

Cases of those who were granted or not granted permission to change status of residence from “spouse or child of Japanese national” or “spouse or child of permanent resident” to “long-term resident”

July 2012

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With regard to foreign nationals who reside in Japan under a status of residence of “spouse or child of Japanese national” or “spouse or child of permanent resident” as a spouse of a long-term resident or special permanent resident, the revised Immigration Control and Refugee Recognition Act enforced on July 9 (hereinafter referred to as “Immigration Control Act”) stipulates that when any of the facts listed in Article 22-4 (1) (vii) of the said Act (failure to engage in activities as a spouse for over 6 months while residing in Japan (except where there are any justifiable grounds for failure to engage in such activities while residing in Japan)) is found, the relevant foreign nationals shall be given an opportunity to apply for permission to change status of residence or permission for permanent residence before the procedures to revoke their status of residence are taken (refer to Article 22-5 of the Immigration Control Act).

In the light of the purpose, etc., of the above-mentioned Article 22-5 of the Immigration Control Act, with the aim of improving transparency in operations, the Immigration Bureau of the Ministry of Justice decided to publish the cases of those who were granted or not granted permission to change status of residence from “spouse or child of Japanese national” or “spouse or child of permanent resident” to “long-term resident” during the year of 2011, as shown in the attachment.

An application for permission to change status of residence shall be approved only when there are reasonable grounds to deem it appropriate to change the applicant’s status of residence (Article 20 of the Immigration Control Act), and the decision as to whether or not there are reasonable grounds shall be left to the discretion of the Minister of Justice or the director of a regional immigration office to whom authority has been delegated. However, such decision has been made totally in view of various factors, such as activities in which the relevant foreign national intends to engage, his/her residential status, and necessity to reside, and as a result, the decision may be different even in cases similar to those listed in the Attachment.

More cases will also be published in future.

1. Case examples of those who were granted permission to change status of residence to “long-term resident”

	Sex	Period of stay	Former spouse	Period of marriage with former spouse	Bereavement /divorce	Biological child born during marriage with former spouse	Special remarks
1	Female	Approx. 6 years	Japanese (male)	Approx. 6 years and 6 months	Divorced	Japanese child (The applicant has parental authority.)	<ul style="list-style-type: none"> - She had a good track record in taking care of her Japanese child. - She had a regular income as a home care worker.
2	Female	Approx. 5 years and 1 month	Japanese (male)	Approx. 3 years	Factual breakdown of marriage	None	<ul style="list-style-type: none"> - The marital relationship had broken down due to domestic violence by the former spouse. - Although specific procedures for divorce had not been taken, the husband and the wife had lived separately and both of them clearly expressed their intention to divorce. - She had a regular income as an assistant nurse.
3	Male	Approx. 13 years and 8 months	Special permanent resident (female)	Approx. 6 years and 1 month	Bereaved	None	<ul style="list-style-type: none"> - He needed to continue to run a metal welding business. - He had a regular income from the metal welding business.
4	Female	Approx. 8 years and 1 month	Japanese (male)	Approx. 4 years and 5 months	Divorced	Japanese child (The applicant has parental authority.)	<ul style="list-style-type: none"> - She divorced due to domestic violence by the former spouse. - She suffered from post-traumatic stress disorder (PTSD) as a result of domestic violence by the former spouse. - She had a good track record in taking care of her Japanese child.
5	Female	Approx. 10 years and 5 months	Japanese (Male)	Approx. 11 years and 5 months	Factual breakdown of marriage	None	<ul style="list-style-type: none"> - She had lived separately from her spouse for a total of 8 years due to domestic violence (they had lived together for a total of 2 years) - The spouse refuses to communicate with the applicant - She consulted a lawyer to go ahead with divorce proceedings
6	Female	Approx. 8 years and 8 months	Permanent resident (Male)	Approx. 6 years	Factual breakdown of marriage	Foreign child (permanent resident)	<ul style="list-style-type: none"> - She had lived separately from her spouse for over 3 years due to domestic violence - There has been a dispute over custody over the child, mediation has failed and preparations are being made to file for divorce
7	Male	Approx. 8 years and 3 months	Japanese (Female)	Approx. 7 years and 9 months	Divorced	Japanese child	<ul style="list-style-type: none"> - He continues to paying 30,000 yen per month as support for the Japanese child - He had a regular income as a company employee - The former spouse has parental authority

2. Case examples of those who were not granted permission to change status of residence to “long-term resident”

	Sex	Period of stay	Former spouse	Period of marriage with former spouse	Bereavement /divorce	Biological child born during marriage with former spouse	Factual backgrounds

1	Male	Approx. 4 years and 10 months	Japanese (female)	Approx. 3 years	Divorced	Japanese child (The former spouse has parental authority.)	- He was convicted of fraud and injury.
2	Male	Approx. 4 years and 1 month	Permanent resident (female)	Approx. 3 years and 11months	Factual breakdown of marriage	None	- He had lived alone outside Japan for about 1 year and 9 months.
3	Female	Approx. 4 years and 1 month	Japanese (male)	Approx. 3 years and 10months	Bereaved	None	- She had lived alone outside Japan for about 1 year and 6 months. - She lived separately from her spouse during her stay in Japan and worked at an adult entertainment shop.
4	Female	Approx. 3 years and 4 months	Japanese (male)	Approx. 1 year and 11 months	Divorced	None	- This was the second divorce for her as a result of her report of domestic violence by the former spouse. - She had filed a petition for protection against domestic violence by the former spouse when she was divorced for the first time, but soon after that she remarried the same spouse. - The period of marriage with the former spouse is about 1 year and 11 months, including the first marriage.
5	Female	Approx. 4 months	Japanese (Male)	Approx. 3 months	Divorced	None	- She applied after filing a petition for protection against domestic violence by the former spouse - The period of marriage living with the former spouse was less than 3 months
6	Female	Approx. 3 years and 3 months	Japanese (Male)	Approx. 2 years and 1 month	Divorced	None	- She applied after filing a petition for protection against domestic violence by the former spouse - She lived separately from her spouse in order to attend a Japanese language school; however, it was confirmed that she was working at an adult entertainment shop - It can be said that she was actually married for approximately 1 year and 3 months