号から第三号まで及び第五号に該当するものを除く。）について、第五章に規定する退去強制の手続を行う場合には、同条第五項第一号から第三号までに掲げるいずれかの事由に該当することとなるまでの間は、第五十二条第三項の規定による送還（同項ただし書の規定による引渡し及び第五十九条の規定による送還を含む。）を停止するものとする。

(3) When the procedures for deportation provided for in Chapter V are carried out, deportation pursuant to the provisions of Article 52, paragraph (3) (including delivery pursuant to the proviso of the same paragraph and deportation pursuant to the provisions of Article 59) shall be suspended with respect to an alien without

a status of residence who has filed the application set forth in Article 61-2, paragraph (1) and has not been granted the permission set forth in Article 61-2-4, paragraph (1) or whose period of provisional stay pertaining to the permission has passed (except for those who fall under items (i) to (iii) and item (v) of paragraph (5) of the same Article), until the alien falls under any of the cases listed in items (i) to (iii) of paragraph (5) of the same Article.

4 第五十条第一項の規定は、第二項に規定する者で第六十一条の二の四第五項第一号から第三号までのいずれかに該当することとなつたもの又は前項に規定する者に対する第五章に規定する退去強制の手続については、適用しない。

(4) The provisions of Article 50, paragraph (1), shall not apply to the procedures for deportation provided for in Chapter V where they are carried out with respect to the alien prescribed in paragraph (2), who has come to fall under any of items (i) to (iii) of paragraph (5) of Article 61-2-4, or who is prescribed in the preceding paragraph.

#### 第六十一条の二の七（難民の認定の取消し）

##### Article 61-2-7 (Revocation of Recognition of Refugee Status)

1 法務大臣は、本邦に在留する外国人で難民の認定を受けているものについて、次の各号に掲げるいずれかの事実が判明したときは、法務省令で定める手続により、その難民の認定を取り消すものとする。

(1) When any of the facts listed 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.

一 偽りその他不正の手段により難民の認定を受けたこと。

(i) The alien has been recognized as a refugee by deceit or other wrongful means.

二 難民条約第一条C (1)から(6)までのいずれかに掲げる場合に該当することとなつたこと。

(ii) The alien has come to fall under any of the cases listed in Article 1, C-(1) to (6) of the Refugee Convention.

三 難民の認定を受けた後に、難民条約第一条F (a)又は(c)に掲げる行為を行つたこと。

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

2 法務大臣は、前項の規定により難民の認定を取り消す場合には、当該外国人に対し、理由を付した書面をもつて、その旨を通知するとともに、当該外国人に係る難民認定証明書及び難民旅行証明書がその効力を失つた旨を官報に告示する。

(2) The Minister of Justice shall, when revoking the recognition of refugee status pursuant to the provisions of the preceding paragraph, notify the alien concerned in writing with the reason attached, and place a notice in the Official Gazette of

the loss of effect of the certificate of refugee status and the refugee travel document pertaining to the alien.

- 3 前項の規定により難民の認定の取消しの通知を受けたときは、難民認定証明書又は難民旅行証明書の交付を受けている外国人は、速やかに法務大臣にこれらの証明書を返納しなければならない。

- (3) When an alien who has been issued a certificate of refugee status or a refugee travel document receives a notice of revocation of the recognition of refugee status pursuant to the provisions of the preceding paragraph, he must promptly return these certificates to the Minister of Justice.

#### **第六十一条の二の八（難民の認定を受けた者の在留資格の取消し）**

##### **Article 61-2-8 (Revocation of the Status of Residence of an Alien Recognized as a Refugee)**

- 1 法務大臣は、別表第一又は別表第二の上欄の在留資格をもつて本邦に在留する外国人で難民の認定を受けているものについて、偽りその他不正の手段により第六十一条の二の二第一項各号のいずれにも該当しないものとして同項の許可を受けたことが判明したときは、法務省令で定める手続により、当該外国人が現に有する在留資格を取り消すことができる。

- (1) When it is found that an alien residing in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II who is recognized as a refugee has obtained, by deceit or other wrongful means, the permission set forth in Article 61-2-2, paragraph (1) on the grounds that the alien does not fall under any of the items of the same paragraph, the Minister of Justice may revoke his/her status of residence in accordance with the procedures provided for by a Ministry of Justice ordinance.

- 2 第二十二條の四第二項から第七項までの規定は、前項の規定による在留資格の取消しに準用する。この場合において、同条第二項中「入国審査官」とあるのは「難民調査官」と、同条第六項中「第一項（第三号から第五号までに係るものに限る。）」とあるのは「第六十一条の二の八第一項」と読み替えるものとする。

- (2) The provisions of paragraphs (ii) to (vii) of Article 22-4 shall apply mutatis mutandis to the revocation of the status of residence pursuant to the provisions of the preceding paragraph. In this case, "immigration inspector" in paragraph (2) of the same Article shall be deemed to be replaced with "refugee inquirer," and "paragraph (1) (limited to those pertaining to item (iii) to item (v))" in paragraph (6) of the same Article shall be deemed to be replaced with "Article 61-2-8, paragraph (1)."

#### **第六十一条の二の九（異議の申立て）**

##### **Article 61-2-9 (Filing of an Objection)**

- 1 次に掲げる処分に不服がある外国人は、法務省令で定める事項を記載した書面を提出

して、法務大臣に対し異議申立てをすることができる。

- (1) If an alien has an objection to any of the following dispositions, he/she may file an objection with the Minister of Justice by submitting a document that states the matters provided for by a Ministry of Justice ordinance.

一 難民の認定をしない処分

(i) Denial of recognition of refugee status.

二 第六十一条の二の七第一項の規定による難民の認定の取消し

(ii) Revocation of recognition of refugee status as pursuant to the provisions of Article 61-2-7, paragraph (1).

- 2 前項の異議申立てに関する行政不服審査法（昭和三十七年法律第百六十号）第四十五条の期間は、第六十一条の二第二項又は第六十一条の二の七第二項の通知を受けた日から七日以内とする。

- (2) The period as provided for in Article 45 of the Administrative Complaint Investigation Act (Act No. 160 of 1962) for the objection set forth in the preceding paragraph shall be within 7 days from the date on which the alien received the notice set forth in Article 61-2, paragraph (2), or Article 61-2-7, paragraph (2).

- 3 法務大臣は、第一項の異議申立てに対する決定に当たっては、法務省令で定めるところにより、難民審査参与員の意見を聴かなければならない。

- (3) When making a decision on the objection set forth in paragraph (1), the Minister of Justice shall, as provided for by a Ministry of Justice ordinance, consult with the refugee examination counselors.

- 4 法務大臣は、第一項の異議申立てについて行政不服審査法第四十七条第一項又は第二項の規定による決定をする場合には、当該決定に付する理由において、前項の難民審査参与員の意見の要旨を明らかにしなければならない。

- (4) When making the decision pursuant to the provisions of Article 47, paragraph (1) or paragraph (2) of the Administrative Complaint Investigation Act regarding the objection set forth in paragraph (1), the Minister of Justice shall clearly state, in the reason to be attached to the decision, a summary of the opinions of the refugee examination counselors set forth in the preceding paragraph.

- 5 難民審査参与員は、法務大臣に対し、異議申立人又は参加人に口頭で意見を述べる機会を与えるよう求めることができる。この場合において、法務大臣は、速やかにこれらの者に当該機会を与えなければならない。

- (5) The refugee examination counselors may request the Minister of Justice to give the petitioner or intervenor opportunities to present his /her opinion orally. In this case, the Minister of Justice shall immediately give him/her such opportunities.

- 6 難民審査参与員は、行政不服審査法第四十八条において準用する同法第二十五条第一項ただし書又は前項の規定による異議申立人又は参加人の意見の陳述に係る手続に立ち会い、及びこれらの者を審尋することができる。

- (6) The refugee examination counselors may observe the procedures in which the petitioner for objection or intervenor presents his/her opinion pursuant to the

proviso of Article 25, paragraph (1), as applied mutatis mutandis pursuant to Article 48 of the Administrative Complaint Administrative Act, or the preceding paragraph, and may question the petitioner or intervenor.

#### 第六十一条の二十（難民審査参与員）

##### **Article 61-2-10 (Refugee Examination Counselors)**

- 1 法務省に、前条第一項の規定による異議申立てについて、難民の認定に関する意見を提出させるため、難民審査参与員若干人を置く。  
(1) 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 pursuant to the provisions of paragraph (1) of the preceding Article.
- 2 難民審査参与員は、人格が高潔であつて、前条第一項の異議申立てに関し公正な判断をすることができ、かつ、法律又は国際情勢に関する学識経験を有する者のうちから、法務大臣が任命する。  
(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 pursuant to the provisions of paragraph (1) of the preceding Article and have an academic background in law or current international affairs.
- 3 難民審査参与員の任期は、二年とする。ただし、再任を妨げない。  
(3) The term of the refugee examination counselors shall be for 2 years, and they may be reappointed.
- 4 難民審査参与員は、非常勤とする。  
(4) The refugee examination counselors shall execute their duties on a part-time basis.

