

NATIONALITY LAW

(Law No. 147 of 1950, as amended by Law No. 268 of 1952, Law No. 45 of 1984 and Law No. 89 of 1993)

(Purpose of this Law)

Article 1.

The conditions necessary for being a Japanese national shall be determined by the provisions of this Law.

(Acquisition of nationality by birth)

Article 2.

A child shall, in any of the following cases, be a Japanese national:

- (1) When, at the time of its birth, the father or the mother is a Japanese national;
- (2) When the father who died prior to the birth of the child was a Japanese national at the time of his death;
- (3) When both parents are unknown or have no nationality in a case where the child is born in Japan.

(Acquisition of nationality by legitimation)

Article 3.

A child (excluding a child who was once a Japanese national) under twenty years of age who has acquired the status of a legitimate child by reason of the marriage of its father and mother and their recognition, may acquire Japanese nationality by making notification to the Minister of Justice, if the father or mother who has effected the recognition was, at the time of the child's birth, a Japanese national and such father or mother is presently a Japanese national or was, at the time of his or her death, a Japanese national.

2. A child who makes notification in accordance with the preceding paragraph shall acquire Japanese nationality at the time of the notification.

(Naturalization)

Article 4.

A person who is not a Japanese national (hereinafter referred to as "an alien") may acquire Japanese nationality by naturalization.

2. The permission of the Minister of Justice shall be obtained for naturalization.

Article 5.

The Minister of Justice shall not permit the naturalization of an alien unless he or she fulfills all of the following conditions:

- (1) that he or she has domiciled in Japan for five years or more consecutively;
- (2) that he or she is twenty years of age or more and of full capacity according to the law of his or her home country;

- (3) that he or she is of upright conduct;
- (4) that he or she is able to secure a livelihood by one's own property or ability, or those of one's spouse or other relatives with whom one lives on common living expenses;
- (5) that he or she has no nationality, or the acquisition of Japanese nationality will result in the loss of foreign nationality;
- (6) that he or she has never plotted or advocated, or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the Government existing thereunder, since the enforcement of the Constitution of Japan.

2. When an alien is, regardless of his or her intention, unable to deprive himself or herself of his or her current nationality, the Minister of Justice may permit the naturalization of the alien, notwithstanding that the alien does not fulfill the conditions set forth in item (5) of the preceding paragraph, if the Minister of Justice finds exceptional circumstances in his or her family relationship with a Japanese national, or other circumstances.

Article 6.

The Minister of Justice may permit the naturalization of an alien notwithstanding that the alien does not fulfill the condition set forth in item (1) of paragraph 1 of the last preceding Article, provided that the said alien falls under any one of the following items, and is presently domiciled in Japan:

- (1) One who has had a domicile or residence in Japan for three consecutive years or more and who is the child of a person who was a Japanese national (excluding a child by adoption);
- (2) One who was born in Japan and who has had a domicile or residence in Japan for three consecutive years or more, or whose father or mother (excluding father and mother by adoption) was born in Japan;
- (3) One who has had a residence in Japan for ten consecutive years or more.

Article 7.

The Minister of Justice may permit the naturalization of an alien who is the spouse of a Japanese national notwithstanding that the said alien does not fulfill the conditions set forth in items (1) and (2) of paragraph 1 of Article 5, if the said alien has had a domicile or residence in Japan for three consecutive years or more and is presently domiciled in Japan. The same rule shall apply in the case where an alien who is the spouse of a Japanese national has been married with the Japanese national for three years or more and has had a domicile in Japan for one consecutive year or more.

Article 8.

The Minister of Justice may permit the naturalization of an alien notwithstanding that the alien does not fulfill the conditions set forth in items (1), (2) and (4) of paragraph 1 of Article 5, provided that the alien falls under any one of the following items:

- (1) One who is a child (excluding a child by adoption) of a Japanese national and has a domicile in Japan;
- (2) One who is a child by adoption of a Japanese national and has had a domicile in Japan for one consecutive year or more and was a minor according to the law of its native country at the time of the adoption;

- (3) One who has lost Japanese nationality (excluding one who has lost Japanese nationality after naturalization in Japan) and has a domicile in Japan;
- (4) One who was born in Japan and has had no nationality since the time of birth, and has had a domicile in Japan for three consecutive years or more since then.

Article 9.

With respect to an alien who has rendered especially meritorious service to Japan, the Minister of Justice may, notwithstanding the provision of Article 5, paragraph 1, permit the naturalization of the alien with the approval of the Diet.

Article 10.

The Minister of Justice shall, when permitting naturalization, make an announcement to that effect by public notice in the Official Gazette.

