

7. Investigation Violation Incident Related News

June 7, 2016

7-1. Chinese violation of immigration law (activity outside the status of qualification) incident

L company (Lefko Co., Ltd.) in the autumn of 2008 issued a job offer to four Chinese studying abroad in Japan and planned to graduate in March 2009, concluded an "Employment Contract" as an employment as of April 1, 2009. Four Chinese have submitted necessary documents for change of status of residence from "study abroad" to "technology" or "humanities / international work" at the Tokyo immigration office.

Four people submitted prospective graduation documents, decided to apply for status of residence, postcards for granting new status of residence arrived from immigration, so four Chinese have a "diploma" after graduation in March 2009. I went to Tokyo immigration office and received a seal on my passport in exchange for a postcard.

However, Company L did not adopt the Chinese who will graduate as of April 1, 2009 as the work scheduled for the Lehman shock that occurred in the autumn of 2008 dropped sharply. I have not been contacting the immigration office since I was told that I have been free to work anywhere after entering the status of residence from the immigration office many times.

In order to wait for the recovery of the Japanese economy, four Chinese responded

that they were illegally working outside of qualifications at izakaya etc. who worked part-time in the days of international students, in May 2010, "Immigration law violation It is arrested by the Metropolitan Police Department for the crime of (illegal employment of activities outside the status of qualification). "

However, none of the employment managers of eating and drinking establishments where four Chinese worked were arrested or punished for "illegal employment promotion crime" prescribed by Immigration Control Act.

7-2. I (Nagano Yasuhiro) who is the president of Company L and the assistance case for violating Immigration Control Act with criminals of Chinese gold military science

L company was under investigation of the house on suspicion of assisting violation of Immigration Control Act (activity outside the status of qualification) in May 2010 as the above-mentioned Chinese were arrested for Immigration Control Law violation (activity outside the status of qualification).

And, in June 2010, I was the president, who delivered the false employment contract (lie fake document) to the Chinese mentioned above, assisted the illegal employment (activities outside the qualification) of violation of Immigration Control Act So he was arrested for assisting criminal law.

I insisted that I was not doing the acts prescribed by the "illegal employment

promotion crime" which is an aid for assisting illegal employment of the Immigration Control Act, but nobody said that such a thing is said, "I will admit in the general opinion" to the Tokyo District Public Prosecutors Office The prosecutor dismissed and prosecuted for reasons that the defense attorney asked for release, "because there is no trial."

Likewise, in June 2010, Kim Military School, a Chinese of Yanbian (Korean) who was in charge of recruitment of Chinese as a former employee, was also convicted as being an assistant to illegal employment violating the immigration law (activity outside the qualification) It was arrested for aiding criminal law aide.

Kim Military does not know the laws of Japan, and the lawyers of Gold Military acknowledged the crime without defending laws in violation of the Lawyers Act. Then, he was sentenced to death by the end of October 2010 with a sentence of imprisonment for 1 year and a half imprisonment, fine 500,000 yen, execution imprisonment.

I fought as not having violated any law in Japan. But my lawyer did not defend himself with legal theory so he was sentenced to imprisonment for 500 years in prison for a year and a half in Tokyo District Court in April 2011.

Although I appealed to the Tokyo High Court, it was dismissed and appealed to the Supreme Court, but it is not a constitutional violation but mere application rule mistake, it is not a matter to be considered by the Supreme Court by the Code of

Criminal Procedure I was sentenced on March 5, 2012 and was issued on March 19, 2013, due to rejected because of reasons.

The reason for prosecution, reason for judgment, delivered the Chinese employee a false contract of employment, so that all Chinese were able to obtain status of residence easily. I was able to stay in Japan because I got a qualification to stay. I was able to stay illegally because I stayed in Japan. Therefore, the causal relationship was obvious and it was a crime aiding criminal law against illegal employment.

However, taking into consideration of compliance with international law, as a special legislation for assisting illegal employment of the Immigration Control Act, "Article illegal employment promotion crime" was founded in Article 2 of the Immigration Act 73, and originally, it is not completed There is no doubt.

In addition, the conditions for granting status of residence are not disclosed and are granted at the discretion of the Minister of Justice, and it can not be said that false employment contracts made it easier to grant status of residence.

Submission of the employment contract was provided to the prospective employee in cooperation with the manager of the section chief, and as the criminal punishment became easier as the status of residence became easier, as the penalty for criminal punishment became easier, according to the Article 31 of the Constitution, based on the grounds such as the Immigration Control Act It is not a document based on it.

If you obtain a status of residence by false employment contract, the status of residence is only canceled under the provisions of the Immigration Act, there is no causal relationship with illegal employment.

Moreover, it is obvious that it will not be illegal if you are working within the status of residence, it is obvious that it is not related to illegal work.

It is self-evident that the cause-and-effect relationship which became illegal employment exists in a business employing a foreigner who is not qualified to work as prescribed by the illegal employment promotion crime.

The granting of a status of residence to a foreign national and the entry permission by a seal on a passport are not based on the legislation stipulated by the Diet but at the discretion of the Minister of Justice or Foreign Minister in consideration of national interests.

Application of a criminal assistance criminal penalty is an aiding act of illegal employment in "a barbarian argument that if the wind blows" that the aid action of this rescission cancellation provision is "to be in Japan" As mentioned above, even if it is a false employment contract of employment, it can not be said that it made it easy to obtain the status of residence.

Since the acts done by me and the Military Academy do not violate the law which was legislated in the Japanese Diet, the acts done by police officers and prosecutors are lie falsification charges and are false accusations of lying and are illegal arrest detention, It is a crime of abuse of the official authority of a special civil servant.

In addition, the judge is a criminal offense for abuse of the special public officer 's office because I and Kim Military are not breaking any Japanese law, they illegally arrested and arrested and made an unfair trial.

In the Criminal Procedure Law, requests for retrial of applicable law errors are not allowed, but we can request a retrial if there is a criminal fact of a policeman or a prosecutor.

So, after counseling, I will consult with the physical condition and consult with the Tokyo District Public Prosecutors' Direct Attention team from May to the end of August, in line with Article 31 of the Constitution, Criminal Law of Criminal Prosecution The arrest detention carried out by special civil servants despite not doing is a crime of abuse of the special civil servants'

We filed a criminal complaint against arrest warrant claims, prosecution, prosecution etc. as a false complaint (punishment).

At the same time, the Chinese gold military academic considered as an accomplice was a victim with the same assistance crime as me, being an accomplice, since he made a sentence of imprisonment (suspended execution) even though he did not commit any crime, he went to the Chinese embassy I was charged with a criminal charge instead.

Four Chinese (former offenders) of illegal employment (non-qualification activities) did

not punish employers who made illegal workers a crime to promote illegal employment, and formed me and gold military academy as a lie aiding criminal, law It was a crime committed to imprisonment (imprisonment) as impersonating that it is equal under international law and not contrary to international law, so it is a crime committed after a false advocacy offender has been established and against the equality under the law He replied instead of the Chinese embassy as a criminal charger.

7-3. Embassy of the Philippines Violation of immigration law

Yomiuri Shimbun etc According to the morning edition dated February 20, 2015, diplomats and officials of the Philippine Embassy are suffering damage of the state power of Japan.

In this case, in addition to police officials, prosecutors, judges, even the Ministry of Foreign Affairs has damaged foreigners to human rights. It is noisy now.