#### 第六十一条の二十一（難民に関する永住許可の特則）

##### **Article 61-2-11 (Special Provisions on Permanent Residence Permits for Refugees)**

難民の認定を受けている者から第二十二條第一項の永住許可の申請があつた場合には、法務大臣は、同条第二項本文の規定にかかわらず、その者が同項第二号に適合しないときであつても、これを許可することができる。

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

#### 第六十一条の二十二（難民旅行証明書）

##### **Article 61-2-12 (Refugee Travel Document)**

- 1 法務大臣は、本邦に在留する外国人で難民の認定を受けているものが出国しようとするときは、法務省令で定める手続により、その者の申請に基づき、難民旅行証明書を交付するものとする。ただし、法務大臣においてその者が日本国の利益又は公安を害する行為を行うおそれがあると認める場合は、この限りでない。
- (1) The Minister of Justice shall, if an alien residing in Japan who has been recognized as a refugee seeks to depart from Japan, issue a refugee travel document based on an application from 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 the possibility of the person committing acts detrimental to the interests and public security of Japan.
- 2 前項の規定により難民旅行証明書の交付を受ける外国人で、外国の難民旅行証明書を所持するものは、その交付を受ける際に当該外国の難民旅行証明書を法務大臣に提出しなければならない。
- (2) Any alien who is to be issued with a refugee travel document in Japan pursuant to the provisions of the preceding paragraph while possessing a refugee travel document issued by a foreign country shall submit the foreign refugee travel document before receiving the refugee travel document.
- 3 第一項の難民旅行証明書の有効期間は、一年とする。
- (3) The valid period of the refugee travel document set forth in paragraph (1) shall be 1 year.
- 4 第一項の難民旅行証明書の交付を受けている者は、当該証明書の有効期間内は本邦に入学し、及び出国することができる。この場合において、入学については、第二十六条の規定による再入学の許可を要しない。
- (4) A person who has been issued with the refugee travel document set forth in paragraph (1) may enter and depart from Japan within the valid period of the refugee travel document. In this case, the re-entry permission pursuant to the provisions of Article 26 will not be required.
- 5 前項の場合において、法務大臣が特に必要があると認めるときは、三月以上一年未満の範囲内で、当該難民旅行証明書により入学することのできる期限を定めることができる。
- (5) In the case referred to in the preceding paragraph, if the Minister of Justice deems it necessary, the valid period for entry with the refugee travel document may be limited to over 3 months and within 1 year.
- 6 法務大臣は、第一項の難民旅行証明書の交付を受けて入学した者について、当該証明書の有効期間内に入学することができない相当の理由があると認めるときは、その者の申請に基づき、六月を超えない範囲内で、当該証明書の有効期間を延長することができる。
- (6) The Minister of Justice may, if a person who has departed from Japan with the refugee travel document set forth in paragraph (1) has reasonable grounds for not being able to enter Japan within the valid period of the refugee travel document,

extend the valid period of the document by a period not exceeding 6 months based on an application from the person concerned.

7 前項の延長は、難民旅行証明書にその旨を記載して行うものとし、その事務は、日本国領事官等に委任するものとする。

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

8 法務大臣は、第一項の難民旅行証明書の交付を受けている者が日本国の利益又は公安を害する行為を行うおそれがあると認めるときは、その者が本邦にある間において、法務省令で定めるところにより、その者に対して、期限を付して、その所持する難民旅行証明書の返納を命ずることができる。

(8) The Minister of Justice may, if he/she finds that there is the possibility of the person who has been issued the refugee travel document set forth in paragraph (1) committing an act detrimental to the interests or public security of Japan, order the person while he/she is in Japan to return the refugee travel document within a time limit pursuant to the provisions of a Ministry of Justice Ordinance.

9 前項の規定により返納を命ぜられた難民旅行証明書は、その返納があつたときは当該返納の時に、同項の期限までに返納がなかつたときは当該期限を経過した時に、その効力を失う。この場合において、同項の期限までに返納がなかつたときは、法務大臣は、当該難民旅行証明書がその効力を失つた旨を官報に告示する。

(9) The refugee travel document ordered to be returned pursuant to the provisions of the preceding paragraph shall lose its effect at the time it is returned or at the time it passes the expiration date set forth in the same paragraph if it is not returned. In this case, the Minister of Justice shall, if it is not returned within the time limit set forth in the same paragraph, place a notice in the Official Gazette of the loss of effect of the refugee travel document concerned.

**第六十一条の二の十三**（退去強制令書の発付に伴う難民認定証明書等の返納）

**Article 61-2-13 (Return of the Certificate of Refugee Status Following Issuance of a Deportation Order)**

本邦に在留する外国人で難民の認定を受けているものが、第四十七条第五項、第四十八条第九項若しくは第四十九条第六項の規定により、又は第六十三条第一項の規定に基づく退去強制の手續において退去強制令書の発付を受けたときは、当該外国人は、速やかに法務大臣にその所持する難民認定証明書及び難民旅行証明書を返納しなければならない。

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



#### 第六十一条の二の十四（事実の調査）

##### **Article 61-2-14 (Inquiry into the Facts)**

- 1 法務大臣は、難民の認定、第六十一条の二の二第一項若しくは第二項、第六十一条の二の三若しくは第六十一条の二の四第一項の規定による許可、第六十一条の二の五の規定による許可の取消し、第六十一条の二の七第一項の規定による難民の認定の取消し又は第六十一条の二の八第一項の規定による在留資格の取消しに関する処分を行うため必要がある場合には、難民調査官に事実の調査をさせることができる。
  - (1) The Minister of Justice may have a refugee inquirer inquire into the facts, if necessary for the recognition of refugee status, the granting of permission pursuant to the provisions of Article 61-2-2, paragraph (1) or paragraph (2), Article 61-2-3 or Article 61-2-4, paragraph (1), the revocation of permission pursuant to the provisions of Article 61-2-5, the revocation of recognition of refugee status pursuant to the provisions of Article 61-2-7, paragraph (1), or the revocation of status of residence pursuant to the provisions of Article 61-2-8, paragraph (1).
- 2 難民調査官は、前項の調査のため必要があるときは、関係人に対し出頭を求め、質問をし、又は文書の提示を求めることができる。
  - (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 set forth in the preceding paragraph.
- 3 法務大臣又は難民調査官は、第一項の調査について、公務所又は公私の団体に照会して必要な事項の報告を求めることができる。
  - (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 set forth in paragraph (1).

#### 第八章 補則

##### **CHAPTER VIII AUXILIARY PROVISIONS**

#### 第六十一条の三（入国審査官）

##### **Article 61-3 (Immigration Inspector)**

- 1 入国者収容所及び地方入国管理局に、入国審査官を置く。
  - (1) Immigration detention centers and regional immigration bureaus shall have immigration inspectors assigned.
- 2 入国審査官は、次の事務を行う。
  - (2) The duties of an immigration inspector shall be as follows:
    - 一 上陸及び退去強制についての審査及び口頭審理並びに出国命令についての審査を行うこと。
      - (i) To conduct examinations and hearings pertaining to landing and deportation

as well as examination of departure orders.

二 第二十二條の四第二項（第六十一條の二の八第二項において準用する場合を含む。）の規定による意見の聴取を行うこと。

(ii) To hear opinions pursuant to the provisions of Article 22-4, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)).

三 収容令書又は退去強制令書を発付すること。

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

四 収容令書又は退去強制令書の発付を受けて収容されている者を仮放免すること。

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

五 第五十五條の三第一項の規定による出国命令をすること。

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

六 第五十九條の二第一項及び第六十一條の二の十四第一項に規定する事実の調査を行うこと。

(vi) To conduct inquiries into facts prescribed in Article 59-2, paragraph (1) and Article 61-2-14, paragraph (1).

3 地方入国管理局に置かれた入国審査官は、必要があるときは、その地方入国管理局の管轄区域外においても、職務を行うことができる。

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

#### 第六十一條の三の二（入国警備官）

##### **Article 61-3-2 (Immigration Control Officer)**

1 入国者収容所及び地方入国管理局に、入国警備官を置く。

(1) Immigration detention centers and regional immigration bureaus shall have immigration control officers assigned.

2 入国警備官は、左の事務を行う。

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

一 入国、上陸又は在留に関する違反事件を調査すること。

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

二 収容令書及び退去強制令書を執行するため、その執行を受ける者を収容し、護送し、及び送還すること。

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

三 入国者収容所、収容場その他の施設を警備すること。

(iii) To guard immigration detention centers, detention houses and any other

facility.

3 前条第三項の規定は、入国警備官に準用する。

(3) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to an immigration control officer.

4 入国警備官は、国家公務員法（昭和二十二年法律第一百二十号）の規定の適用については、警察職員とする。

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

5 入国警備官の階級は、別に政令で定める。

(5) The ranks of immigration control officers shall be separately provided for by a Cabinet Order.

#### 第六十一条の四（武器の携帯及び使用）

##### Article 61-4 (Carrying and Use of Weapons)

1 入国審査官及び入国警備官は、その職務を行うに当り、武器を携帯することができる。

(1) An immigration inspector and an immigration control officer may carry weapons in executing their duties.

2 入国審査官及び入国警備官は、その職務の執行に関し、その事態に応じ、合理的に必要と判断される限度において、武器を使用することができる。但し、左の各号の一に該当する場合を除く外、人に危害を加えてはならない。

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

一 刑法第三十六条又は第三十七条に該当するとき。

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

二 収容令書又は退去強制令書の執行を受ける者がその者に対する入国審査官若しくは入国警備官の職務の執行に対して抵抗しようとする場合又は第三者がその者を逃がそうとして入国審査官若しくは入国警備官に抵抗する場合において、これを防止するために他の手段がないと入国審査官又は入国警備官において信ずるに足りる相当の理由があるとき。

(ii) The person subject to enforcement of a written detention order or deportation order attempts to resist the immigration inspector or immigration control officer executing his/her duties with respect to such person, or a third person resists the immigration inspector or immigration control officer in an attempt to 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.

#### 第六十一条の五（制服及び証票）

#### **Article 61-5 (Uniform and Identification Card)**

- 1 入国審査官及び入国警備官がその職務を執行する場合においては、法令に特別の規定がある場合のほか、制服を着用し、又はその身分を示す証票を携帯しなければならない。  
(1) An immigration inspector and an immigration control officer shall, when they execute their duties, except as otherwise provided for by laws and regulations, wear their respective uniforms or carry with them a proper identification card indicating their official status.
- 2 前項の証票は、職務の執行を受ける者の要求があるときは、その者にこれを呈示しなければならない。  
(2) The identification card set forth in the preceding paragraph shall be shown upon request to the person against whom the immigration inspector or immigration control officer is to execute his/her duties.
- 3 第一項の制服及び証票の様式は、法務省令で定める。  
(3) The forms of the uniform and identification card set forth in paragraph (1) shall be provided for by a Ministry of Justice ordinance.

