THE
NATIONAL ARCHIVES
OF THE
UNITED STATES

GHQ/SCAP Records(RG 331)
Description of contents

(1) Box no. 2189

(2) Folder title/number: (19)
Registration of Koreans

(3) Date: Aug. 1947 - Dec. 1949

(4) Subject:

Classification	Type of record
140	c, e, v

(5) Item description and comment:

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

Sent
11 Feb 50
by Traube
Rhein
Korzens

Designations for Korea

1. The request of the ~~South Korean~~ Han Kook government that the Japanese government henceforth in all its laws and ordinances and public documents discontinue the use of the customary designations, Chosen for all Koreas and Chosen jin for all Koreans, and substituted them respectively by Han Kook and Han Kook in, raises several questions. We have to consider concerning the relationship between Japan and Korea in international law, the nationality of Korean residents in Japan, the repercussions of the proposed changes in nomenclature, and the Japanese governments legal authority to make such changes.

2. As regards the Japanese-Korean relationship in international law, Japan by accepting the Cairo Declaration at the time of her surrender in August 1945 agreed to the Allied policy to give independence to Korea; on August 15, 1948 South Korea, or Han Kook, declared independence, which has since been recognised by 19 countries including the United States, while Chosen Democratic People's Republic was set up north of the 38 parallel, which has been recognised by the Soviet Union and 9 other countries.

Japan has recognised neither of the two regimes simply because since the surrender all her diplomatic functions have been suspended. Recognition of the independence of Korea by Japan is presumably a matter that has to be deferred until the Peace Treaty.

At present the Japanese government may negotiate with the South Korean government through the GHQ, SCAP, but no contact is possible with North Korea. Desirous as we are to establish friendly relations especially with Han Kook among the two regimes set up in Korea, we are not in a position, as stated above, to extend formal recognition.

The adoption by the Japanese government of the designation of Han Kook for all Korea, does not in itself signify recognition of the same state. But even with this reservation, the substitution of the new name for the old customary name at this time when both the international situation and Korea's internal conditions are what they are, is bound to be interpreted as possessing political implications. Nor can we ignore its possible repercussions. Although it cannot be predicted if the proposed action will give rise to international complications, it is a question whether it is proper on the part of the Japanese government to risk possible trouble by taking the step. It is indeed a question whether the Japanese government is legally empowered to take such a step.

3. The request that all Koreans be called Han Kook In touches the question of the nationality of Korean residents in Japan, which is still "undetermined" according to views of both GHQ and Japanese government. In the light of the fact that most of the so-called "Korean incidents" have more or less to do with the nationality question, we are anxious to see its early solution. But we are given to understand that the Japanese government has at the present stage no authority

to

to conduct negotiations on the subject. On the other hand, the Han Kook government is reported to have enacted last year a nationality law, providing that all Korean residents in Japan are possessed of Han Kook nationality. It appears that the policy of that government toward Koreans in Japan is oriented to the strengthenment of its influence in line with this domestic law, and the present request for changes in nomenclature is only a part of that policy.

Politically and ideologically, Koreans in Japan are split into two camps. Today even after the dissolution of the Chosenjin Renmei, it cannot be said that the supporters of Han Kook command a majority among Korean residents in Japan. Such being the circumstance, to adopt in the laws, ordinances and public documents the designation representing the specific nationality, instead of the customary term, and to force the use of new term to those who do not like the change, would arouse violent resistance from a large segment of the Korean population in Japan, composed largely of leftist elements. Even if the step were taken with the reservation that it had nothing to do with the nationality question, it might possibly lead to an international dispute, inasmuch as Koreans are to be treated as a liberated people under the Allied Policy decision, as was announced by a GHQ spokesman on November 20, 1946. It would be necessary to clarify the scope of the responsibility of the Japanese government in such a contingency.

4. We have stated above the views of the Japanese government on the implications of the change of designations. The problem, has arisen from the fact that while Chosen is a geographical and historical term

customarily

customarily used by Japanese to designate Korea, the peninsula has been since the war's end divided into Han Kook in the south and Chosen Democratic People's Republic in the north.

The present request of the Han Kook government was made only a few days prior to the commencement of the registration of aliens. In view of the fact that it would cause serious confusion --indeed, it is well nigh impossible - to introduce changes in the procedure or forms for the registration which is being conducted in more than 10,000 cities, towns and villages and in view of the fact it involves grave and complex matters, the Japanese government believes it best to reserve the entire question for further careful study and investigation.

We regret that we can not comply with the wish of the Han Kook government in this matter. But needless to say, it is the earnest desire of the Japanese government to promote friendly relations with the government of the Republic of Korea through the good offices of the Allied headquarters.

ALIENS (Koreans)
Sub
11 Feb 50.
by Tsuda

List of New Registration of Aliens in Japan.

Jan. 31st, 1950.

Prefecture	Registered Number	Newly Registered Number	%
Hokkaido	8,620	7,415	86
Aomori	1,943	1,417	73
Iwate	3,272	3,278	100
Akita	2,360	2,088	88
Miyagi	6,031	5,378	89
Yamagata	1,732	1,484	86
Fukushima	5,726	4,911	86
Ibaraki	5,779	5,597	96
Tochigi	3,330	2,892	87
Gunma	4,179	3,575	83
Saitama	5,070	4,072	80
Chiba	11,565	8,145	70
Tokyo	52,682	47,419	90
Kanagawa	36,018	20,554	57
Yamanashi	3,625	3,408	94
Niigata	4,163	3,693	89
Nagano	7,186	6,508	90
Shizuoka	8,545	7,668	90
Aichi	38,408	33,049	86
Gifu	11,676	9,753	84
Toyama	2,453	2,309	94
Ishikawa	4,023	3,759	94
Fukui	6,802	6,284	92
Shiga	13,802	8,885	69
Mie	9,898	7,392	75
Wakayama	6,937	5,211	75
Nara	5,743	3,692	64
Kyoto	43,575	32,366	74
Osaka	106,898	99,031	93
Hyogo	69,168	57,558	83
Okayama	20,017	14,590	73
Hiroshima	18,657	13,692	73
Tottori	2,988	2,897	99
Shimane	6,007	5,812	97
Yamaguchi	29,460	25,330	86
Kagawa	1,955	1,846	95
Tokushima	993	773	78
Ehime	3,162	2,739	87
Kochi	1,736	1,386	80
Fukuoka	35,708	28,401	80
Saga	3,858	3,508	91
Nagasaki	9,442	7,964	82
Oita	10,556	8,310	79
Kumamoto	5,120	4,287	84
Miyazaki	2,770	2,514	91
Kagoshima	1,843	1,746	95
Total	645,484	534,586	83

