

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”

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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. |

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.) | <ul style="list-style-type: none"> - He was convicted of fraud and injury. |
| 2 | Male | Approx. 4 years and 1 month | Permanent resident (female) | Approx. 3 years and 11 months | Factual breakdown of marriage | None | <ul style="list-style-type: 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 10 months | Bereaved | None | <ul style="list-style-type: 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 | <ul style="list-style-type: 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. |