

[TOP](#) > [Immigration Procedures Guidebook](#) > [Deportation and Departure Order System](#) > Q&A

Q&A

(Appearance at immigration office and declaration of charges)

Q1 : I am illegally staying in Japan beyond the period of stay. However, I visited the immigration office to go through necessary procedures for further staying in Japan. In this case, do I have any problem from legal viewpoint?

A lot of foreign residents who have visited the immigration office to declare their charges misunderstand "My legal problems are eliminated because I visited the immigration office to voluntarily declare my illegal stay."

Even if a foreign national declares his/her charges at the immigration office, the legal status of illegal will not immediately be eliminated. In this case, the foreign national still has some problems from legal viewpoints unless the Minister of Justice especially permits the resident status.

From these viewpoints, you are not allowed to work in principle before the Minister of Justice makes a decision. If you have a job, you might be caught at the factory or company for which you are working.

Q2 : If a foreign national is deported from Japan or leaves Japan with the departure order, may the foreign national come back to Japan on a later day?

If a foreign national is deported from Japan or leaves Japan with the departure order, the foreign national may not, in principle, land Japan for a certain period (i.e., landing denial period) as stipulated in the Immigration Control Act. The following rules will be applicable:

1. So-called repeaters (foreign nationals who have been deported from Japan or has left Japan with the departure order) may not land Japan for 10 years since the date of deportation.
2. Foreign nationals who have been deported from Japan so far (except for the case "1") may not land Japan for 5 years since the date of deportation.
3. Foreign nationals who have left Japan with the departure order may not land Japan for 1 year since the date of leaving Japan.

If a foreign national has been subject to imprisonment with or without forced labor on account of violating the law of Japan and foreign legislation, or if a foreign national serves the sentence due to violating the legislations on regulating narcotics, marijuana, opium or stimulant, the foreign nationals may not land Japan and does not have the landing denial period.

Q3 : What do I need to prepare when visiting the immigration office?

If you visit the immigration office, you should carry your passport with you. If you have lost your passport, please bring a certificate proving your status with you. If you wish to go back to your home nation, you must bring a valid passport with you. In addition to passport, you will need your flight ticket for returning home as well as flight ticket reservation statement available from your travel agent. However, if you illegally stay in Japan or do not obey other legislations, the immigration authority's examination will be rather time consuming. In this case, your flight ticket might expire. For more information, please visit the nearest immigration office for detailed explanations.

(Meeting and giving gift to detainee)

Q4 : What are the office hours of service counters for meeting or giving gift to detainee?

You may visit a detainee from 9:00a.m. to 12:00 a.m. and from 1:00 p.m. to 3:00 p.m., weekdays, excepting for Saturday, Sunday and national holidays, in principle. However, some detention centers have different office hours. For more information, refer to the detention center in advance before visiting the center.

Q5 : What should I have when meeting or giving gift to a detainee?

The immigration control authority checks out visitor's ID. If you are a Japanese citizen, you need to bring your driver's license, passport, employee ID card, or any other document with your photo. If you are a foreign national, you must bring your residence card, special permanent resident certificate, passport or any other document that proves your identity.

Q6 : May I visit a detainee many times in a day?

As a lot of persons wish to visit a detention center to meet a detainee, the immigration control authority in principle allows visitors to meet a detainee only once a day in order to provide opportunities for detainees to meet as many people as possible.

Q7 : How long may I meet a detainee?

You may meet a detainee for 30 minutes in principle. When a lot of people wish to meet detainees, the immigration control authority might allocate a shorter time than 30 minutes in order to provide opportunities to all visitors.

Q8 : May I talk with a detainee over the phone?

The detention center does not provide a phone service to connect you with a detainee. You have to visit the detention center or send a letter. Some detention centers allow detainees to make a phone call outside the center.

Q9 : If I tell an alien's name, will the detention center tell me whether it detains the foreign national?

Even if you ask questions on detention over the phone, the detention center is not able to answer your questions to protect the foreign national's privacy.

Q10: I would like to give a gift to a detainee. What kind of gifts am I prohibited from giving the detainee?

For security or hygiene purposes, most detention center refuses a food that requires cooking or corrosion-prone food that may not kept at normal temperature. For more information, refer to the officer in charge at the detention center.

Q11: May I give a detainee a flight ticket for returning to home nation?

A flight ticket might expire if the deportation procedures take a longer time. If you wish to give such a gift, refer to the officer in charge at the detention center in advance.

Q12: How many pieces of baggage may I give to a detainee?

Many airliners allow their passengers to carry a piece of baggage as well as checked baggage of 20kg at maximum. If baggage exceeds this condition, a flight pensioner will have to pay additional charges. When giving such a gift, you should pay attentions to carriageable mass and weight of the baggage. For these reasons, it is desirable to give a gift as compact as a suitcase.

