

## 7. Related law

### The Constitution of Japan

#### Article 14 (Equality under the Law) Paragraph 1

All citizens are equal under the law,

By race, creed, gender, social status or entrance,

There is no discrimination in political, economic or social relations.

### The Constitution of Japan

#### Article 31 (Criminal Law of Criminal Law)

No one shall be deprived of its life or freedom unless pursuant to the procedures prescribed by law,

Or you can not afford other punishments.

### Immigration Control and Refugee Recognition Act (Immigration Control Act)

#### Article 19 (Scope of Activity) Application of indictment: Article 19 (1) (1)

person residing with the status of residence listed in the upper column of Appended Table 1 shall not perform the activities listed in each of the following items in accordance with the categories listed in the following items, except in cases where it is granted under the permission set forth in the next paragraph.

(I) A person residing with the status of residence as listed in the first column of the appended table 1, the second table, and the fifth table according to the status of residence according to the status of residence undertaking businesses with income not belonging to the activities listed in the lower column of these tables Activities or remuneration (excluding honorary fees for lectures not done as business, temporary remuneration due to daily life and other matters specified by an ordinance of the Ministry of Justice, the same shall apply hereinafter)

(Ii) Persons who have residence with the status of residence in the upper row of the tables of appended table 1, table 3 and table 4 Act to operate projects involving income or receive compensation

(2) The Minister of Justice shall, pursuant to the procedures specified by the applicable

Ordinance of the Ministry of Justice, from persons residing with the status of residence listed in the first column of Appended Table 1, within the scope not obstructing the performance of the activities listed in the right-hand column of the same table depending on the status of residence In cases where an application to operate a business involving income not belonging to the said activity or an application to the effect that it wishes to undertake activities to receive remuneration has been made, it may be permitted if deemed appropriate. In this case, the Minister of Justice may attach conditions necessary for such permission.

(3) In cases where a person who has obtained permission under the preceding paragraph violates the conditions attached pursuant to the provisions of the same paragraph, or when it is deemed that it is not appropriate to continue giving such permission to him / her, the Minister of Justice may, The permission can be canceled by the procedure specified by the Order.

(4) Occupants who are foreigners who received permission for landing prescribed in Articles 16 to 18 shall continue to be occupants as long as they are not occupants by dismissal but remain in Japan. (Certificate of employment qualification)

## **Immigration Control and Refugee Recognition Act (Immigration Control Act)**

### **A crime of a person who has worked illegally ... · [Article 70 illegal employment crime]**

Application of indictment: Article 70 (1) (4) of the same law,

**Article 70** Any person who falls under any of the following items shall,

Penal imprisonment with work imprisonment of 3 years or less or imprisonment or a fine of 3 million yen or less,

Or imprisonment with or imprisonment with or without work and a fine.

(I) Any person who entered Japan in violation of Article 3

(Ii) A person who has landed in Japan without receiving permission etc. of landing from an immigration inspector

(Iii) Those who are rescinded of their status of residence and remain in Japan pursuant to the provisions of Article 22-4, Paragraph 1 (limited to those pertaining to item 1 or item 2)

(Ii) Those who received designation of the period pursuant to the provisions of Article 22-4, Paragraph 7 (including the case where it is applied mutatis mutandis under Article 61-2 to

8-2), and after that period has passed in Japan What remains

**(Iv) Persons who are clearly authorized to exclusively engage in activities that operate revenue or receive activities for compensation in violation of Article 19, paragraph 1**

**Immigration Control and Refugee Recognition Act (Immigration Control Act)**

**The sin of those who caused illegal employment [Article 73-2 illegal employment promotion crime]**

**Article 73-2** A person who falls under any of the following items shall,  
Penalty imprisonment of 3 years or less or a fine of 3 million yen or less, or both.

