

Citizenship Act

Act No. 147 of May 4, 1950

Amendment : Act No. 45 of May 25, 1984

Date of enforcement: January 1, 1985

(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 acquired the status of a child born in wedlock as a result of the marriage of the parents and the acknowledgment 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 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. At the time of hearing procedures, the Ministry of Justice must give the persons the opportunity of explanation and submitting proofs.

(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.

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.

this Act shall be as prescribed by Cabinet Order.