

# Nationality Act

(Act No. 147 of May 4, 1950)

(Purpose of This Act)

Article 1 The requirements of Japanese citizenship shall be governed by the provisions of this Act.

(Acquisition of Nationality by Birth)

Article 2 A child shall be a Japanese citizen in the following cases:

- (i) If the father or mother is a Japanese citizen at the time of birth;
- (ii) If the father died before the child's birth and was a Japanese citizen at the time of death; or
- (iii) If born in Japan and both of the parents are unknown or are without nationality.

(Acquisition of Nationality by Acknowledged Children)

Article 3 (1) In cases where a child acknowledged by the father or mother is under twenty years of age (excluding a child who was once a Japanese citizen) and the acknowledging father or mother was a Japanese citizen at the time of the birth of the child, Japanese nationality may be acquired through notification to the Minister of Justice if that father or mother is currently a Japanese citizen or was so at the time of death.

(2) The person making notification provided for in the provision set forth in the preceding paragraph shall acquire Japanese nationality at the time of the notification.

(Naturalization)

Article 4 (1) A person who is not a Japanese citizen (hereinafter referred to as "foreign national") may acquire Japanese nationality through naturalization.

(2) To undergo naturalization, permission of the Minister of Justice shall be obtained.

Article 5 (1) The Minister of Justice may not permit naturalization for a foreign national who has not met the following conditions:

- (i) Having continuously had a domicile in Japan for five years or more;
- (ii) Being twenty years of age or more and having the capacity to act according to his/her national law;
- (iii) Being a person of good conduct;
- (iv) Being able to make a living through his/her own assets or abilities, or

- through those of a spouse or of another relative his/her making a living;
- (v) Not having a nationality or having to give up his/her nationality due to the acquisition of Japanese nationality; and
  - (vi) On or after the date of promulgation of the Constitution of Japan, not having planned or advocated the destruction of the Constitution of Japan or the government established thereunder with force, and not having formed or joined a political party or other organization planning or advocating the same.
- (2) In cases where despite the foreign national's intention, he/she is unable to give up his/her nationality, the Minister of Justice may permit naturalization if special circumstances are found concerning a familial relationship or circumstances with a Japanese citizen even if that foreign national has not met the conditions listed in the preceding paragraph, item (v).

Article 6 The Minister of Justice may permit naturalization for a foreign national currently having a domicile in Japan who falls under one of the following items even if that person has not met the conditions listed in the preceding Article, paragraph (1), item (i):

- (i) A child (excluding an adopted child) of a Japanese citizen, the former continuously having a domicile or residence in Japan for three years or more;
- (ii) A person born in Japan, and continuously having a domicile or residence in Japan for three years or more or whose father or mother (excluding an adoptive parent) was born in Japan;
- (iii) A person having a residence in Japan continuously for ten years or more.

Article 7 The Minister of Justice may permit naturalization of a foreign national with a spouse who is a Japanese citizen, said foreign national continuously having a domicile or residence in Japan for three years or more and who currently has a residence in Japan even if that person does not meet the conditions of Article 5, paragraph (1), item (i) and item (ii). The same shall apply to a foreign national with a spouse who is a Japanese citizen, for whom three years have elapsed since the date of their marriage, which foreign national has continuously maintained a domicile in Japan for one year or more.

Article 8 The Minister of Justice may permit naturalization of a foreign national who falls under one of the following items even if that person has not met the conditions listed in Article 5, paragraph (1), item (i), item (ii) and item (iv):

- (i) A child (excluding an adopted child) of a Japanese citizen, said child having a domicile in Japan;
- (ii) An adopted child of a Japanese citizen, said child continuously having a domicile in Japan for one year or more, and having been a minor according to

- his/her national law at the time of adoption;
- (iii) A person having lost his/her Japanese nationality (excluding a person who lost his/her Japanese nationality after naturalization in Japan) having a domicile in Japan; or
  - (iv) A person born in Japan, not having any nationality since the time of birth, and continuously having a domicile in Japan for three years or more since that time.

Article 9 The Minister of Justice may obtain approval from the Diet and permit naturalization of a foreign national having provided a special distinguished service in Japan notwithstanding the provision of Article 5, paragraph (1).

- Article 10 (1) When permitting naturalization, the Minister of Justice shall provide public notice thereof in the official gazette.
- (2) Naturalization shall have effect from the date of the public notice set forth in the preceding paragraph.

