



Australian Government
Refugee Review Tribunal

Country Advice

Japan

Japan – JPN36253 – Spouse visa holders –
Right of re-entry – Residency rights -
Citizenship
22 February 2010

1 What are the rights of persons holding spouse visas/persons married to a national of Japan, especially if they are from China? Do they have the right to enter Japan?

Spouse or Child of Japanese National visa

Foreign nationals married to Japanese citizens can apply for a spouse visa that allows them temporary residence in Japan. The validity of this visa, known as a ‘Spouse or Child of Japanese National’ visa, ranges from one year to three years, and can be renewed with Japan’s Ministry of Justice before it expires. This visa does allow holders to work legally in Japan.¹ In July 2009 it was announced that Japan intends to reform this visa, extending its maximum validity period from three years to five years. This reform has yet to be enacted.²

Application Procedures for Chinese Nationals

To apply for a Spouse or Child of Japanese National visa, the visa applicant must apply for a ‘Certificate of Eligibility’ from the “regional immigration authority under the jurisdiction of the Ministry of Justice.” (The husband or wife who is the Japanese national will usually do this on the visa applicant’s behalf). This certificate acts as “evidence that the foreign national meets the conditions for landing in Japan” and is submitted when applying for the spouse visa. Citizens of the People’s Republic of China applying for a spouse visa must submit extra documents, including: a copy of the “Chinese Family Register” that indicates the residency status (Hukou) of the applicant in China; Temporary Residence Permit or Residence Certificate “[i]f the applicant does not have a family register within the region under the jurisdiction of the embassy or consulate where the application will be made”; and applicants must complete a questionnaire, obtainable at Japanese embassies and consulates in China.³

Re-entry into Japan

A person holding a Japanese spouse visa must obtain a re-entry permit before departing Japan. Most Japanese re-entry permits are only valid for a single use; however, all holders of residency and spouse visas can apply for a multiple re-entry permit. Holders of spouse visas and residency visas will automatically have their visas cancelled if they

¹ ‘Immigration’ (undated), Japan-Guide.com <http://www.japan-guide.com/e/e2221.html> – Accessed 22 February 2010 – Attachment 1

² Immigration/Business Registraton (sic) News’ 2009, Takizawa-Toshiyuki Gyoseishoshi-Lawyers http://www1.ocn.ne.jp/~higuchis/46.html?*session*id*key*=*session*id*val* - Accessed 22 February 2010 - Attachment 6

³ ‘If your objective is work or a long-term stay – Specified visa: Spouse, etc. of a Japanese national’, http://www.mofa.go.jp/j_info/visit/visa/long/visa10.html – Accessed 22 February 2010 – Attachment 2

leave Japan without a valid re-entry permit and re-entry permits cannot be applied for once outside of Japan.⁴

If a spouse visa is cancelled or expires before a holder re-enters Japan then a new application for a spouse visa must be made. If a person cannot return to Japan before their spouse visa and re-entry permit expires for “unavoidable reasons, such as illness”, then that person may apply for an extension of the re-entry permit at an Embassy or consulate:

It is not possible to apply for re-entry permission at the Embassy or Consulate after departure from Japan. However, if a foreign national who has departed from Japan after acquiring re-entry permission is unable to return to Japan before expiration of the permit for unavoidable reasons, such as illness, the foreign national can apply at the Embassy or Consulate General for an extension of the re-entry permit’s period of validity.⁵

In July 2009 it was announced that Japan intends to reform the re-entry permit system, and abolish the need for permits for travel abroad for periods of less than twelve months. This reform has yet to be introduced; however, it is expected to be enacted by 2012.⁶

Residency Visa

After a period of time (usually a minimum of three years) a spouse may apply for a residency permit, which is valid for an indefinite period of time:

A spouse of a Japanese national needs to have lived in Japan for not less than three years after marriage. In case such person married and lived with the spouse for certain time period in a foreign country, such person needs to have married the spouse for more than three years and stayed in Japan for not less than one year. It is required that a normal and substantial marriage life be sustained without breakdown of the marriage or a separation incidental to such breakdown.⁷

Divorce

If the holder of a spouse visa divorces, then the spouse visa is cancelled and any application for a re-entry permit will be denied:

However, a Re-entry Permit is not always issued. It would be rejected if you had come on student-type visa but have been expelled or **you had obtained Spouse or Child of Japanese National visa by marrying a Japanese national but have since divorced**. In these cases, you are assessed as no longer justified to stay in Japan and the Immigration Bureau of Japan would not permit your re-entry into Japan.⁸

Japanese Citizenship

⁴ ‘Exemption of Visas’ 2009, Ministry of Foreign Affairs (Japan), http://www.mofa.go.jp/j_info/visit/visa/short/novisa.html#list – Accessed 22 February 2010 – Attachment 3

⁵ ‘Exemption of Visas’ 2009, Ministry of Foreign Affairs (Japan), http://www.mofa.go.jp/j_info/visit/visa/short/novisa.html#list – Accessed 22 February 2010 – Attachment 3

⁶ Immigration/Business Registration (sic) News’ 2009, Takizawa-Toshiyuki Gyoseishoshi-Lawyers http://www1.ocn.ne.jp/~higuchis/46.html?*session*id*key*=*session*id*val* - Accessed 22 February 2010 - Attachment 6

⁷ ‘Permanent Resident’ (undated), Japan Visa & Incorporation Services <http://www.legal-service.jp/en/service5-1.html> – Accessed 22 February 2010 – Attachment 4

⁸ ‘I want to leave Japan temporarily’ (undated), Tokyo Immigration Service <http://www.tokyoimmigration.jp/eng/ichiji.html> – Accessed 22 February 2010 – Attachment 5

Long-term residents can apply for citizenship; however, the conditions are strict (usually requiring many years of constant residency and vary depending on the nationality of the applicant):

Foreigners, who have resided in Japan for at least five consecutive years (less if married to a Japanese national), have shown good conduct, have never plotted against the Japanese government, have sufficient assets or ability to make an independent living and are willing to renounce any other citizenship held, can be granted Japanese citizenship.⁹

Attachments

1. 'Immigration' (undated), Japan-Guide.com <http://www.japan-guide.com/e/e2221.html> – Accessed 22 February 2010.
2. 'If your objective is work or a long-term stay – Specified visa: Spouse, etc. of a Japanese national', http://www.mofa.go.jp/j_info/visit/visa/long/visa10.html – Accessed 22 February 2010.
3. 'Exemption of Visas' 2009, Ministry of Foreign Affairs (Japan), http://www.mofa.go.jp/j_info/visit/visa/short/novisa.html#list – Accessed 22 February 2010.
4. 'Permanent Resident' (undated), Japan Visa & Incorporation Services <http://www.legal-service.jp/en/service5-1.html> – Accessed 22 February 2010.
5. 'I want to leave Japan temporarily' (undated), Tokyo Immigration Service <http://www.tokyoimmigration.jp/eng/ichiji.html> – Accessed 22 February 2010.
6. Immigration/Business Registration (sic) News' 2009, Takizawa-Toshiyuki Gyoseishoshi-Lawyers http://www1.ocn.ne.jp/~higuchis/46.html?*session*id*key*=-*session*id*val* - Accessed 22 February 2010.

⁹ 'Immigration' (undated), Japan-Guide.com <http://www.japan-guide.com/e/e2221.html> – Accessed 22 February 2010 – Attachment 1