

Welcome to Kanagawa Administrative Lawyers website.

1. What are Japanese Administrative Lawyers?

Japanese Administrative Lawyers (Gyoseishoshi) are national licensed specialists who mainly practice preparation and submitting of documents for permission, approval, license, etc. to relevant governmental agencies or bureaus on behalf of clients, giving professional advice to them, as well as prepare various documents on rights and duties such as Agreement on Distribution of Estate, and certification of facts under Japanese Administrative Lawyers Act enforced on February 22, 1951. In addition, one of important business Japanese Administrative Lawyers who notify to regional immigration bureau provides is to act for an applicant or her/his agent in preparing and/or submitting an application for residence status, eligibility, change of status, deportation, etc. to immigration bureau. We provide other legal services to the cases such as Adult Guardian System, Alternative Dispute Resolution (ADR), international marriage and divorce, company and branch formation, legal contracts etc.

A Japanese Administrative Lawyer (Gyoseishoshi) is a person who is licensed to practice proceedings and laws. To become a Japanese Administrative Lawyer, they have to pass the severe test done by the Government to be certified as competent to perform such duties in principle. The pass rate for examination is about 7% on average for past 10 years. Subjects of the test include Japanese Constitution, Administrative Procedure Act, Administrative Appeal Act, Administrative Case Litigation Act, Act on State Liability for Compensation, Local Government Act, Civil Code, Commercial Code, and other basic law theories. With the license, an Administrative Lawyer is qualified and allowed to practice business under the Act. Since we may execute business which affects to human rights or otherwise, we are obliged and requested to practice with strict ethics at the same time. Therefore, we commit not only to complying with our laws but also the code of professional responsibility and ethics.

2. About Japanese Administrative Lawyers Organization

Japan Federation of Administrative Lawyers (Gyoseishoshi) Associations

The Federation, founded in February, 1953, is consisting of 47 non-for-profit associations of Administrative Lawyers established in each local government,

prefecture, throughout Japan. The professional members of the Federation are 45,959 including 408 of legal professional corporations as of October 1, 2015. The purpose of the organization is to provide affairs of continuing legal education, liaison, information, and expertise as well as affairs of registration for practitioners. There are major 12 standing committees, a Central Training Institute for continuing legal education, and 8 district Councils. The office of the Federation is located in the center of Tokyo, close to government offices, embassies and consulates.

Kanagawa Administrative Lawyers Association (Kanagawa-Ken Gyoseishoshikai)

The Association, founded in June, 1951, is one of chapters under the Japan Federation of Administrative Lawyers Associations. The Association is mandatory and integrated organization, therefore any lawyers or legal professional corporations having an office in Kanagawa Prefecture have to register with the local Association and pay membership fee every year to practice their business. The Association actively support members by serving variety of functions such as professional educational seminar, meetings, guidance, liaison by publications and website, free telephone counseling, Pro Bono Activity, sending lecturers, advertisement of Administrative Lawyers function, maintaining ethics and dignity, improvement and expansion of business, and as a focal point for delivering related information and resolving varieties of local issues, etc. The Association provides all resources to help 2,777 members including 34 professional corporations in 19 branches of the territory become better lawyers.

The office of Kanagawa Administrative Lawyers Association is located in the center of Yokohama-City where they opened their port first in Japan to the world as one of international trade ports in the end of Edo Period. There are varieties of offices of foreign companies, China Town, the U.S. military base, and more than 100 aliens such as Chinese, Korean, Filipino, Vietnamese, Brazilian, Peruvian, and French, etc. are residing in Kanagawa Prefecture. Accordingly, the Association first among chapters started free telephone counseling for aliens in three languages, English, Chinese and Japanese, as Pro Bono Activity to handle problems of aliens.

3. Admission/residence of aliens for short term stay, study/work and others

1) How to be admitted to reside in Japan

In principle, in order to reside in Japan, you need to obtain “status of residence” subject to activities and each status according to Japanese immigration acts

Following steps are required for an alien living outside of Japan to obtain such status in general.