(Loss of Nationality)

- Article 11 (1) If a Japanese citizen acquires the nationality of a foreign country at his/her choice, he/she loses Japanese nationality.
- (2) A Japanese citizen having the nationality of a foreign country loses Japanese nationality when he/she selects the nationality of that foreign country according to the laws and regulations thereof.

Article 12 A Japanese citizen who acquired the nationality of a foreign country through birth and who was born abroad shall retroactively lose Japanese nationality to the time of birth unless he/she indicates an intention to reserve Japanese nationality pursuant to the provision of the Family Register Act (Act No. 224 of 1947).

- Article 13 (1) A Japanese citizen having foreign nationality may renounce Japanese nationality by notification to the Minister of Justice.
- (2) The person making the notification provided for in the provisions set forth in the preceding paragraph shall lose Japanese nationality at the time of the notification.

(Selection of Nationality)

Article 14 (1) A Japanese citizen having a foreign nationality shall select one of the nationalities, where he/she obtains foreign and Japanese nationalities prior to his/her becoming twenty years old, before his/her reaching twenty-two years old, and where that time when he/she obtained foreign and Japanese

nationalities comes after his or her reaching twenty years old, within two years from that time.

- (2) In addition to renouncement of the foreign nationality, the selection of Japanese nationality may be accomplished through selecting Japanese nationality and declaring the renunciation of the foreign nationality (hereinafter referred to as "selection declaration") pursuant to the provisions of the Family Register Act.

Article 15 (1) The Minister of Justice may provide written notice that nationality must be selected to any Japanese citizen having a foreign nationality who has not selected Japanese nationality within the assigned time as provided for in the preceding Article, paragraph (1).

- (2) In the unavoidable event that the whereabouts of the intended recipient of the notice prescribed in the preceding paragraph may not be ascertained or notice in writing is otherwise not possible, the notice may be published in the official gazette. In such cases, the notice shall be deemed to have arrived on the day after publication in the official gazette.
- (3) The person receiving the notice provided for in the provision of the preceding two paragraphs shall lose Japanese nationality when the period has elapsed if the selection of Japanese nationality is not made within one month of receiving the notice; provided, however, that this shall not apply in cases where the person is unable to select Japanese nationality within the period due to a natural disaster or some other cause not attributable to that person, and the selection is made within two weeks of the time when the selection may be made.

Article 16 (1) A Japanese citizen who makes the selection declaration shall endeavor to renounce his/her foreign nationality.

- (2) In cases where a Japanese citizen having made the selection declaration and not having lost foreign nationality appoints the post of a public officer (with the exception of a post that may be appointed by a person not having the nationality of that country) at his/her own discretion, the Minister of Justice may pronounce a judgment of loss of Japanese nationality if it is found that the appointment of the post is markedly contrary to the purpose of the selection of Japanese nationality.
- (3) The proceedings on the date of the hearing pertaining to the pronouncement of judgment set forth in the preceding paragraph shall be conducted open to the public.
- (4) The judgment pronouncement of paragraph (2) shall be placed in a public notice in the official gazette.
- (5) The person receiving the pronouncement of judgment of paragraph (2) shall lose Japanese nationality on the day of the public notice set forth in the

preceding paragraph.

(Reacquisition of Nationality)

Article 17 (1) A person who loses Japanese nationality pursuant to the provisions of Article 12 and is under twenty years of age may acquire Japanese nationality, if he/she has a Japanese domicile, through notification to the Minister of Justice.

(2) A person who receives the notice pursuant to the provisions of Article 15, paragraph (2) and loses Japanese nationality pursuant to the provisions of that same Article, paragraph (3) may acquire Japanese nationality if he/she meets the conditions listed in Article 5, paragraph (1), item (v) through notification to the Minister of Justice within one year from the date of knowing of the loss of Japanese nationality; provided, however, that if notification cannot be made within that period due to a natural disaster or some other cause not attributable to that person, that period shall be one month from the time when the notification can be made.

(3) The person making notification provided for in the provisions of the preceding two paragraphs shall acquire Japanese nationality at the time of the notification.

(Notification, etc. by a Statutory Agent)

Article 18 The notification of acquisition of nationality provided for in the provision in Article 3, paragraph (1) or the preceding Article, paragraph (1), application for permission to naturalize, selection declaration, or notification of nationality renouncement shall be made by a statutory agent if the person desiring nationality acquisition, selection, or renouncement is under fifteen years of age.

