

Multi-Nationality in Japan

Does Japan Really Prohibit Multi-Nationality ?

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Plaintiff of a Court Case against Japanese Government started in June 2022

Asserting Nationality Law Article 11-1 (hereinafter, “Article 11-1”) as Unconstitutional

Japanese Nationality Law Article 11-1 states:

- A Japanese national shall lose Japanese nationality when he or she voluntarily obtains another country's nationality by means of naturalization, for example.
- Those cases involving Article 11-1 include not only adults but also minor children who become naturalized as a result of their parents' actions, such as naturalization.
- Recently a case litigated in Tokyo District Court, also with regard to Article 11-1, involves a minor Japanese child who was adopted by a foreign father. Although the child himself did not voluntarily naturalize or obtain another country's nationality, Japanese government stripped away his Japanese nationality, in accordance with Article 11-1, when he was qualified to be granted U.K. nationality as the result of the adoption.

Yuri Kondo Sued Japanese Government, Asserting Article 11-1 as Unconstitutional, in June of 2022

- The case lost in Fukuoka District Court in December 2023 and she immediately appealed to Fukuoka Appeals Court.
- Lost in Fukuoka Appeals Court in October 2024 and now appealing to the Supreme Court.
- Unconstitutionality Asserted by Plaintiff
 - 1) Violation of Article 14 of Constitution (Equality under Law):

There are discriminatory treatments between those who obtain multi-nationality (dual or more) by birth due to bilateral transmission of Japanese nationality (by either father or mother), and those Japanese nationals who obtain foreign nationalities voluntarily. The former are given a chance to choose one of the two or more nationalities (Japanese or a foreign nationality)

in accordance with Nationality Law Article 14. On the other hand, the latter lose their Japanese nationality automatically and as soon as they obtain a foreign nationality voluntarily. Plaintiff asserts that the differentiation by process of obtaining a foreign nationality (or nationalities) is a clear discrimination, thus a violation of Article 14 of Constitution.

2) Violation of Article 22 of Constitution (which guarantees freedom of voluntarily renouncing or leaving Japanese nationality while choosing another country's nationality. Plaintiff asserts that the Article 22 of Constitution guarantees not only the right to renounce or to leave Japanese nationality but also guarantees the right to remain as Japanese national.

- (3) Violation of Article 10 of Constitution
- Plaintiff asserts that Article 11-1 violates Article 10 of Constitution which grants Authority to the Diet, which consists of people's representatives to enact a law defining who Japanese nationals are but its authority is not unlimited. Plaintiff asserts that the authority given to those Representatives of Japanese people does not include their rights to strip away Japanese nationality from Japanese nationals without the individuals' consent. Thus Article 11-1 violates Articles 10 of Constitution.

Reason Why I Decided to Bring the Case against Japanese Government

- Japanese government insists that the reasons and basis for Nationality Law Article 11-1 is reasonable and correctly based on an ideal of single nationality nation, justifying the provision as means for reducing the number of multi-nationals as much as possible. The government asserts that the law is constitutional and should be maintained.
- However, the government in the Fukuoka case never clearly presented why the “ideal of Single Nationality” must be maintained. On the other hand, the government cites empty and baseless reasons such as conflicts in taxation, an increase of bigamy, conflicts in military services despite the fact that Japan and many countries no longer have draft-based military services, as well as conflicts in the area of diplomatic protection of own nationals, which can be resolved by international treaties etc.

- Due to the provision of Article 11-1 and its increasingly strict enforcement, a great number of overseas Japanese people face inconvenience and are suffering. Overseas Japanese people decide to obtain nationality of their host country for various reasons. The reason could be such as unity of nationality among family members in a case of international marriages, requirements for nationality/citizenship to secure research funds and participating qualification in a national level research involving national secrets and security etc., or for participation in a bidding involving government agencies, or simply for not being discriminated against in society.
- If a law brings to people much inconvenience and devastating effects due to its cruel implementation, that kind of law must be defined as “a bad law” and must be either abolished or revised. The government’s justification for maintaining Article 11-1 does not have merits based on superficial reasoning and backward thinking which do not fit the modern day global situations.

Not Possible to Care for Sick or Dying Parents and Relatives – Tragic Situations during Covid19 Pandemic Period

- During the Covid19 “Total Closing of the Country” by Japanese government, many overseas Japanese people were not able to come back to Japan, due to Article 11-1 related restrictions. Some did not have valid Japanese passports due to their long absence from Japan, or having obtained a foreign nationality in their host countries. Some of them experienced a great suffering when they received a notification that their parents or relatives were severely ill and dying. A considerable number of them were not able to come back to Japan on time and had to experience their parents or relatives passing while they were still in a foreign country.

