

Guidelines for Permission for Change of Status of Residence and Extension of Period of Stay (Revised)

Immigration Bureau, Ministry of Justice

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The Immigration Control and Refugee Recognition Act (hereinafter referred to as “Immigration Control Act”) stipulates permission for change of status of residence and extension of period of stay shall be granted only when there are reasonable grounds to allow the Minister of Justice to deem it appropriate to do so. The decision as to whether or not there are reasonable grounds is mainly left to the discretion of the Minister of Justice, and such decision is made totally in view of various factors, such as activities in which an applicant intends to engage, the applicant’s residential status and necessity to reside, taking into account the requirements listed below.

However, among those requirements, conformity with status of residence specified in item 1 is a requirement to be satisfied when permission is granted. In principle, applicants are required to comply with the landing permission criteria stated in item 2. The requirements stated in item 3 and subsequent items are representative elements to consider in determining whether or not there are reasonable grounds to deem that permission is appropriate. Even if an applicant satisfies all the requirements, the applicant may not be granted permission for change or extension as a result of considering all circumstances taken overall.

For the purpose of encouraging them to join the social insurance system, applicants have been required to show their insurance cards at the reception counter when they submit an application since April 1, 2010.

(Note) Failure to show an insurance card will not result in non-permission for change of status of residence or extension of period of stay.

1. Activities in which an applicant intends to engage must correspond to any status of residence listed in the Appended Tables of the Immigration Control Act.

Activities in which a foreign national who is an applicant intends to engage should be as follows: In the case of any status of residence listed in Appended Table I, activities listed in the right-hand column corresponding to such status of residence; or in the case of any status

of residence listed in Appended Table II, activities as a person with a personal status or position listed in the right-hand column corresponding to such status of residence.

2. Applicants who intend to engage in activities listed in the right-hand column corresponding to status of residence of Appended Tables I (2) or (4) of the Immigration Control Act, or activities listed in the right-hand column corresponding to designated Activities of Appended Tables I (5) (limited to the part pertaining to item (b)), must conform in principle to the landing permission criteria provided for by Ordinance of the Ministry of Justice.

The landing permission criteria provided for by Ordinance of the Ministry of Justice, which should be satisfied when foreign nationals undergo an examination for landing before entering Japan, must also be satisfied even when they apply for permission for change of status of residence and extension of period of stay, in principle.

(Note) The “notification regarding activities listed in the right-hand column of Appended Table I (5) (limited to the part pertaining to Item (d)) of the Immigration Control and Refugee Recognition Act in accordance with criteria pursuant to Article 7, Paragraph (1), Item (ii) of the said act” (public notice of designated activities), and the “notification regarding positions listed in the right-hand column under “Long-term Resident” of Appended Table II of the Immigration Control and Refugee Recognition Act in accordance with criteria pursuant to Article 7, Paragraph (1), Item (ii) of the said act” (public notice of long-term residents), stipulate that some activities or positions require applicants to conform to certain requirements, such as age or dependent status. Some applicants are no longer likely to conform to those requirements due to change of circumstances after they enter Japan, for example, in cases where the circumstances in which they grew up or the circumstances that made them defendants have ceased to exist. However, such non-conformance will not immediately result in denial of permission for extension of period of stay.

3. Applicants must have good behavior.

On the premise that applicants have good behavior, those who do not have good behavior will be recognized as having a negative element. Specifically, those who have committed any act subject to criminal punishment that falls under any reason for deportation or act that cannot be overlooked in terms of immigration control administration, including mediation of illegal work, will be considered to exhibit bad behavior.

4. Applicants must have sufficient assets or ability to make an independent living.

An applicant's living situation must not be a burden to the public and the applicant must have the possibility of continuing to live a stable life in the future, considering his/her assets or ability (both on a personal basis and on a household basis). However, even in the case where an applicant's living situation is a burden to the public, when there are humanitarian reasons to grant permission to stay in Japan, the decision will be made giving due consideration to such reasons.

5. Proper employment and working conditions must be met.

In the case of applicants who (intend to) get a job in Japan, including a part-time job, their employment and working conditions must comply with labor-related laws.

When it is found that recommendations have been made due to violation of any labor-related law, it is generally considered that the relevant foreign national as an applicant should not be held responsible for such violation, and the decision will be made giving due consideration to such fact.

6. Tax obligations must be fulfilled.

In the case of applicants who are obliged to pay taxes, they must fulfill their tax payment obligations. A failure to fulfill their obligation will be recognized as a negative element. For example, those who have been punished for non-fulfillment of tax payment obligations will be considered to have failed to fulfill their tax payment obligations.

Even in the case of those who have not been punished, when it is found that they have not paid a high amount of tax or that they have not paid tax for a long time, and when such acts are considered malicious, they will be treated the same as those who have been punished.

7. Obligations provided by the Immigration Control Act, including notification obligations, must be fulfilled.

Foreign nationals who reside in Japan under a status of residence listed in the Immigration Control Act for a medium to long term must fulfill their obligations provided in Article 19-7 through 19-13, 19-15 and 19-16 of the Immigration Control Act, including notification of the matters described on the residence card, application for renewal of validity of the residence card, application for re-issuance of the residence card due to loss etc., return of the residence card, and notification of the organization to which they belong.

<Definition of medium- to long-term residents>

Foreign nationals staying in Japan under a status of residence listed in the Immigration Control Act for a medium to long term who do not fall under any of the following items (1)-(5):

- (1) Those who are granted permission to stay “within 3 months”
- (2) Those who are granted permission to acquire the status of residence as a “temporary visitor”
- (3) Those who are granted permission to acquire the status of residence as a “diplomat” or “official”
- (4) Those who are specified as foreign nationals corresponding to the above (1)-(3) by Ordinance of the Ministry of Justice
- (5) Special permanent residents