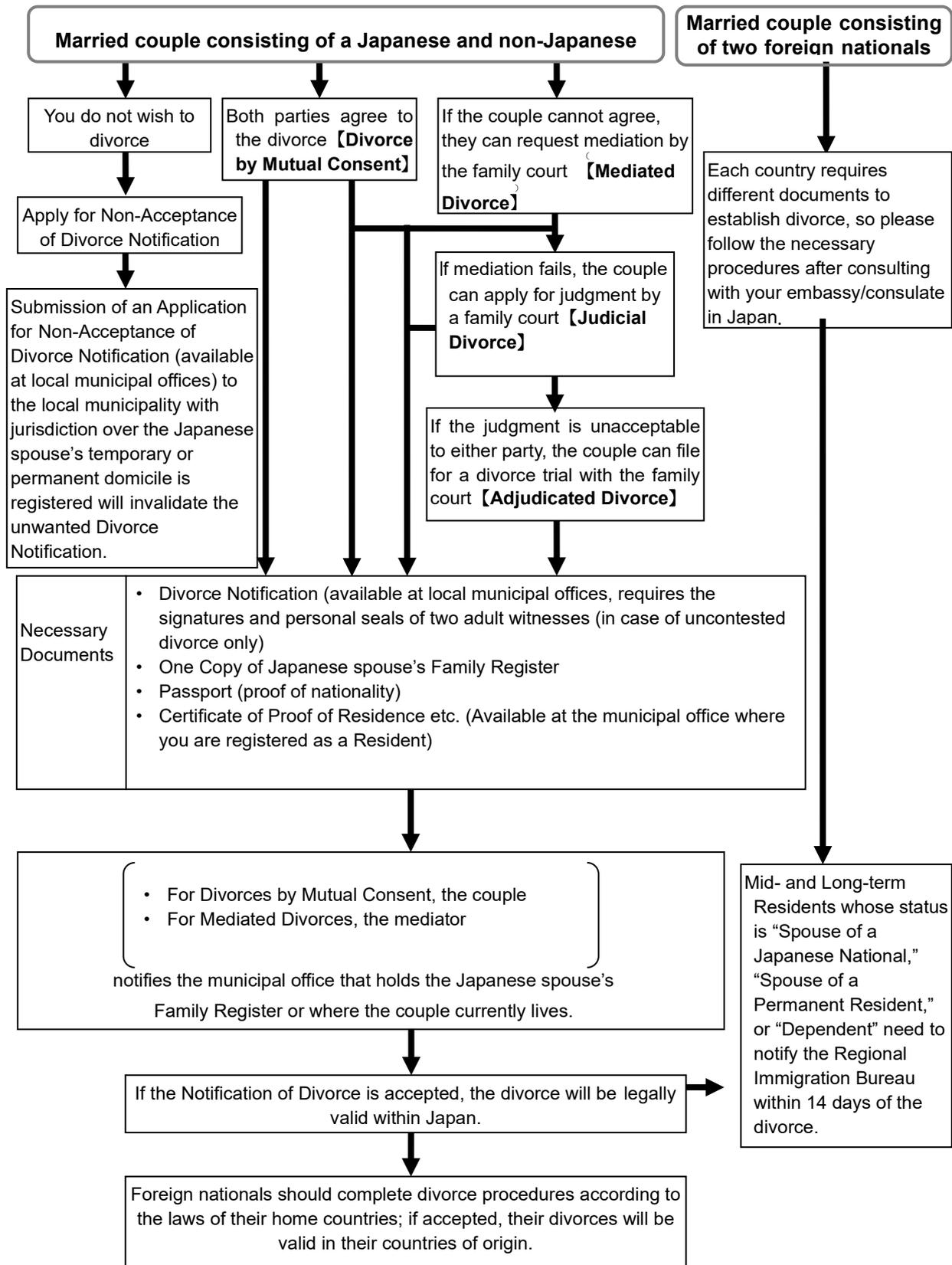


IV-4 Divorce

Legal procedures concerning divorce in international marriages can be complicated. Even if the divorce is recognized according to the procedures undertaken in Japan, it may be not recognized as a valid divorce in your native country. Here, we provide only a general explanation regarding the procedures for divorce under Japanese law.



1. When You Divorce

If a married couple in Japan agrees to divorce, they can do so under Japanese law as long as at least one of them is a Japanese national living in Japan. Japanese law stipulates four divorce scenarios: “Divorce by mutual consent” by which a notification of divorce is submitted, accepted, and deemed legitimate based on the agreement between the two; “Mediated divorce”; “Judicial divorce”; and “Adjudicated divorce”, the latter three of which are brought about through the involvement of family court. If you have divorced in Japan, but have not yet undertaken divorce procedures under the law of your native country, you are considered as still married in your native country, which may cause inconvenience to you. Thus, it is important to undertake procedures to get divorced in your native country as well.

When both husband and wife are non-Japanese, the requirements and necessary procedures for divorce may be different, depending on their country of origin. Such couples are advised to inquire about the proper procedures at their respective embassy/embassies or consulate(s) in Japan (Appendix IX—5).

2. When You Do Not Consent to a Divorce

If your (Japanese) spouse unilaterally submits a signed divorce notification to the authorities without your consent, you may repeal its legal effect by submitting a non-acceptance request to the municipality office where your (Japanese) spouse’s permanent or temporary domicile has been registered. Once you submit this request, unless you agree to “divorce by consent,” you will not be forced to divorce by your spouse without mediation or other formal legal procedures. This system cannot be applied to married couples of foreign nationals, however.

3. Residence Status after Divorce

If you are residing in Japan with the status of “Spouse of a Japanese National,” “Spouse of a Permanent Resident,” or “Dependent,” you need to report your divorce to your Regional Immigration Bureau within 14 days.

A person residing in Japan with the status of “Spouse of a Japanese National,” “Spouse of a Permanent Resident,” or “Dependent,” may have their status revoked if they fail to undertake activities as a spouse for more than six months. Failure to change one’s residence status can make it impossible to stay further in Japan. Thus, if you have any concerns, it is recommended that you make inquiries at consultation services or at the Immigration Information Center, Osaka (Appendix IX—2).

4. Changing Items in Your Resident Registration

If you change your name after divorce, you need to submit notification to your Regional Immigration Bureau, while changes in your address should be reported to your local municipality office (Appendix IX—1).