#### **第六十一条の六 (収容場)**

##### **Article 61-6 (Detention House)**

地方入国管理局に、収容令書の執行を受ける者を収容する収容場を設ける。

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

#### **第六十一条の七 (被収容者の処遇)**

##### **Article 61-7 (Treatment of Detainees)**

- 1 入国者収容所又は収容場に収容されている者（以下「被収容者」という。）には、入国者収容所又は収容場の保安上支障がない範囲内においてできる限りの自由が与えられなければならない。  
(1) A person detained in an immigration detention center or detention house (hereinafter referred to as "detainee") shall be given maximum liberty consistent with the security requirements of the immigration detention center or the detention house.
- 2 被収容者には、一定の寝具を貸与し、及び一定の糧食を給与するものとする。  
(2) The detainee shall be provided with prescribed bedding and supplied with prescribed food.
- 3 被収容者に対する給養は、適正でなければならず、入国者収容所又は収容場の設備は、衛生的でなければならない。  
(3) The supplies furnished to the detainee shall be adequate and the accommodation of the immigration detention center or detention house shall be maintained in sanitary conditions.
- 4 入国者収容所長又は地方入国管理局長は、入国者収容所又は収容場の保安上又は衛生

上必要があると認めるときは、被収容者の身体、所持品又は衣類を検査し、及びその所持品又は衣類を領置することができる。

(4) The director of an immigration detention center or regional immigration bureau may, when he/she considers it necessary for the security or sanitation purposes of the immigration detention center or detention house, examine the body, personal effects or clothing of the detainee, and may retain the detainee's personal effects or clothing.

5 入国者収容所長又は地方入国管理局長は、入国者収容所又は収容場の保安上必要があると認めるときは、被収容者の発受する通信を検閲し、及びその発受を禁止し、又は制限することができる。

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

6 前各項に規定するものを除く外、被収容者の処遇に関し必要な事項は、法務省令で定める。

(6) In addition to those matters prescribed in the preceding paragraphs, necessary matters pertaining to the treatment of detainees shall be provided for by a Ministry of Justice ordinance.

#### 第六十一条の八 （関係行政機関の協力）

##### Article 61-8 (Cooperation of Other Administrative Organs)

1 法務省の内部部局として置かれる局で政令で定めるもの、入国者収容所又は地方入国管理局の長は、警察庁、都道府県警察、海上保安庁、税関、公共職業安定所その他の関係行政機関に対し、出入国の管理及び難民の認定に関する事務の遂行に関して、必要な協力を求めることができる。

(1) The director general of an internal bureau of the Ministry of Justice, as provided for by a Cabinet Order, or the director of an immigration detention center or a regional immigration bureau may request necessary cooperation from the National Police Agency, the Metropolitan Police Department, Prefectural Police Headquarters, the Japan Coast Guard, Customs, Public Employment Office and other relevant administrative organs with regard to the execution of duties pertaining to immigration control and recognition of refugee status.

2 前項の規定による協力を求められた関係行政機関は、本来の任務の遂行を妨げない範囲において、できるだけその求に応じなければならない。

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

#### 第六十一条の九（情報提供）

##### Article 61-9 (Provision of Information)

- 1 法務大臣は、出入国管理及び難民認定法に規定する出入国の管理及び難民の認定の職務に相当する職務を行う外国の当局（以下この条において「外国入国管理当局」という。）に対し、その職務（出入国管理及び難民認定法に規定する出入国の管理及び難民の認定の職務に相当するものに限る。次項において同じ。）の遂行に資すると認める情報を提供することができる。
  - (1) 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 provided for 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 execution of their duties (limited to those corresponding to the duties of immigration control and recognition of refugee status provided for by the Immigration Control and Refugee Recognition Act; hereinafter the same shall apply in the next paragraph).
- 2 前項の規定による情報の提供については、当該情報が当該外国入国管理当局の職務の遂行に資する目的以外の目的で使用されないよう適切な措置がとられなければならない。
  - (2) Upon the provision of information pursuant to the provisions of the preceding paragraph, appropriate measures shall be taken to ensure that the information is not used for purposes other than helping the foreign immigration authorities execute their duties.
- 3 法務大臣は、外国入国管理当局からの要請があつたときは、前項の規定にかかわらず、次の各号のいずれかに該当する場合を除き、第一項の規定により提供した情報を当該要請に係る外国の刑事事件の捜査又は審判（以下この項において「捜査等」という。）に使用することについて同意をすることができる。
  - (3) Upon receiving a request from foreign immigration authorities, the Minister of Justice may, notwithstanding the provisions of the preceding paragraph, give consent for the information provided pursuant to the provisions of paragraph (1) to be used for the investigation or adjudication of a foreign criminal case pertaining to the request, except in any of the following cases.
    - 一 当該要請に係る刑事事件の捜査等の対象とされている犯罪が政治犯罪であるとき、又は当該要請が政治犯罪について捜査等を行う目的で行われたものと認められるとき。
      - (i) The crime subject to the investigation or adjudication of the criminal case in the request is a political crime or the request appears to have been made for the purpose of conducting the investigation or adjudication of a political crime.
    - 二 当該要請に係る刑事事件の捜査等の対象とされている犯罪に係る行為が日本国内において行われたとした場合において、その行為が日本国の法令によれば罪に当たるものでないとき。

(ii) The act pertaining to the crime subject to the investigation or adjudication of the criminal case in the request would not constitute a crime pursuant to Japanese laws or regulations if it were committed in Japan.

三 日本国が行う同種の要請に応ずる旨の要請国の保証がないとき。

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

4 法務大臣は、前項の同意をする場合においては、あらかじめ、同項第三号に該当しないことについて、外務大臣の確認を受けなければならない。

(4) When giving the consent set forth in the preceding paragraph, the Minister of Justice shall, in advance, receive confirmation from the Minister of Foreign Affairs that the request does not fall under item (iii) of the preceding paragraph.

#### 第六十一条の十 (出入国管理基本計画)

##### Article 61-10 (Basic Plan for Immigration Control)

1 法務大臣は、出入国の公正な管理を図るため、外国人の入国及び在留の管理に関する施策の基本となるべき計画（以下「出入国管理基本計画」という。）を定めるものとする。

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

2 出入国管理基本計画に定める事項は、次のとおりとする。

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

一 本邦に入国し、在留する外国人の状況に関する事項

(i) Matters relating to aliens entering into and residing in Japan.

二 外国人の入国及び在留の管理の指針となるべき事項

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

三 前二号に掲げるもののほか、外国人の入国及び在留の管理に関する施策に関し必要な事項

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

3 法務大臣は、出入国管理基本計画を定めるに当たっては、あらかじめ、関係行政機関の長と協議するものとする。

(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 法務大臣は、出入国管理基本計画を定めたときは、遅滞なく、その概要を公表するものとする。

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

5 前二項の規定は、出入国管理基本計画の変更について準用する。

(5) The provisions of the preceding two paragraphs shall apply mutatis mutandis to

modifications of the Basic Plan for Immigration Control.

#### 第六十一条の十一

##### Article 61-11

法務大臣は、出入国管理基本計画に基づいて、外国人の出入国を公正に管理するよう努めなければならない。

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.

#### 第六十二条（通報）

##### Article 62 (Furnishing of Information)

- 1 何人も、第二十四条各号の一に該当すると思料する外国人を知つたときは、その旨を通報することができる。
- (1) Any person may, if he/she has knowledge of an alien whom he/she believes to fall under any of the items of Article 24, report such information.
- 2 国又は地方公共団体の職員は、その職務を遂行するに当つて前項の外国人を知つたときは、その旨を通報しなければならない。
- (2) Any official of the Government or a local public entity shall, if he/she has come to have knowledge of such an alien set forth in the preceding paragraph in the execution of his/her duties, report such information.
- 3 矯正施設の長は、第一項の外国人が刑の執行を受けている場合において、刑期の満了、刑の執行の停止その他の事由（仮釈放を除く。）により釈放されるとき、又は少年法第二十四条第一項第三号若しくは売春防止法（昭和三十一年法律第百十八号）第十七条の処分を受けて退院するときは、直ちにその旨を通報しなければならない。
- (3) In cases of the alien set forth in paragraph (1) who is serving a sentence and is to be released due to completion of the sentence, discontinuance of execution of the sentence or for any other reason (except for 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 prescribed in Article 24, paragraph (1), item (iii) of the Juvenile Act or in Article 17 of the Anti-Prostitution Act (Act No. 118 of 1956), the head of the correctional institution shall report such information immediately.
- 4 地方更生保護委員会は、第一項の外国人が刑の執行を受けている場合又は少年法第二十四条第一項第三号の処分を受けて少年院に在院している場合若しくは売春防止法第十七条の処分を受けて婦人補導院に在院している場合において、当該外国人について仮釈放又は仮退院の許可決定をしたときは、直ちにその旨を通報しなければならない。
- (4) The district offenders rehabilitation commission, in cases of the alien set forth in paragraph (1) who is serving a sentence or has been committed to a juvenile prison under the disposition prescribed in Article 24, paragraph (1), item (iii) of the Juvenile Act or to a women's guidance home under the disposition prescribed



in Article 17 of the Anti-Prostitution Act, when granting release on parole, or provisional release from a juvenile prison or women's guidance home, shall report such information immediately.

5 前四項の通報は、書面又は口頭をもつて、所轄の入国審査官又は入国警備官に対してしなければならない。

(5) The information set forth in the preceding four paragraphs shall be submitted, orally or in writing, to an authorized immigration inspector or immigration control officer.

#### 第六十三条 (刑事手続との関係)

#### Article 63 (Relation with Criminal Procedures)

1 退去強制対象者に該当する外国人について刑事訴訟に関する法令、刑の執行に関する法令又は少年院若しくは婦人補導院の在院者の処遇に関する法令の規定による手続が行われる場合には、その者を収容しないときでも、その者について第五章（第二節並びに第五十二条及び第五十三条を除く。）の規定に準じ退去強制の手続を行うことができる。この場合において、第二十九条第一項中「容疑者の出頭を求め」とあるのは「容疑者の出頭を求め、又は自ら出張して」と、第四十五条第一項中「前条の規定により容疑者の引渡しを受けたときは」とあるのは「違反調査の結果、容疑者が退去強制対象者に該当すると疑うに足りる理由があるときは」と読み替えるものとする。

(1) In cases of procedures provided for by laws and regulations 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 pursuant to the provisions of Chapter V (except for Section II, and Articles 52 and 53) applicable mutatis mutandis, even when he/she is not being detained. In this case, "request the appearance of the suspect" in Article 29, paragraph (1), shall be deemed to be replaced with "request the appearance of the suspect or make a visit in person," and "when a suspect has been delivered to him/her pursuant to the provisions of the preceding Article" in Article 45, paragraph (1), shall be deemed to be replaced with "when, as a result of investigation into violations, he/she has reasonable grounds to believe that the suspect falls under the category of an alien subject to deportation."