The content of the article is that the driver of the Philippine Embassy official misrepresented to employ a Filipino as a domestic servant, handed out a false employment contract to the Filipino, the Filipino applied for immigration, "Although he acquired the status of residence of the Embassy, he did not work as a domestic employee and he worked at a landscaping company in Tokyo, said three people to the Immigration Law violation (activities outside the status of qualification), and the driver

of Embassy officials It was arrested and indicted in June 2014 with criminal law "assistance crime" of violation of immigration law (activity outside the status of qualification).

In court sentence was sentenced to imprisonment with suspended sentence, and was forcibly repatriated.

Furthermore, based on the story of two people convicted, based on documents such as employment contracts tied by the names of three male and female diplomats and embassy officials, apart from the driver, the status of residence Kanagawa Prefectural Police, in consultation with the National Police Agency, the Public Prosecutor's Office and the Ministry of Foreign Affairs, decided that it was necessary for these four people to be informed about the circumstances of the contract and the actual circumstances of work, and the embassy He asked for an interview, but since he answered that he returned home, he judged that the possibility of helping illegal work was higher and assisted three diplomats, who returned home shortly after offering, aided violation of the Immigration Bureau of the 6th this month I sent a document on charges.

If you read this article, it would be funny if you are a Japanese with general legal knowledge.

The first thing to receive disposition by illegal employment is the corporation and the responsible person of the landscaping company who employed foreigners who are not eligible to work. So, you should think that it is strange first.

If there are no employers hiring foreigners who are not eligible to work, they can not

work illegally even if they want to work illegally. Therefore, the Immigration Control Act strictly criminalizes the corporation and employment manager who made the illegal workers illegal workers under the penal provisions strictly under Article 73, Article 2 of the "illegal employment promotion crime".

I think that it is Canada, but there is an interesting law in prostitution. The feeling of the Japanese is that the man who placed the prostitute women and prostitutes under the control is a criminal and the man who prostitutes is not bad, but the woman who arrested the man who prostituted for prostitution and the prostitute who prostituted. There is no blame. Because there is a man to prostitute prostitution is possible. Indeed it is. From a causal relationship, no man can prostitute unless there is a man who is prostituting even if she wants to make a prostitution.

I think that the fact that three people worked illegally in a landscaping company is certain, but since neither the company of the landscaping company employed nor the manager in charge of employment has been punished, 3 years of imprisonment for one year of execution is contrary to the law under the law , It is an embarrassing act contrary to international law because it is arbitrary that only foreigners who are illegal and illegal foreigners illegally are disposed but only weak people were criminals.

It is a misunderstanding that I was also responsible to the Ministry of Foreign Affairs for damaging the international status of Japan.

The Constitution of Japan is also stipulated by equality under the law, and international laws such as the UN Charter are also prohibited from arbitrary disposal.

Do not dispose of the Filipinos who were made illegal workers without being arrested if they do not punish them by arresting the persons responsible for illegal landscaping companies without arresting them.

I say why such a stupid thing happened because even in this case I made up a person who made me an illegal worker, that is, a person who assisted illegal work.

Kanagawa Prefectural Police, the National Police Agency, the Public Prosecutor's Office, the Prosecutor's Office and the Ministry of Foreign Affairs are ashamed, but they are arbitrary criminal acts because they are professionals of law.

It is foreigners who suffer damage in Japan that is not governed under the law.

7-4. There are many victims

As I mentioned above, not only to me and the Chinese, but also to the diplomats and embassy staff of the Philippine Embassy, and the victims will not stop there.

In addition,

Regarding illegal employment, contrary to international law, many foreigners who were forced to move out of the country unilaterally were forced to withdraw only foreigners illegal workers with a small amount of money without punishing their employers for illegal employment promotion. I will.

Illegal employment at overstay will be forced to leave the country by law, so we are forced to leave the country without criminal disposition but foreigners who are

obtaining regular residence permission from the Minister of Justice must file a criminal procedure. Since it can not be removed from the country, we are arbitrarily sentenced to criminal disposition such as fine and deported, but this is an international law violation because it is an arbitrary discrimination against foreigners.

Even in the Constitution of Japan, it can not be said that it is an equal disposal under the law, and if a person who has made employment who is a citizen of the causal relationship innocent is innocent, the alien made him employed is also not guilty.

In my memory, I think that it was a verdict of 2015, the Osaka Chinese international student worked at the club hostess, the prosecution did not apply illegal employment promotion crime to employers, prosecuted only female international students and was fined fine. I made an immigration to send it out of the country.

There was an article that won the trial by seeking cancellation with the foreign student being dissatisfied with the deportation disposition.

Most foreigners will fall asleep, but disputing administrative disposition of cancellation of status of residence is also difficult.

The reason for this preliminary victory is that it is not the principle of Immigration Control Act, such as setting a part-time job for 28 hours per week for specific activities, or not allowing activities in customs. And for the reasons for leaving school as having trouble, this international student has been dismissed because the student was excellent.

In the Constitution of Japan and International Law, it is illegal to punish only

foreigners illegally worked for illegal employment crimes or punish them for deportation abroad without punishing the illegal businesses, foreigners I am innocent.

Please explain to the Japanese government that the UN Human Rights Council is innocent!

Then, please govern the Japanese government under the law, to respect the human rights declaration such as the Universal Declaration of Human Rights as a UN member country, and recommend to observe international law.

If the prosecution does not request a retrial it is a request of the principal. I can not do this instead.

And I can not demand damages from me. It is absolutely necessary for consular consultation by each government.

That is why we are working to the Chinese government and the Philippine government to relieve our people. Also, the leaders of the countries are continuing to issue letters asking that Japan be governed under the law, protecting basic human rights, and acting to comply with international law.

7-5. Actual state of Japanese judiciary

I, Chinese, Filipinos, in light of the criminal justice principle, will not be made any criminal. We are not allowed to suffer human rights violations.

However, when I say the criminal law principle, since I can not say justice, I am insulted and criticized for second-class citizen treatment. If this is a yakuza, I will call the police!

However, the other party is a policeman or a prosecutor! Moreover, it is white day, it is majestic! I am arrested, confined by being captured and being threatened. What should I do? I'm off the job.

I think that this kind of thing happens all over the world.

The root cause of terrorism may be unexpected for such reasons.

Do you think that act of terrorism is the only solution to the government's violation of human rights?

To the police officer, when saying the criminal law of prison, "Do not lick Sakurada Gate, accept it in the general opinion"

To the prosecutor, when saying the criminal law of prison, "Who do you believe in what you say (criminal justice)"

"I am great, I am fine if I admit it, I can also imprisonment if I do not approve of it"

"I can arrest even your wife"

I am a beautiful Japanese, beautiful Japanese, who can recognize the illegal social gangster!

"I send it to Eee Prison!"

To the attorney, to say the criminal law of prison, "The logic of law is special to me"

This is the actual situation of Japanese judiciary. ... really, I feel sick.

It is no longer a lawless country without human rights to human beings who assert their rights by believing in the law.

Is the legislation made by Japanese parliamentarians formally in order to deceive the international community?

Nonetheless, I am not trying to solve it by act of terrorism but seeking human rights relief from the international community such as the United Nations.

Prosecution and accusations for the recovery of rights are the Japanese nation that seizes with state power like the Tokyo District Prosecutors Office, the Metropolitan Police Department, the Ministry of Justice, etc. It is the legislative Diet member who confronts this.

In addition,

This is the real situation of the Japanese parliament. ... really, I feel sick.