Zaikai Korean Evening.
Trends: 1/10/50

Changeover of the Registration Certificate in Compliance with the Amendment of the Alien Registration Law

In accordance with the Cabinet Order No.381, Dec. 3, 1949, the Japanese government decided to deliver the new certificate in exchange for the existing Registration Certificate during the period Jan. 16 through Jan. 31. By this changeover, it is expected that many illegal entrants will be found and grave criminals who are now missing will also be arrested. Especially, Koreans who have illegally entered into Japan are estimated to amount to more than 300,000. This new changeover of the registration certificate, therefore, will bring on a considerable panic against those Koreans, and their resistance is feared to be so much severe. However, the Japanese government is firmly resoluted to strictly excecute the fixed principle, in accordance with the understanding of the Immigration Surveillance Liaison Council, under the close cooperation among the ministries concerned, such as the Attorney-General's Office, National Rural Police, the Maritime Safety Agency, etc.

Koreans
Aliens

Attorney-General's Press Release
on Alien Registration

Alien Registration Ordinance (Imperial Ordinance No. 207 of 1947) was promulgated on May 2, 1947 and put into force from the day of its promulgation. By this Ordinance, all aliens resident in Japan have had to register in city, ward, town or village office in which area they reside. Henthforth, the Japanese Government, taking into consideration the realities in which alien registration was carried out, made partial amendment to the said Ordinance by the Cabinet Order No. 381 of 1949. In accordance with paragraph 2 of the Supplementary Provisions thereof change-over of the registration certificate was enforced during the period from Jan. 16, 1950 to Jan. 31 of the same year, as its fixed term.

However, result of the change-over of alien registration was that the number in total of those who had applied for the change-over of the certificate up to Jan. 31, this year were only 536,249 persons the figure being around 83 % of the number of persons who had made registration as of Nov. 30, 1948 totalling 645,484.

In other words, remaining 19,235 persons, namely 17 % of the formerly registered aliens have not filed application.

As has been already mentioned above, the Japanese Government, who aims at a full enforcement of the registration of the aliens, holds it a matter of deepest regret that so many aliens have not yet completed their registrations. However, it is to be presumed that not a few may have delayed in their complying with the request due to illness and travel and for other reasons. But it is to be also presumed that there may have been some who lack due

knowledge of the registration.

Under the circumstances, instead of following up the criminal responsibility for the delinquency of the aliens who have failed to comply with the request made under the provision of paragraph 5 of the Supplementary Provisions of the Cabinet Order, their applications for registration will be accepted, as far as they will apply up to March 20, this year.

Therefore we desire that the aliens who have not yet applied for the renewal of their registration certificates will apply at the earliest date possible.

Heretofore, in handling the business of aliens' registration the term "Chosen" has been used to designate the nationality of the Korean, however, in view of the strong desire of a number of Koreans and also for the hurrying up of the registration the term "Han Kook" or "Tai Han Min Kook" will be used instead of "Chosen" at the request of the applicant.

While the entry in the nationality column of the already issued registration certificate shall be changed to "Han Kook" or "Tai Han Kook", if so requested, by city, ward, town or village, hereafter, the term "Han Kook" or "Tai Han Kook" may be used instead of "Chosen" to designate the nationality of the Korean national in the column of nationality of the registration certificate, if so requested.

However, this is nothing more than a matter of terminology and has nothing to do with the matter which involves intrinsically the problem of nationality or recognition of a state. And no discriminatory legal treatment shall be given whether or not the term "Han Kook" or "Tai Han Kook" is employed instead of "Chosen".

Essentials of Notification of Chief of
Civil Affairs Bureau, Attorney-General's Office
to the Mayor of City, Head of Town or Village

The mayor of city, head of town or village is hereby notified of the following by the chief of Civil Affairs Bureau, Attorney-General's Office, through the governor of To, Do, Fu or prefecture, on the occasion of press release of Attorney-General concerning registration of aliens as per annexed sheets.

1. Concerning the period prescribed for the application for renewal of the alien registration certificate:
   (1) Against the persons who will apply for the renewal of the registration certificate until March 20 of this year, steps shall not be taken for accusation as a violations of paragraph 2 of Supplementary Provisions of Cabinet Order 351 of 1949, and such applications shall be accepted and new registration certificates be issued.
   (2) This notification has no effect in the handling of violators of Ordinance for Registration of Aliens other than those in the cases of violation of paragraph 2 of Supplementary Provisions of the above-mentioned Cabinet Order such as illegal entry into Japan and deficit of registration.
2. Concerning state name of Korea
   (1) In case where a Koreas applies for the change of the entry "Chosen" in the column of Nationality in the registration certificate already issued to "Han Kook" or "Tai Han Min Kook", the application shall be complied with and the entry in the column of Nationality in the Registration Book shall be amended accordingly.

(2) In the column of Nationality in the registration certificate to be issued anew in the future to the Korean, the term "Han Kook" or "Tai Han Min Kook" shall be entered instead of "Chosen" according to his application and the entry in the column of Nationality in Registration Book shall be altered correspondingly.

(3) Even if some of the Koreans apply for the entry in the column of Nationality in registration certificates as "Chosen Minshushugi Jinmin Kyowakoku" (Korean Democratic People's Republic), such application shall not be complied with.

[redacted]

Cottrell Koreans

26-00
2-00
1/3

The Standard of the Compulsory Exit of Aliens by the Alien Registration Order (together with the Standard of Demanding Corporal Punishment)

1. Aliens who become an object of the compulsory exit by the Alien Registration Order (those who fall under any item of Article 16 of the same Order) are classified into four categories, and such classification will be regarded as the standard in general by which to decide whether they should be compelled to leave or not.

   (1) Those who fall under No. 1 category will, as a principle, be forced to leave (unless especially favorable circumstances are acknowledged).

   (2) Those who fall under No. 2 category will generally be forced to depart, but a good deal of consideration will be given to circumstances.

   (3) In the case of those falling under No. 3 category, full consideration will be given to circumstances before deciding whether to deport them.

