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**Marriage**

When a Japanese national gets married to a foreign national or a foreign national gets married with another foreign national, they have to follow the respective laws applicable in their home countries. If one of the parties is Japanese he/she has to meet the following legal requirements:

**[Requirements for marriage for Japanese nationals]**

- The minimum marriage age is 18 years of age for both men and women.
- Polygamy is prohibited.
- The couple must not be related by blood to a degree that would prevent them from marrying.

**(1) Marriage between a Japanese national and a foreign national**

If a Japanese national gets married to a foreign national in Japan, they have to follow the applicable Japanese law, and register the marriage at his/her city office, or city/town/village office where the domicile of origin is registered by submitting the following documents:

**[Necessary Documents]**

- Marriage report: signed by 2 witnesses of at least 18 years of age. If a foreign national is a witness, he/she must be of legal age according to his/her domestic law;
- ID of the person who submits the notice (driver's license, passport, etc.)
- A certificate of the foreign spouse's legal capacity to contract marriage along with a Japanese translation of the certificate.
- \* If the nationality, name, birthdate, or sex cannot be confirmed by the above certificate of capacity to marry, the following documentation will also need to be attached.
- A certificate of the foreign spouse's nationality (passport etc.) with a Japanese translation.
- The birth certificate of the foreign spouse with a Japanese translation.
- \* The translator's address and signature must be included at the end of the Japanese translation.

The above-mentioned certificate of no impediment to marriage is a document issued by embassies in Japan to certify that the relevant citizen meets all the requirements for marriage as stipulated in their country of origin. A foreign national who wishes to marry a Japanese citizen must obtain a certificate of no impediment to marriage from their embassy in advance by submitting the documents required by their embassy.

The name and content of the certificate varies from country to country. For more information, please contact your embassy in Japan or your municipal office.

Once the marriage report is accepted, the foreign national should notify their embassy or consulate of their marriage. For more information, please contact your embassy in Japan. Foreign spouses with a valid status of residence can change their status of residence to Spouse of Japanese National.

## (2) Marriage between two foreign nationals

If a foreign national gets married to another foreign national, they must submit the following document to the city or town/village office where either of them resides:

### **[Necessary Documents]**

- Marriage report (signed by 2 witnesses of at least 18 years of age. When a foreign national is a witness, he/she must be of legal age according to his/her domestic law.)
- Certificates of legal capacity to contract marriage (along with a Japanese translation) for both spouses
- Spouses' certificates of nationality (passport, etc.) with Japanese translations.
- \* The translator's address and signature must be included at the end of the Japanese translation.

Once the marriage report is accepted, the foreign national should notify their embassy or consulate of their marriage. For more information, please contact your embassy in Japan.

### (1) Divorce between a Japanese national and a foreign national

If a Japanese national and a foreign national, both living in Japan, want to get a divorce, they must do so according to Japanese law.

#### ① Divorce by consent

This is a divorce reached through discussion between both parties. Submit the following documents to the municipal office of the permanent domicile or municipal office of the registered address of either of the parties.

##### **[Necessary Documents]**

- The divorce notice (signed by 2 witnesses at least 18 years of age. When a foreign national is a witness, the person must be of legal age according to his/her domestic law.)
- Copy of the Japanese spouse's residence certificate
- ID of the person who submits the notice (driver's license, passport, etc.)

#### ② Divorce by mediation

When there is a dispute over the reason for or conditions of the divorce between the parties and they cannot get a divorce by consent, they can apply for mediation with the family court. The mediators will discuss and mediate between both parties about the custody of children, childcare expenses, division of assets and rights to see children.

Once the divorce mediation is complete, attach an official copy of the court records to the divorce notice and submit it within 10 days, including the date of mediation.

#### ③ Divorce by trial or ruling

If mediation fails, the divorce may be concluded by a family court through judgment or trial. If the divorce is settled by trial or ruling, attach to the divorce notice an official copy of the court decision and certificate of judgment, or an official copy of the judgment document and certificate of judgment, and submit it within 10 days, including the date of the judgment.

In the case of a divorce by acknowledgment, in which the defendant admits to the plaintiff's claim and a settlement is reached in court, attach an official copy of each court record to the divorce notice and submit it within 10 days, including the date of the settlement.

### (2) Divorce between two foreign nationals

When both parties are of the same nationality and their country has a system of divorce by consent, procedures for divorce by consent can be performed in Japan according to that country's domestic law. When parties are of differing nationality and both parties live in Japan or have a significant connection to Japan, they may be divorced by consent according to Japanese law. However, many nations do not recognize divorce by consent so confirmation of the specific laws of both countries is necessary.

When performing these procedures, the parties may be required to submit documentation proving nationality, documentation proving current marital status issued by their domestic authorities and documents showing the presence of a system of divorce by consent in their home country. For details, inquire with your embassy in Japan or your municipal office.

### (3) Request of non-acceptance

A spouse can make a request of non-acceptance of a divorce report with the municipal office to prevent his/her spouse from submitting the report without his/her knowledge and the divorce from being settled one-sidedly. It is necessary for one party to be a Japanese national. A request of non-acceptance remains valid indefinitely. However, if the applicant decides to discontinue this request the period of non-acceptance will be terminated. The applicant's signature (if the applicant is Japanese) and ID (driver's license, passport, etc.) are required to make such a request, and it must be submitted by the applicant themselves. A request of non-acceptance is only possible in case of marriage, divorce by consent, adoption, and cancellation or acknowledgement of adoption.

### (4) Status of residence after divorce

If a foreign national gets divorced from a Japanese national, they must notify the nearest regional immigration services bureau within 14 days of the divorce. It may be possible for a foreign national to change their status of residence to that of a long-term resident if their marriage was in effect for at least 3 years after acquiring the "Spouse or Child of Japanese National" status of residence.

In addition, it may be possible for a foreign national to change their status of residence to that of a long-term resident if they have a child by marriage and custody of the child, or is raising said child. For details, inquire with an immigration services bureau. Please see the previous section for information about the necessary documents required for applications to change statuses of residence.

The Immigration Control Act revised in 2009 and enforced in 2012 authorizes the Immigration Services Agency of Japan to revoke the above statuses of residence at any point. If a foreign national residing in Japan with the state of residence of Spouse of a Japanese National or permanent resident is found to have been residing for six months or more without the status of a spouse, the Immigration Services Agency of Japan may revoke their status of residence, except where there is a justifiable reason, such as during mediation for child custody.