2. The naturalization shall come into effect as from the date of the public notice under the preceding paragraph.

(Loss of nationality)

Article 11.

A Japanese national shall lose Japanese nationality when he or she acquires a foreign nationality by his or her own choice.

2. A Japanese national having a foreign nationality shall lose Japanese nationality if he or she chooses the foreign nationality in accordance with the laws of the foreign country concerned.

Article 12.

A Japanese national who was born in a foreign country and has acquired a foreign nationality by birth shall lose Japanese nationality retroactively as from the time of birth, unless the Japanese national clearly indicates his or her volition to reserve Japanese nationality according to the provisions of the Family Registration Law (Law No. 224 of 1947).

Article 13.

A Japanese national having a foreign nationality may renounce Japanese nationality by making notification to the Minister of Justice.

2. The person who made notification in accordance with the preceding paragraph shall lose Japanese nationality at the time of the notification.

(Choice of nationalities)

Article 14.

A Japanese national having a foreign nationality shall choose either of the nationalities before he or she reaches twenty two years of age if he or she has acquired both nationalities on and before the day when he or she reaches twenty years of age or, within two years after the day

when he or she acquired the second nationality if he or she acquired such nationality after the day when he or she reached twenty years of age.

2. Choice of Japanese nationality shall be made either by depriving himself or herself of the foreign nationality or by the declaration provided for in the Family Registration Law in which he or she swears that he or she chooses to be a Japanese national and that he or she renounces the foreign nationality (hereinafter referred to as “declaration of choice”).

Article 15.

The Minister of Justice may, by written notice, require a Japanese national having a foreign nationality who fails to choose Japanese nationality within the period prescribed in paragraph 1 of the last preceding Article to choose one of the nationalities he or she possesses.

2. The notice provided for in the preceding paragraph may be made by means of announcement thereof in the Official Gazette, in the case where the person who is to receive the notice is missing or in any other circumstances where it is impossible to send the notice to the person concerned. In this case, the notice shall be deemed to reach the person concerned on the day following the day when the announcement is made in the Official Gazette.

3. The person to whom the notice has been sent in accordance with the preceding two paragraphs shall lose Japanese nationality at the expiration of one month after the day he or she receives the notice, unless he or she chooses Japanese nationality within such period. This shall not, however, apply in the case where the person concerned is unable to choose Japanese nationality within such period due to a natural calamity or any other cause not imputable to him or her and he or she has made such choice within two weeks after he or she has become able to do so.

Article 16.

A Japanese national who has made the declaration of choice shall endeavour to deprive himself or herself of the foreign nationality.

2. In the case where a Japanese national who has made the declaration of choice but still possesses a foreign nationality has voluntarily taken public office in the foreign country (excluding an office which a person not having the nationality of such country is able to take), the Minister of Justice may declare that he or she shall lose Japanese nationality if the Minister finds that taking such public office would substantially contradict his or her choice of Japanese nationality.

3. The hearing concerning the declaration under the last preceding paragraph shall be conducted publicly.

4. The declaration provided for in paragraph 2 of this Article shall be made by public notice in the Official Gazette.

5. The person against whom the declaration has been made under paragraph 2 of this Article shall lose Japanese nationality on the day of the public notice under the last preceding paragraph.

(Reacquisition of nationality)

Article 17.

A person under twenty years of age who has lost Japanese nationality in accordance with Article 12 may reacquire Japanese nationality by making notification to the Minister of Justice if he or she has a domicile in Japan.

2. A person who has received a notice under paragraph 2 of Article 15 and has lost Japanese nationality under paragraph 3 of the said Article may reacquire Japanese nationality by making notification to the Minister of Justice within one year after he or she has become aware of the fact that he or she has lost Japanese nationality, if he or she fulfills the condition set forth in item (5) of paragraph 1 of Article 5. However, in the case where he or she is unable to make notification within the period due to natural calamity or any other cause not imputable to him or her, such period shall be one month after he or she becomes able to do so.

3. The person who has made notification in accordance with the preceding two paragraphs shall acquire Japanese nationality at the time of the notification.

(Notification, etc., by legal representative)

Article 18.

In the case where the person who intends to acquire, choose or renounce nationality is under fifteen years of age, notification of the acquisition of nationality under Article 3, paragraph 1 or Article 17, paragraph 1, the application for naturalization permission, the declaration of choice or the notification of renunciation of nationality shall be made by the person's legal representative on his or her behalf.

(Ministerial ordinance)

Article 19.

Except as provided for in this Law, the procedures concerning the acquisition or renunciation of nationality as well as other rules necessary to enforce this Law shall be prescribed in the Ordinance of the Ministry of Justice.