   (4) Those who fall under No. 4 category will not be forced to leave unless especially favorable circumstances are acknowledged.

   With regard to "circumstances" taken into consideration in the above cases, reference is made to paragraph 4.

2. The standard of demanding corporal punishment for violation of this Order will be set a little lighter than that of the compulsory exit.

3. The classification of categories, Nos. 1 to 4, will be made as under:

(1) Those who come under No. 1 category are as follows:

a. Illegal entrants (including those of whom the evidence of illegal entry before enforcement of this order is acknowledged, and who fall under item (2) or (3) of Art. 6 of the same order).

b. Those who have committed a heinous crime, such as burglary, outrage, murder, arson, etc. and have been sentenced to punishment not lighter than imprisonment on the charge of non-registration (viz., the offence of non-application for registration or for the delivery of registration certificates under the Alien Registration Order, Art. 4, para. 1, and Art. 8-2, para. 2; Supplementary Provisions of the original Order, para. 2; or Supplementary Provisions of the revised Order, para. 2 Art. 13, item (1) of the same Order).

(2) Those who come under No. 2 category are as follows:

a. Those who have been sentenced to punishment not lighter than imprisonment for any offence, as enumerated below, in contravention of the essential points of the registration system.

(a) Non-registration.

(b) False registration concerning important matters (false application for registration or for the delivery of registration certificates under any Article or item of the Order parenthesized in (1) b above).

(c) Forgery or alteration of a registration certificate and the use thereof (Art. 16, item 4, of the same Order).

(d) Prevention of the application for registration (Art. 13, item 2, of the same Order).

(e) Double registration (Art. 13, Item 3, of the same Order).

b. Those who have been sentenced to punishment not lighter than ~~im-~~ imprisonment for repeated violation of the Registration Order (Art. 16, item 3, of the same Order).

(3) Those who fall under No. 3 category are as follows;

a. Those who have been sentenced to punishment not lighter than imprisonment for committing a comparatively serious offence against the Registration Order, as enumerated below:

(a) False registration other than that under (2) a (b) above.

(b) Transfer of a registration certificate for the purpose of using it, or use of a registration certificate issued in another person's name (Art. 13, item 6, of the same Order).

(c) Non-application for changing residence or false registration thereof (Art. 7, item 1, and Art. 13, item 1, of the same Order).

b. Those who have repeated violation of the Registration Order, excepting those under (2) b above (Art. 16, item 3, of the same Order.)

(4) Those who come under No. 4 category are those who have been sentenced to punishment not lighter than imprisonment for minor offence against the Registration Order, as enumerated below, and who are not mentioned in the categories, Nos. 1 to 3.

(a) Non-application for the registration of change in regard to the matters registered other than the change of residence, or false registration thereof (Art. 8, para. 1, and Art. 13, item (1), of the same Order).

(b) Not carrying with them the necessary registration certificate, or refusal of showing such certificate (Art. 13, item (5), of the same Order).

(c) Non-return of the registration certificate (Art. 13, item (4), of the same Order).

4. Circumstances to Be Taken into Consideration in Enforcement of Compulsory Exit:-

It goes without saying that the motive and aspect of the offence, the existence or non-existence of previous conviction, and the environment, character and usual behavior of the offender should be taken into consideration, but the following circumstances will be more particularly considered.

(1) Favorable Circumstances;-

a. The fact of having been living or having once lived in Japan for a relatively long time, and having led an honest life during the period.

b. Possession of respectable regular professions and reliable sureties in Japan.

c. Absolutely no existence of fear of disturbing the public peace.

d. Compulsory exit may obviously destroy the home life of the person concerned.

e. Existence of inevitable circumstances pertaining to the motives or causes of the violation of the Order.

f. Violation of the Order through ignorence of the law.

(2) Unfavourable circumstances:

a. Possession of any criminal record. Particularly, a record of sentence to corporal punishment or to monetary penalty not lighter than major fines several times.

b. Commission of other illegal acts particularly the violation of the Criminal Code and the like or economic offences.

c. Existence of a fear of disturbing the public peace.

d. Existence of a fear of prejudicing the objects of occupation.

e. Possession of no fixed residence.

f. Obscurity of means of living.

g. Inability of the person concerned to prove his residence in this country before the war's end or his legal entry into this country after the war's end.

Note:

1. In the case of the violation of the said Order by any Allied nationals, the matter will be reported to the military occupation court for action.

2. With regard to the deportation of neutrals other than Koreans, as it is considered that there is no proper measure at present,

instructions of the General Headquarters will be asked in each case as to whether compulsory exit is necessary, until such time when a precedent is established for this matter.

3. In case the Hario Camp has become too small for the accommodation of internees or any other unexpected situation has arisen as a result of the enforcement of the present Standard, it will be reconsidered and reexamined.

4. As regards the persons interned at the Hario Camp, steps are now taken for the permission of residence in this country through consideration of respective cases in accordance with the instructions of the General Headquarters . This office shall be much obliged if the General Headquarters could be good enough to furnish it, before hand, with the criteria for the permission of residence so as to enable this office to save trouble of taking steps for compulsory exit in unnecessary cases.

Korea
P-22-D-2

G-5

GS File

Mr. Eneleyide 25-2096

231

Korean Mission Request for Military Police Protection during Registration of Korean Nationals

DS

G-2/PSD

23 Dec 49

1. 1. Reference c/n 1, DS to G-2/PSD, 1 Nov 49, and c/n 3, G-2/PSD, 4 Nov 49, Subject: Korean Mission Request for Police Protection during Registration of Korean Nationals, and inclosed copy of DS Memorandum for D/S-S, 8 Dec 49, Subject: Registration of Koreans in Japan.

2. Inclosed for information and any action deemed appropriate is a copy of a note from the Korean Diplomatic Mission dated 14 Dec 49, together with DS reply of 23 Dec 49, concerning an alleged assault by members of the "League of Koreans Residing in Japan" on HONG Jun Sak while the latter was conducting census activities in Yokohama.

3. Request information on any investigation or prosecution proceedings in this case and measures being taken by the Japanese police to prevent recurrence of such incidents.