7-6. The Tokyo District Public Prosecution will not accept complaints and accusations.

And say, do not send it in the future!!!

Dongzhi Special Prospect No. 704

August 7, Heisei 20

Yasuhiro Nagano

Tokyo District Public Prosecutor's Office

Special Investigation Division Special Regular Notice Group

I witnessed two copies of the letter titled "Accusation letter" sent from you, both of which were dated August 4, Heisei 20.

As mentioned in the previous survey, in the above-mentioned documents, why the duties such as police officers, public prosecutors and judges involved in the investigation, crackdown and trial are based on the grounds, why they are supposed to abuse their duties, false complaints and It is not allowed to concretely specify criminal facts subject to charges and accusations only by describing the specific content such as grounds to assert and not claiming based on concrete evidence.

Therefore, the written document sent from you will be turned back. In the future, if the same document as before has been sent to the Agency, we will not handle it as a complaint or accusation letter stipulated in the Code of Criminal Procedure, and also the border process Because I may not take. Thank you for your understanding.

The Special Prosecutors Office of the Tokyo District Public Prosecutors Office does not accept any complaints and accusations that I submit as "no criminal facts are identified as being specified specifically", no matter how many times I submit it Hmm.

(Article 22-44) (submission of false documents) arbitrarily, as a reason for assisting illegal employment by the Immigration Control Act (the Immigration Control Act

(Reason for Revocation of the Immigration Act) Illegal employment due to activities outside the status of qualification) As a criminal aid for violation, I will not be charged with any kind of crime.

Therefore, it is a false complaint that a special civil servant severely infringed on fundamental human rights, and that illegal arrest detention is a criminal fact.

Even if the Tokyo District Public Prosecutors submits a complaint or a letter of accusation anymore, I will abandon it without going back to the neighborhood, so I spend more than half a year and submit it to the Tokyo High Public Prosecutors 'Office, the Metropolitan Police Department, and the Tokyo District Public Prosecutors'

Attached to the document that it does not receive it, after confirming the legal confirmation, please file a letter of appeal and a letter of accusation to the Tokyo District Public Prosecutors sued by the Supreme Court.

Nonetheless, the Metropolitan Police Department returns as a criminal offense. And the Ministry of Justice returned as a personal incident, crimping my crime and repeated crimes. And from the Tokyo High Public Prosecutors' Office, the criminal facts were returned as being unidentified.

7-7. Obviously a criminal offense that is an application law violation Please look at the indictment

I was arrested and arrested in June 2010 in a case of violation of Immigration Control

Act, received 1 year and a half imprisonment with imprisonment in April 2011, a fine of 1 million yen, two months later, in June 2011 Finally bailed by the Tokyo High Court and appealed to the Supreme Court after dismissing the Tokyo High Court but in January 2012 it is not a Constitutional violation but merely misappropriating the application law and it is best by the Code of Criminal Procedure Since it was rejected because it was not a deliberation item of the court, he was sentenced in March 2012 and he did not accept the imprisonment of the sin by the state power even in the parole parole interview at the prison. Therefore, I finally came out on full maturity on March 19.

Seniors with underwritten underwriters are parole based on 3/4 of the sentence period except exceptions. So it is very unusual for me to receive a parole interview like me and not to be parole. The judge of the first instance did not relentlessly bail. And we will not influence parole by showing influence until the end.

The judge of the first instance can not be accepted not to give permission. Not too much, the judge of the original court was afraid that I will come to Shaba and conduct a request for retrial. In fact, seven years of the prescribed statute of limitations, you would have wanted to imprisonment.

In addition,

The criminal officer at Kuroba prison in Tochigi Prefecture seemed to be divided between the person who made parole from not performing any crime and the opinion of those who would be difficult to request a retrial in response to parole. (We even studied the law when I was young ... Well, there was such a thing, I chose a prison ...) Horori.

The treatment department does not talk about requesting a retrial at the preliminary interview the prison director at the imprisonment factory was kicking out a temporary exemption ... this was the utmost support that the prison officer in the prison could fight against the state power is.

State power (police officer, prosecutor, authority of judge) clearly commits the basic constitutional guaranteed Article 31 basic human rights of the Constitution. In other words, it is "human rights violation".

This prosecution and accusation is not evidenced by facts such as weapons and other evidence. Since it is a case of falsifying the applicable law, it is enough if only the indictment and the provision of the law are established.

The criminal justice is "judged only by the matters of the indictment" It is possible to change the case as long as it is in trial, but this case is confirmed as determined by this indictment.

Everyone is deprived of liberty and physical freedom only by law, established in the Japanese parliament, and is punished. I am not in violation of Japanese law at all.

In order to aid the illegal employment of the Immigration Control Act, we applied a criminal assistance criminal penalty to the aid of the administrative penalty of the action of revoking the status of residence, with miso and feces.

Heisei 22nd Tohoku Agency Foreign Territory No. 6487, 6624

Heisei 22nd inspections 17461, 17462, 202145, 20216

Indictment

July 26, 2010

Tokyo District Court

Tokyo District Public Prosecutor's Office

Prosecutor Attorney Tokunaga National University

Petition prosecution for the following defendant case.

Record

((In detention)) Nagano Yasuhiro

September 9, Showa 24 student

(In detention) Kin Gungaku Jin Jun Shu

February 10, 1981 Student

Accused fact

The defendant 's name, after conspiring

1st Zhang Shihong and Jangshui, foreigners with citizenship of the People's Republic of China, changed their status of residence to "interrogation knowledge / international affairs", stayed in Japan and stayed in Japan, and allowed the Minister of Justice's permission for activities outside the status of qualification During the period from March 26, 2009 to May 11, 2010, the restaurant in the Asahi Bldg. 1 st Floor 2 - chome, Nihonbashi 2 - chome, Chuo - ku, Tokyo, "Rice DIBINGBAR Hokko Nihonbashi branch "When working as an employee exclusively to receive remuneration that does not belong to activities clearly according to the status of residence,

About November 2008, the defendant, Yasuhiro Nagano, located on the 4th floor of

Kudan Suzuki Building, 1st - 2nd - 13th Kuzute - nabe, Chiyoda - ku, Tokyo, learned about the club ' At the Lefko office serving as the representative director, the truth is that the employee of the same company was hired by the company, although the fact that said Chan was hired by Lefko Co., Ltd., is engaged in the business of programmers etc, humanities knowledge To the effect that it requests change of status of residence to international work

Description Creates a false employment contract.

At that time, at a restaurant "Bex Coffee Shop Tabi Shop" at Tabata Station, East Japan Railway Company 1 - chome Higashidanabe 1 - chome, Kita - ku, Tokyo,、

Deliver the above false employment contract etc.