**(I) A person who has caused foreigners to engage in illegal work in connection with business activities**

( II ) those who have put them under their control in order to allow foreigners to engage in illegal workers

( III ) As an act, an act of causing a foreigner to conduct an illegal work or a person who has made a mistake concerning the act of the preceding item

**(2) A person who has conducted an act falling under any of the items of the preceding paragraph may not be prevented from punishing pursuant to the provision of the same paragraph because he / she does not know that it falls under any of the following items. However, this shall not apply when there is no negligence.**

(I) The activity of said foreigner is an activity to manage a business accompanied by income not belonging to an activity corresponding to the status of residence of said alien or activity to receive remuneration.

(Ii) The foreign national has not received permission under Article 19, paragraph 2 when conducting the activities of said alien.

(Iii) If the said foreign national has filed a request from the provisions of Article 70, paragraph 1, item 1 to item 3, item 2, item 5, item 7 to item 7, item 3 or item 8 to item 2 to item 8 Be a person to be listed.

(Both punishment provisions)

A representative of a juridical person or an agent, employee or other employee of a juridical person or a person has filed an offense pursuant to Article 73-2 or Article 74 to 74-6 on the business of the juridical person or person, In the case of committing the crime of 2 (6) (excluding items 3 and 4 of paragraph 1) or its attempted incidents or the crime of Article 74 8, in addition to punishing the actor, in addition to that corporation or person Even, it is imposed the fine of each of this Article.

## **Immigration Control and Refugee Recognition Act (Immigration Control Act)**

### **Provisions for those who submit false documents and obtained status of residence**

#### **【Article 22 4 of the Immigration Control Act Cancellation of status of residence this time ④】**

**Article 22-4** When the Minister of Justice finds any of the facts listed in the following items, It is possible to cancel the status of residence that foreigners actually have.

- ① In case of misjudging the immigration inspector's judgment on the reason for landing due to fraudulent or other illegal means and receiving a seal of landing permission etc. In the case of
- ② In the case of falsifying other activities by fraudulent means, falsifying activities to be done in Japan, and receiving a seal of landing permission etc. For example, a case where a person who intends to conduct simple labor in Japan declares that he / she will perform activities corresponding to the status of residence of "technology", etc. will be subject to cancellation under this issue. In the case of
- ③ In the case where the applicant misrepresents facts other than the activities that the applicant intends to do in Japan and receives a seal of landing permission etc. For example, the case where the applicant falsely owns his / her background is subject to cancellation by this issue.
- ④ In cases other than those falling under (1) to (3), in case of submitting false documents and receiving a seal etc. of landing permission. In this issue, it is not a requirement that false or other illegal means are used, and the applicant is intentional. It is not necessary.

If you have not continued activities related to your status of residence (limited to the status of residence (Note) in the upper column of Appended Table 1 of the Immigration Act

No. 1) for more than 3 months (provided, however, that you have stayed without doing such activities There are legitimate reasons for being there, excluding cases. Also, in canceling the status of residence, it is supposed to hear opinions from alien subjects in advance.

note: Paragraph 4, paragraph 4, item 4, is fake document submission.

**Lies fake documents are now changed to misrepresented documents.**

**As of 2014, the 22nd Article 4 to 4 is expressed as follows.**

### **Documents with misrepresentation**

The Minister of Justice shall, pursuant to the provisions of paragraph 1 of Appended Table 1 or the upper column of Appended Table 2, with the status of residence of a foreign national who resides in Japan (excluding those who are certified as refugees under paragraph 1 of Article 61-2). , If any of the facts listed in each of the following items turns out to be found, the status of residence that the alien actually has can be revoked by the procedure specified by the applicable Ordinance of the Ministry of Justice.

(I) A false or other improper means shall be deemed to be a seal of a landing permit pursuant to the provisions of paragraph 1 or 2 of the preceding paragraph (Article 9, paragraph 4 Including records under the provisions of paragraph) or receiving permission.

