

Procedures for appearing at immigration office and declaration of charges

– For foreign nationals who worry about their illegal stay –

Immigration Bureau, Ministry of Justice

The Immigration Bureau of the Ministry of Justice seeks to create an environment that will encourage foreign nationals who worry about their illegal stay to voluntarily appear at a regional immigration office, by publicizing the departure order system and revising the “Guidelines for Special Permission to Stay”.

- **Foreign nationals who remain in Japan after the expiration of their period of stay and wish to return to their home countries are allowed to leave Japan without detention under the “departure order system” in accordance with simpler procedures.**
 - While those who are deported from Japan are not allowed to reenter Japan for at least five years, **the reentry-prohibited period of those who leave Japan under the “departure order system” shall be one year.**
 - The “departure order system” applies to those who satisfy the following requirements:
 - a. Those who voluntarily appeared at an immigration office, intending to leave Japan as soon as possible
 - b. Those who do not fall into any category of deportation, except overstaying
 - c. Those who have not been sentenced to imprisonment with/without forced labor on charges of a certain crime, such as theft, after entry into Japan
 - d. Those who have neither been deported from Japan nor left Japan with a departure order in the past

e. Those who are definitely expected to leave Japan at the earliest possible time

○ **Foreign nationals who wish to return to their home countries and voluntarily appeared at an immigration office even though they do not satisfy the requirements for the “departure order system”** may go through procedure without detention by obtaining permission for provisional release.

○ **Those who wish to remain in Japan** must first appear at an immigration office and state their reasons why they want to live in Japan.

- The recently revised “Guidelines for Special Permission to Stay” stipulate the following factors that are preferentially considered in making a decision on whether to grant special permission to stay or not, in addition to marital status (whether married to a Japanese citizen or not):

- (1) Those who voluntarily appeared at an immigration office and declared their charges
- (2) Those who are taking care of their biological children studying in elementary and secondary educational institutions and living in Japan for a considerable period of time
- (3) Those who have been staying in Japan for a long time and can be considered to be settled down

Please read the guidelines carefully for details.

Specifically, it gives an example of those who fall under factor (3) and have not committed any other violation of laws. **It shows that if they voluntarily appear at an office and declare their charges it is more likely that they could well be considered for special permission to stay.**

- Also, those who are charged with violation of laws as a result of revelation, in principle. However, **those who voluntarily appear at an office and declare their charges may go through procedures without detention by obtaining permission for provisional release.**

- Those who have obtained special permission to stay in Japan from the Minister of Justice as a result of reviewing the statement during the deportation procedure as described in the annex shall no longer be considered as illegal stayers and may continue staying in Japan as legal residents.

- Whether or not to give special permission to stay is determined from a comprehensive examination of positive factors and negative factors. Please note that if it is decided not to give permission, a written deportation order will be issued.

Illegal stayer

who is now staying in Japan without having a status of residence,
who wishes to continue living in Japan, and
who voluntarily appears at an immigration office to declare their charges



**Examination of violation by an
immigration control officer**

[In some cases, appearance of the applicant or their witness, or submission of
materials is required.]



**Detention under the written
detention order**

[It is possible to take procedures without being detention by obtaining permission
for provisional release.]



**Investigation of violation by an
immigration inspector**



**Oral hearing by a special inquiry
officer**



**Decision by the Minister of
Justice**



**Special permission to
stay**



**Issuance of a written deportation
order and repatriation**