On December 15, the same year, Tokyo Immigration Bureau 5 - 30 Minato-ku, Tokyo, Minato-ku, Tokyo, together with the application period renewal period (qualification)

Let me submit the above-mentioned false employment contract, etc, and obtain the same permission on March 23, 2010

Second Lin Horley who is a foreign national of the People's Republic of China has changed his / her status of residence to "technology", renewed his / her period of stay and stayed in Japan, received permission from the Minister of Justice for activities outside the status of qualification In the meantime, during the period from April 9, 2009 to May 11, 2010, the restaurant "Shibuya Udagawa Town is also a storehouse" located at the 1st floor of Emerald Building No. 12, Udagawa-cho, Shibuya-ku, Tokyo When two other stores operated as an employee of each store, and exclusively carried out an activity to receive a remuneration which obviously does not belong to the activity corresponding to the status of residence,

About the end of November 2008, at the Lefko office, the truth is that the same

person was employed by Lefko Co., Ltd. while learning the information that the same person performs a non-qualification activity upon receiving a request from Lynn
Although he is employed by the same company and engages in the work of programmers etc, he requests that the change of status of residence to technology be requested

Contents Create false employment contracts,

At that time, at the "Becks Coffee Shop Tabuchi Store"

Deliver the above false employment contract etc,

On December 26, the same day, the Tokyo Immigration Bureau submitted the above-mentioned content of false employment contract etc. together with the application period of stay (qualification) to the same person, and on March 25, 2010, the same permission was issued Get it

The third [What foreigners who are nationals of the People's Republic of China who treasure that Hobaoguan changed his / her status of residence to "technology", stayed in Japan and stayed in Japan, without obtaining permission from the Minister of Justice for activities outside the status of qualification , From April 27, 2009 to May 11, 2010, at 1 restaurant in the restaurant "Shinjuku Numazu Port" located at MY Shinjuku 2nd Building, Nishi Shinjuku 1 - chome Shinjuku - ku, Tokyo , When operating as an employee of each store, and exclusively performing activities to receive remuneration not expressly belonging to activities corresponding to the status of residence,](#)

Around the end of November 2008, at the Lefko office, the fact that the same person was employed by Lefko Co., Ltd. Although he is employed by the company and engages in the work of programmers etc, he requests that the change of status of

residence to technology be requested

Contents Create false employment contracts,

At that time, in Kashiwagi Bldg. 403, Nakahara 1 - chome, Kita - ku, Tokyo,

Deliver the above false employment contract etc,

On December 24, the same day, at the Tokyo Immigration Bureau, the same person, together with the application period renewal period (qualification) permission

Let me submit the above-mentioned false employment contracts etc, and obtain the same permission on March 25, 2010

Fourth Lee Moon, a foreign national of the People's Republic of China, changed his / her status of residence to "Humanities Knowledge / International Work", renewed his / her period of stay and stayed in Japan, and the Minister of Justice With no permission, from 1 March 2009 to 3 June 2010, at 1 restaurant in the restaurant "Mamiya" located in Nihonbashi Ningyocho 3 - chome 7 - 14, Tokyo stores When we worked as an employee exclusively to receive remuneration that does not belong to activities clearly according to the status of residence,

About the end of November 2008, at the Lefko office, the truth is that the same person was employed by Lefko Co., Ltd. while learning the information that the same person performs a non-qualification activity upon receiving a request from the above Although he is employed by the same company and engages in interpreter and translation work etc, he requests that the change of status of residence to humanities knowledge · international work

Contents Create false employment contracts,

At that time, in Kashiwagi Bldg. 402 room,

Deliver the above false employment contract etc,

On December 24, the same day, at the Tokyo Immigration Bureau, the same person, together with the application period renewal period (qualification) permission

Let me submit the above-mentioned false employment contracts etc, and obtain the same permission on March 25, 2010

Thereby easily assisting each of the above-mentioned non-qualification activities of the four persons such as Chang.

Charges and penalties

Violation of Immigration Control and Refugee Recognition Act Article 70, paragraph 1, item 4, Article 19 paragraph 1 item 1

Article 62 (1) of the Penal Code, Article 60

The Immigration Control Act is a method of inviting foreign companies who have illegally worked for illegal employment as illegal workers of illegal employment for activities other than their status of unlicensed employment and as illegal employers who have illegally worked illegally as a special law, Article 2 of Article 2 stipulates by crime of illegal employment promotion.

The purpose of the Immigration Act enacted by the National Assembly is complete with this "illegal employment crime" and "illegal employment promotion crime".

However, in this case, we do not want to punish the business owner due to the situation, but in order to make a foreigner a prison sentence with "illegal worker's crime", a fake supporter is made up, and the illegal worker and the assistant are treated equally He pretended to punish and punished him for the aid of the criminal law as a third party who provided an employment contract with employment schedule of technology or humanistic international status of residence was aided in assisting

illegal employment.

It is completely different dimension from the legislative purpose of the immigration law established by the National Assembly. It is not fair under the law because it does not punish the illegal operators, and it is contrary to international law.

Despite the grant of status of residence at the discretion of the Minister of Justice, it can not be said that the provision of "contents false employment contract" written in the indictment makes it easy to obtain the status of residence.

It is not a law stipulated in Article 31 of the Constitution, it can not be said to be absolute document of granting status of residence, it can not be a basis to impose an assistance crime.

The status of residence is given by Japanese nationals to foreign individuals and restricts employment within the status of residence, but the place of employment is not a company offering employment contracts, but which company or organization they work in is free .

Even if you obtain a status of residence by submitting false contracts of employment, the punishment will be the cancellation of the status of residence stipulated in the Immigration Act, it is clear that there is no causal relationship with illegal work, the principal offender If you work in a job within that qualification, it is self - evident that you will not become illegal.

It is clear that the cause-and-effect relationship in which the former offender became illegal work lies in the illegal act of the business operator, who has worked for the offense as a non-qualified position, as prescribed by the illegal employment promotion

offense.

In this case, in addition to criminalizing the businesses who made illegal work, and criminalizing only foreigners who have illegally worked for illegal work crimes, the truth is the administrative sanction of departure from abroad It refers to a disposition act of cancellation of the status of residence of the Immigration Control Act (Article 22-4-4) and an act of aiding it illegally, a person who illegally worked illegally was deported acts of cancellation of the immigration status of Immigration Control Act, The person who made it "illegal worker's crime" and made an act of assisting with cancellation of status of residence to "criminal assistance crime" against "illegal worker's crime" of the Immigration Control Act, played the law privately in the Japanese judiciary In the history of crime in the world, it is a horrible crime that is completely disgusting and remains in history.

In this case, a police officer familiar with Immigration Law who wanted to get a hand was conspired with a public prosecutor and planned a new way to dispose illegal workers without having to punish businesses illegally employed by their passion .

In order to prepare to disposal equally under the law in order to criminalize the former criminal arrest who first arrested illegal work and to assume that it does not contravene international law, a third party who provided the employment contract has been falsely assisted In order to pretend that both parties with illegal employment were criminalized, it was conceived as a criminal of the criminal law aiding criminal law for violation of immigration law (activity outside the status of qualification).

In addition,

As an aid to the illegal employment promotion offenses against the illegal employment

promotion abuse by the general citizen, for the reason of cancellation of the status of residence which can not be charged with any crime (Article 22-44), the employment contract I thought that I would not notice the provider even if I change the offense as a criminal assistance criminal penalty for violation of immigration law (activity outside the status of qualification).

And since Refco is a large company with capital of 16,492,000 yen established in October 1988, Refco is considered to be great because it has a big impact on society if it is a criminal .

The purpose of the crime was probably the first time a senior police officer failed to do so by making both offenders who illegally worked and those who criminalized the criminal law of illegal work criminal, probably the first illegal employment promotion It is to make a track record to make a record of criminal disposal of foreigners who have worked illegally by disposing the assistant of the action to cancel the status of residence without criminalizing the business by crime. In fact, the Philippine Embassy staff and diplomats have been made a criminal in this manner. "I got a fellowship of a diplom ... ---" and did it!