(Ii) by means of fraud or other unfair means, a seal or the like of landing permission etc. (a seal or permission for landing permission pursuant to the provisions of the preceding paragraph 1 or 2 (limited to those accompanying the determination of status of residence) or permission under this section If there are two or more of these, it means the nearest one, hereinafter the same shall apply in this paragraph), the activities we intend to do in Japan are not fraudulent, and in the lower column of Appended Table 1 Having received a seal etc. of the landing permission as falling under any of the activities listed in the right column of the appended table 2 or the activities listed in the right column of Schedule 2 below as the persons having the status or status.

(Iii) In addition to what is listed in the preceding two items, receiving a seal of landing permission etc. by falsely or other improper means.

(Iv) In addition to what is listed in the preceding three items, documents with misrepresented statements (certificates and misrepresentations stipulated in Article 7-2,

paragraph 1, which was issued by submission or presentation of documents with misstatements or drawings) Including a visa received on a passport as a result of submission or presentation of a certain document or drawing of the same) or a seal or the like of landing permission by submission or presentation of drawings.

(V) Where a license has been obtained pursuant to the provisions of Article 50, paragraph 1 or Article 61-2-2, paragraph 2 by fraudulent or other improper means (after such permission, permission under these provisions or permission for landing Excluding the case of receiving an indicium etc.).

(Vi) that a person residing with the status of residence listed in the upper column of Schedule 1 of Schedule 1 has stayed without continuing the activities listed in the lower column of the same table in accordance with the status of residence, not less than three months Except when there is a justifiable reason for staying without doing.

(Vii) The status of residence of a Japanese spouse, etc. (a person with a status of a Japanese spouse (also serving as a special adopted Japanese as a civil law (Act No. 89 of 1898 Meiji) Article 817 Hereinafter the same shall apply) or a person who has the status of a person who has been born as a child of a Japanese child) who have a status of residence or a permanent resident having permanent residence Pertaining to the status of residence of a person etc. (Regarding the person who has a status as spouse of permanent resident etc. (excluding those who are also born in Japan as a permanent resident and also have the status of those who continue to stay in Japan) ) To stay in Japan without continuing activities as a person whose spouse's status has been retained for more than six months (without residing in the activity) Except when there is a justifiable reason for that).

(Viii) A seal or permission for landing permission pursuant to the provisions of the preceding paragraph 1 or 2, permission under the provisions of this section, or permission under the provisions of Article 50 paragraph 1 or Article 61-2-2 paragraph 2 Receiving, a person who became a newly mid- and long-term resident shall not notify the Minister of Justice not to report the residential area within ninety days from the date of receiving the seal or permission for the landing permission (for not notifying Except when there is a justifiable reason.

(9) In the case where a mid- and long-term resident has left the residential area notified to the Minister of Justice, within ninety days from the day of said leaving, not to notify the Minister of Justice of the new residential area (justification for not notifying Except when there is a reason.).

- (10) The mid- and long-term residents have notified the Minister of Justice of a false residential area.
- (2) When seeking to rescind the status of residence pursuant to the provisions of the preceding paragraph, the Minister of Justice shall make the immigration inspector designated by the immigration inspector hear the opinion of said alien.
- (3) The Minister of Justice shall, in advance of hearing the opinion set forth in the preceding paragraph, deliver to the alien concerned an opinion listing notifying the date and place of hearing of opinions and the facts causing the revocation in advance. Provided, however, that it may be made by notifying the immigration inspector or the immigration control officer verbally to notify the matter to be stated in the notice.
- (4) The foreign national or his / her agent 's agent may appear on the date set forth in the preceding paragraph, state his opinion, and submit evidence.
- (5) Where the foreign national does not respond to hearings of the opinion set forth in paragraph (2) without a justifiable reason, notwithstanding the provision of the same paragraph, the Minister of Justice shall, pursuant to the provision of paragraph (1) You can cancel your status of residence.
- (6) Cancellation of status of residence shall be done by the Minister of Justice delivering a Notice of Rescission of Status of Residence.
- (7) In revoking the status of residence pursuant to the provisions of paragraph (1) (excluding item 1 and item 2), the Minister of Justice shall, within the period not exceeding thirty days, be required for the alien to leave Japan The period shall be specified.
- (8) In cases where a period is specified pursuant to the provisions of the preceding paragraph, the Minister of Justice may impose a condition permitting restrictions on housing and activities, and other necessary conditions to said alien, pursuant to the provision of a Ministry of Justice Ordinance.
- (9) The Minister of Justice shall state the period designated pursuant to the provisions of paragraph (7) and the conditions attached pursuant to the provisions of the preceding paragraph in the Notice of Rescission of Status of Residence prescribed in paragraph (6).