Incls:
Copy of note, 14 Dec 49
Copy of DS reply, 23 Dec 49

Copies to:
C/S
D-C/S
PS
Rq & Sv Gp
NGS

(Info copy)

DECLASSIFIED

Rec'd
6 Dec 1949
Sto
Tanaka/FD

Legal Status of Koreans before the War End

Before the end of War, the Japanese laws and orders were not, in principle applied to Koreans. In Korea, neither all nor a part of the Japanese laws were enforced unless they were provided for, to that effect, by Imperial Ordinance in accordance with Law No.30, 1911, and matters to be provided for by law in Japan might be provided for by the order of the Governor-General in Korea.

Korean Civil Case Ordinance which was promulgated on March 18, 1912, in conformity with Law No.30, enumerated, in Article 1, 32 laws which were to be put in force in Korea, if not otherwise provided for, and which included Japanese Civil Law. However, Article 11 of the aforementioned ordinance states, "With regard to relations and succession, Koreans shall be subject to their customs, instead of Article 1, unless specifically provided for. Paragraph 2 of the same article says, "With regard to adoption among Koreans, a adopted child may have a family name different from a adopting parent", while under Japanese Civil Law a adopted child shall have the same family name with a adopting parent. These provisions as different from Japanese Civil Code were enforced for all Koreans even if they resided in Japan proper.

Furthermore, Census Registration Law was not included in those 32 laws listed in Article 1 of Korean Civil Case Ordinance. As a result, Census Registration Law also did not govern all Koreans even if they lived in Japan proper, to say nothing of those who lived in Korea.

In short, the provisions of the Japanese laws concerning status of Japanese were not applied to Koreans without distinction whether they resided in Japan proper or in Korea. Treatment of Koreans in law was thus discriminated from that of proper Japanese.

In addition to the different application of laws as illustrated above, Koreans were distinguished from proper Japanese regarding treatment in administration. For instance, until 1937, the sale of ticket of railway and ship to Koreans who intended to enter Japan proper had been strictly supervised by the authorities, in compliance with the government policy of "prevention of entry". Since 1937, this policy was stiffened to "dissuasion of entry" principle, under which ticket was not sold to Koreans so far as they did not prove to have certain professions or sureties in Japan proper. The government justified this measure on the ground that they would have faced the difficulty of living, had they entered without having their relations or prospect of certain occupations in Japan proper, and the government should have prevented their entry genuinely to take care of them.

The most discriminative treatment was the deportation. Koreans who committed crime which was not so grave as to be punished, but not to be left free or young students who were considered radical, were sent back to Korea. Expense of transportation of these Koreans was borne by Chuo Kosei Kai (Central Welfare Association) which was a foundational juridical person placed in Welfare Ministry in the Japanese government.

If these Koreans again entered Japan proper after having been sent away, this time they were almost compulsorily deported under escort of the police. In case Koreans who lived in Japan proper, took a trip to Korea with the intention of coming back, they would be given the certificate which served to authorize them to return, by the Central Welfare Association.

Even on the removal within the Japanese territory, Koreans were thus greatly restricted and differentiated from proper Japanese.

These discriminations as seen above exemplify the fact that status of Koreans was clearly discriminated from that of proper Japanese. How-ever long the Koreans resided in Japan, they could never obtain the same status with the paper Japanese.

They could obtain the same status and legal treatment with proper Japanese only in case they were adopted by proper Japanese families.

In view of the present condition of Korea it is difficult to determine the nationality of Koreans -- especially the Korean residents in Japan.

The views of the Allied Headquarters on this joint are not clearly discussible. The above-mentioned statement of November 20, 1946 say: "The Occupation authorities have no intention to intervene by any means concerning the fundamental human rights of any people of any country." Since then, the SCAP authorities have sometimes maintained that Korean residents have a "special status", or sometimes that they are "nationals" but not "citizens", the distiction drawn between the two being presumably that the former possesses nationality but not franchise, while the latter possess both nationality and franchise.

As regards the views of the Japanese Government in the question of nationality of the Korean residents, the Office Attorney General considers that until the sovereignty of Korea is determined under the peace treaty, they are Japanese in principle although they may be treated no aliens with respect to certain specific cases. Actually the treatment of Korean residents has conformed to this view. For instance, the Aliens Registration Ordinance (Imperial Ordinance No. 207, May 2, 1947) treated Koreans as aliens (Article 11), and required them to register, while under the "Ordinance relating to Acquisition of

Property

Property by Aliens," (Government Ordinance 51, November 15, 1949) Koreans are treated the same as Japanese. (Article 2).

To conclude, in view of the peculiar position of the Korean residents in Japan at present, wherein they remain legally Japanese but are actually treated as aliens, it is to be expected that they will be subject sometimes to a treatment different from that applied to Japanese.

Note: The view of the Japanese Government on the nationality of Korean residents coincides with the above-stated view of the Office of Attorney General. The Supreme Court is also of the same opinion, although it has not made an decision to that effect. Nevertheless, to the inquiry from the Director of the Registrative Bureau of the House of Councillors, the Court replied under the date of April 24 (General Affairs Bureau, Administration, A. No. 6): "As regards the Koreans residing in Japan form before the War's end, we can do no other than heat them as possessing Japanese nationality as hitherto."

Nov. 14th, 1949

Deportation of Korean Criminals

The problem of Korean residents is one of the most difficult and complicated problems confronting post-war Japan. The bona fide residents who are registered number some 600,000, but the actual Korean population in Japan is believed to be somewhere around 1,000,000. The percentage of vicious crimes is very high among the Koreans, many of whom are engaged in terroristic political activities. Deportation of these Korean criminals, apart from the prevention of illegal entries, have now became an urgent issue.

Under international law an independent state has the power to expel undesirable aliens from its borders. However, Japan, as an occupied country, must ponder the propriety of exercising such power. Moreover, there is the question of whether Korean residents can be treated as "aliens" in the full sense of the term. It is because of these considerations that the problem has be left unsolved to this day.

The matter involves grave political problems, and must accordingly be handled with utmost care and circumspections. The present Observation is submitted to indicate the views and tentative conclusion of the Japanese Government. We desire to point out in the first place that the Japanese government with Allied authorization is actually exercising the power to deport Korean residents of certain categories, which should serve as an established precedent; and secondly to set forth our views on the possibility of solution without going into the question of the status of Koreans in Japan.

2.