- Apply for Certificate of Eligibility at regional immigration bureau
- Obtain Certificate of Eligibility at regional immigration bureau
- Apply for a visa at Japanese consulate overseas
- Receive a visa at Japanese consulate overseas
- Apply for landing permission/examination for landing at port of entry or departure
- Obtain landing permission/seal of verification for landing except some cases(decision of status of residence and period of stay)

(1) Issuance of visas at Japanese consulate etc. overseas

With Certificate of Eligibility and other documents received from Japan, you need to apply for a visa for specific status to Japanese consulate etc. overseas. (Except for applying a “short stay” visa by visa waiver countries’ person)

Apply for a visa depending on your purpose of entry as follows:

- a) Temporary visitor -----Temporary Visitor Visa (Within 90 days stay for tourism, business, visiting friends or relatives etc. and not for reward.)
- b) Work/Long Term-----Highly Skilled Professional Visa
 - Work Visa (IT technician, interpreter, chef, etc.)
 - Regular Visa (Student, dependent, etc.)
 - Designated Visa (Japanese ancestry, spouse of Japanese, a person under working holiday program, etc.)
 - Diplomat Visa, Official visa
- c) Medical-----Medical Stay Visa for an alien patient wishing to visit Japan for treatment etc. and his/her accompanying person(s).

An alien wishing admission with short stay “Temporary Visitor” residence

status for tourism, visiting relatives or friends in Japan, etc., applies for visa directly at Japanese embassy or consulate overseas.

In the case other than “Temporary Visitor” residence status, in principle an alien should apply for “Certificate of Eligibility for Residence Status” to Japanese regional immigration bureau and then apply for a visa at Japanese embassy or consulate overseas after receiving the certificate.

“Certificate of Eligibility for Residence Status” is issued when the Minister of Justice examines and recognizes that the activity of applicant in Japan conforms to the conditions for landing. Therefore, the processing period will be shortened.

(2) Application for Landing permission and inspection for Landing

No alien shall be admitted into Japan unless at the time of application for admission he/she has a valid passport with unexpired visa issued by Japanese embassy or consulate overseas except a person under visa waiver program. An alien having Certificate of Eligibility for status of residence issued by regional immigration bureau who wishes to be admitted into Japan with status of residence other than “temporary visitor” submits the said document to the immigration officer. Aliens apply for landing permission to have inspection by immigration officer for requirements for landing.

(3) Admission for Landing

Upon the alien being admitted to conform to the conditions for landing through inspection or examination, Residence Status and Residence Period are determined and landing is permitted to reside in Japan.

2) Temporary Visit in Japan

“Immigration Control and Refugee Recognition Act” provides that the activities of “temporary visitor” are “sightseeing, recreation, sports, visiting relatives, inspection tours, participating in lectures or meetings, business contact or other similar activities during a short stay in Japan” . Visas for “Temporary Visitor” are as follows:

(1) “Temporary Visitor Visa”

This visa is required when visiting Japan without reword not exceeding 90 days for the purpose of sightseeing, visiting relatives or friends, business, etc. An application for a visa is required to be made by an alien who intends to visit

Japan (or his/her representative or an agent organization depending on his/her country) while a related person in Japan may prepare documents for the incoming alien.

(2) Visa Waiver Program

In the case of an alien who seeks entry as short stay for 90 days or less or who is a national of designated country or area, the requirement of visa may be waived. Even though the entry from visa waived country, you should check the period of stay if you intend to stay exceeding the period specified for each country.

(3) About Medical Tourism

In the New Growth Strategy, the Japanese Government sets out the Japanese national strategy for promoting medical and related services along with tourism. “Visa for Medical Stay” was launched as one of those services.

The visa is issued to alien patients and accompanying person(s) if necessary who intend to receive medical treatment, medical checkup, etc. at Japanese advanced medical services.

However, there is no status of residence named “Medical Stay” actually; You should be permitted “Temporary Visitor” status of residence for 90 days or less, and “Designated Activities” for exceeding 90 days depending on length of stay under the same Medical Stay purpose.

If continuous medical treatment is necessary after discharging using 90 days visa, multiple visas with maximum 3 years may be issued by Ministry of Foreign Affairs. For patients who need long term stay exceeding 90 days, you need to apply to the Ministry of Justice.

3) Status of Residence for Student/ Employment

(1) To study in Japan

It is prerequisite for aliens to acquire not only the permission for admission from educational institutions, but also the status of residence of "Student" from the regional immigration bureau in order to go to Japanese language school, vocational school, college, high school, middle school, primary school etc. without being accompanied by mother/father.

Alien students are not permitted in Japan to work full-time; therefore you need to verify your ability to pay school and living expenses in order to obtain the status of residence.

However, you may take a part-time job, within a scope which does not affect studying, with "Permission to engage in activity other than that permitted under the status of residence previously granted" (Work Permit) to be issued by the immigration bureau after your entry to Japan.