### **Immigration Control and Refugee Recognition Act (Immigration Control Act)**

**[Foreigners will deceive foreigners if they conduct an act of encouraging / assisting the creation of lie / false documents etc. or conduct illegal employment promotion]**

Deportation forcible reasons etc. to deal exactly with illegal employment promotion act etc will also come into effect from July 1, 2010。

**As new deportation forcing reasons, the following are added,**In addition, provisions relating to cancellation of permission for activities outside the status of qualification shall be established.

**あ. Have done acts to encourage and assist in the creation of falsified and altered documents etc. for the purpose of allowing other foreigners to illegally obtain permission for landing etc.**

**い. Promoting illegal employment promotion**

**う. Having been sentenced to imprisonment without work more than the crime of non-qualification activities**

Note: Currently it is integrated into Article 24 (deportation compulsion).

あ=ah (1) い=i- (2) う=U- (3)

## **Criminal law**

Application of indictment: Article 62 (1), 60

### **第 60 条**

**Anyone who has carried out a crime jointly by two or more people shall be a full offense.**

## **Criminal law**

### **第 62 条**

**1. The person who assisted the former offender shall be an offender.**

**2. Person who suggested an offender shall be imprisoned for compliance.**

## **Criminal law**

### **Article 172 (Criminal charges of false charge)**

For the purpose of receiving criminal or disciplinary action against a person,

A person who made false complaints, accusations or other declarations shall be punished by imprisonment with work for not less than 3 months but not more than 10 years.

## **Criminal law**



### **Article 193 (Criminal abuse of public servants' authority)**

When a public official abuses its official authority and causes a person to do something without obligation, or interferes with the exercise of rights, it shall be punished with imprisonment with or without work for not more than 2 years.

## **Criminal law**

### **Article 194 (Abuse of Expertship of Special Civil Servants)**

Prosecutors or police officers or those assisting these duties abuse their official authority and arrest or confinement persons shall be punished by imprisonment with or without work for not less than 10 years.

## **Criminal Procedure Act**

### **Article 435 (Reason for Requesting a Retrial)**

1. A request for a retrial may be made for the interests of those who received the statement against the final judgment on guilty in the case of the left.
2. When evidence document or evidence that was the evidence of the original judgment proved to be counterfeit or alteration by a final judgment.
3. When the testimony, appraisal, interpretation or translation which was the evidence of the original judgment is proved to be false by the final judgment.
4. When a crime of giving guilty to a person who received a guilty sentence has been proved by a final judgment. However, only when we receive a guilty sentence due to admonition.
5. When the trial that was the evidence of the original judgment has been changed by the final judicial decision.  
When a trial decision on invalidity of that right is confirmed, or when there is an invalid judgment on a case where he has guilty of a patent right, a utility model right, a design right, or a crime imprisoned for a trademark right.
6. Prosecuted or dismissed a person who received a guilty sentence and sent an exemption of punishment to a person who received a sentence of imprisonment or obvious evidence to recognize a misdemeanor than the sin approved in the original judgment When I discovered new things.
7. A judge who was involved in the original judgment, a judge who was involved in the

creation of evidence documents evidence of the original judgment or a prosecutor, prosecutor's official or judicial police officer who created or inscribed a document evidencing the original judgment When the final judgment proved that he committed a crime related to his / her duties with respect to the defendant case. However, in cases where a prosecution is filed against a judge, a public prosecutor, a public prosecutor's assistant officer or a judicial police official prior to the original judgment, only when the court that made the original judgment did not know the fact.