(a) The deportation of "undesirable aliens" in the wider sense as well as of alien criminals is carried out more or less by all countries as a matter of soverign right. The U.S. Immigration Act of 1917 provides (Article 19) for such deportation as well as for the return of illegal entrants.

As for Japanese law, a similar provision was inserted in the Home Ministry Ordinance No. 6 of 1936 (Article 18), which was repealed upon the promulgation of the aliens Registration Ordinance on May 2, 1947. Under the old Ordinance the prefectural governor was empowered to order depo.tation of aliens falling under any of the following head, besides illegal entrants.

(1) An alien whose activities are inimical to the interest of the Empire, or who is liable to work for the benefit of an enemy state.

(2) An alien who is liable to disturb the public peace or to corrupt public morals.

(3) An alien suffering from an infecticus disease, or any malady dangerous to public health.

(4) An alien, who, being mentally deranged or debilitated, or being destitute, is liable to become a public charge.

(b) Under the Allied occupation the entries and depatures of aliens are considered a matter to be determined in principle by the Supreme Commander for the Allied Powers. Under the Directives of April 2, 1946 (SCAPIN 852 and of March 9, 1949 (SCAPIN 927) all non-Japanese, desiring to enter or leave Japan, must obtain permission from the Supreme Commander.

While

While there has been issued no SCAP Directive concerning deportation of undesirable aliens, this can be done presumably by order of the Occupation Army. For example, The Koreans involved in the case of hoisting the North Korea national flag were sentenced to imprisonment, and, after having served their prison terms, were compulsorily shipped to Korea by the General Headquarters of the U.S. 25th Division.

On the other hand, the new Aliens Registration Ordinance of 1947, contains various rules for the control of the entry, and departure, and also residence of aliens. Under Article 3 of the Ordinance foreigners must obtain SCAP permission for entering Japan, and they are liable to punishment or deportation for violations of this rule. As regards foreign residents, they are required, regardless of the legitimacy of their entry, to register according to the procedures as .... prescribed in Article 7, 8, and 10. Article 12 stipulates penalties for violations of these provisions; and Article 13 authorizes the prefectural governor to deport a person sentenced to imprisonment or heavier penality under Article 12, or any habitual violator of the same. Finally Article 14 invests the Attorney General with the power to order compulsory deportation order issued under Article 13.

The Aliens Registration Ordinance is an order issued by the Japanese Government in consequence of its acceptance of the Potsdam Declaration. Based upon the Allied Directive of April 2, 1946 (SCAPIN No. 852), which simply required the Japanese Government to register foreigners and to issue identification cards and other papers necessary for legalizing their residence in Japan, the Ordinance gives broad powers to the

government

government such as to impose penalties or order compulsory deportation, and leaves final decisions to the Japanese court by providing for administrative suit, which may be filed by a defendent who objects to the decision of the prefectural governor or the Attorney General under Article 13, or Article 14.

(c) The above mentioned deportation provisions of the Aliens Registration Ordinance apply only to violations of the registration rules, apart from the cases of illegal entry constituting a direct infringement of the Allied Directive. Nevertheless, the Ordinance may be considered as having established a precedent proving that the Japanese government can expel alien criminals from the country.

As for the general scope of the "undesirable" aliens to be deported, the 1939 Home Ministry Ordinance, cited above, furnishes an example. But the categories of deportable as set forth therein are too comprehensive and vague, and the ordinance is liable to be abused for political ends. Japan of today could not certainly resort to deportation of aliens under such broad specifications. It would seem advisable to limit the scope to criminals -- or even to a specially designated cagetories of criminals.

Opinion is advanced sometimes that these categories should include the Koreans removed from public office under the Regulations of Associations Ordinance. But the matter may well be reserved for careful study until after the solution of the fundamental point whether or not criminal Koreans ..... be deported.

3.

(a) Assuming that criminal Koreans in Japan are to be deported, there arises immediately the question of their status.

The Allied Memorandum of April 2, 1946 relating the registration of foreigners entering Japan, directed to register Koreans as "Koreans". SCAP Declaration of November 20, the same year, stated that Koreans would be treated as a "liberated people according to the policy decision of the United Nations." Furthermore, Koreans in Japan are called a "people possessing a special status," in the Allied Directive of June 21, 1948, while they are defined as "Non-Japanese" in the 14 January 1949 Allied Memorandum. As regard actual treatment, the 14-February-1947 Allied Memorandum (SCAPIN No. 1527) guarantees to Korean residents their right to repatriate at any time. Under the 14-April-1947 Allied Memorandum (SCAPIN No. 1609) the Japanese government has come to issue passports to Japanese nationals going abroad, but not to Korean residents, who are cleared through the Korean Mission in Tokyo.

On the other hand, in the Korean Republic the national Assembly is reported to have enacted recently a Korean Nationality Law which provides that a person, whose father is a Korean citizen, shall ipso facto be a Korean citizen, and the Korean government appears to be acting vis-à-vis Korean residents in Japan in line with that principle. Again, under the Japanese Law (Law No. 42, 17-December-1945) Korean residents do not possess the right to vote or to stand for election, while the Aliens Registration Ordinance treats all Korean residents as aliens.

In

In brief, although the definitive settlement of the question relating to the status of Korean residents in Japan may have to be left to the peace treaty, it can be said thus the predominant attitude toward them since the war's end has been to consider them as "Non-Japanese", and "Non-United Nations-nationals".

(b) When viewed from another angle-namely the time of entry, while there is no room for argument regarding the propriety of classing as aliens those Koreans who have entered Japan after the war's end, questions may arise with regard to those who have lived here since pre-war years.

However, as has been already stated, the Aliens Registration Ordinance, under which all Korean residents are regarded as aliens, and deportation is stipulated for violators of its rules, may be considered as an important precedent for the disposition of various questions relating to nationality. A Korean who has lived in Japan for decades might contend that residence in Japan is his vested right. But the Ordinance applies equally to all aliens residing in this country. And the concept of deportation of undesirables also excludes the question of the period of residence.

(c) In enacting the present measure, --- we must, of course, take into account the views of the Korean government. It should be noted that it has frequently declared, as is stipulated also in the laws of that country, that Korean residents in Japan are citizens of the republic. A UP news dispatch from Se.ol, dated September 9, 1948, attributed to President Syngman Rhee a statement that his country was

prepared

prepared to take back any "trouble makers" among Korean residents in Japan.