Suffering of Overseas Japanese during Covid19 Crisis

- A great number of overseas Japanese people who had obtained another country's nationality faced such a life-time crisis during the Covid19 restriction period. Japanese officials and employees of overseas Consulates and Embassies tried to force them to submit a certificate admitting that they had lost Japanese nationality (referred to as "the certificate" hereinafter) in order to obtain a special visa to see their relatives in Japan.
- Those officials seemed to have been thrilled to be able to force those overseas Japanese people to submit "the certificate." Then, the officials were able to first strip away Japanese nationality from them and then issue a special visa to visit Japan!

What Happened during Covid 19 Crisis

- Some overseas Japanese people who had lost Japanese nationality due to their naturalization to the host country's nationality, during this difficult period, still decided not to kowtow to the pressure from the Japanese officials and chose to remain in the host country, rather than submitting "the certificate," giving up in some cases the opportunity to meet their loved ones for the last time before their passing.
- What I learned from those overseas Japanese people, as I was asked to give advice as an attorney, in the extraordinary crisis time, made me decide to bring the lawsuit against the government. I wished to do something to stop the type of abuse and injustice in the Article 11-1 provision itself and the way it was implemented inhuman way. The law is definitely out of balance when weighing the purpose of the provision (reducing the number of multinationals) and the extreme methods of its implementation without paying attention to human rights of those people subjected to the law and its extreme implementation.

Does Japan Really Prohibit Dual or Multiple Nationality ?

- Current Situation: Both inside Japan and overseas, many people widely believe that Japan prohibits multi-nationality.
- However, Japan does not prohibit multi-nationality by any law. Neither Constitution nor any other law prohibits multi-nationality. There is no legal provision anywhere which prohibits multi-nationality. Wishing to have single nationality for everyone, as government does, does not actually mean that it can realistically accomplished.
- On the contrary, it is impossible to accomplish the Ideal single nationality country in reality due to bilateral principle of transmitting Japanese nationality by both father and/or mother.

No Statistic Data on How Many Japanese Nationals Have Voluntarily Obtained Another Country's Nationality

- Actually, Government officially admitted in Fukuoka case that there are approximately more than 920,000 Japanese people who are potentially dual/multi-nationals around 2000. The number by now is estimated to have increased to more than one million.

Impact of 1984 Nationality Law Revision

- Reason for the Increase of Multi-national Japanese: Until 1984, Japan had Nationality Law which provided that only Japanese men (fathers) had the right to transmit their Japanese nationality to their children.
- This principle meant that a Japanese woman/mother was not able to transmit Japanese nationality if she was married to a foreign man, thus limiting the number of dual/multi-national children's births. After Japan decided to participate in the United Nations Convention against All Forms of Discrimination against Women, the government was forced to revise the Nationality Law which clearly discriminated against women, even though the government was resisting the revision of the law until just before the decision to become a member state to the convention.

The Nationality Law Was Changed due to Inequality between Women and Men under the Law

- After Japan became a member state to the convention, the Nationality Law was revised in 1984 to adopt bilateral principle, making the number of children born as dual/multi-nationals greatly increased. The trend continues even today. Although the government wishes, or says they are serious about minimizing the number of multi-national citizens, in reality, it has steadily increased. Article 14 of Nationality Law was created with an intention to minimize the number of multi-nationals by giving those born with multi-nationalities right/obligation to choose one nationality over the other(s).

How Does Nationality Law Article 14 Works?

- However, the effect of Article 14 is minimum, to say the least, with regard to reducing the number of multi-nationals. A vast majority of multi-nationals do not bother to declare the actual selection/choice among multiple nationalities and government does not seem to care if they actually select or choose one of multiple nationalities by the time Article 14 provides, which is currently 20 years old. In most cases, those multi-nationals are left alone, even after the age by which they are supposed to have made official selection/choice of nationality.
- Compared to how those who are subject to Article 11-1 are strictly treated by having their Japanese nationality automatically and immediately stripped away, when they voluntarily obtain another country's nationality, by means such as naturalization, the treatment of those to whom Article 14 of Nationality Law is relaxed or totally

- unserious. It is difficult to comprehend the differences between the treatments of two categories of people, if the government is as serious as officials say they are in reducing the number of dual/multi-nationals. Government is serious in restriction of dual/multi-nationals only in the case of those who are subject to Article 11-1, although it is not easy for the government to search, identify and strip away Japanese nationality from the persons to whom the Article 11-1 to be applied. Government does not know where they are exactly in most cases.

Nothing is Automatic or Immediate in the Implementation of Article 11-1

- One important aspect of the case of people subjected to Article 11-1, is that although the law is supposed to be implemented “automatically and immediately,” by stripping away their Japanese nationality immediately and automatically, in reality, the government admitted in Fukuoka case that they have no idea about the number of those Japanese people who have actually obtained another country’s nationality by naturalization etc.
- The government has no means to find out who have naturalized to the nationality of their host country or anywhere for that matter. In other words, the government is totally dependent on the individuals to come forward to inform the government that they lost Japanese nationality by naturalizing to another country’s nationality, which people usually do not do. The government strongly wishes to enforce Article 11-1 but in reality it is almost impossible to strictly and precisely as well as equally and fairly enforce this law without full cooperation from the individuals who are subjected to the law. Article 11-1 has too many fictions.

