

Specific examples of foreign nationals whose status of residence is not revoked,
including when there are any justifiable grounds for not engaging in the activities of a
person with the status of spouse

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With regard to foreign nationals residing as a spouse of a Japanese national, permanent resident or special permanent resident under a status of residence of “spouse or child of Japanese national” or “spouse or child of permanent resident” in accordance with the Immigration Control and Refugee Recognition Act (hereinafter referred to as “Immigration Control Act”), their status of residence shall be revoked when “they have failed to continue to engage in the activities of a person with the status of spouse for over 6 months while residing in Japan”, except when there are any “justifiable grounds” for not engaging in such activities (please refer to Article 22-4 (1) (vii) of the Immigration Control Act).

For the purpose of improving the transparency of procedures for revocation of status of residence, the Immigration Bureau of the Ministry of Justice decided to publish major cases of those whose status of residence is not revoked, including cases where there are any “justifiable grounds”, as shown below (the decision as to whether or not to revoke their status of residence should be made based on their respective actual circumstances. Therefore, the results may not always be limited to the specific examples shown below).

More specific examples of cases of those whose status of residence is not revoked will also be added as necessary based on how the system for revocation of status of residence is operated.

(Note) When the fact that “any foreign national has failed to continue to engage in the activities of a person with the status of spouse for over 6 months while residing in Japan” is

found, the Immigration Bureau of the Ministry of Justice will give the relevant foreign national an opportunity to apply for permission to change status of residence or permission for permanent residence before taking the procedures to revoke his/her status of residence (please refer to Article 22-5 of the Immigration Control Act). Even foreign nationals who have failed to continue to engage in the activities of a person with the status of spouse for over 6 months while residing in Japan may be permitted to change to another status of residence, when they have any reason, including taking care of and raising their biological child who has Japanese nationality.

1. Those who need to seek temporary shelter or protection from spouse violence (so-called domestic violence (DV))
2. Those who live separately from their spouse but share living expenses with them due to inevitable reasons, including raising their child
3. Those who have been staying outside the country for a long time after obtaining a re-entry permit (including special re-entry permit) for any reason, including meeting any of their relatives residing in their home country who suffer from an injury or disease
4. Those who have ongoing arbitration proceedings or judicial proceedings for divorce settlement

<Provisions of the Immigration Control Act>

Immigration Control and Refugee Recognition Act (Excerpt)

(Revocation of Status of Residence)

Article 22-4

Where any of the following facts are found with respect to a foreign national residing in Japan under a status of residence listed in the left-hand column of Appended Table I or Appended Table II (except for those recognized as refugees as set forth in Article 61-2 (1)),

the Minister of Justice may revoke the foreign national's status of residence in accordance with the procedures provided for by Ordinance of the Ministry of Justice.

(i)-(vi) Omitted.

(vii) The foreign national residing in Japan under a status of residence "spouse or child of Japanese national" (limited to those with a status of spouse of a Japanese national (except for those with a status of a person who was born as a child of a Japanese national or a child specially adopted by a Japanese national (meaning a specially adopted child stipulated in the provisions of Article 817-2 of the Civil Code (Law No. 89 of 1896); the same shall apply hereinafter)), or under a status of residence "spouse or child of permanent resident" (limited to those with a status as a spouse of a permanent national (except those with a status of a person who was born in Japan as a child of a permanent resident and continues to reside in Japan thereafter), has failed to engage in the activities of a person with a status of spouse for over 6 months (except for the case where there are any justifiable grounds for not engaging in such activities while residing in Japan).

(viii)-(x) Omitted.

Article 22-5

With regard to any of the foreign nationals stipulated in paragraph (1) of the preceding article, when the fact described in item (vii) of the said paragraph is found, the Minister of Justice shall give the relevant foreign national an opportunity to apply for permission to change status of residence in accordance with the provisions of Article 22 (2) or permission for permanent residence in accordance with the provisions of Article 22 (1) before taking the procedures to revoke his/her status of residence.