Yasuhiro Nagano

7. 入管法違反事件関連ニュース

2016年6月7日

7-1. 中国人の入管法違反（資格外活動）事件

L社(株式会社レフコ)が2008年秋に、日本に留学し2009年3月卒業予定の中国人4人に採用内定を出し、2009年4月1日付で採用として「雇用契約書」を締結して交付し、中国人4人は東京入管に、「留学」から「技術」や「人文・国際業務」への在留資格変更の必要書類を提出したのです。

4人は卒業見込みの書類を提出し在留資格申請の審査に内定し、新しい在留資格付与の葉書が入管より届いたので、中国人4人は2009年3月卒業後、「卒業証書」を持って東京入管へ行き、葉書と引き換えにパスポートに証印を受けました。

しかし、L社は2008年秋に発生したリーマンショックで受注予定の仕事が激減したため卒業予定の中国人を2009年4月1日付で採用しなかったのです。以前から、何度も、入管からは在留資格付与後はどこの会社で働こうと自由であると言われていたので入管には連絡していません。

中国人4人は、日本の景気が回復するのを待つため、留学生時代にアルバイトで勤務していた居酒屋などで資格外の不法就労をしていたところを、2010年5月に「入管法違反（資格外活動の不法就労）」の罪で警視庁に逮捕されのです。

しかし、中国人4人が勤務していた飲食店の雇用責任者はいずれも、入管法で規定する「不法就労助長罪」で逮捕も処罰もされませんでした。

7-2. L社の社長である私（長野恭博）と中国人の金軍学を犯罪者とした入管法違反幫助事件

L社は、前記の中国人が入管法違反（資格外活動）で逮捕されたため、2010年5月に入管法違反（資格外活動）幫助の疑いで、家宅捜査を受けました。

そして、2010年6月に社長である私は、内容嘘偽の雇用契約書（嘘偽の書類）を前記の中国人に交付したのは、入管法違反の不法就労（資格外活動）の幫助だとして刑法幫助罪で逮捕されたのです。

私は入管法の不法就労に対する幫助罪である「不法就労助長罪」が規程する行為はしていないと主張したが、誰もそんなことは言っていない「一般論で認めろ」として東京地検に送られ、弁護人が釈放を求めると検察官は「公判が持たない」との理由で棄却し起訴したのです。

同様に2010年6月、元社員で中国人の採用を担当した、中国延辺（朝鮮族）の中国人である金軍学も共犯として、入管法違反の不法就労（資格外活動）の幫助だとして、刑法幫助罪で逮捕されたのです。

金軍学は、日本の法律を知らないし、金軍学の弁護士は弁護士法に違反して、法律論で弁護をせず罪を認めたのです。そして懲役1年半、罰金50万円、執行猶予の刑となり2010年10月末に国外強制退去処分になりました。

私は、日本の法律になんら違反していないとして戦いました。しかし私の弁護士は法律論で弁護をしなかったため2011年4月に東京地裁で懲役1年半、罰金50万円、実刑となりました。

私は東京高裁に控訴をしましたが棄却され、最高裁に上告しましたが、憲法違反でなく単なる適用法誤りをのべているにすぎないとして、刑事訴訟法により最高裁の審議事項ではないとの理由で棄却されましたので、2012年3月5日受刑し、2013年3月19日に満期出所いたしました。

起訴理由、判決理由は、内容虚偽の雇用契約書を中国人に交付したため、中国人は何れも在留資格を容易に得られた。留資格資格を得られたため日本に在留できた。日本に在留できたため不法就労ができた。よって因果関係は明白であり、不法就労に対する刑法の幫助罪だとしたのです。

しかし、入管法の不法就労に対する幫助罪は、国際法の遵守を考慮し、特別法として、入管法73の2条に「不法就労助長罪」が創設されており、本来、これで完結されなければなりません。

また、在留資格の付与条件は公開されておらず、法務大臣の裁量で付与されるものであり、内容虚偽の雇用契約書が在留資格の付与を容易にしたとは言えません。

雇用契約書の提出は、課長通達に協力して採用予定者に提供したものであり、在留資格を容易にしたから刑事罰を科せるほど、憲法31条に基づく、入管法などの根拠法に基づく書類ではありません。

仮に内容虚偽の雇用契約書で在留資格を得た場合、入管法の規定では在留資格が取消されるだけであり、不法就労との因果関係はありません。

また在留資格内で働いていれば、不法就労とはならないことは明白であり、不法就労との関連がないことは自明の理です。

不法就労となった因果関係は、不法就労助長罪で規定する、働く資格のない外国人を雇用した事業者にあることは自明の理です。

外国人に対する在留資格付与およびパスポートへの証印による入国許可は、国会が立法した法に基づく基準でなく、国益を考慮した法務大臣や外務大臣の裁量によるものです。

刑法の幫助罪適用は、この在留資格取消規定の幫助行為を、「日本におられるようにした」との、「風が吹けば桶屋が儲かる論法」で、不法就労の幫助行為としていますが、たとえ内容虚偽の雇用契約書としても、在留資格の取得を容易にしたと言えないことは前記のとおりです。

私と金軍学がした行為は、日本の国会で立法した法律になんら違反していないので、警察官、検察官のした行為は、嘘偽告訴ですから嘘偽告訴罪であり、不法な逮捕監禁ですから、特別公務員職権乱用罪です。

また裁判官は、私と金軍学はなんら日本の法律に違反していないにも関わらず、不法に逮捕監禁をして、不当な裁判をしたので、特別公務員職権乱用罪です。

刑事訴訟法では、適用法誤りの再審請求は認められていませんが、警察官や検察官の犯罪事実があれば再審請求できます。

それで、私は、満期出所後、体調と相談しながら、平成26年5月頃から8月上旬にかけて、東京地検特捜部直告班に、憲法第31条、罪刑法定主義に照らして、何ら犯罪をしていないにも関わら

ず特別公務員らがした逮捕監禁は、特別公務員職権乱用罪であり、逮捕状請求、送検、起訴などは嘘偽告訴（誣告罪）であるとして、刑事告訴したのです。

併せて、共犯とされた中国人金軍学は、共犯とされて私と同じ幫助罪での被害者であり、なんら犯罪をしていないのに懲役刑（執行猶予）にしたので、中国大使館にかわり刑事告発しました。

また不法就労（資格外活動）の中国人4人（正犯）は、不法就労者にさせた雇用者を不法就労助長罪で処罰せず、私と金軍学を嘘偽の幫助犯にでっちあげて、法の下での平等であり国際法にも反しないと装い、懲役刑（執行猶予）にしたので、嘘偽の幫助犯をでっちあげた上での犯行であり、法の下での平等にも反しているとして中国大使館にかわり刑事告発しました。

7-3. フィリピン大使館入管法違反事件

読売新聞等2015年2月20日付朝刊によりますと、フィリピン大使館の外交官や職員が、日本の国家権力の被害にあっています。

この事件では、警察官、検察官、裁判官に加え外務省までもが外国人に対して人権被害を加えています。もはや狂気の沙汰です。

記事の内容は、フィリピン大使館職員の運転手が、家事使用人としてフィリピン人を雇用すると偽って、フィリピン人に内容虚偽の雇用契約書を渡して、フィリピン人が入管に申請し、「特定活動」の在留資格を取得したが、家事使用人として働かずに、都内の造園会社で働いたとして、3人を入管法違反（資格外活動）の罪で、又、大使館職員の運転手を入管法違反（資格外活

