

## **Immigration Q&A**

(Please read the disclaimer first.)

Q1: What permissions do I need if I want to enter and stay in Japan for the G8 Summit?

Q2: Do I need a visa? Which countries are exempted from the visa requirement?

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Q1: What permissions do I need if I want to enter and stay in Japan for the G8 Summit?

A:

To enter Japan, under general law you need a visa (see Q2 for visa exemption) AND a landing permission.

Visas are "recommendations" issued by Japanese embassy and consulate which suggest that the holder is acceptable for entering and staying in Japan.

Please note that even if you have a visa, you cannot enter Japan only if you fail to obtain landing permission.

Landing permission is obtainable upon arrival in Japan, if the immigration officer finds that you meet the landing conditions (see Q3&4 for details).

Furthermore, in order to stay in Japan and engage in certain activities, you need a "resident status". Resident status describes the scope of your stay in Japan and is determined by an immigration officer in accordance with the purpose of your visit. You are allowed to engage in activities within the limits of your resident status and in "normal" social activities. If you visit Japan for the G8 Summit, you need the resident status of "temporary visitor".

Q2: Do I need a visa? Which countries are exempted from the visa requirement?

A:

Basically, If you have a foreign passport, you need a visa which you have to obtain at Japanese embassy and consulate outside Japan BEFORE landing in Japan.

However, over 60 countries and areas are exempted from the visa requirement. Please see the list on the website of the Foreign Ministry.

If you possess a passport of one of the listed countries, you do not need a visa for a short-term stay as a temporary visitor. But only if you got the permission upon arrival (see Q1)

Q3: What is immigration procedure like? What am I going to be asked?

A:

When passing through passport control at an airport or seaport, you have to show your passport, immigration form and - if necessary - a visa to the immigration officer and apply for landing permission. The immigration officer will check whether your passport and - if necessary - visa are valid and whether you comply with landing conditions. If the immigration officer finds that you meet the landing conditions, you will be photographed and fingerprinted - if you refuse these measures you will not be allowed to enter Japan. After the photographing and fingerprinting, the immigration officer will stamp the landing permission into your passport and grant a residence status.

The landing conditions are, for example,

1. You must hold a valid passport with a valid visa (aforementioned countries in Q2 are exempt from the visa requirement).
2. Your statements about your planned activities in Japan must be true.
3. The period of stay must comply with the Ordinance of the Ministry of Justice (for short-term visits, a period of stay can vary between 15, 30 and 90 days, depending on your nationality).
4. You do not fall under any of the grounds for denial of landing.

Grounds for denial of landing are especially:

- You have been sentenced to imprisonment for other reasons than political offense. (See Q6)

- You have been convicted for drug offense and sentenced to a penalty.

- You have been

a) convicted of a violation of law and sentenced to a penalty for killing, injuring, assaulting or threatening a person or damaging a building or other objects in relation to an international conference where heads of state or representatives of ministerial level have participated, or to an international sport competition,

OR

b) deported from Japan or any other country for the above reasons (including the case you were refused to enter a country or you have left a country "voluntarily" after being ordered to leave)

AND

c) you are likely to kill, injure, assault or threaten a person, or damage a building or other objects in Japan in relation to an international conference.

- The Minister of Justice has reasonable grounds to believe that you are likely to commit an act which could be detrimental to the interests or public security of Japan.

In most of the cases, the immigration officer will ask you what the purpose of your visit is and how long you will stay, but he/she may also ask you other questions concerning the landing conditions.

However, the Ministry of Justice, the National Police Agency and the Foreign Ministry have been and are collecting information about people who have been convicted in relation to past Summits and international conferences, such as APEC and WTO.

From the point of view of immigration practice, it is very likely that people who have been convicted in relation to past international conferences will be deemed to fall under grounds for denial of landing.

Q4: How can I prove that I comply with the landing conditions?

A:

If the immigration officer has any doubts whether you comply with the landing conditions, he/she may ask you to prove that you meet the conditions. It is therefore desirable to prepare the following documents prior to visiting Japan so that they are producible to the immigration officer if required:

- 1) A ticket for boarding an airplane or a vessel to leave Japan, or a written guarantee issued by a transport company.
- 2) A valid passport which enables you to enter foreign countries out of Japan.
- 3) Documents certifying that you can defray all expenses incurred during the stay in Japan. The amount of expenses depends on activities, period and other aspects of your stay. Which documents you need differs from case to case, but it is preferable to bring an original certificate of bank balances or a proof of earnings issued by a public institution.
- 4) Other documents necessary to prove what activities you will engage in, e.g., invitation, materials concerning the conferences or meetings, schedule, etc., differing from case to case.

Q5: Do I have to know where to stay in Japan?

A:

Yes. You have to decide where to stay in Japan beforehand and answer if asked by the immigration officer.

Q6: Will I be refused to enter if I have a criminal record?

A:

a) Convictions or deportations in relation to international conferences:

If you have been convicted, deported or refused entry to any country for killing, injuring, threatening a person or destroying a building or another object in relation to an international conference in the past, you probably will be denied entry to Japan.

b) Other convictions:

Your application for entry will be refused if you have been sentenced to imprisonment with or without work for 1 year or more, or to an equivalent penalty in the past, irrespective of whether or not the sentence has been

executed, whether or not the sentence execution is completed and whether or not the probation time has ended. However, this shall not apply to those convicted of a political offense. "Political offense" does not include criminal offenses which constitutes a "normal" offense, such as homicide, assault, etc., even if it was committed for political reasons.

Besides these, if you have been penalized for drug crimes, you will be rejected.

Q7: Do I need an invitation?

A:

If you apply for a visa in order to participate at conferences and other meetings, you need an invitation.

For the landing permission, you do not necessarily need an invitation, but possibly you will be asked to prove that your statements about your activities in Japan are correct. Therefore, if you want to participate at conferences and meetings, it could be helpful to have an invitation.

Q8: What happens if I am refused entry to Japan?

A:

If the immigration officer decides that you do not satisfy the landing conditions, you will be delivered to a special inquiry officer, who will hold a hearing.

Your representative and/or one of your relatives or acquaintances are allowed to attend the hearing. It is also possible to produce evidence and to hear witnesses.

If the special inquiry officer finds that you conform to the landing conditions, he/she will grant a landing permission. Otherwise, he/she will notify you of his/her findings. In this case, you can either accept these findings and leave the country OR file an objection with the Minister of Justice within 3 days from receipt of the notice. Then the Minister of Justice decides whether or not the objection is reasonable. Even if he finds that the objection is non-reasonable, in very special cases, he can grant a special landing permission.

The duration of the objection procedure may vary from case to case. If the objection is not decided promptly, you will stay in a special facility at the airport or a nearby hotel for which you have to pay.

If the Minister of Justice decides that the objection is non-reasonable, he will order you to leave Japan and determine the date of departure and which flight to take. If you do not leave promptly after receiving the order of departure, a compulsory deportation procedure will be put in force and you will be taken into immigration control facilities.

WATCH = Network of japanese Lawyers observing Human Rights around G8  
Hokkaido Toyako Summit 2008  
<http://watch08summit.blogspot.com/>