This alleged intention of the Korean government will have to be confirmed. But we believe that deportation of Korean criminals can be legislated by leaving the question of status out of consideration, as in the case of the Aliens Registration Ordinance.

NOV. 10. 1949

Illegal Entry into Japan

Illegal entry into Japan from Korea was at its height in 1946, when all was confusion after the end of the war. Later, in 1947 and 1948 it was a little lessenned, but it is inclined to increase again this year.

These illegal entrants consist of (1) those who come to Japan for the economic reason as their living at home is very hard, (2) those who evade conscription or seek refuge from social disorder, (3) those who come to Japan for political and thought reasons and (4) members of the Communist Party who enter Japan on a mission. There are not a few instances, moreover, where some leaders of the Korean League went to and returned from Korea, impudently making public in newspapers their intention to attend conferences in North Korea.

Numbers of illegal entrants arrested are as follows.

(By the National Rural Police)

	arrested	fled	total
1946 (Apr. - Dec.)	17,733	3,683	21,416
1947	5,190	1,467	6,657
1948	6,160	2,046	8,206
1949 (Jan. - Aug.)	4,857	2,041	6,898

(By the Maritime Safety Agency)

May 1948 - July 1949 2,442

(including those turned over to the police after arrested)

/ The

The above-cited figures indicate illegal entrants found and arrested by the National Rural Police or the Maritime Safety Agency, but those not arrested are considered several times as many as those arrested and are estimated to amount to 200,000 to 300,000 in total.

Smuggling

Illegal entry accompanies smuggling and the latter accelerates the former. Whereas we have no arms enough to blockade them, smugglers use boats armed with machine-guns and cannon and organize a large-scale smuggling group in conspiracy with the special brokers. Illegally imported goods are mainly raw rubber, sugar, narcotics and high-class textiles, most of which are regarded to have been imported into Korea from overseas countries. It is likely, therefore, that there is a smuggling route between Korea, Kanto-Shu and Hongkong.

Out of them, goods found and confiscated are shown below.

	case arrested	persons arrested	estimated price of confiscated goods
1948 (Jan. - Dec.)	696	2,847	¥150,000,000
1949 (Jan. - Jun.)	790	2,382	¥180,000,000

As seen in the above figures, the estimated amount of goods confiscated during the first half of this year has already exceeded the total amount of goods confiscated last year.

Supposing the goods found and confiscated are 10% of the goods actually smuggled in, the total amount of goods smuggled in this year will amount to ¥3,600,000,000 in the official price. As these goods have been sold through the channels of blackmarket, these smugglings have caused serious

/ harm

harm by spurring inflation and crippling economy. Especially, import of prohibited goods, such as narcotics has brought about a baneful effect upon the nation.

Blackmarketeering and Criminal Offences

(a) Blackmarketeering

After the defeat of Japan, Koreans residing in Japan defiantly opened the blackmarket, and squeezed out unreasonable profits, taking advantage of their privilege as so-called third nationals and of the chaos at the time of the end of the war. These blackmarket activities accelerated inflation, created economic disturbance and impeded the economic rehabilitation of Japan. However, as the economic situation gradully stabilized, and the economic control became lenient, the sphere of blackmarket was narrowed, and with the intensification of the police control, these Koreans had difficulties in finding means of living and were thrown out of work.

The situation has been aggravated by the recent dissolution of the Korean League and the rate of those who have respectable callings is deemed considerably low.

(b) Criminal Offence

These situations have consequently induced increase of crime by Koreans and the statistics of crime throughout the country from Jan. to Jul. of this year reveals the following cases of crimes:

Jan. - 1,407

Feb. - 1,798

Mar. - 2,299

Apr. - 2,308

May. - 2,265

Jun. - 2,388

Jul. - 2,352

In Yamaguchi, Hukuoka and Nagasaki prefectures which have been most afflicted with illegal entry, smuggling and blackmarketeering by Koreans, the rate of crime of last year reached a astonishing figure as follows.

Yamaguchi	1 per 12.5 Koreans
Hukuoka	1 per 5.8 Koreans
Nagasaki	1 per 5.5 Koreans

Recently, at Hukuoka City, in almost all of theft and burglary Koreans have been involved and cityzens thereof have been overcome by fear of Koreans.

Such being the situation, the polices in the above-mentioned prefectures are so much occupied with control over Korean criminals that the general vigilance has been considerably hindered. In reality, inhabitants in those prefectures have often filed with the authorities the petitions requesting to take necessary step to stamp out these crimes by Koreans.

Capture of Fishing Boats

On the sea near Tsushima Island, our fishing boats were "kidnapped" in July and August of this year. Despite of the fact that our ships were

/ fishing

fishing within the limit of the so-called MacArthur Line, three of them were seized by a vessel of unknown origin, onw in July and the other two on Sept. 26. Of the latter two vessels, one was released later because of its slow speed, but the other (Chidori-maru, 19 tons), which was one of the highest-class fishing boate, was towed away together with the crew on board. According to the testimony by the crew aboard the released boat, the strange vessel sailed away toward Korea and the crew aboard it spoke the Korean language. Therefore, it is logical and reasonable to assume from the circumstance that the vessel in question is of Korean origin. Fishermen in the neighbourhood have been teerribly frightened by these seizure and have hardly enough courage to go out for fishing. The sea around Tsushima Island is fishing grounds which are so rich in fish that inactivity of fishing in this area will seriously af?ect the food situation in the whole country, to say nothing of the living of inhabitants in the vicinity.

Reg of Koreans

Registry of Marriages — CW/CLK/sh

GS — 2. G/S — 20 Oct. 1947

6

1. Government Section concurs with the views of the Legal Section, as stated in note 2, above.

2. Since a non-Japanese wife of a Japanese national legally acquires Japanese nationality by the marriage and is not regarded as an alien, the entry of such spouses has not been restricted, and there is general concurrence on the part of interested staff sections of GHQ, SCAP that the Japanese Government may continue to authorize their entry.

3. No non-Japanese man who marries a Japanese woman acquires Japanese nationality merely by reason of such marriage. He may, however, be naturalized under the Nationality Law. Long Association of the Koreans and the Japanese has, however, resulted in many marital relationships.

The Alien Registration Law (Imperial Ordinance No. 207) provides (in Article 3) that:

"Aliens shall, for the time being be forbidden to enter Japan...."