動) の刑法「幫助罪」で2014年6月に逮捕、起訴した。

裁判では執行猶予付きの懲役刑となり、強制送還された。

さらに有罪判決を受けたうち2人の話を元に、運転手とは別に、外交官と大使館職員の男女3人の名義で結ばれた雇用契約書などの書類をもとに在留資格を得ていたことを確認したとして、神奈川県警は、警察庁、検察庁、外務省と協議し、契約の経緯や勤務実態などについて、この4人から説明を受ける必要があるとして、外務省を通じて大使館に面会を申し入れたが、帰国したと回答があったので、不法就労を手助けした可能性がより濃いと判断して、申し入れ直後に帰国した外交官ら3人について、今月6日入管法違反幫助容疑で書類送検した。

この記事を読んで、一般的な法的教養のある日本人でしたら、おかしいと思うはずですよ。

不法就労でまず処分を受けるのは、働く資格のない外国人を雇用した、造園会社の法人と責任者です。ですから、まずおかしいと思うべきですよ。

働く資格のない外国人を雇用する事業者がいなければ、不法就労したくても不法就労することは絶対にできません。ですから、入管法は「不法就労助長罪」第73の2条で、不法就労者にした事業者である法人と雇用責任者を両罰規定で厳しく刑事処分しているのです。

カナダだと思いますが、売買春で面白い法律があります。日本人の感覚は、売春した女性や売春婦を管理下においた者が犯罪者で、買春した男は何も悪くないと考えますが、買春した男を買春罪で逮捕し、売春した女はお咎め無しです。買春する男がいるから売春できるのです。なるほどそうですね。因果関係からすると、いくら女が売春して稼ぎたくとも買春する男がいなければ売春できないのです。

3人が造園会社で不法就労した事実は間違いないと思いますが、雇用した造園会社の会社も雇用責任者も処罰されていないので懲役1年執行猶予3年は、法の下での平等に反し、不当であり外国人を不法雇用した事業者を平等に処分しないで、弱者である外国人だけを犯罪者にしたのは、恣意的であるので国際法に反し恥ずかしい行為です。

日本の国際的地位を損ねる行為に外務省までも加担していたとは情けない話です。

日本国憲法も法の下での平等で規定していますし、国連憲章など国際法も恣意的な処分を禁止しています。

不法就労させた造園会社の責任者を逮捕せずに注意処分で処罰しないのであれば、不法就労者にさせられたフィリピン人も逮捕せずに注意処分とし処分してはいけません。

こんなアホなことが何故出来たのかと言いますと、この事件でも、不法就労者にした、つまり不法就労を幫助した者をでっちあげているからです。

神奈川県警、警察庁、検察庁、外務省の行為は、恥ずかしい限りですが、彼等は法律のプロですから、恣意的な犯罪行動なのです。

法の下で統治されていない日本において被害を受けるのは外国人であるということです。

7-4. 被害者はたくさんいます

以上、記載しましたように、私や中国人だけでなく、フィリピン大使館の外交官や大使館職員

まで、そして被害者はそれにとどまりません。

不法就労に関し、国際法に反し、雇用者を不法就労助長罪で処罰せずに、外国人である不法就労者だけを少額の罰金で、一方的に国外退去強制にされた外国人は多数います。

オーバーステイでの不法就労は、法律で国外退去させられますので、刑事処分せずに国外強制退去させていますが、法務大臣から在留許可を得ておる正規滞在の外国人は、刑事処分をしないと国外退去させられないので、恣意的に罰金刑などの刑事処分をして国外退去させています。しかし、これは、外国人に対する恣意的な差別にあたりますので国際法違反です。

日本国憲法でも、法の下で平等な処分とは言えず、因果関係の張本人である雇用させた者が無罪であれば、雇用させられた外国人も無罪です。

私の記憶では、2015年の判決だったと思いますが、大阪の中国人留学生がクラブのホステスで働いて、検察は雇用者に不法就労助長罪を適用せず、女子留学生だけを起訴し罰金刑で国外退去させるべく入管送りにしたのです。

留学生を国外退去処分を不服として取消を求めて裁判をして勝訴した記事がありました。

ほとんどの外国人は泣き寝入りをしますが、争えば、在留資格取消の行政処分も難しいのです。

この勝訴理由は、特定活動について週28時間のアルバイトを定めたり、風俗での活動を認めないなどは入管法の本則では無いこと。そして学業に支障があったとの退去理由も、この留学生は学生が優秀であったことから退けられています。

日本国憲法や国際法では、不法就労させた事業者を処罰せずに、不法就労させられた外国人だけを不法就労罪で処罰したり国外退去強制処分にした場合は不当で、外国人は無罪です。

国連人権理事会は、無罪であることを、日本政府に説明してください！

そして日本政府に対して、法の下での統治を行い、国連加盟国として世界人権宣言などの人権宣言を尊重させ、国際法を守るように勧告してください。

もし再審請求を検察がしない場合は本人の請求です。これは私が代わりにはできません。そして損害賠償請求も私からはできません。どうしても各国政府の領事支援が必要なのです。それで中国政府や、フィリピン政府に自国民を救済するように働き掛けているのです。また、各国首脳に、日本が、法の下で統治され、基本的人権が守られ、国際法を遵守するように働き掛けて欲しいとお願いの手紙を出しつつづけているのです。

7-5. 日本の司法の実態

私および中国人、フィリピン人らは、罪刑法定主義に照らすと、なんら犯罪人にされることはありません。人権侵害を受けることは許されません。

しかし、私が、罪刑法定主義を言うと、正論が言えないので、二級国民扱いで侮辱、恫喝されるんです。これがヤクザだったら警察を呼びます！

しかし、相手が警察官や検察官ですよ！しかも白昼、堂々とですよ！逮捕、監禁されて恫喝されているんです。どうすればいいんですか？お手上げです。

私は、このようなことが世界中で起きているのだと思います。

テロの根本原因は案外こんな理由かもしれません。

テロ行為を政府の人権侵害行為に対する、唯一の解決策だと考えているのでしょうか？

警察官に、罪刑法定主義をいうと、「桜田門をなめるんじゃないねえ、一般論で認めろ」

検察官に、罪刑法定主義をいうと、「誰が、貴方の言うこと（罪刑法定主義）を信じますか」

「私は、偉いんです。認めれば罰金、認めなければ懲役刑にもできるんですよ」

「私は、あなたの奥さんだって、逮捕出来るんですよ」

私は、美しい日本国の、美しい日本人です、誰が不法社会のヤクザを認めるもんですか！

「えーい刑務所に送ったる！」

弁護士に、罪刑法定主義をいうと、「法の論理は、私が専門です」

これが、日本の司法の実態です。・・・本当に、気分が悪くなってきます。

もはや日本は、法を信じて権利を主張する人間には、人権などない無法国家なのです。

日本の国会議員が作っている法律は、国際社会を騙すために形式的にあるのでしょうか？

それでも、私はテロ行為で解決するのではなく、国連などの国際社会に人権救済を求めているのです。

権利の回復のための起訴や告発も、東京地検、警視庁、法務省などのように、国家権力で握り潰す日本国家です。これに立ち向かうのは、立法した国会議員のはずです。

これが日本の国会の実態です。・・・本当に、気分が悪くなってきます。

7-6. 東京地検は、告訴状および告発状を受理しません。

そして、今後、送付するなと言うのです！！！！

東地特捜第704号

平成26年8月7日

長野恭博 殿

東京地方検察庁

特別捜査部 特殊直告班

貴殿から送付された「告発状」と題する書面2通（いずれも平成26年8月4日付）を拝見しました。

前回は記載しましたが、前記書面では、捜査、取締り及び公判に関わった警察官、検察官、裁判官等の各職務行為がいかなる根拠に基づき、なぜ職務濫用に当たるとするのか、嘘偽告訴と主張する根拠等の具体的内容が判然とせず、具体的証拠に基づかない主張を記載しただけでは告訴・告発の対象となる犯罪事実が具体的に特定されているとは認められません。