2 前項の規定に基き、退去強制令書が発付された場合には、刑事訴訟に関する法令、刑の執行に関する法令又は少年院若しくは婦人補導院の在院者の処遇に関する法令の規定による手続が終了した後、その執行をするものとする。但し、刑の執行中においても、検事総長又は検事長の許可があるときは、その執行をすることができる。

(2) In cases of a written deportation order having been issued pursuant to the provisions of the preceding paragraph, the enforcement of such order shall be carried out after the procedures pursuant to the provisions of laws and regulations related to criminal suits, enforcement of sentences or treatment of 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/her sentence.

- 3 入国審査官は、第四十五条又は第五十五条の二第二項の審査に当たつて、容疑者が罪を犯したと信ずるに足りる相当の理由があるときは、検察官に告発するものとする。
- (3) If an immigration inspector, when carrying out the examination set forth in Article 45 or Article 55-2, paragraph (2), finds reasonable grounds to believe that the suspect has committed a crime, he/she shall file a formal accusation against him/her with a public prosecutor.

#### 第六十四条 (身柄の引渡)

##### Article 64 (Delivery of the Suspect)

- 1 検察官は、第七十条の罪に係る被疑者を受け取つた場合において、公訴を提起しないと決定するときは、入国警備官による収容令書又は退去強制令書の呈示をまつて、当該被疑者を釈放して当該入国警備官に引き渡さなければならない。
- (1) If a public prosecutor has taken delivery of a suspect for an offense set forth in Article 70 but has decided not to institute prosecution, he/she shall release the suspect and deliver him/her to an immigration control officer upon presentation of a written detention order or deportation order.
- 2 矯正施設の長は、第六十二条第三項又は第四項の場合において、当該外国人に対し収容令書又は退去強制令書の発付があつたときは、入国警備官による収容令書又は退去強制令書の呈示をまつて、釈放と同時にその者を当該入国警備官に引き渡さなければならない。
- (2) The head of the correctional institution shall, in the case referred to in 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/her release deliver him/her to the immigration control officer concerned upon presentation of a written detention order or deportation order.

#### 第六十五条 (刑事訴訟法の特例)

##### Article 65 (Special Cases to the Code of Criminal Procedure)

- 1 司法警察員は、第七十条の罪に係る被疑者を逮捕し、若しくは受け取り、又はこれらの罪に係る現行犯人を受け取つた場合には、収容令書が発付され、且つ、その者が他に罪を犯した嫌疑のないときに限り、刑事訴訟法（昭和二十三年法律第百三十一号）第二百三条（同法第二百十一条及び第二百十六条の規定により準用する場合を含む。）の規定にかかわらず、書類及び証拠物とともに、当該被疑者を入国警備官に引き渡すことができる。
- (1) A judicial police officer may, in cases where he/she has arrested or taken delivery of a suspect for any of the offenses set forth in Article 70, or of a flagrant

offender for 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 provisions of Article 203 of the Code of Criminal Procedure (Act No. 131 of 1948) (including cases where it is applied *mutatis mutandis* pursuant to the provisions of Articles 211 and 216 thereof).

2 前項の場合には、被疑者が身体を拘束された時から四十八時間以内に、当該被疑者を引き渡す手続をしなければならない。

(2) In the case referred to in 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.

#### **第六十六条 (報償金)**

##### **Article 66 (Reward for Providing Information)**

第六十二条第一項の規定による通報をした者がある場合において、その通報に基いて退去強制令書が発付されたときは、法務大臣は、法務省令で定めるところにより、その通報者に対し、五万円以下の金額を報償金として交付することができる。但し、通報が国又は地方公共団体の職員がその職務の遂行に伴い知り得た事実に基くものであるときは、この限りでない。

If a person has furnished information pursuant to the provisions of 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 pursuant to the provisions of a Ministry of Justice ordinance. However, this shall not apply to 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 execution of his/her duties.

#### **第六十七条 (手数料)**

##### **Article 67 (Fees)**

外国人は、次に掲げる許可を受ける場合には、当該許可に係る記載、交付又は証印の時に、一万円を超えない範囲内において別に政令で定める額の手数料を納付しなければならない。

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

一 第二十条の規定による在留資格の変更の許可

(i) Permission for change of status of residence pursuant to the provisions of Article 20.

二 第二十一条の規定による在留期間の更新の許可

(ii) Permission for extension of period of stay pursuant to the provisions of Article

21.

三 第二十二条の規定による永住許可

(iii) Permission for permanent residence pursuant to the provisions of Article 22.

四 第二十六条の規定による再入国の許可（有効期間の延長の許可を含む。）

(iv) Re-entry permission pursuant to the provisions of Article 26 (including permission for extension of the valid period).

## 第六十七条の二

### Article 67-2

外国人は、第十九条の二第一項の規定により就労資格証明書の交付を受けるときは、実費を勘案して別に政令で定める額の手数料を納付しなければならない。

Any alien who is issued the certificate of authorization for employment pursuant to the provisions of Article 19-2, paragraph (1), shall pay a fee in the amount as provided for by a separate Cabinet Order, which shall be determined by calculating the actual expenses.

## 第六十八条

### Article 68

1 外国人は、第六十一条の二の十二第一項の規定により難民旅行証明書の交付を受け、又は同条第七項の規定により難民旅行証明書に有効期間の延長の記載を受けるときは、手数料を納付しなければならない。

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

2 前項に規定する手数料の額は、難民条約附属書第三項の定めるところにより、別に政令で定める。

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

## 第六十九条（省令への委任）

### Article 69 (Entrustment to a Ministerial Ordinance)

第二章からこの章までの規定の実施のための手続その他その執行について必要な事項は、法務省令で定める。

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

## 第六十九条の二（権限の委任）

### **Article 69-2 (Delegation of Authority)**

出入国管理及び難民認定法に規定する法務大臣の権限は、法務省令で定めるところにより、地方入国管理局長に委任することができる。ただし、第二十二條第二項（第二十二條の二第四項（第二十二條の三において準用する場合を含む。）において準用する場合を含む。）に規定する権限及び第二十二條の四第一項に規定する権限（永住者の在留資格に係るものに限る。）並びに第六十一條の二の七第一項及び第六十一條の二の十一に規定する権限については、この限りでない。

The authority of the Minister of Justice provided for by the Immigration Control and Refugee Recognition Act may be delegated to the director of a regional immigration bureau pursuant to the provisions of a Ministry of Justice ordinance. However, this shall not apply to the authorities prescribed in Article 22, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 22-2, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 22-3)), the authorities prescribed in Article 22-4, paragraph (1) (limited to those pertaining to the status of permanent resident), and the authorities prescribed in Article 61-2-7, paragraph (1) and Article 61-2-11.

### **第六十九條の三（経過措置）**

### **Article 69-3 (Transitional Measures)**

出入国管理及び難民認定法の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

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

## **第九章 罰 則**

## **CHAPTER IX PENAL PROVISIONS**

### **第七十條**

### **Article 70**

1 次の各号のいずれかに該当する者は、三年以下の懲役若しくは禁錮若しくは三百万円以下の罰金に処し、又はその懲役若しくは禁錮及び罰金を併科する。

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

一 第三條の規定に違反して本邦に入つた者

(i) A person who has entered Japan in violation of the provisions of Article 3.

二 入国審査官から上陸の許可等を受けないで本邦に上陸した者

(ii) A person who has landed in Japan without obtaining permission for landing from an immigration inspector.

三 第二十二条の四第一項（第一号又は第二号に係るものに限る。）の規定により在留資格を取り消された者で本邦に残留するもの

(iii) A person whose status of residence has been revoked pursuant to the provisions of Article 22-4, paragraph (1) (limited to those pertaining to item (i) or item (ii)) and has stayed in Japan.

三の二 第二十二条の四第六項（第六十一条の二の八第二項において準用する場合を含む。）の規定により期間の指定を受けた者で、当該期間を経過して本邦に残留するもの

(iii-2) A person who has received a designation of period pursuant to the provisions of Article 22-4, paragraph (6) (including cases where it is applied mutatis mutandis pursuant to Article 61-2-8, paragraph (2)) and has stayed in Japan beyond the period designated.

四 第十九条第一項の規定に違反して収入を伴う事業を運営する活動又は報酬を受ける活動を専ら行っていると明らかに認められる者

(iv) A person who is clearly found to be engaged solely in activities related to the management of business involving income or activities for which he/she has received reward in violation of the provisions of Article 19, paragraph (1).

五 在留期間の更新又は変更を受けないで在留期間を経過して本邦に残留する者

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

六 仮上陸の許可を受けた者で、第十三条第三項の規定に基づき付された条件に違反して、逃亡し、又は正当な理由がなくて呼出しに応じないもの

(vi) A person who has been granted permission for provisional landing and has fled or failed to appear at a summons without justifiable reason in violation of the conditions imposed pursuant to the provisions of Article 13, paragraph (3).

七 寄港地上陸の許可、通過上陸の許可、乗員上陸の許可、緊急上陸の許可、遭難による上陸の許可又は一時庇護のための上陸の許可を受けた者で、旅券又は当該許可書に記載された期間を経過して本邦に残留するもの

(vii) A person who has been granted permission for landing at a port of call, permission for landing in transit, landing permission for crew members, permission for emergency landing, landing permission due to distress or landing permission for temporary refuge, and has stayed in Japan beyond the period entered in his/her passport or permit.

七の二 第十六条第九項の規定により期間の指定を受けた者で当該期間内に帰船し又は出国しないもの

(vii-2) A person, who has been designated a period for departure pursuant to the

provisions of Article 16, paragraph (9), and has not returned to his/her vessel or departed from Japan within that period.

八 第二十二條の二第一項に規定する者で、同条第三項において準用する第二十条第三項及び第四項の規定又は第二十二條の二第四項において準用する第二十二條第二項及び第三項の規定による許可を受けないで、第二十二條の二第一項に規定する期間を経過して本邦に残留するもの

(viii) A person prescribed in Article 22-2, paragraph (1), who has stayed in Japan beyond the period prescribed in Article 22-2, paragraph (1), without receiving permission pursuant to the provisions of Article 20, paragraphs (3) and (4) applied mutatis mutandis to Article 22-2, paragraph (3), or pursuant to the provisions of Article 22, paragraphs (2) and (3), applied mutatis mutandis to Article 22-2, paragraph (4).