(Delegation to Ordinances of the Ministry)

Article 19 Procedures relating to acquisition and renouncement of nationality as well as other required matters relating to the enforcement of this Act not provided herein shall be prescribed by Ordinance of the Ministry of Justice.

(Penal Provisions)

Article 20 (1) In cases of notification provided for in the provisions of Article 3, paragraph (1), a person making a false notification shall be punished by not more than one year of imprisonment with work or a fine of not more than two hundred thousand yen.

(2) The violation set forth in the preceding paragraph shall be governed by the Penal Code (Act No. 45 of 1907), Article 2.

### **Supplementary Provisions (Extract)**

- (1) This Act shall come into effect as from July 1, 1950.
- (2) The Nationality Act (Act No. 66 of 1899) is hereby abolished.
- (5) For the application of the provision of the Nationality Act, Article 6, item (iv) for the child of a person naturalized in Japan before enforcement of this Act, which child having acquired Japanese nationality as provided for in the provisions of the former Nationality Act, Article 15, paragraph (1), that child shall be deemed naturalized in Japan. The same shall apply to a person who became an adopted child of or a man marrying a Japanese citizen before the enforcement of this Act.

### **Supplementary Provisions (Act No. 268 of July 31, 1952) (Extract)**

- (1) This Act shall come into effect as from August 1, 1952.

### **Supplementary Provisions (Act No. 45 of May 25, 1984) (Extract)**

(Effective Date)

Article 1 This Act shall come into effect as from January 1, 1985.

(Transitional Measure on Naturalization and Renouncement of Nationality)

Article 2 With regard to the naturalization or renouncement of nationality of a person having applied for permission of naturalization or made notification of renouncement of nationality prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measure on Nationality Selection)

Article 3 For the application of the provisions of Article 14, paragraph (1) of the Nationality Act after the revision provided for in the provision in Article 1 (hereinafter referred to as "New Nationality Act"), a Japanese citizen currently having foreign nationality at the time of enforcement of this Act shall be deemed as having foreign and Japanese nationality at the time of the enforcement of this Act. In such cases, said person shall be deemed to have made the selection declaration provided in said Article, paragraph (2) when the assigned time arrives if said person has not selected a nationality within the assigned time as set forth in said Article, paragraph (1).

(Transitional Measures for Reacquisition of Nationality)

Article 4 The provision of the New Nationality Act, Article 17, paragraph (1) shall also apply to a person under twenty years of age who has lost Japanese

nationality pursuant to the provisions of the Nationality Act prior to the revision provided for in the provision in Article 1.

(Special Provisions of Nationality Acquisition)

Article 5 (1) A person (excluding a person who was once a Japanese citizen) born between January 1, 1965 and before the date of enforcement of this Act (hereinafter referred to as "enforcement date") whose mother was a Japanese citizen at the time of birth may acquire Japanese nationality within three years from the enforcement date through notification to the Minister of Justice pursuant to the provisions of Ordinance of the Ministry of Justice if said mother is currently a Japanese citizen or was a Japanese citizen at the time of her death.

(2) The notification set forth in the preceding paragraph shall be carried out by a statutory agent on behalf of said person desiring to acquire nationality if said person is under fifteen years of age.

(3) If the person desiring to make notification as provided in paragraph (1) is unable to make notification within the time period provided for in said paragraph due to a natural disaster or some other cause not attributable to that person, the time period of the notification shall be three months from the time when notification is possible.

(4) The person making notification provided for in the provision in paragraph (1) shall acquire Japanese nationality at the time of the notification.

Article 6 (1) If a father or mother has acquired Japanese nationality pursuant to the provisions of the preceding Article, paragraph (1), the child (excluding a child who was once a Japanese citizen) may acquire Japanese nationality within the time period set forth in the said paragraph through notification to the Minister of Justice pursuant to the provisions of the Ordinances of the Ministry of Justice; provided, however, that this shall not apply if said father or mother is an adoptive parent or said child was acknowledged after the time of birth.

(2) The provisions from the preceding Article, paragraph (2) to paragraph (4) shall apply mutatis mutandis in the case set forth in the preceding paragraph.

### **Supplementary Provisions (Act No. 89 of November 12, 1993) (Extract)**

(Effective Date)

Article 1 This Act shall come into effect as from the enforcement date of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measure on Adverse Disposition with Consultation, etc.)