(2) Status of Residence for Work (To find employment in Japan)

In case you work in Japan, you are required to obtain permission for a status of residence from the regional immigration bureau as well as agreement of being hired by the company. You will find various kinds of status of residence under which you can work in accordance with job category.

For instance, you need to acquire such a status of residence as “Engineers, Specialist in Humanities and International Services”, if you intend to be engaged in trade business or engineering service. You need to acquire such a status of residence as Skilled Labor, if you intend to work as a chef at a restaurant or the like. You are required to complete a course of studies at college or specialized training college with the subject related to the business activities which require knowledge in the area of science or humanities or to engage business which requires skill and experience in specific industrial area based on hands-on experience for a period longer than a certain number of year, in order to obtain such a status of residence.

(3) Status of Residence for Work (Creation of Highly Skilled Professional 1 &2)

New status of residence, Highly Skilled Professional 1, was established on April 1, 2015, to promote accepting capable human resources with high skills and professional knowledge from abroad. In addition, another status residence, Highly Skilled Professional 2, which substantially relaxes activities in Japan, was introduced, aiming at aliens who reside for a certain period under Highly Skilled Professional 1. There is no restriction on the period of stay of later status of residence.

Followings are preferential measures under immigration control: (Highly Skilled Professional 1)

- 1 Multiple activities during residence are permitted.
- 2 “Five years” are given as a period of stay.
- 3 Relax of permanent resident requirements.
- 4 Spouse may work.
- 5 Accompanying parents are permitted subject to conditions.
- 6 Accompanying household employee are permitted subject to conditions.
- 7 Preferential processing of admission and residence procedures

In case of “Highly Skilled Professional 2”;

a Other than multiple activities permitted under “Highly Skilled Professional 1” status, almost all activities admitted by status of residence for work relating to such activities are admissible.

b. Indefinite period of stay

c. Preferential measures 3 to 6 above are applicable.

* Aliens acting more than three years with status “Highly Skilled Professional 1” are subject to “Highly Skilled Professional 2”

4) Status of Residence for activities based on Personal Status

(1) Status of residence classified as so-called "Personal Status" which includes “Permanent Resident”, ”Spouse or child of Japanese”, “Spouse or Child of Permanent Resident”, and “Long Term Resident”. These statuses of residences are for aliens who act being based on such status.

For example these are statuses of residence granted to an alien’s spouse who gets married to Japanese or a second generation of Japanese descent (Nikkei) to act as a person who has such legal status. Distinctive features include the fact that you are permitted to work without any restrictions on type of occupation. You are able to perform even unskilled labor. Illegal acts are not, needless to say, permitted at any event

(2) Residing after a divorce with a Japanese spouse

There are cases when an alien come up against divorce or bereavement with a Japanese, he/she can continue to live in Japan by changing a status of residence from Spouse or child of Japanese to Long Term Resident if he/she intends to keep on residing in Japan.

There might be some chance for him/she is permitted to reside in Japan after a

divorce, subject to the fact that a change of status of residence to “Long Term Resident” is to be permitted due to the reasons that marital term or length of stay in Japan is long enough, or there obviously needed child support for a minor.

(3) Stepchild of an alien spouse

A child of your spouse by a former marriage may be granted as a “Long Term Resident” only in particularly justified cases, subject to a minor being present in home country of alien spouse and an unmarried natural child, since the dependent child is expected to reside in Japan under support from natural parent, stepfather or stepmother in Japan.

(4) Bringing over parents in his/her home country

For an alien residing in Japan or a person acquiring Japanese nationality through naturalization intends to bring over and to support parents, compelling reasons such as the parents having no other relative, being old, or humanitarian aspect are required. A status of residence, “Designated Activities” , is granted to activities of the parents with support from his/her child. As such activities are not listed in landing permission criteria, thus parents should apply for permission to change a status of resident to “Designated Activities” from “Temporary Resident” once after entering Japan.

(5) Permanent Resident

A status of residence for Permanent Resident does not impose any restrictions on specified activities and a period of time.

Specific conditions required for activities in Japan are substantially relaxed in comparison with other status of residences. .

Therefore, separate regulations for permission of Permanent Resident are specifically provided for, apart from the procedures of permission for the change of Status of Residence of other general types, mainly because more prudent investigation for Permanent Resident than any other change of status of residence is evidently needed when changing the status from regular status of residence to Permanent Resident.