(Deportation)**Q13: Why does the immigration control authority detain a foreign national with the deportation order?**

If the deportation order is issued for a foreign national, an immigration control officer must immediately extradite the alien to the foreign national's destination. If it is impossible to immediately extradite the foreign national, the immigration control authority may detain the foreign national until it becomes possible to extradite the foreign national.

The immigration control authority detains a foreign national in order to surely take him into custody before the extradition and to prevent illegal aliens from activities in Japan.

Q14: What will happen to a detainee if the detainee does not have a valid passport?

Detainees may request their home nation's diplomatic mission in Japan to issue a new passport. In this case, detainees submit a passport application form to such diplomatic mission via an officer at the detention center or regional immigration office.

Q15: What kind of document do I need to apply for a new passport? How long does it take to issue a new passport?

Each nation has different documents and procedures for issuing a passport. Passport issuance procedures in some nations are rather time-consuming, but others are not.

Q16: If I leave Japan at my own expenses, may I freely purchase a flight ticket and make a flight reservation?

Some travel tickets don't allow you to change your initial reservation. If the deportation procedures take a longer time, your flight ticket might expire. If you intend to purchase a flight ticket for returning home, refer to an officer in charge at the immigration office.

Q17: I am provisionally released from the detention center and intend to leave Japan at my own expense. However, I missed the flight for leaving Japan. In this case, what should I do?

If you are allowed to leave Japan at your own expenses, have missed your intended flight, but have arrived at the airport, please visit the immigration office in the airport for specific instructions.

Some aliens foreign national are allowed to leave Japan at their own expenses but might have missed their intended flight because of acute disease. In this case, please refer to the immigration office that has permitted the self-financed departure for specific instructions.

Q18: Are there any criteria for provisional release?

The immigration control authority does not have criteria for making a decision on provisional release.

If applicant seeks for provisional release, the director of the immigration center or the supervising immigration inspector may provisionally release the detainee if he deems necessary to do so by comprehensively considering the detainee's circumstances, evidence proving the reason for provisional release, the detainee's characteristics and assets.

Q19: What kind of conditions will the immigration control authority attach to the provisional release?

The immigration control authority will set certain conditions on residence and activities, require the detainee to visit the immigration office, designate the provisional release period or any other conditions depending on the detainee's circumstances.

Q20: How does the immigration control authority decide the amount of guarantee deposit?

According to Article 54 of Immigration Control Act, the amount of guarantee deposit shall be 3 million yen at maximum. The director of the immigration center or the supervising immigration inspector will decide the amount of guarantee deposit by paying due attentions to guarantor's financial resources as well as by considering whether or not such guarantee deposit is large enough to make the detainee voluntarily visit the immigration office.

Q21: I need to go outside the spatial boundary designated for provisional release. In this case, what should I do?

If you need to go outside the spatial boundary designated for provisional release, you need to apply for temporary travel permit, which is granted by the supervising immigration inspector at the regional immigration office in charge of your location.

When filing an application, you need to submit a temporary travel application form jointly signed by your guarantor, as well as a document that clearly indicates the purpose, necessity and duration of your travel.

For more information, refer to the regional immigration office in charge of the designated location.

Q22: Is it possible to work during provisional release?

If the deportation order is issued on a foreign national, the foreign national may not stay in Japan and will be deported. In this case, to surely take him into custody and prevent from his activities in Japan, the immigration camp or regional immigration bureau's detention center will detain the foreign national. Even if you are provisionally released from the detention center, you may not work because the deportation order on you is still effective.

(Special permission to stay)**Q23: What are the criteria for granting the special permission to stay?**

There is no criteria on granting the special permission to stay.

The Minister of Justice grants the special permission to stay to a foreign national who falls under one of the conditions as stated in Article 24 of Immigration Control Act and is supposed to be deported from Japan. In this case, the Minister will make a decision by paying attentions to various factors, such as the reason for intention to stay in Japan, violation (violation types), behavior, family affairs, living conditions, and circumstances at home and aboard, and possible impacts for granting/not granting the permission.

A foreign national will be deported from Japan only if the foreign national falls under the conditions as stated in Article 24, Immigration Control Act.

Deportation will be applicable to foreign nationals who have negative impacts on the Japanese society.

These foreign national illegally entered Japan, illegally stay in Japan, are convicted on violation of laws, or are subject to imprisonment with or without forced labor for 1 year or longer.

Q24: If I get married with a Japanese citizen, will I acquire the special permission to stay?

Even in this case, you might not necessarily acquire the special permission to stay.

The special permission to stay specially permits illegal foreign nationals to stay in Japan even though they are supposed to be deported from Japan. Marriage with a Japanese citizen will not necessarily lead to your acquiring the special permission foreign national. The immigration control authority will decide to grant such permission by comprehensively considering the applicant's behaviors, living conditions and actual marital status with a Japanese citizen.

Q25: Will I obtain the special permission to stay if I have a child?

In this case, you might not necessarily acquire the special permission to stay, either.

Even if a foreign national gets married with a Japanese citizen in the Japanese society, has a continual and stable family life, or has a child who is a relative with a Japanese citizen, these factors do not affect the decision so much to grant the special permission foreign national.