よって、貴殿から送付された前記書面は辺戻しします。

なお、今後も、これまでと同様な書面が当庁に送付されてきた場合は、刑事訴訟法に規程する告訴・告発状としての取り扱いをせず、かつ送付された書面等についても辺戻し手続を執らない場合もありますので、ご承知おき願います。

東京地検特捜部は、私が提出した全ての告訴状、告発状のいずれも、「犯罪事実が具体的に特定されているとは認められない」として、何度提出しても受理いたしません。

私には何ら罪にならない、入管法の在留資格取消の取消理由）（第22条の4 4項）（虚偽の書類提出）を、恣意的に、不法就労の幫助理由として、入管法（資格外活動による不法就労）違反の幫助犯罪としているので、私は何ら罪に問われないものです。

したがって、特別公務員による、基本的人権を著しく侵害した虚偽告訴であり、不法な逮捕監禁が、犯罪事実だと主張しているのです。

東京地検が、告訴状、告発状をこれ以上提出しても、辺戻しなどせずに破棄するというので、半年以上時間を置いて、東京高検、警視庁へ提出し、そして法務大臣などに東京地検が受けとらないという書面も添付して、法律の確認をしたうえで添付の告訴状、告発状を東京地検に提出してくださいと上申書で直訴しました。

にも関わらず、警視庁は、犯罪と認められないとして辺戻しです。そして法務省は個人的事件として辺戻しして、私の指摘を握りつぶして犯罪を重ねてたのです。そして東京高検からも、犯罪事実が特定されないとして辺戻されたのです。

7-7. 明らかに適用法違反の犯罪です 起訴状を見てください

私は入管法違反幫助事件で、平成22年6月に逮捕監禁され、平成23年4月に懲役1年半、罰金100万円の判決を受け、その2ヶ月後、平成23年6月にやっと東京高裁によって保釈され、東京高裁棄却後、最高裁に上告いたしました。平成24年1月、憲法違反でなく単なる適用法誤りをのべているにすぎないとして、刑事訴訟法により最高裁の審議事項ではないと棄却されたので、平成24年3月に受刑し、刑務所の仮釈放面接でも、国家権力による罪の押し付けを認め

ませんでしたので、改悛の情が無いとして平成25年3月19日にやっと満期出所いたしました。

身許引受人のいる受刑者は、例外を除き受刑期間の3/4で仮釈放です。ですから私のように仮釈放面接をうけて、仮釈放されないのは非常に珍しいのです。原審の裁判官は執拗に保釈をしませんでした。そして最期まで影響力を発揮して仮釈放も認めません。

原審の裁判官が許可しないと認められないのです。それほど、原審の裁判官は私がシャバに出て再審請求活動をすることを恐れていたのです。本当は公訴時効の7年間は収監しておきたかったでしょうね。

栃木県黒羽刑務所の刑務官は、何ら犯罪をしていないから仮釈放をさせるという者と、仮釈放に応じると再審請求が難しくなるという者の意見に分かれていたようです。(俺達だって若い頃は法律を勉強したんだ・・・そんなこともあってなあ、刑務所を選んだんだよなあ・・・)ホロリとしました。

処遇部門は、仮面接で再審請求の話はするな・・・、懲役工場の刑務部長は、仮免なんて蹴飛ばせ・・・これが刑務所の刑務官が国家権力に対抗できる精一杯の支援だったのです。

国家権力（警察官、検察官、裁判官の権限行使）が憲法の保障する憲法31条 基本的人権を明確に犯しています。つまり、「人権侵害」です。

この告訴・告発は、凶器などの証拠で事実関係を争うものでは有りません。適用法を偽った事件ですので確定した起訴状と法律の条文だけがあれば十分です。

刑事裁判は「起訴状の記載事項のみで判断されるものです」裁判中であれば、訴因変更も可能ですが、この事件は、この起訴状により判決されたもので確定です。

何人も、日本の国会で成立した、法律でのみ生命と身体を自由を奪われ、そして処罰されるので
す。私は、日本の法律に、なんら違反していません。

入管法の不法就労の幫助に見せかけるため、行政処分である在留資格取消行為の幫助を、味噌、
糞いっしょにして、なんと刑法の幫助罪を適用したのです。

平成22年東地庁外領第6487、6624

平成22年検第17461、17462、202145、20216号

起訴状

平成22年7月26日

東京地方裁判所 殿

東京地方検察庁

検察官 検事 徳永 国大

下記被告事件につき公訴を提起する。

記

(勾留中)

長野恭

博

昭和24年9月9日生

(勾留中)

軍学ことジン ジュンシュエ

1981年2月10日生

公訴事実

被告人兩名は、共謀の上

第1 中華人民共和国の国籍を有する外国人である張述輝ことチャン シュホイが在留資格を

「尋問知識・国際業務」に変更し、在留期間を更新して本邦に在留した上、法務大臣の資格外活動の許可を受けずに、平成21年3月26日から平成22年5月11日までの間、東京都中央区日本橋2丁目8番11号旭洋ビル地下1階所在の飲食店「ごはんDIBINGBAR ほっこり日本橋店」において、従業員として稼働し、もって明らかに在留資格に応じた活動に属しない報酬を受ける活動を専ら行った際、

平成20年11月頃、前記チャンから依頼を受けて同人が資格外活動を行うことの情を知りながら、東京都千代田区九段北1丁目2番13号九段スズキビル4階所在の被告人長野恭博が代表取締役を務める株式会社レフコ事務所において、真実は、前記チャンが株式会社レフコに雇用された事実はないのに、同人が同会社に雇用され、プログラマー等の業務に従事するため、人文知識・国際業務への在留資格変更を要請する旨の**内容虚偽の雇用契約書を作成し**、そのころ、東京都北区東田端1丁目17番1号東日本旅客鉄道株式会社田端駅構内の飲食店「ベックスコーヒーショップ田端店」において、同人に対し、**前記内容虚偽の雇用契約書等を交付し**、同年12月15日、同人に、東京都港区港南5丁目5番30号東京入国管理局において、在留期間（資格）更新許可申請書とともに**前記内容虚偽の雇用契約書等を提出させて、平成22年3月23日、同許可を得させ**

第2 中華人民共和国の国籍を有する外国人である林 厚立ことリン ホウリーが在留資格を「技術」に変更し、在留期間を更新して本邦に在留した上、法務大臣の資格外活動の許可を受けずに、平成21年4月9日から平成22年5月11日までの間、東京都渋谷区宇田川町12番7号エメラルドビル地下1階所在の飲食店「渋谷宇田川町もひもの屋」ほか2店舗において、各店従業員として稼働し、もって明らかに在留資格に応じた活動に属しない報酬を受ける活動を専ら行った際、

平成20年11月下旬頃、前記リンから依頼を受けて同人が資格外活動を行うことの情を知りながら、前記株式会社レフコ事務所において、真実は、同人が株式会社レフコに雇用された事実はないのに、同人が同会社に雇用され、プログラマー等の業務に従事するため、技術への在留資格変更