(6) Difference between Permanent Resident and Naturalization to Japanese

Permanent Resident and Naturalization make a difference in the point that

aliens maintain to hold your nationality and perform activities as Permanent Residents in Japan, while Naturalization is for aliens to acquire Japanese nationality through naturalization, unlike the status of residence such as “Permanent Resident”.

~~~ Break Time ~~~

—Advantages of Permanent Resident—

Permanent Residence system in Japan specifies the following features:

- ① Limitation on period of stay is eliminated, and thus application for Permission of Extension of Period of Stay is not required.
- ② If you obtain Re-entry Permit, in principle, the permit becomes effective and valid for 5 years, and you are able to return again to Japan even though you are out of Japan during the period.
- ③ You are not supposed to have no restrictions over the activities during your stay and furthermore you are able to start a business and change a job at your option, if you change the status from status of residence for employment to Permanent Resident.
- ④ Permanent Residents may continue to reside in Japan even after getting divorce with or death of Japanese spouse,
- ⑤ Permanent Residents enjoy the right of firm social standing, and consequently they make it easy to earn trust and credibility in business and social life.
- ⑥ Moreover, it is publicly known that Permanent Residents get to be easier to receive a loan from financial institutions.

#### 4. Guidance for doing business in Japan

Examples of a category of business which requires permission, approval and notification;

For those who intend to work in Japan

## 1) Guidance for doing business in Japan (Part 1)

For a start, set up a base of operations!

You will find the following methods of establishment substantially as form of business organization (base of operations).

### (1) Establishing Representative Office

Representative Office is to be established as a base of operations for foreign firm to carry into deploying and supporting full-fledged business activities in Japan.

Representative office is capable of performing such activities as market research, information gathering, purchasing goods, advertising and publicity. However, it is generally impracticable to open a bank account and rent real estate property, as it is not allowed to directly perform operating activities in the name of Representative Office.

A status of residence for employment is, in principle, required for aliens who intend to be transferring to Japan. (The same shall apply hereafter to each corporate form .)

### (2) Establishing Branch Office

It is assumed that foreign firms plan to establish branch office, in case they conduct continuous business transactions in Japan.

As a matter of fact, you are ready to initiate business operations, provided that you secure a base for operations, appoint the representative of branch office, and register all the required items. Such representative shall include a person who has domicile in Japan.

Branch office is not normally presumed to make sole decision-making. It is generally recognized that the whole responsibility in managerial matters resulting from branch operations is directly attributable to corporate headquarter of your home country.

Moreover, it is evidently practicable to open a bank account and rent real estate property in the name of branch.

### (3) Establishing Japanese Subsidiary

In case a foreign company intends to establish her subsidiary in Japan, you need to select a form of organization provide by Japanese laws such as Company Limited, Limited Liability Company (LLC) and others.

You are ready to take a procedural step to establish Japanese subsidiary by means of registration after following the specified procedures. Japanese corporation can be formed without a representative with domicile in Japan from March 16, 2015.

As Japanese subsidiary is a separate entity from foreign corporation, she should assume responsibility pursuant to business activities of corporation in Japan as an investor by laws.

## 2) Guidance for doing business in Japan (Part 2)

Be ensured to acquire permission and approval of government!

The acquisition of permission, approval, and license is prerequisite prior to doing business legally in Japan as in the following cases;

- Food and Drink Business permission is required for starting food and drink business.
- Second Hand Goods Dealer permission is for used car and used cruising yacht business.
- License of Building Lots and Buildings Transaction Business for real estate transaction business
- Registration of Travel Agency for travel services
- Permission of Transportation Business for passenger transportation/logistics services business
- Registration of Architect Office for architectural design practice
- Designation of Business Office for care services business, etc.

Furthermore, you are requested to check if permission, approval, or license is required, whenever you intend to initiate such business as in the followings too;

Merchandising business, Mail-order business, Apparel & Textiles business, Machinery/tools manufacturing, Software development business, Interpreter/Translator services, establishment of private Language classes, Cultural facility operation, Event activities, Exhibition planning & Producing, Consulting services etc.

If you need further assistance, please feel free to contact us. Japanese Administrative Lawyers (Gyoseishoshi) will assist you in more details and all the important particulars.

### 3) Examples of business-related requirements essential for permission and approval by administrative agencies

#### (1) Restaurant Business Permission

When opening a shop or a restaurant serving food and drink, Restaurant Business Permission from the relevant Public Health Center, governing the location of the restaurant, is required.