The immigration control authority will decide to grant such permission by comprehensively considering various factors, the applicant's actual fostering his/her child, applicant's behaviors, living conditions.

Q26: How long does it take to acquire the special permission to stay after filing an application?

The special permission to stay is not an application-based permission.

After a series of the deportation process (immigration control officer 's investigation of violation, immigration inspector's examination, and special inquiry officer's oral inquires), the Minister of Justice will grant such special permission to a foreign national who will be deported from Japan but intends to stay in Japan.

More and more aliens are seeking for the special permission to stay. In addition, since circumstances for each applicant are different from each other, the immigration control authority needs careful examination on a case-by-case basis. In some cases, the authority needs to pay attentions to each applicant's family status. From these viewpoints, it is not possible to generalize how long it will take.

Q27: Isn't deportation contrary to the humanitarian principles?

As of January 1, 2010, about 110,000 illegal foreign residents are staying in Japan. Most of these illegal foreign residents are staying in Japan, knowing that illegal entry or illegal stay would violate the laws. Since they have negative impacts on Japan's public security, Japan now faces a serious problem of illegal foreign residents. If a foreign national is found undesirable to Japan's society, the immigration control authority deports such foreign national in accordance with a certain procedures, aiming at fair immigration control. For this reason, deportation does not go against the humanitarian principles. In addition, since the applicable laws clearly describe the foreign nationals who are undesirable to the society and should be forcibly deported from Japan, the immigration control authority deports foreign national in accordance with strict rules.

(Departure order)**Q28: What is "Departure order system"?**

The departure order system is applicable to illegal foreign residents who satisfy certain conditions. Under the departure order system, the immigration control authority sends these illegal foreign nationals outside of Japan without detaining the foreign nationals by taking simpler procedures. The departure order system would be applicable to foreign nationals who fall under any of the conditions as stated in Article 24-3, Immigration Control Act. In this case, all of the following rules will be applicable.

A foreign national voluntarily visit the immigration office, intending to leave Japan as soon as possible;

A foreign national does not fall under any conditions for deportation, except for illegal stay;

A foreign national is not sentenced to the imprisonment with/without forced labor on account of theft after entering Japan;

A foreign national has never been deported from Japan or has never left Japan under the departure order;
and

A foreign national surely leaves Japan immediately.

Q29: Where should I go to seek for "departure order"?

In principle, the 8 regional immigration bureaus (Sapporo, Sendai, Tokyo, Nagoya, Osaka, Hiroshima, Takamatsu and Fukuoka), three district immigration office (Yokohama, Kobe and Naha) and one branch office (Kagoshima) examine foreign national who voluntarily appear at the immigration office. Please visit one of these immigration offices.

If you visit an immigration office other than mentioned above during weekday's office hours, the office will deliver appearance confirmation slip and provide instructions on when and where to visit these regional immigration offices that are in charge of investigation of violation.

Q30: May I show up at the immigration office at the airport from which I intend to leave Japan?

If you visit the immigration office at the airport, the immigration office will provide you with the appearance confirmation slip. However, as investigation of violation process might take a longer time, you may not leave Japan on the same date as you visit the immigration office in the airport. So, if you would like to leave Japan with the departure order, you should go through the necessary procedures in advance at the 8 regional immigration bureaus (Sapporo, Sendai, Tokyo, Nagoya, Osaka, Hiroshima, Takamatsu and Fukuoka), three district immigration office (Yokohama, Kobe and Naha) and one branch office (Kagoshima).

Q31: How long will it usually take to obtain the departure order after visiting the immigration office?

It really depends on the conditions of foreign national who show up at the immigration bureau (such as if the foreign national has a passport or not). However, it will usually take about two weeks to grant the departure order after the foreign national showed up at the immigration office. For this reason, please pay attentions to this time span in making your flight reservation.

Q32: A foreign national has never been deported from Japan but is arrested on the account of illegal stay. In this case, will the "departure order system" be applicable to such foreign national?

As the departure order system is only applicable to foreign nationals who voluntarily show up at the immigration office. Immigration bureaus do not provide the departure order to foreign national who are arrested on the account of illegal stay.

Q33: A foreign national has entered Japan with fake passport and has illegally stayed in Japan. If this foreign national voluntarily shows up at the immigration bureaus, will the "departure order system" be applicable to such foreign national?

Entering Japan by using a fake passport represents illegal entry to Japan. In this case, such alien may not leave Japan under the departure order system. Instead, such alien will be deported from Japan on account of suspected illegal entry to Japan.

Q34: A foreign national left Japan under the departure order. After the landing denial period expires, the foreign national enters Japan again and started illegal stay in Japan. In this case, the "departure order system" is applicable to such foreign national again?

Since the departure order system is only applicable to aliens who have never been deported from Japan or have never left Japan under the departure order, the departure order system will not be applicable to the alien in this example because the foreign national has been deported from Japan so far.

[To the top of the page](#)