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Marriage

When a Japanese gets married with 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]

- He is of the legal age of 18 years old or older, and she the legal age of 16 years old or older.
- If he/she is under 20 years old, he/she has to get his/her parents' consent.
- No polygamy is allowed.
- When the woman wants to remarry, she has to observe 100 days after her legal divorce.
- The couple is not related by blood to a degree that would prevent them from marrying.

(1) Marriage of a Japanese with a foreign national

If a Japanese national gets married with 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 and sealed by 2 witnesses of at least 20 years of age. If a foreign national is a witness, he/she must be of legal age according to his/her domestic law;
- (When the registered address of the Japanese spouse is not the municipality you are submitting to) A copy of family registration of the Japanese spouse;
- (When Japanese spouse is a minor under 20 years old) Parents' letter of consent
- An identification document of the person who submits the notice
- A certificate of the foreign spouse's legal capacity to contract marriage with a Japanese translation.
- ※ If either of 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.
- ※ At the end of the Japanese translation, the translator's address, signature and seal are required.

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 vary 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 the spouse of a Japanese citizen.

(2) Marriage of a foreign national with another foreign national

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

[Necessary Documents]

- Marriage report (signed and sealed by 2 witnesses of at least 20 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 with a Japanese translation from both spouses
 - Spouses' certificates of nationality (passport etc.) with a Japanese translation.
- ※ At the end of the Japanese translation, the translator's address, signature and seal are required.

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 of a Japanese from a foreign national

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

① Divorce by consent

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

[Necessary Documents]

- The divorce notice (signed and sealed by 2 witnesses at least 20 years of age. When a foreign national is a witness, the person must be of legal age according to his/her domestic law.)
- (When the Japanese spouse's registered address is not the municipality you are submitting to) A copy of family registration of Japanese spouse.
- Copy of Japanese spouse's residence certificate
- An identification document of the person who submits the notice

② Divorce by mediation

When there is a dispute over the reason for or conditions of 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.

When mediation is successful, a full copy of the certificate of decision must be attached to the divorce report and submitted within 10 days in order to continue with the divorce proceedings.

③ Divorce by trial or ruling

If mediation fails, the divorce may be concluded by a family court through judgment or trial. When divorce is settled by trial or ruling, the divorce notice must have attached a copy of the court decision and certificate of finality, or copy of the ruling and certificate of finality. In the case of divorce by admission of resolution/demands in the lawsuit, the divorce notification must have a copy of the related documentation attached.

(2) Divorce of a foreign national from another foreign national

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 the nationality differs 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 attach 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 getting settled one-sidedly. It is necessary for one party to be a Japanese national. A request of non-acceptance has no time limit in its validity. However, if the applicant decides to discontinue this request the period of non-acceptance will be terminated. Identification (with photo) and a seal(if the applicant is Japanese) must be brought with the applicant when he/she makes such a request and it must be performed by the person themselves. A request of non-acceptance is acceptable only when marriage, divorce by consent, adoption, cancellation of adoption and acknowledgement are concerned.

(4) Status of residence after divorce

It may be possible in the below cases for a foreign national who has divorced from their Japanese spouse to change their status of residence from spouse of a Japanese to a long-term resident.

- ① The divorcee has a three-year or longer period of marriage substantially after he/she acquired the status of residence of Japanese spouse.
- ② He/she has a status of residence for 3 years as a Japanese spouse when he/she gets a divorce.

Or if he/she has a child by marriage and custody of the child, or taking care of the child, he/she may get a status of long-term residence. However, in this case he/she must be living together with and looking after the child in Japan. Please see the previous section for information about the necessary documents required for making applications to change residence status.

The Immigration Control Act revised in 2009 and enforced in 2012 authorizes the Immigration Services Agency of Japan to revoke the status of residence during the time stated above. If a foreign national residing in Japan with the state of residence as the spouse of a Japanese citizen or permanent resident is found to have been residing for six months or more without continuously engaging in activities as a person with the status of a spouse, the Minister of Justice may revoke their status of residence, except where there is a justifiable reason, such as during mediation for child custody.