八の二 第五十五條の三第一項の規定により出国命令を受けた者で、当該出国命令に係る出国期限を経過して本邦に残留するもの

(viii-2) A person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1), and has stayed in Japan beyond the time limit for departure pertaining to the departure order.

八の三 第五十五條の六の規定により出国命令を取り消された者で本邦に残留するもの

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

八の四 第六十一條の二の四第一項の許可を受けた者で、仮滞在期間を経過して本邦に残留するもの

(viii-4) A person who has been granted the permission set forth in Article 61-2-4, paragraph (1), and has stayed in Japan beyond the period of provisional stay.

九 偽りその他不正の手段により難民の認定を受けた者

(ix) A person who was recognized as a refugee by deceit or other wrongful means.

2 前項第一号又は第二号に掲げる者が、本邦に上陸した後引き続き不法に在留するときも、同項と同様とする。

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

## 第七十條の二

### Article 70-2

前条第一項第一号、第二号、第五号若しくは第七号又は同条第二項の罪を犯した者については、次の各号に該当することの証明があつたときは、その刑を免除する。ただし、当該罪に係る行為をした後遅滞なく入国審査官の面前において、次の各号に該当することの申出をした場合に限る。

Any person who has committed any of the offenses set forth in items (i), (ii), (v), (vii) of paragraph (1) or paragraph (2) of the preceding Article, may be exempt from penalty if the evidence produced applies to each of the following items.

However, this shall be limited to the cases where after having committed the act pertaining to the crime, a report was submitted without delay in the presence of an immigration inspector corresponding to the following items:

一 難民であること。

(i) He/She is a refugee.

二 その者の生命、身体又は身体的自由が難民条約第一条A (2)に規定する理由によつて害されるおそれのあつた領域から、直接本邦に入つたものであること。

(ii) He/She entered Japan directly from a territory where his/her life, body or physical freedom was likely to be persecuted on the grounds prescribed in Article 1, paragraph A-(2) of the Refugee Convention.

三 前号のおそれがあることにより当該罪に係る行為をしたものであること。

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

## 第七十一条

### Article 71

第二十五条第二項又は第六十条第二項の規定に違反して出国し、又は出国することを企てた者は、一年以下の懲役若しくは禁錮若しくは三十万円以下の罰金に処し、又はその懲役若しくは禁錮及び罰金を併科する。

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 work for not more than 1 year or a fine not exceeding 300,000 yen, or shall be subject to the cumulative imposition of imprisonment with or without work and a fine.

## 第七十二条

### Article 72

次の各号のいずれかに該当する者は、一年以下の懲役若しくは二十万円以下の罰金に処し、又はこれを併科する。

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

一 収容令書又は退去強制令書によつて身柄を拘束されている者で逃走したもの

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

二 第五十二条第六項の規定により放免された者で、同項の規定に基づき付された条件に違反して、逃亡し、又は正当な理由がなくて呼出しに応じないもの

(ii) When a person released pursuant to the provisions of Article 52, paragraph (6) has fled or has failed to appear at a summons without justifiable reason in



violation of the conditions imposed pursuant to the provisions of the same paragraph.

三 一時庇護のための上陸の許可を受けた者で、第十八条の二第四項の規定に基づき付された条件に違反して逃亡したもの

(iii) When a person permitted to land for temporary refuge has escaped in violation of the conditions imposed pursuant to the provisions of Article 18-2, paragraph (4).

三の二 第五十五条の三第一項の規定により出国命令を受けた者で、同条第三項の規定に基づき付された条件に違反して逃亡したもの

(iii-2) When a person who has been given a departure order pursuant to the provisions of Article 55-3, paragraph (1) has escaped in violation of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article.

三の三 第六十一条の二の四第一項の許可を受けた者で、同条第三項の規定に基づき付された条件に違反して、逃亡し、又は正当な理由がなくて呼出しに応じないもの

(iii-3) When a person who has been given the permission set forth in Article 61-2-4, paragraph (1) has fled or has failed to appear at a summons without justifiable reason, in violation of the conditions imposed pursuant to the provisions of paragraph (3) of the same Article.

四 第六十一条の二の七第三項又は第六十一条の二の十三の規定に違反して難民認定証明書又は難民旅行証明書を返納しなかつた者

(iv) 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.

五 第六十一条の二の十二第八項の規定により難民旅行証明書の返納を命ぜられた者で、同項の規定により付された期限内にこれを返納しなかつたもの

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

## 第七十三条

### Article 73

第七十条第一項第四号に該当する場合を除き、第十九条第一項の規定に違反して収入を伴う事業を運営する活動又は報酬を受ける活動を行つた者は、一年以下の懲役若しくは禁錮若しくは二百万円以下の罰金に処し、又はその懲役若しくは禁錮及び罰金を併科する。

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

not exceeding 2 million yen, or shall be subject to the cumulative punishment of imprisonment with or without work and a fine.

## 第七十三条の二

### Article 73-2

- 1 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。
  - (1) Any person falling under any of the following items shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 3 million yen, or shall be subject to the cumulative imposition of imprisonment and a fine.
    - 一 事業活動に関し、外国人に不法就労活動をさせた者
      - (i) A person who has had an alien engage in illegal work in connection with business activities.
    - 二 外国人に不法就労活動をさせるためにこれを自己の支配下に置いた者
      - (ii) A person who has placed an alien under his/her control for the purpose of having the alien engage in illegal work.
    - 三 業として、外国人に不法就労活動をさせる行為又は前号の行為に関しあつせんした者
      - (iii) A person who has repeatedly arranged on a regular basis the procurement of an alien to engage in illegal work or the act set forth in the preceding item.
  - 2 前項において、不法就労活動とは、第十九条第一項の規定に違反する活動又は第七十条第一項第一号から第三号の二まで、第五号、第七号、第七号の二若しくは第八号の二から第八号の四までに掲げる者が行う活動であつて報酬その他の収入を伴うものをいう。
    - (2) The illegal work set forth in the preceding paragraph means activities which violate the provisions of Article 19, paragraph (1), or activities committed by those listed in Article 70, paragraph (1), items (i) to (iii-2), (v), (vii), (vii-2), or (viii-2) to (viii-4), and for which he/she has received reward or other income.

## 第七十四条

### Article 74

- 1 自己の支配又は管理の下にある集団密航者（入国審査官から上陸の許可等を受けないで、又は偽りその他不正の手段により入国審査官から上陸の許可等を受けて本邦に上陸する目的を有する集合した外国人をいう。以下同じ。）を本邦に入らせ、又は上陸させた者は、五年以下の懲役又は三百万円以下の罰金に処する。
  - (1) 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 deceit or other wrongful means; the same shall apply

hereinafter) under his/her control enter into Japan or land in Japan shall be punished with imprisonment with work for not more than 5 years or a fine not exceeding 3 million yen.

2 営利の目的で前項の罪を犯した者は、一年以上十年以下の懲役及び千万円以下の罰金に処する。

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

3 前二項の罪（本邦に上陸させる行為に係る部分に限る。）の未遂は、罰する。

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

#### 第七十四条の二

##### Article 74-2

1 自己の支配又は管理の下にある集団密航者を本邦に向けて輸送し、又は本邦内において上陸の場所に向けて輸送した者は、三年以下の懲役又は二百万円以下の罰金に処する。

(1) Any person who has transported collective stowaways under his/her 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 work for not more than 3 years or a fine not exceeding 2 million yen.

2 営利の目的で前項の罪を犯した者は、七年以下の懲役及び五百万円以下の罰金に処する。

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

#### 第七十四条の三

##### Article 74-3

第七十四条第一項若しくは第二項又は前条の罪を犯す目的で、その用に供する船舶等を準備した者は、二年以下の懲役又は百万円以下の罰金に処する。情を知つて、その用に供する船舶等を提供した者も、同様とする。

Any person who has prepared vessels or aircraft for criminal use with the intention of committing the crime set forth in Article 74, paragraph (1) or (2), or the preceding Article shall be punished with imprisonment with work for not more than 2 years or a fine not exceeding 1 million yen. The same shall be applied to any person who knowingly provided vessels or aircraft for criminal use.

#### 第七十四条の四

#### **Article 74-4**

- 1 第七十四条第一項又は第二項の罪を犯した者からその上陸させた外国人の全部若しくは一部を収受し、又はその収受した外国人を輸送し、蔵匿し、若しくは隠避させた者は、五年以下の懲役又は三百万円以下の罰金に処する。当該外国人の全部若しくは一部を、これを収受した者から収受し、又はその収受した外国人を輸送し、蔵匿し、若しくは隠避させた者も、同様とする。
- (1) Any person who has received, from another person who committed the crimes set forth in Article 74, paragraph (1) or (2), all or some of the aliens aided to land, or who has transported, harbored, or has enabled the aliens received to escape, shall be punished with imprisonment with work for not more than 5 years or a fine not exceeding 3 million yen. Any person who has received all or some of the aliens from the person who originally received them, or who has transported, harbored or has enabled the aliens received to escape, shall be punished in the same manner.
- 2 営利の目的で前項の罪を犯した者は、一年以上十年以下の懲役及び千万円以下の罰金に処する。
- (2) In cases where the person has committed the crime set forth in the preceding paragraph for the purpose of profit, he/she shall be punished with imprisonment with work for not less than 1 year nor more than 10 years and a fine not exceeding 10 million yen.
- 3 前二項の罪の未遂は、罰する。
- (3) Attempts of the crimes set forth in the preceding two paragraphs shall be punished.

#### **第七十四条の五**

##### **Article 74-5**

前条第一項又は第二項の罪を犯す目的で、その予備をした者は、二年以下の懲役又は百万円以下の罰金に処する。

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

#### **第七十四条の六**

##### **Article 74-6**

営利の目的で第七十条第一項第一号又は第二号に規定する行為（以下「不法入国等」という。）の実行を容易にした者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Any person who has made the acts prescribed in Article 70, paragraph (1), item (i) or (ii) (hereinafter referred to as "illegal entry or landing") easier to commit for

the purpose of profit shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 3 million yen, or shall be subject to the cumulative imposition of imprisonment and a fine.