Household Register (koseki) and Nationality Loss neither Coordinated nor Interlinked with the Individual Submitting “the Certificate”

- One example of confusing and non-coordinated implementation of Article 11-1

Unless an individual submits “the Certificate” his or her household register (koseki) would not be deleted (or crossed out). So, as long as the individual decides not to submit “the Certificate,” he or she can live inside Japan with requirements filled as a Japanese national residing in Japan, getting a residential registration (Jyuminhyo) etc.

- Most importantly, most overseas Japanese people who naturalize to another country’s nationality never report the fact that they did and also never submit “the Certificate.” That is why the Article 11-1 would never immediately or automatically become effective. The law is actually defective law which can never be fully implanted despite Japanese government’s wish. A wish will stay as a simple wish forever!

Global Trends in Relation to Multi-Nationality

- Approximately 80 percent of the UN member countries currently have laws which do not strip away the original nationality even after their nationals obtain another country's nationality.
- In the beginning of 2024, Germany which used to have Nationality Law quite similar to Japan's Article 11-1 revised it so that German nationals who voluntarily obtain another country's nationality are no longer forced to lose the original German nationality. The German government cited the purpose of the reform as for reenforcing its global labor market competitiveness, by supporting its own nationals who might become active in other countries as well as encouraging foreign talents to come to Germany, thus contributing to German economic development.
- On the other hand, Japan seems to be ridiculed recently as "a nation on the rapid decline." With a nationality law having provision such as Article 11-1, Japan will rapidly lose its competitiveness in the global labor market and the declining trend in economic development will be even greater in the future. Nationality law should be revised to keep up with the global trend and protect the future of Japan.

Confusing and Confused Japanese Government Policies

- Although the Government declares the population decline is a grave and urgent matter for Japan, neither politicians nor government officials seem to notice a contradictory policy of strictly enforcing Article 11-1, resulting in further reduction of the number of Japanese nationals.
- While government seems to be concerned with the smaller and smaller number of births and rapidly aging population, its policies have no integrated approach to resolve the issue as a whole. While being concerned with the decline of the population, why would Japan maintain current Nationality Law which further reduces the number of Japanese nationals? It makes no sense at all!

What I Learned by Having Been Forced to Become A Foreigner in Japan

- In old days, we heard that Japanese government (especially some of the Immigration officers) stated that “we can cook (make stew or barbeque or whatever) foreigners in any way as we desire” showing no awareness that foreigners have human rights.
- By my Japanese nationality having been stripped away by Japanese government without my consent, I also obtained a status of non-Japanese or simply a foreigner, without much of human rights or zero human rights in Japan.
- Immediately after obtaining that status, I have lost basic human rights enjoyed by ordinary Japanese people residing in Japan.

If a Foreigner has no Human Rights in Japan No Japanese national Has them either

- A foreigner must obtain a visa status to stay in Japan and as a foreigner, my human rights are limited within the range of the rights given to a foreigner (definitely much less than a Japanese national).
- In other words, I have been, one-sidedly without my consent, stripped away my legal status and human rights, non-voluntarily or without my own choice.
- Contemplating the above fact, I came to a conclusion that in Japan neither a Japanese person nor a foreigner has full basic human rights guaranteed, because when I was stripped away my Japanese nationality in accordance with the Article 11-1, at that time, I was a full Japanese national/citizen who was supposed to have full basic human rights, but in fact they were not respected and easily stripped away by government.

What Dr. Shuji Nakamura, Nobel Prize Winner, Said about Japan and Its Nationality Law

- “In Japan bureaucratic attitude is spread everywhere. When I got the Nobel Prize I told the media that I had obtained the US nationality. After that, I was no longer able to renew my Japanese passport with a reason that dual nationality is problematic... On the other hand, my German research colleague was given a second passport as a special exception after being awarded the Nobel Prize, despite the fact that Germany prohibited dual nationality...”
(Article of Nikkan Kogyo Shimbun on November 22, 2017. Translated by Yuri Kondo)
- “Placed under such a miserable situation, if it is in the United States, a citizen would sue the government. If this interview is read in Japan, my words just echo as an empty cry. In Japan nobody would do anything anyway, including bureaucrats, and politicians. If it is in the U.S. citizens could change society through its legal/court system but nothing would change in Japan. That situation has become normalized. People feel nothing they could do. People should become aware that this type of hopelessness makes society sink down. Unless we destroy everything once, young generations could never even resurge.” (Same as above)

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- You can access Call4 to read Yuri Kondo's story and also contribute to Cloud Funding for supporting all 3 Article 11-1 related court cases in Fukuoka, Osaka, and Tokyo.
- Case related reference materials, including Complaints, Defendant's Responses, Experts' Statements, and Academic papers as well as Journal Articles, are available at this site.

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