In order to get permission, it is essential to meet the following requirements; Grounds for disqualification prescribed under Food Sanitation Act prove to be inapplicable, the facilities should satisfy requirements of the standards, and Food Hygiene Supervisor is assigned under the ordinance.

Prior to the start of construction of the facility, you need to visit Public Health Center governing the location of facility with its drawings, and make preliminary consultation.

#### (2) Business Permission for Second Hand Goods Dealer

Permission from the Prefectural Public Safety Commission of each prefecture governing the location of relevant business office is required, when you conduct business such as buying, selling, and exchanging or buying/selling on consignment second hand goods such as used cars, used small boat (yacht) etc.

It is necessary to meet such legal requirements as grounds for disqualification prescribed under Antique Dealings Act prove to be inapplicable, establishment of business office, assignment of supervisor and so on satisfy a procedural requirement in order to get permission of dealer in second hand goods.

Particular attention is needed to the fact that some restrictions are imposed on a status of residence for applicant, corporate executive, and manager, when aliens apply for Permission of Dealer in second hand goods.

### (3) License of Real Estate (building lots and buildings) Transaction Business

Real Estate Transaction Business License is needed for run a business of building lots and buildings transaction (hereinafter referred to as “realty business”).

Individual persons or corporate body are to be licensed by Prefectural Governor depending on location of establishment of realty business office or Minister of Land, Infrastructure and Transportation.

In order to obtain a license for realty business, the following requirements are to be fulfilled; grounds for disqualification, prescribed under Building Lots and Buildings Transaction Business Act, are ensured not to be applicable, establishment of business office and assignments of real estate transaction specialist as dedicated experts, employees ("Employee" prescribed in Article 2-2 of Cabinet Order for Enforcement of the Building Lots and Buildings Transaction Business Act ) are to be implemented.

### (4) For further information

In addition to the above, when you intend to operate Travel Agency business of planning and arranging sightseeing tour, the following requirements are to be fulfilled; grounds for disqualification are ensured not to be applicable, establishment of business office and assignments of supervisors are to be implemented.

According to type of business, detailed requirements for government permission and approval vary considerably.

Please feel free to ask for more detailed information about doing business in Japan from an experienced Japanese Administrative Lawyer (Gyoseishoshi).

## 5. To work in Japan

If you intend to work in Japan, you inevitably need to obtain Status of residence, which is, in other words, referred to as working visa which grants the right to work. Status of residence is generally accepted not as consular visa

but as permission of resident status granted by Immigration Bureau.  
Requirements for status of residence vary according to type of occupation and job duty.

1) “Business Operator/Business Manager”

In the case an alien forms a corporation as an operator in Japan, or is appointed as an operator in an existing corporation in Japan, or is employed as an manager, such an alien is qualified to acquire a status of residence, “Business Operator/Business Manager”.

The basic requirements for an alien to be recognized as a business operator; It is mandatory that business office needs to be set up in Japan and employs not less than two persons or capital of 5 million yen or more had been invested or same scale of business equivalent to those requirements. In addition, when an alien is employed as a business manager, he/she needs to verify three years or more business experience as a business manager before.

2) “Intra-company Transferee”, “Engineer and Specialist in Humanities/ International Services”, “Skilled Labor”

“Intra-company Transferee” as a status of residence is required, if you are transferred from head and branch office in your home country to business office in Japan, and you intend to work in Japan. And a status of residence, “Engineer and Specialist in Humanities/ International Services” and “Skilled Labor” etc. is required when you are to be employed by Japanese corporation.

This status of residence, “Intra-company Transferee” is given only when an alien has been working for consecutive one year or more in overseas business office immediately prior to the transfer.

Specific contents of activities are intended to cover “Engineer and Specialist in Humanities/International Services” as status of residence; Such activities are to engage in services which require technology and/or knowledge pertinent to natural science or human science, or specific ways of thinking or sensitivity acquired through experience with foreign culture. Activities of “Skilled Labor” are to engage in services which require industrial technique or skills belonging to special fields.

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We, Kanagawa Administrative Lawyers Association (Kanagawa-Ken Gyoseishoshikai) , devote out time and professional skill to free counseling by telephone to offer convenience and to protect rights of alien people. As to advice or information on specific issue or individual case, please utilize Administrative Lawyers. If you seek a lawyer, we also introduce a member who assists you at free counseling.

★ Please feel free to call **045-227-5560**  
and get in touch directly with a consultant of  
Kanagawa Administrative Lawyers Association  
(Kanagawa-Ken Gyoseishoshikai)

**【Schedule】 Every Friday 13:30 to 16:30 (Except National Holidays)**

**【Available Languages】 English, Chinese, Japanese**

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