#### 第七十四条の六の二

##### Article 74-6-2

1 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

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

一 他人の不法入国等の実行を容易にする目的で、偽りその他不正の手段により、日本国の権限のある機関から難民旅行証明書、渡航証明書、乗員手帳又は再入国許可書の交付を受けた者

(i) A person who, for the purpose of aiding another to commit illegal entry or landing, has received a refugee travel document, travel certificate, crew member's pocket-ledger or re-entry permit issued by an authorized organization of Japan by deceit or other wrongful means.

二 他人の不法入国等の実行を容易にする目的で、次に掲げる文書を所持し、提供し、又は收受した者

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

イ 旅券（旅券法第二条第一号及び第二号に規定する旅券並びに同法第十九条の三第一項に規定する渡航書を除く。以下この項において同じ。）、乗員手帳又は再入国許可書として偽造された文書

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

ロ 当該不法入国等を実行する者について効力を有しない旅券、乗員手帳又は再入国許可書

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

三 第七十条第一項第一号又は第二号の罪を犯す目的で、偽りその他不正の手段により、日本国の権限のある機関から難民旅行証明書、渡航証明書、乗員手帳又は再入国許可書の交付を受けた者

(iii) A person who, for the purpose of violating the provisions of Article 70, paragraph (1), item (i) or (ii), has received a refugee travel document, travel

certificate, crew member's pocket-ledger or re-entry permit issued by an authorized organization in Japan by deceit or other wrongful means.

四 第七十条第一項第一号又は第二号の罪を犯す目的で、次に掲げる文書を所持し、又は收受した者

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

イ 旅券、乗員手帳又は再入国許可書として偽造された文書

(a) Fraudulent documents produced as a passport, crew member's pocket-ledger or re-entry permit.

ロ 自己について効力を有しない旅券、乗員手帳又は再入国許可書

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

2 営利の目的で前項第一号又は第二号の罪を犯した者は、五年以下の懲役及び五百万円以下の罰金に処する。

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

### 第七十四条の六の三

#### Article 74-6-3

前条の罪（所持に係る部分を除く。）の未遂は、罰する。

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

### 第七十四条の七

#### Article 74-7

第七十三条の二第一項第二号及び第三号、第七十四条の二（本邦内における輸送に係る部分を除く。）、第七十四条の三並びに前三条の罪は、刑法第二条の例に従う。

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

### 第七十四条の八

#### Article 74-8

1 退去強制を免れさせる目的で、第二十四条第一号又は第二号に該当する外国人を蔵匿し、又は隠避させた者は、三年以下の懲役又は三百万円以下の罰金に処する。

(1) Any person who has harbored or enabled the aliens who fall under either Article

24, item (i) or item (ii) to escape for the purpose of allowing the aliens to avoid deportation, shall be punished with imprisonment with work for not more than 3 years or a fine not exceeding 3 million yen.

2 営利の目的で前項の罪を犯した者は、五年以下の懲役及び五百万円以下の罰金に処する。

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

3 前二項の罪の未遂は、罰する。

(3) Attempts to commit the crime set forth in the preceding two paragraphs shall be punished.

## 第七十五条

### Article 75

第十条第五項（第四十八条第五項において準用する場合を含む。）の規定に違反して、正当な理由がなくて出頭せず、宣誓若しくは証言を拒み、又は虚偽の証言をした者は、二十万円以下の罰金に処する。

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

## 第七十六条

### Article 76

次の各号のいずれかに該当する者は、十万円以下の罰金に処する。

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

一 第二十三条第一項の規定に違反して旅券又は許可書を携帯しなかつた者（特別永住者を除く。）

(i) 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).

二 第二十三条第二項の規定に違反して旅券又は許可書の提示を拒んだ者

(ii) A person who has refused to present a passport or a permit in violation of the provisions of Article 23, paragraph (2).

## 第七十六条の二（両罰規定）

### Article 76-2 (Concurrent Impositions)

法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して第七十三条の二から第七十四条の六までの罪、第七十四条の六の二（第一

項第三号及び第四号を除く。)の罪若しくはその未遂罪又は第七十四条の八の罪を犯したときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

In cases where the representative of a juridical person, the agent of a juridical person or of a person, the employee of a juridical person or a person, or any other person working for a juridical person or a person, has committed the crimes set forth in Article 73-2 to 74-6, the crimes set forth in Article 74-6-2 (except for paragraph (1), items (iii) and (iv)) or attempts thereof, or crimes set forth in Article 74-8 in relation to the business of the juridical person or the person, the juridical person or the person, along with the person who has committed the crime, shall be punished with the fine of each provision.

### 第七十七条 (過料)

#### Article 77 (Civil Fines)

次の各号のいずれかに該当する者は、五十万円以下の過料に処する。

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

一 第五十六条の規定に違反して入国審査官の行う審査その他入国審査官の職務の執行を拒み、又は妨げた者

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

一の二 第五十六条の二の規定に違反して、外国人の旅券、乗員手帳又は再入国許可書の確認をしないで当該外国人を本邦に入らせた者

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

二 第五十七条第一項若しくは第二項の規定に違反して報告をせず、若しくは虚偽の報告をし、同条第三項の規定に違反して報告をせず、又は同条第四項若しくは第五項の規定に違反して報告をせず、若しくは虚偽の報告をした者

(ii) 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), fails to make a report in violation of the provisions of paragraph (3) of the same Article, or fails to make a report or makes a false report in violation of the provisions of paragraph (4) or (5) of the same Article.

三 第五十八条の規定に違反して上陸することを防止しなかつた者

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

四 第五十九条の規定に違反して送還を怠つた者

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



## 第七十七条の二

### Article 77-2

特別永住者が第二十三条第一項の規定に違反して旅券又は許可書を携帯しなかつたときは、十万円以下の過料に処する。

Any special permanent resident who does not carry a passport or a permit on his/her person in violation of the provisions of Article 23, paragraph (1), shall be punished with a civil fine not exceeding 100,000 yen.

## 第七十八条 (没収)

### Article 78 (Confiscation)

第七十条第一項第一号、第七十四条、第七十四条の二又は第七十四条の四の犯罪行為の用に供した船舶等又は車両で、犯人の所有又は占有に係るものは、没収する。ただし、その船舶等又は車両が犯人以外の者の所有に係り、かつ、その者が次の各号のいずれかに該当する場合は、この限りでない。

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

一 第七十条第一項第一号、第七十四条、第七十四条の二又は第七十四条の四の犯罪が行われることをあらかじめ知らずにその犯罪が行われた時から引き続きその船舶等又は車両を所有していると認められるとき。

(i) 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 set forth in Article 70, paragraph (1), item (i), Article 74, Article 74-2 or Article 74-4.

二 前号に規定する犯罪が行われた後、その情を知らずにその船舶等又は車両を取得したと認められるとき。

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

別表第一（第二条の二、第五条、第七条、第七条の二、第十九条、第二十二條の三、第二十二條の四、第二十四条、第六十一条の二の二、第六十一条の二の八関係）

### Appended Table I (Re. Art. 2-2, 5, 7, 7-2, 19, 22-3, 22-4, 24, 61-2-2 and 61-2-8)

一

(1)

在留資格	本邦において行うことができる活動
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Status of Residence	Authorized Activities
外交 Diplomat	<p>日本国政府が接受する外国政府の外交使節団若しくは領事機関の構成員、条約若しくは国際慣行により外交使節と同様の特権及び免除を受ける者又はこれらの者と同一の世帯に属する家族の構成員としての活動</p> <p>Activities on the part of constituent members of diplomatic missions or consular offices of foreign governments hosted by the Japanese Government; activities on the part of those who are provided with similar privileges and/or immunities as are granted to diplomatic missions pursuant to treaties or international customary practices; and activities on the part of their family members belonging to the same household.</p>
公用 Official	<p>日本国政府の承認した外国政府若しくは国際機関の公務に従事する者又はその者と同一の世帯に属する家族の構成員としての活動（この表の外交の項の下欄に掲げる活動を除く。）</p> <p>Activities on the part of those who engage in the official business of foreign governments or international organizations recognized by the Japanese Government; and activities on the part of their family members belonging to the same household (except for the activities listed in the right-hand column under this table's "Diplomat" column).</p>
教授 Professor	<p>本邦の大学若しくはこれに準ずる機関又は高等専門学校において研究、研究の指導又は教育をする活動</p> <p>Activities for research, guidance of research or education at a college, an equivalent educational institutions or a college of technology (<i>kotosenmongakko</i>).</p>
芸術 Artist	<p>収入を伴う音楽、美術、文学その他の芸術上の活動（二の表の興行の項の下欄に掲げる活動を除く。）</p> <p>Activities for the arts that provide income, including music, the fine arts, literature, etc. (except for the activities listed in the right-hand column under the "Entertainer" column of Table (2)).</p>
宗教 Religious Activities	<p>外国の宗教団体により本邦に派遣された宗教家の行う布教その他の宗教上の活動</p> <p>Missionary and other religious activities conducted by foreign religious workers dispatched by a foreign religious organization.</p>

報道 Journalist	外国の報道機関との契約に基づいて行う取材その他の報道上の活動 News coverage and other journalistic activities conducted based on a contract with a foreign journalistic organization.
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二

(2)

在留資格 Status of Residence	本邦において行うことができる活動 Authorized activities
投資・経営 Investor/Business Manager	<p>本邦において貿易その他の事業の経営を開始し若しくは本邦におけるこれらの事業に投資してその経営を行い若しくは当該事業の管理に従事し又は本邦においてこれらの事業の経営を開始した外国人（外国法人を含む。以下この項において同じ。）若しくは本邦におけるこれらの事業に投資している外国人に代わつてその経営を行い若しくは当該事業の管理に従事する活動（この表の法律・会計業務の項の下欄に掲げる資格を有しなければ法律上行うことができないこととされている事業の経営若しくは管理に従事する活動を除く。）</p> <p>Activities to commence the operation of international trade or other business, to invest in international trade or other business and to operate or manage that business, or to operate or manage international trade or other business on behalf of the aliens (including the foreign juridical persons; hereinafter the same shall apply in this section) who have begun such an operation or have invested in such a business (except for the activities to engage in the operation or management of the business which is not allowed without the legal qualifications listed in the right-hand column of this table's "Legal/Accounting Services" column).</p>
法律・会計業務 Legal/Accounting Services	<p>外国法事務弁護士、外国公認会計士その他法律上資格を有する者が行うこととされている法律又は会計に係る業務に従事する活動</p> <p>Activities to engage in legal or accounting business, which is required to be carried out by registered foreign lawyers (Gaikokuhojimubengoshi) or certified public accountants (Gaikokukoninkaikeishi) or those with other legal qualifications.</p>