Article 2 In cases where a consultation or other request is made to go through the procedures corresponding to the procedures for giving the opportunity of the hearing or explanation provided in the Administrative Procedure Act, Article 13 or other procedure for an opinion statement to a council or any other panel based on the laws and regulations prior to the enforcement of this Act, the provisions then in force shall remain applicable to the procedures for adverse disposition pertaining to the consultation or other request notwithstanding the provisions of related Acts revised by this Act.

(Transitional Measures Relating to Penal Provisions)

Article 13 With regard to the application of penal provisions for acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measure Accompanying Arrangement of Provisions on Hearings)

Article 14 Procedures for hearings (excluding those pertaining to adverse dispositions) implemented pursuant to the provision of Acts prior to the enforcement of this Act or procedures incidental thereto shall be deemed to have been implemented under corresponding provisions of related Acts revised by this Act.

(Delegation to Cabinet Orders)

Article 15 Other than those set forth from the supplementary provisions, Article 2, to the preceding Article, transitional measures required in relation to the enforcement of this Act shall be as prescribed by Cabinet Order.

#### **Supplementary Provisions (Act No. 147 of December 1, 2004) (Extract)**

(Effective Date)

Article 1 This Act shall come into effect as from the day prescribed by Cabinet Order within a period not exceeding six months from the date of promulgation.

#### **Supplementary Provisions (Act No. 88 of December 12, 2008) (Extract)**

(Effective Date)

Article 1 This Act shall come into effect on the day on which twenty days have elapsed from the date of promulgation; provided, however, that the provisions listed in the following items shall come into force from the day provided therein.

- (i) The provisions of the supplementary provisions, Article 3, paragraph (2): the day of promulgation;
- (ii) The provisions of the supplementary provisions, Article 12: the day of



promulgation of this Act or the day of promulgation of the Act (Act No. of 2008) partially revising the Administrative Procedure Act, whichever is later.

(Transitional Measures Relating to the Acquisition of Nationality of a Person Making the Former Notification)

- Article 2 (1) A person making a former notification (referring to the act of notification pertaining to acquisition of Japanese nationality by a child acknowledged by a father or mother not falling under children having acquired the status of a child born in wedlock through the marriage of the father and mother and their acknowledgment provided in Article 3, paragraph (1) of the Nationality Act prior to revision by this Act pursuant to the provisions of said paragraph before the day of enforcement of this Act (hereinafter referred to as "enforcement date"); the same shall apply hereinafter) falling under the requirements (except for notification to the Minister of Justice; the same shall apply in the supplementary provisions, Article 4, paragraph (1)) provided in Article 3, paragraph (1) of the Nationality Act after revision by this Act (referred to as the "New Act" in the supplemental provisions, Article 4, paragraph (1)), if said paragraph applies (except for a person who was once a Japanese citizen) at the time of said former notification, may acquire Japanese nationality through notification to the Minister of Justice within three years of the enforcement date.
- (2) The notification set forth in the preceding paragraph shall be carried out by a statutory agent on behalf of said person desiring to acquire nationality if said person is under fifteen years of age.
- (3) The person making a notification provided for in the provision in paragraph (1) shall acquire Japanese nationality at the time of the notification; provided, however, that if the former notification is made on or after January 1, 2003, Japanese nationality shall be acquired retroactively to the time of the former notification.

(Special Provisions for Cases where a Former Notification Was Made on or after June 5, 2008)

- Article 3 (1) Except where a contrary intention is indicated to the Minister of Justice, a person making a former notification on or after June 5, 2008 shall be deemed to have made the notification provided for in the provision in the preceding Article, paragraph (1) on the enforcement date, and the provisions of said paragraph and said Article, paragraph (3), proviso shall apply.
- (2) The indication of contrary intention prescribed in the preceding paragraph shall be made on or before the enforcement date.

(Transitional Measures on Acquisition of Nationality by a Child Acknowledged

by Other than a Person Making a Former Notification)

Article 4 (1) Other than as provided for in the provision of the supplementary provisions, Article 2, paragraph (1), a child acknowledged by the father or mother who falls under the requirements provided in the New Act, Article 3, paragraph (1) should that provision apply during the period from January 1, 2003 until the day before the enforcement date (except for a person who once was a Japanese citizen and a person able to make notification provided for in the provision in said paragraph) may acquire Japanese nationality if the father or mother is currently a Japanese citizen or was so at the time of death through notification to the Minister of Justice limited to within three years of the enforcement date.

(2) The person making notification provided for in the provisions set forth in the preceding paragraph shall acquire Japanese nationality at the time of the notification.