"The provisions of the preceding paragraph shall not apply to those aliens who enter Japan with the approval of the Supreme Commander for the Allied Powers, who may designate the harbor or airfield for entry."

4. The Japanese Government in its memorandum of 5 August 1947, clearly indicates its desire to allow Korean husbands of Japanese women to enter Japan without special permit in each individual case and seeks approval of SCAP as required by the above-quoted provision of the Alien Registration Law. While this is true, as pointed out by G-2 in Check Note 4, that Korea is designated as a Special Status Nation, it must be remembered that Koreans intermingled freely with the Japanese over a period of approximately thirty years and were regarded as Japanese nationals. Moreover, the purpose of the provisions of JCS 1380/15 quoted by G-2 was to confer additional rights and privileges on Koreans and not to restrict them. The suggestion that the Japanese wife be allowed to rejoin her husband in Korea does not solve the problem. Aside from practical difficulties, the Japanese wife, in general, will not avail herself of that questionable privilege due to her doubts, if not her fears. A humanitarian approach toward the problem must consider the facilitating of family relationships.

5

Government Section file

12b K

Registry of Marriages CW/CLK/mh

GS D C/S 20 Oct. 1947

6 cont. 5. This Section recommends that:

a. The Japanese Government be authorized to permit the entry into Japan of non-Japanese women married to Japanese men, even though the marriage is not registered.

b. The Japanese Government be authorized to permit the entry into Japan of Korean males married to Japanese women even though the marriage is not registered.

c. That the Japanese Government be directed to revoke permission granted under "a" and "b" above if registration is not completed within 30 days of entry, and thereupon repatriate the non-Japanese spouse.

6. Proposed directive to the Japanese Government is attached.

7 Incls:
1. Proposed directive
2. Proposed memo
3. Request
4. Extract
5. SCAPIN 1757
6. SCAPIN 1391
7. SCAPIN 852

---------- S. W. ----------

Subject: Registry of Marriages

Note No. From G-1 To: C/S Date: 7 Oct. 1947

5 (cont). 7. The fact that a Korean man is married to a Japanese woman does not change the legal status of the Korean man, nor is it believed to constitute grounds for entry into Japan. It is believed that entry of Korean men married to Japanese women should be governed by the same recommendations and regulations as are applicable to other entrants into Japan. Exit from Japan to Korea of Japanese women married to Korean men in general is prohibited. However, exceptions to policy may be made on an individual case basis if compassionate grounds so warrant.

8. It is concluded that:

a. Present regulations should remain unchanged.

b. Non-Japanese women married to Japanese men should continue to be considered legal entrants.

c. Korean and other non-Japanese men married to Japanese women should not be admitted to Japan merely because of such marriage.

9. Recommend approval of proposed memorandum to the Japanese Government advising them that existing regulations remain in force and that entry of Korean and other non-Japanese men into Japan is permitted only upon specific authority of SCAP.

10. Concurrences: G-2 (see attached C/N No. 4)
G-3
LS (Mr. Canney)
KORYU (Coordinated with Mr. Burness)
USAMGIK Ln Off (Maj. Goff)

6 Incls:
1. Proposed memo
2. Request
3. Extract
4. SCAPIN 1757
5. SCAPIN 1391
6. SCAPIN 852

--- W. A. B. ---

5. The point of "humanitarian aspects" stressed by the Japanese Government is a strong one. We can always make exceptions on "compassionate grounds."

1 Incl. n/c

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5 From G-1 To: C/S Date: 7 October 1947

1. References.

a. Memorandum from Central Liaison Office, Tokyo, 5 August 1947, file C.L.O. No. 6150 (RF).

b. Extract of JCS 1380/15, 1 November 1945

c. SCAPIN 1757, 4 August 1947

d. SCAPIN 1391, 10 December 1946

e. SCAPIN 852, 2 April 1946

f. Proposed memorandum to the Japanese Government.

2. Reference "a" above advises that the Japanese Government considers entry of a non-Japanese woman married to a Japanese man as a legal entry and registers the marriage. This reference also advises that there are cases of Korean men married to Japanese women entering Japan, and requests authority to consider entry of Korean men in such cases as legal entry and to register such marriages in the Japanese family registration.

3. In C/N No. 2 above, Legal Section agrees with the proposition of considering both non-Japanese women married to Japanese men and Korean men married to Japanese women as legal entrants. Legal Section advises that the Japanese Government considers Koreans as Japanese nationals under Japanese law.

4. In C/N No. 4 above, G-2 concurs in admission into Japan of non-Japanese wives of Japanese men. G-2, however, points out that in accordance with JCS 1380/15 Koreans are not included in the term "Japanese" and that according to SCAPIN 1757 Korea is known as a "special status nation." G-2 recommends that instead of admitting the Korean husband of a Japanese woman into Japan, the Japanese wife be permitted to join her husband in Korea.

5. Reference "d" above requires that illegal immigrants be apprehended and transported to a reception center for repatriation on shipping designated for this purpose.

6. Reference "e" above advises the Japanese Government that certain non-Japanese nationals not part of the Occupation Forces will be granted permission to enter Japan and that this Headquarters will furnish the Japanese Government names of persons approved for entry.

Subject: Registry of Marriages

Note No.

From: Legal Section To: G-1 Date: 8 Sept. 1947

2 cont. non-Japanese woman acquires Japanese citizenship automatically. The effect of registering the marriage in Japan would be to make her status a matter of record. Where a non-Japanese man is married to a Japanese woman and such woman acquires citizenship of her husband's country as a result of the marriage, she loses Japanese citizenship. A non-Japanese man does not acquire Japanese citizenship by virtue of his marriage to a Japanese woman.

5. If the Legal Section's views are adopted, then it is suggested that there be no reference to the question of nationality, in the reply to the Japanese Government. The reply should be based on the factual situation as described in the letter.

1 Incl. n/c

T.R.C.K.
Major, Infantry
Act. Chief, Legal Section

From: G-1 To: G-2 Date: 13 Sept. 1947

3

Your comments requested.

W. A. B.

From: G-2 To: G-1 Date: 21 Sept. 1947

4

1. G-2 concurs in the views expressed by Legal Section insofar as they apply to the admission into Japan of non-Japanese wives of Japanese subjects.