医療 Medical Services	<p>医師、歯科医師その他法律上資格を有する者が行うこととされている医療に係る業務に従事する活動</p> <p>Activities to engage in medical treatment services, which are required to be undertaken by physicians, dentists or those with other legal qualifications.</p>
研究 Researcher	<p>本邦の公私の機関との契約に基づいて研究を行う業務に従事する活動（一の表の教授の項の下欄に掲げる活動を除く。）</p> <p>Activities to engage in research based on a contract with a public or private organization in Japan (except for the activities listed in the right-hand column of the "Professor" column of Table (1)).</p>
教育 Instructor	<p>本邦の小学校、中学校、高等学校、中等教育学校、特別支援学校、専修学校又は各種学校若しくは設備及び編制に関してこれに準ずる教育機関において語学教育その他の教育をする活動</p> <p>Activities to engage in language instruction and other education at an elementary school, lower secondary school, upper secondary school, secondary educational school (<i>chutokyoikugakko</i>), school for special needs education, advanced vocational school (<i>senshugakko</i>), vocational school (<i>kakushugakko</i>) or other educational institution equivalent to a vocational school in facilities and curriculum.</p>
技術 Engineer	<p>本邦の公私の機関との契約に基づいて行う理学、工学その他の自然科学の分野に属する技術又は知識を要する業務に従事する活動（一の表の教授の項の下欄に掲げる活動並びにこの表の投資・経営の項、医療の項から教育の項まで、企業内転勤の項及び興行の項の下欄に掲げる活動を除く。）</p> <p>Activities to engage in services, which require technology and/or knowledge pertinent to physical science, engineering or other natural science fields, based on a contract with a public or private organization in Japan (except for the activities listed in the right-hand column of the "Professor" column of Table (1) and except for the activities listed in the right-hand column of the "Investor/Business Manager," "Medical Services," "Researcher," "Instructor," "Intra-company Transferee" and "Entertainer" columns of this table).</p>
人文知識・国際 業務	<p>本邦の公私の機関との契約に基づいて行う法律学、経済学、社会学その他の人文科学の分野に属する知識を必要とする業</p>

Specialist in Humanities/International Services	<p>務又は外国の文化に基盤を有する思考若しくは感受性を必要とする業務に従事する活動（一の表の教授の項、芸術の項及び報道の項の下欄に掲げる活動並びにこの表の投資・経営の項から教育の項まで、企業内転勤の項及び興行の項の下欄に掲げる活動を除く。）</p> <p>Activities to engage in services, which require knowledge pertinent to jurisprudence, economics, sociology or other human science fields or to engage in services which require specific ways of thought or sensitivity based on experience with foreign culture, based on a contract with a public or private organization in Japan (except for the activities listed in the right-hand column of the "Professor," "Artist" and "Journalist" columns of Table (1), and except for the activities listed in the right-hand column of the "Investor/Business Manager," "Legal/Accounting Services," "Medical Services," "Researcher," "Instructor," "Intra-company Transferee" and "Entertainer" columns of this table).</p>
企業内転勤 Intra-company Transferee	<p>本邦に本店、支店その他の事業所のある公私機関の外国にある事業所の職員が本邦にある事業所に期間を定めて転勤して当該事業所において行うこの表の技術の項又は人文知識・国際業務の項の下欄に掲げる活動</p> <p>Activities on the part of a personnel who is transferred to a business office in Japan for a limited period of time from a business office established in a foreign country by a public or private organization which has a head office, branch office or other business office in Japan and who engages at this business office in the activities listed in the right-hand column of the "Engineer" and "Specialist in Humanities/International Services" columns of this table.</p>
興行 Entertainer	<p>演劇、演芸、演奏、スポーツ等の興行に係る活動又はその他の芸能活動（この表の投資・経営の項の下欄に掲げる活動を除く。）</p> <p>Activities to engage in theatrical performances, musical performances, sports or any other form of show business (except for the activities listed in the right-hand column of the "Investor/Business Manager" column of this table).</p>
技能 Skilled Labor	<p>本邦の公私機関との契約に基づいて行う産業上の特殊な分野に属する熟練した技能を要する業務に従事する活動</p> <p>Activities to engage in services, which require industrial</p>

	techniques or skills belonging to special fields based on a contract with a public or private organization in Japan.
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三

(3)

在留資格 Status of Residence	本邦において行うことができる活動 Authorized Activities
文化活動 Cultural Activities	収入を伴わない学術上若しくは芸術上の活動又は我が国特有の文化若しくは技芸について専門的な研究を行い若しくは専門家の指導を受けてこれを修得する活動（四の表の留学の項から研修の項までの下欄に掲げる活動を除く。） Academic or artistic activities that provide no income, or activities for the purpose of pursuing specific studies on Japanese culture or arts, or activities for the purpose of learning and acquiring Japanese culture or arts under the guidance of experts (except for the activities listed in the right-hand column of the "College Student," "Pre-college Student" and "Trainee" columns of Appended Table (4)).
短期滞在 Temporary Visitor	本邦に短期間滞在して行う観光、保養、スポーツ、親族の訪問、見学、講習又は会合への参加、業務連絡その他これらに類似する活動 Sightseeing, recreation, sports, visiting relatives, inspection tours, participating in lectures or meetings, business contact or other similar activities during a short period of stay in Japan.

四

(4)

在留資格 Status of Residence	本邦において行うことができる活動 Authorized Activities
留学 College Student	本邦の大学若しくはこれに準ずる機関、専修学校の専門課程、外国において十二年の学校教育を修了した者に対して本邦の大学に入学するための教育を行う機関又は高等専門学校において教育を受ける活動 Activities to receive education at a college or an equivalent educational institution, specialized courses of study at an

	advanced vocational school ( <i>senshugakko</i> ), educational institutions designated for preparing persons who have completed 12 years of education at a school in a foreign country to enter a college, or a college of technology ( <i>kotosenmongakko</i> ).
就学 Pre-college Student	<p>本邦の高等学校（中等教育学校の後期課程を含む。）若しくは特別支援学校の高等部、専修学校の高等課程若しくは一般課程又は各種学校（この表の留学の項の下欄に規定する機関を除く。）若しくは設備及び編制に関してこれに準ずる教育機関において教育を受ける活動</p> <p>Activities to receive education at an upper secondary school (including the latter course of a secondary educational school (<i>chutokyoikugakko</i>), high school course of a school for special needs education, higher or general course of an advanced vocational school (<i>senshugakko</i>), or a vocational school (<i>kakushugakko</i>) (except for the educational institution prescribed in the "College Student" column of this table) or other educational institution which is equivalent to a vocational school in facilities and curriculum.</p>
研修 Trainee	<p>本邦の公私の機関により受け入れられて行う技術、技能又は知識の修得をする活動（この表の留学の項及び就学の項の下欄に掲げる活動を除く。）</p> <p>Activities to learn and acquire technology, skills or knowledge at a public or a private organization in Japan (except for the activities listed in the right-hand column of the "College Student" and "Pre-college Student" columns of this table).</p>
家族滞在 Dependent	<p>一の表、二の表又は三の表の上欄の在留資格（外交、公用及び短期滞在を除く。）をもつて在留する者又はこの表の留学、就学若しくは研修の在留資格をもつて在留する者の扶養を受ける配偶者又は子として行う日常的な活動</p> <p>Daily activities on the part of the spouse or unmarried minor who is supported by the alien staying in Japan with the status of residence referred to in the left-hand column of Appended Tables (1), (2) or (3) (except for "Diplomat," "Official" and "Temporary Visitor") or staying with the status of residence of "College Student," "Pre-college Student" or "Trainee" in this table.</p>

五  
(5)

在留資格 Status of Residence	本邦において行うことができる活動 Authorized Activities
特定活動 Designated Activities	<p>法務大臣が個々の外国人について次のイからニまでのいずれかに該当するものとして特に指定する活動 Activities which are specifically designated by the Minister of Justice for aliens as activities that fall under any of the following a. to d.</p> <p>イ 本邦の公私の機関（高度な専門的知識を必要とする特定の分野に関する研究の効率的推進又はこれに関連する産業の発展に資するものとして法務省令で定める要件に該当する事業活動を行う機関であつて、法務大臣が指定するものに限る。）との契約に基づいて当該機関の施設において当該特定の分野に関する研究、研究の指導若しくは教育をする活動（教育については、大学若しくはこれに準ずる機関又は高等専門学校においてするものに限る。）又は当該活動と併せて当該特定の分野に関する研究、研究の指導若しくは教育と関連する事業を自ら経営する活動</p> <p>a. Activities conducted based on a contract with a public or private organization in Japan (an organization conducting business activities that meet the requirements provided for by a Ministry of Justice ordinance of contributing to the efficient promotion of research or the development of industries related to specific fields requiring sophisticated expertise and which is an organization specifically designated by the Minister of Justice) for research, guidance of research, or education in such specific fields at the facilities of such an organization (in the case of education, only that which is provided at a college, an equivalent educational institution or a college of technology (<i>kotosenmongakko</i>) or in addition, the self-employment activities of managing a business related to research, guidance of research or education in such specific fields.</p> <p>ロ 本邦の公私の機関（情報処理（情報処理の促進に関する法律（昭和四十五年法律第九十号）第二条第一項に規定する情報処理をいう。以下同じ。）に関する産業の発展に資す</p>



