

Immigration Control and Refugee Recognition Act

SECTION 2 LANDING OF A FOREIGN NATIONAL

Article 4 Deleted

(Denial of Landing)

Article 5 (1) Any foreign national who falls under any of the following items shall be denied permission to land in Japan.

(i) A person who is suffering from any of the following categories of infectious diseases, which are provided for by the Act on Prevention of Infectious Diseases and Medical Care for Patients Suffering from Infectious Diseases (Act No. 114, 1998): Category 1 or Category 2 infectious diseases, new or reemerging influenza strains, or designated infectious diseases (limited to infectious diseases to which the provisions of Article 19 or 20 of the same Act shall apply mutatis mutandis, pursuant to the provisions of a Cabinet Order pursuant to the provisions of Article 7 of the same Act) including a person who is regarded as a patient of a Category 1 or Category 2 infectious disease, a new or reemerging influenza strain, or a designated infectious disease pursuant to the provisions of Article 8 of the same Act (including cases where it is applied mutatis mutandis pursuant to Article 7 of the same Act), or any person who has symptoms of a new infectious disease.

(ii) A person who, due to a mental disability, is constantly unable to understand right from wrong or whose capacity for such understanding is significantly lacking, and is not accompanied by those persons provided for by Ordinance of the Ministry of Justice to assist him or her in engaging in activities in Japan.

(iii) A person who is indigent or without a fixed dwelling place and is likely to become a burden on the Japanese Government or a local public entity because of an inability to make a living.

(iv) A person who has been convicted of a violation of any law or regulation of Japan, or of any other country, and has been sentenced to imprisonment with or without work for 1 year or more, or to an equivalent penalty. However, this shall not apply to those convicted of a political offense.

(v) A person who has been convicted of a violation of any law or regulation of Japan or of any other country relating to the control of narcotics, marijuana, opium, stimulants or psychotropic substances, and has been sentenced to a penalty.

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(v)-2 A person who has been convicted of a violation of any law or regulation of Japan or of any other country or has been deported from Japan pursuant to the provisions of the Immigration Control and Refugee Recognition Act or deported from any other country pursuant to the provisions of any law or regulation of that country for killing, injuring, assaulting or threatening a person, or damaging a building or other object in relation to the process or results of an international competition or a competition of an equivalent scale or

an international conference (hereinafter referred to as "international competition") or with the intent of preventing the smooth operation thereof, and is likely to kill, injure, assault or threaten a person, or damage a building or other objects in relation to the process or results of an international competition held in Japan or with the intent of preventing the smooth operation thereof, at the venue of the international competition or within the area of the city, town or village where the venue is located (this refers to "ward" in areas where the Tokyo special wards exist or in designated cities prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No.67 of 1947)) or to neighboring places provided for use to unspecified or a large number of persons.

(vi) A person who illegally possesses any narcotics or psychotropic substances as prescribed in the Narcotics and Psychotropic Substances Control Act (Act No. 14 of 1953), marijuana as prescribed in the Marijuana Control Act (Act No. 124 of 1948), or poppy, opium or poppy plants as prescribed in the Opium Control Act (Act No. 71 of 1954), stimulants or raw materials used to make stimulants as prescribed in the Stimulants Control Act (Act No. 252 of 1951), or any apparatus used to smoke or eat opium.

(vii) A person who has engaged in prostitution, or intermediation or solicitation of prostitutes for other persons or provision of a place for prostitution, or any other business directly connected to prostitution (except for those who have engaged in these businesses under the control of another due to trafficking in persons).

(vii)-2 A person who has committed trafficking in persons or incited or aided another to commit it.

(viii) A person who illegally possesses firearms, swords or other such weapons as prescribed in the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons (Act No.6 of 1958) or explosives as provided for by the Explosives Control Act (Act No.149 of 1950).

(ix) A person who falls under any of (a) to (d) below where the period set forth in the relevant provision has not yet elapsed:

(a) A person who has been denied landing for any of the reasons prescribed in the provisions of either item (vi) or the preceding item:1 year from the date of denial.

(b) A person who has been deported from Japan for any of the reasons set forth in any of the items under Article 24 (except for item (iv), sub-items (l) to (o), and item (iv)-3) and who has not previously been deported from Japan or has not departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1), before the aforesaid date of deportation:5 years from the date of deportation.

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(c) A person (except for one listed in sub-item (b)) who has previously been deported from Japan for falling under any of the items of Article 24 (except for item (iv), sub-items (l) to (o), and item (iv)-3):10 years from the date of deportation.

(d) A person who has departed from Japan under a departure order pursuant to the provisions of Article 55-3, paragraph (1):1 year from the date of departure.

(ix)-2 A person who has been sentenced to imprisonment with or without work on the charge of a crime provided for in Part II, Chapters XII, XVI to XIX, XXIII, XXVI, XXVII, XXXI, XXXIII, XXXVI, XXXVII or XXXIX of the Penal Code of Japan (Act No. 45 of 1907), or in Article 1, 1-2 or 1-3 (except for the parts pertaining to Article 222 or 261 of the Penal Code of Japan) of the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), or the Act for Prevention and Disposition of Robbery, Theft, and Other Related Matters (Act No. 9 of 1930), or Article 15 or 16 of the Act on Prohibition of Possession of Special Picking Tools, and Other Related Matters (Act No. 65 of 2003) during his/her stay in Japan with the status of residence listed in the left-hand column of Appended Table I, who subsequently left Japan and whose sentence became final and binding when he or she was outside of Japan, and for whom 5 years have not yet elapsed from the date when the sentence became final and binding.

(x) A person who has been deported from Japan for falling under any of Article 24, item (iv), sub-items (1) to (o).

(xi) A person who attempts or advocates the overthrow of the Constitution of Japan or the Government formed thereunder by means of force or violence, or who organizes or is a member of a political party or any organization which attempts or advocates the same.

(xii) A person who organizes, or is a member of, or is closely affiliated with any of the following political parties or organizations:

(a) A political party or organization which encourages acts of violence or the assault, killing, or injury of officials of the Government or of local public entities for the reason that they are such officials;

(b) A political party or organization which encourages illegal damage to or destruction of public facilities;

(c) A political party or organization which encourages acts of dispute such as stopping or preventing the normal maintenance or operation of the security facilities of a factory or other workplace;

(xiii) A person who attempts to prepare, distribute, or exhibit printed matters, motion pictures, or any other documents or drawings to attain the objectives of any political party or organization prescribed in item (xi) or the preceding item.

(xiv) In addition to those persons listed in items (i) to (xiii), a person whom the Minister of Justice has reasonable grounds to believe is likely to commit an act which could be detrimental to the interests or public security of Japan.

(2) Even in cases where a foreign national seeking to land in Japan does not fall under any of the items of the preceding paragraph, if the country of which he or she is a national or citizen

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denies landing to a Japanese national for any reason other than those set forth in the items of the preceding paragraph, the Minister of Justice may deny his/her landing for the same reason.

(Special Cases of Denial Landing)

Article 5-2 The Minister of Justice may make an exemption from applying the provision of the

items (iv), (v), (vii), (ix) or (ix)-2 of paragraph (1) of the preceding Article to a particular foreign national pursuant to the provisions of an Ordinance of the Ministry of Justice when he/she has granted the foreign national re-entry permission pursuant to the provisions of Article 26, paragraph (1) or in any other case provided for by the provisions of an Ordinance of the Ministry of Justice and when he/she finds reasonable ground to do so. In this case, the foreign national is eligible for landing in Japan as long as he/she does not fall under any other items of paragraph (1) of the preceding Article.