(Special Provisions on Nationality Acquisition of a Child of a Person Having Acquired Nationality)

Article 5 (1) If a father or a mother has acquired Japanese nationality pursuant to the provisions of the supplementary provisions, Article 2, paragraph (1) (excluding cases in which the provisions of the same Article, paragraph (3), proviso applies), a child (except one who was once a Japanese citizen) born before said father or mother acquired Japanese nationality, at or after the time of a former notification by said father or mother, may acquire Japanese nationality through notification to the Minister of Justice limited to within three years of the enforcement date; provided, however, that this shall not apply if the father or mother is an adoptive parent or the child was acknowledged after the time of birth.

(2) The person making notification provided for in the provisions set forth in the preceding paragraph shall acquire Japanese nationality at the time of the notification.

(3) The provisions of the supplementary provisions, Article 2, paragraph (2) shall apply mutatis mutandis to the notification provided for in the provisions of paragraph (1).

(Special Provisions of the Notification Period)

Article 6 If the person desiring to make notification as provided in the supplementary provisions, Article 2, paragraph (1), Article 4, paragraph (1), or the preceding Article, paragraph (1) is unable to make notification within the time period provided in these provisions due to a natural disaster or some other cause not attributable to that person, the time period of the notification shall be three months from the time when notification is possible.

(Special Provisions on Nationality Selection)

Article 7 For the application of the provisions of the Nationality Act, Article 14, paragraph (1) where a person having a foreign nationality has acquired Japanese nationality pursuant to the provisions of the supplementary provisions, Article 2, paragraph (1) (limited to where the provisions of the same Article, paragraph (3), proviso applies), that person shall be deemed to have had foreign and Japanese nationality at the time of notification provided for in the provision of the supplementary provisions, Article 2, paragraph (1) (on the enforcement date in cases where the notification is deemed to be made pursuant to the provision of the supplementary provisions, Article 3, paragraph (1)).

(Special Provisions of Notification of Acquisition of Nationality)

Article 8 The provisions of the Family Register Act (Act No. 224 of 1947), Article 102 shall apply mutatis mutandis to notification of acquisition of nationality in cases where Japanese nationality was acquired pursuant to the provision of the supplementary provisions, Article 2, paragraph (1), Article 4, paragraph (1), or Article 5, paragraph (1). In such cases, the term "the date of that acquisition" in said Act, Article 102, paragraph (1) shall be read "the date of that acquisition (in cases of application of the provision of the supplementary provisions, Article 2, paragraph (3), proviso of the Act partially revising the Nationality Act (Act No. 88 of 2008), the date of notification pursuant to the provision of the same Article, paragraph (1) (in cases where said notification shall be deemed to have been made pursuant to the provision of the same Act, Supplemental Provisions, Article 3, paragraph (1), the date of enforcement of said Act))."

(Special Provisions for Reserving Nationality Pertaining to a Child of a Person Having Acquired Nationality)

Article 9 For application of the provision of the Family Register Act, Article 104 where a child born before the time of notification provided for in the provisions of the supplementary provisions, Article 2, paragraph (1) at or after the time of acquisition of Japanese nationality by the father or mother through acquisition of Japanese nationality retroactive to the time of former notification by the father or mother through the application of the provision of the supplementary provisions, Article 2, paragraph (1) and paragraph (3), proviso receives application of the provision of the Nationality Act, Article 2 and Article 12, the "date of birth" in that same Article, paragraph (1) shall be "the date of notification by the father or mother provided for in the provisions of the supplementary provisions, Article 2, paragraph (1) of the Act partially revising

the Nationality Act (Act No. 88 of 2008), (in cases where said notification shall be deemed to be made pursuant to the provision of said Act, supplementary provisions, Article 3, paragraph (1), the date of enforcement of said Act)."

(Delegation to Ordinance of the Ministry)

Article 10 The procedures of notification provided for in the provisions of the supplementary provisions, Article 2, paragraph (1), Article 4, paragraph (1), and Article 5, paragraph (1) as well as matters required relating to the enforcement of this Act shall be provided by Ordinance of the Ministry of Justice.

(Penal Provisions)

Article 11 (1) In cases of notification provided for in the provisions of the supplemental provisions, Article 2, paragraph (1), Article 4, paragraph (1), or Article 5, paragraph (1), a person making a false notification shall be punished by not more than one year of imprisonment with work or a fine of not more than two hundred thousand yen.

(2) The violation of the preceding Article shall be governed by the Penal Code (Act No. 45 of 1907), Article 2.