	<p>るものとして法務省令で定める要件に該当する事業活動を行う機関であつて、法務大臣が指定するものに限る。)との契約に基づいて当該機関の事業所(当該機関から労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律(昭和六十年法律第八十八号)第二条第二号に規定する派遣労働者として他の機関に派遣される場合にあつては、当該他の機関の事業所)において自然科学又は人文科学の分野に属する技術又は知識を要する情報処理に係る業務に従事する活動</p> <p>b. Activities conducted based on a contract with a public or private organization in Japan (an organization conducting business activities that meet the requirements provided for by a Ministry of Justice ordinance of contributing to the development of industries related to information processing (information processing prescribed in Article 2, paragraph (1) of the Act on Promotion of Information Processing (Act No. 90 of 1970); hereinafter the same shall apply) and which is an organization specifically designated by the Minister of Justice) of engaging in information-processing-related services which require technology and/or knowledge pertinent to natural science fields or human science fields at an office of such an organization (an office of the other organization in cases where he/she is dispatched to another organization by such an organization as a temporary worker as prescribed in Article 2, item (ii) of the Act on Ensuring Proper Operation of the Manpower Dispatching Business and Improvement of Working Conditions of a Temporary Worker (Act No. 88 of 1985)).</p> <p>ハ イ又はロに掲げる活動を行う外国人の扶養を受ける配偶者又は子として行う日常的な活動</p> <p>c. Daily activities on the part of the spouse or unmarried minor who is supported by the alien engaging in the activities listed in a. or b.</p> <p>ニ イからハまでに掲げる活動以外の活動</p> <p>d. Activities other than those listed in a. to c.</p>
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別表第二(第二条の二、第七条、第二十二條の三、第二十二條の四、第六十一條の二の二、第六十一條の二の八関係)

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

在留資格 Status of Residence	本邦において有する身分又は地位 Personal Status or Position for Which Residence is Authorized
永住者 Permanent Resident	法務大臣が永住を認める者 Those who are permitted permanent residence by the Minister of Justice.
日本人の配偶者 等 Spouse or Child of Japanese National	日本人の配偶者若しくは民法（明治二十九年法律第八十九号） 第八百十七条の二の規定による特別養子又は日本人の子として 出生した者 The spouses of Japanese nationals, the children adopted by Japanese nationals pursuant to the provisions of Article 817-2 of the Civil Code (Act No. 89 of 1896) or those born as the children of Japanese nationals.
永住者の配偶者 等 Spouse or Child of Permanent Resident	永住者の在留資格をもつて在留する者若しくは特別永住者（以 下「永住者等」と総称する。）の配偶者又は永住者等の子とし て本邦で出生しその後引き続き本邦に在留している者 The spouses of those who stay with the status of residence of "Permanent Resident" or "Special Permanent Resident" ( hereinafter referred to as "permanent or special permanent resident"), those born as children of a permanent or special permanent resident in Japan who has been residing in Japan.
定住者 Long-Term Resident	法務大臣が特別な理由を考慮し一定の在留期間を指定して居 住を認める者 Those who are authorized to reside in Japan with a designation of period of stay by the Minister of Justice in consideration of special circumstances.

## **Annex 3**

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

#### **(Recognition of Internment Status)**

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

#### **(Considerations to Protecting Powers, etc.)**

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

#### **(Medical Inspection)**

- Article 31 (1) In the prisoner of war camp, the medical inspections for the detainees shall be held promptly after the commencement of the detention to the prisoner of war camp and regularly at the frequency of once a month or more. The medical inspections shall also be held if there exists necessity to do so in terms of the hygiene inside the prisoner of war camp.
- (2) The detainees shall undergo the medical inspections prescribed in the preceding paragraph. In the case of the foregoing, the detainees shall not be able to refuse blood sampling, radiography or otherwise any other medical treatments within the limit necessary for conducting the medical inspections.

#### **(Visits by representatives of protecting powers, etc.)**

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

visit for a detainee:

- (i) Representatives of protecting powers;
  - (ii) Representatives of designated Red Cross International Organization;
  - (iii) Defense counsels in criminal cases of the detainee.
- (2) The prisoner of war camp commander may, in cases of permitting visit pursuant to the provision of the preceding paragraph, make necessary minimum conditions for visit, such as date and time, and visiting site, pursuant to the an Ordinance of the Ministry of Defense, for not causing an extraordinary hindrance to the management and administration of the prisoner of war camp, only to the extent not to preclude the purpose of the visit.

(Other visitors)

- Article 81 (1) In cases where a person other than those listed in all items of the paragraph (1) of the preceding Article requests to visit a detainee, if it is deemed that there is a special circumstance where the visit is necessary, and if it is deemed that there is no risk of causing hindrance to the management and operations of the prisoner of war camp by permitting such visit, then the prisoners of war camp commander may, in the manner set forth by the Ministry of Defense, permit the detainee to receive the visit.
- (2) The staff member of the prisoner of war camp shall attend the visit set forth in the preceding paragraph to the extent the attendance is not inconsistent with the business purposes of the visitors.
- (3) In the cases where the detainee or the visitor commits any act clearly deviating from, or makes any oral statement those contents clearly deviates from what is necessary to carry out the business to which the visit has permitted, a staff member of prisoners of war camp may either restrain the conducts or oral statements, or suspend the visit. In this case, the staff member may order the detainee or the visitor to withdraw from the visiting site, or may take any other necessary measures to suspend the visit.
- (4) In cases where a visit is suspended pursuant to the provision of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the prisoners of war camp commander may terminate the visit.

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

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

review on the recognition of internment status.

- (2) The appeal for review on the recognition of internment status prescribed in the preceding paragraph shall be made within 60 days from the day immediately following the day on which the written internment order was shown pursuant to the provision of paragraph (2) of Article 19; provided, however, that this shall not apply when the applicant has made a prima facie showing to the effect that he/she has reasonable grounds for having been unable to make an appeal for review on the recognition of internment status within the said period of time.
- (3) The appeal for review on the recognition of internment status prescribed in the paragraph (1) shall be made through a recognition officer of internment status or a prisoner of war camp commander.
- (4) With regard to the computation of period of time for the appeal for review on the recognition of internment status provided in the preceding paragraph, the appeal for review on the recognition of internment status shall be deemed to have been made at the time of submission of a written application for review on the recognition of internment status to, or of the statement to the said organizations through which the appeal was made.

(Preparation of criteria)

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

- (i) Criterion for the recognition of serious wounds or sickness (i.e. criteria for recognizing whether prisoners of war, medical personnel, or chaplains in captivity are seriously wounded or sick persons subject to repatriation (who fall under any of item (1) to (3) of paragraph 1 of Article 110 of the Third Convention and are fit to transfer; the same shall apply hereinafter));
  - (ii) Criteria for the repatriation of medical personnel (i.e. criteria for ceiling on the number of medical personnel who may be retained in accordance with the number of detainees and for ceiling on the number of those who may be retained in accordance with the classification of their duties, and for the repatriation of medical personnel in cases where these ceilings are exceeded, and for the repatriation of retained medical personnel in conjunction with relief thereof; the same shall apply hereinafter);
  - (iii) Criteria for the repatriation of chaplains (i.e. criteria for ceiling on the number of chaplains who may be retained in accordance with the number of detainees and for ceiling on the number of those who may be retained in accordance with the classification of their duties, and for the repatriation of chaplains in cases where these ceilings are exceeded; the same shall apply hereinafter).
- (2) After the end of armed attack situations, the Minister of Defense shall promptly prepare the order of detainees who are to be issued the written repatriation order,

places where detainees are to be delivered to (hereinafter referred to as "place of repatriation"), means of transportation to the place of repatriation, contents of personal effects to be carried with them at the time of repatriation and other criteria necessary for the implementation of repatriation (hereinafter referred to as "criteria for repatriation at the end of armed attack").

(3) In addition to what is provided in the preceding two paragraphs, the Minister of Defense may prepare the following criteria for the repatriation of prisoners of war in armed attack situations:

- (i) Criteria for repatriation for release on parole (i.e. criteria for repatriation for the purpose of release on parole or promise prescribed in paragraph 2 of Article 21 of the Third Convention; the same shall apply hereinafter);
- (ii) Criteria for repatriation for the exchange, etc. of prisoners of war (i.e. criteria for the repatriation for exchanging prisoners of war with foreign governments and others equivalent thereto to which the enemy armed forces belong, and for the repatriation of prisoners of war who are considered no longer need to be interned in consideration of the defense of Japan; the same shall apply hereinafter).

(4) In addition to what is provided in the preceding three paragraphs, the Minister of Defense may, upon armed attack situations, prepare criteria (hereinafter referred to as "criteria for the outgoing transfer") for the transfer of prisoners of war to a contracting party of the Third Convention not engaged in the armed attack (hereinafter referred to as "outgoing transfer") in order to take any of the measures set out under the following item:

- (i) Outgoing Transfer to such contracting party pursuant to paragraph 2 of Article 12 of the Third Convention;
- (ii) Accommodation or internment in such contracting party, pursuant to paragraph 2 of Article 109 of the Third Convention.

(5) When the Minister of Defense has prepared criteria for recognition of a serious wound or sickness, repatriation of medical personnel, repatriation of chaplains, repatriation at the end of armed attack, repatriation for release on parole, repatriation in conjunction with an exchange, etc. of prisoners of war or the outgoing transfer (hereinafter referred to as "criteria for repatriation, etc."), he/she shall promptly notify the prisoner of war camp commander of the criteria for repatriation, etc.

(6) The criteria for repatriation, etc. shall be compliance with the contents of the Third Convention and other international agreements.

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

(2) The prisoner of war camp commanders shall, as provided for by the Minister of

Defense, periodically report to the Minister of Defense on the situation and state of the detainees at the prisoner of war camp.

- (3) In addition to what is provided in the preceding paragraph, the handling of information with regards to detainees at a prisoner of war camp shall be provided for by an Ordinance of the Ministry of Defense.

## **Annex 4**

### **Code of Criminal Procedure (Extract)**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)~(5) (omitted)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



such case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 247 Prosecution shall be instituted by a public prosecutor.

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

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

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

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

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

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

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

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

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

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

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

241 of the same Code or attempts of these crimes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (omitted)

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

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

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

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

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

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

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

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

(i) (omitted)

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

(iii)~(v) (omitted)

(2)~(5) (omitted)

## **Annex 5**

### **Act of Extradition (Extract)**

(Restrictions on extradition)

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

(i)~(iii) (omitted)

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

(v)~(ix) (omitted)

(Detention of the fugitive)

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

(2)~(3) (omitted)

(Examination by the Tokyo High Court)

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

(2)~(4) (omitted)

(Decision of the Tokyo High Court)

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



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

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

(Order of the Minister of Justice regarding extradition)

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

(2)~(3) (omitted)

(Measures concerning provisional detention)

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