を要請する旨の**内容虚偽の雇用契約書を作成し**、そのころ、前記「ベックスコーヒーショップ田端店」において、同人に対し、**前記内容虚偽の雇用契約書等を交付し**、同年12月26日、同人に、前記東京入国管理局において、在留期間（資格）更新許可申請書とともに前記内容虚偽の雇用契約書等を提出させて、平成22年3月25日、同許可を得させ

第3 中華人民共和国の国籍を有する外国人である何宝光ことホー バオグアンが在留資格を「技術」に変更し、在留期間を更新して本邦に在留した上、法務大臣の資格外活動の許可を受けな
いで、平成21年4月27日から平成22年5月11日までの間、東京都新宿区西新宿1丁目1
0番1号MY新宿第2ビル所在の飲食店「新宿沼津港」ほか1店舗において、各店従業員として稼
働し、もって明らかに在留資格に応じた活動に属しない報酬を受ける活動を専ら行った際、
平成20年11月下旬頃、前記ホーから依頼を受けて同人が資格外活動を行うことの情を知りな
がら、前記株式会社レフコ事務所において、真実は、同人が株式会社レフコに雇用された事実はな
いのに、同人が同会社に雇用され、プログラマー等の業務に従事するため、技術への在留資格変更
を要請する旨の**内容虚偽の雇用契約書を作成し**、そのころ、東京都北区仲原1丁目1番2号柏木
ビル403号室において、同人に対し、**前記内容虚偽の雇用契約書等を交付し**、同年12月24日、
同人に、前記東京入国管理局において、在留期間（資格）更新許可申請書とともに**前記内容虚偽
の雇用契約書等を提出させて**、平成22年3月25日、同許可を得させ

第4 中華人民共和国の国籍を有する外国人である李萌ことリ モンが在留資格を「人文知識・
国際業務」に変更し、在留期間を更新して本邦に在留した上、法務大臣の資格外活動の許可を受け
ないで、平成21年3月ごろから平成22年6月3日までの間、東京都中央区日本橋人形町3丁
目7番14号所在の飲食店「マミヤ」ほか1店舗において、各店従業員として稼働し、もって明ら
かに在留資格に応じた活動に属しない報酬を受ける活動を専ら行った際、
平成20年11月下旬頃、前記リから依頼を受けて同人が資格外活動を行うことの情を知りなが
ら、前記株式会社レフコ事務所において、真実は、同人が株式会社レフコに雇用された事実はない

のに、同人が同会社に雇用され、通訳・翻訳業務等に従事するため、人文知識・国際業務への在留資格変更を要請する旨の内容虚偽の雇用契約書を作成し、そのころ、前記柏木ビル402号室において、同人に対し、前記内容虚偽の雇用契約書等を交付し、同年12月24日、同人に、前記東京入国管理局において、在留期間（資格）更新許可申請書とともに前記内容虚偽の雇用契約書等を提出させて、平成22年3月25日、同許可を得させ

もって前記チャン等4名の前記各資格外活動を容易に幫助したものである。

罪名及び罰条

出入国管理および難民認定法違反 同法70条1項4号、19条1項1号

刑法 62条1項、60条

入管法は、不法就労に対して、不法就労した外国人を資格外活動の不法就労罪で、また不法就労させた事業者を、特別法として、不法就労に対する幫助及を含む助長行為として 入管法 73条の2条 不法就労助長罪で 規定しております。

国会が制定した入管法の趣旨では、この「不法就労罪」と「不法就労助長罪」で完結です。

しかし、この事件では、情により、事業者を処罰したくないが、外国人を「不法就労罪」で懲役刑にするため、見せかけの幫助者をでっち上げ、あたかも不法就労者と幫助者を平等に処罰するように見せかけて、技術や人文国際の在留資格で採用予定をして雇用契約書を提供した第三者を不法就労に対する幫助行為をしたとして、刑法の幫助罪で処罰したのです。

国会が制定した、入管法の立法趣旨とは、まったく次元の違うものです。不法就労させた事業者を処罰していませんので、法の下で公平でなく、国際法にも反するものです。

在留資格の付与は法務大臣の裁量で付与されるにも関わらず、起訴状に書かれた「内容虚偽の雇用契約書」の提供が、在留資格の取得を容易にしたとは言えません。

また「雇用契約書」課長通達で提出を求めたものであり、憲法31条に規定する法律ではなく、

在留資格付与の絶対書類とは言えず、幫助罪を課すほどの根拠にはできません。

在留資格は日本国家が外国人個人に与えるものであり、在留資格内での就労制限をしますが、就労場所は雇用契約書提供の会社でなく、どここの企業、団体に働くかは自由です。

仮に内容虚偽の雇用契約書を提出して在留資格を得たとしても、その処罰は入管法で規定する在留資格の取消となるのであって、不法就労と因果関係がないことは明白で、正犯が当該資格内の職で働いていれば、不法就労とはならないことは自明の理です。

正犯が、不法就労となった因果関係は、不法就労助長罪で規定する、正犯を資格外の職で働かせた、事業者の不法行為にあることは明白です。

この事件は、不法就労させた事業者を刑事処分せずに、そして、不法就労した外国人だけをを不法就労罪で刑事処分して手柄を立てたいばかりに、真実は国外退去の行政処分である、入管法の在留資格取消（第22条の4の4）の処分行為とその幫助行為を指して、不法に、不法就労した者を、入管法の在留資格取消の処分行為をしたとして、「不法就労罪」にして、そして、在留資格取消の幫助行為をした者を、前記の入管法の「不法就労罪」に対する「刑法幫助罪」にした、法律を私的にもて遊ぶ日本司法界の犯罪史上、歴史に残るまったく破廉恥な恐るべき犯罪なのです。

この事件では、手柄を得たい入管法に熟知した警察官は検察官と共謀し、不法就労させた事業者を情により処罰せずとも、不法就労者を処分する新たな手口を画策したのです。

先に不法就労で逮捕した正犯を刑事処分するため、法の下で平等に処分するように見せかけ、また国際法にも反しないとするため、雇用契約書を提供した第三者を虚偽の幫助者とすることで、不法就労の両者を公平に刑事処分したように見せかけるため、入管法違反（資格外活動）の刑法幫助罪の犯罪者として、でっち上げたのです。

一般の国民が法律に疎いことを悪用し、不法就労助長罪にかわる、幫助者として、なんら罪に問われない在留資格取消（第22条の4 4項）の幫助理由で、雇用契約書の提供者を入管法違反（資格外活動）の刑法幫助罪として罪名をすり替えても気が付かないと考えたのです。

そして告訴人の経営するレフコ社は、昭和58年10月設立、資本金16,492万円あり大会社だったので、犯罪者にすれば社会に与えるインパクトが大きいので、手柄が大きいと考えたのです。

犯行目的は、不法就労した正犯と不法就労の刑法幫助罪をした告訴人らの両者を犯罪者とする事で、先輩警察官ができなかった、入管法違反事件でおそらくはじめての、不法就労助長罪で事業者を刑事処分しなくとも、在留資格取消行為の幫助者を処分することで、不法就労した外国人を刑事処分することが出来る実績を作り、手柄をたてるためです。事実、この後フィリピン大使館職員や外交官は、この手口で犯罪人にされています。外交官のクビとったぞー・・・とやってしまいました！

長野恭博