2. As regards the views adduced by Legal Section to justify the admission into Japan of Korean husbands of Japanese women, in view of present policies, Koreans cannot be considered Japanese Nationals viz:

a - Basic Directive for Post-Surrender Military Government in Japan Proper, JCS 1380/15, dated 1 Nov 45, par 8 d, states: "You will treat..... .....but they have been Japanese subjects."

Koreans as liberated people.....They are not included in the term 'Japanese'

b - SCAPIN 1757, subject: "Definition of....Special Status.... Nations," dated 4 Aug 47, states: "par. 5. The nations named below---- will be referred to collectively as Special Status Nationa....Korea."

3. G-2 feels that under existing definitions, Koreans should receive no preferential treatment over other Nationals, insofar as admission into Japan is concerned. Strict and impartial compliance with present rules, regulations and policies governing the admission of Foreign Nationals should be maintained.

4. G-2 suggests that instead of going contra existing policy by admitting the Korean husband of a Japanese woman into Japan, that the Japanese wife be permitted to join her Korean husband in Korea. At any rate, the practical aspects of such a solution should be further examined.

Subject: Registry of Marriages

Note No. | From: G-1 | To: LT | Date 20 Aug. 1947

1 1. Forwarded per telephone conversation between Mr. Bassin, Legal Section and Lt. Col. Hudgins, G-1 Section.

2. Information is requested on which to base reply. Specific information is requested as to the status of citizenship, according to Japanese law, of the foreign male partner of a marriage with a female of Japanese citizenship.

1 Incl
CLO No. 6150 (RF)

---W. A. B.---

2. From: Legal Section To: G-1 Date 8 Sept. 1947

1. The problem raised in the letter from the Japanese Government is whether non-Japanese women married to Japanese, and Koreanmen married to Japanese women, shall be legally admitted to Japan because of the fact of marriage. The Japanese Government proposed to admit (admit--not declare illegal entrant) such non-Japanese spouses for humanitarian reasons, as expressed in paragraph 3 of their letter, 5 August, 1947, CLO 6150 (RF).

2. The Legal Section sees no objection to the Japanese proposal of admitting non-Japanese wives of Japanese, as well as Korean husbands of Japanese and is inclined to agree with such proposal. It should be observed that this Section's position applies only to the admission of any non-Japanese wife of a Japanese subject, and only to a Korean husband of a Japanese woman. If this position is accepted as SCAP policy, then the Japanese could be instructed to consider such cases in accordance with the set policy as a routine matter. However, the exact limitations of this policy should be made knwn to the Japanese in order to prevent non-Japanese husbands who are not Koreans from entering Japan except as provided in SCAPIN 852.

3. In the past, the Japanese Government has stated that Koreans are still considered as Japanese nationals under Japanese law, until other provisions are made in a peace treaty. Consequently, a Korean would be a Japanese national, regardless of marriage, unless such marriage changed the national status of the Japanese or Korean woman, and from the Japanese point of view, in a marriage between a Korean and a Japanese, the question of the loss or acquisition of Japanese nationality would not be involved.

4. As to the question of the acquisition of citizenship by marriage, under Japanese law, the rule is that upon marriage to a Japanese citizen a

DRAFT

AG 024/39 (Oct 47) OC

APO 500
October 1947

MEMORANDUM FOR JAPANESE GOVERNMENT

THROUGH: Central Liaison Office

SUBJECT: Entry into Japan of Korean and Other Foreign Nations Married to Japanese Nationals in Unregistered Marriage.

1. Reference is made to:

a. Memorandum from the Supreme Commander for the Allied Powers, file AG 000.5 (10 Dec 46)OC (SCAPIN 1991), dated 10 December 1946, subject: "Suppression of Illegal Entry into Japan."

b. Memorandum from the Supreme Commander for the Allied Powers, file AG 053 (2 Apr 46)GA. (SCAPIN 852) dated 2 April 1946, subject: "Entry and Registration of Non-Japanese Nationals in Japan."

c. Memorandum from Central Liaison Office, Tokyo, dated 5 August 1947, file C.L.O. No. 6150 (NF), subject as above.

2. As contemplated in Article 3, paragraph 2 of Imperial Ordinance 207, 1947 the entry into Japan of the following designated persons is authorized, subject to the limitations hereinafter set forth:

a. Non-Japanese women married, bona fide, to Japanese men whose marriages have not been legally registered under Japanese law.

b. Korean men married, bona fide, to Japanese women whose marriages have not been legally registered under Japanese law.

3. Entries authorized under paragraph 2 above will be subject to the condition that the marriages of entrants must be legally registered under Japanese law within thirty (30) days of entry. Upon failure to register within the specified period entry permit will be revoked, and the non-Japanese spouse will be repatriated.

Tab A

4. The Japanese Government will be responsible for the enforcement of the provisions of paragraph 3, above.

5. This memorandum will not be construed as in any way modifying existing memoranda regarding cholera quarantine and other medical processing.

FOR THE SUPREME COMMANDER:

28 September 1949

Return to Cottrell

MEMORANDUM FOR THE RECORD

SUBJECT: Japanese Immigration Service and Repatriation of Korean Residents

1. Mr. Hioto Tanaka, Chief of the First Section of the Immigration Service and Control Division of the Foreign Office with two of his assistants Mr. Tsuda and Mr. Itoh, called to advise GS regarding their program for registration of Korean residents of Japan.

2. The attached material was submitted. At the first meeting of the Inter Ministry Immigration Surveillance Council held on 9 September the following topics were discussed:

a. Establishment of mechanisms of deportation.

b. Program for obtaining additional equipment for communication and transportation between field units engaged in boarder patrol.

c. Study of the economic and social repercussions attendant on mass deportation of approximately half a million Koreans.

d. Drafting for submission to the Attorney General of a detailed registration ordinance which will provide for registration of all residents of Japan, including both Japanese and Foreign National groups. This will entail expenses amounting to over 80 million yen. It is expected that drafts will be submitted to Legal Section during October. Registration will be carried on through the prefectural offices by civilian employees rather than the police.

3. Mr. Tanaka was extremely anxious to determine whether SCAP contemplates in the near future according Foreign National status to all Koreans in Japan. He was given to understand that no information of this nature has yet appeared in the local press. The fact that the Korean Ambassador has launched upon a registration program of his own with the idea of securing increased prestige for the Korean Mission among Koreans in Japan by raising the status issue has apparently aroused apprehension in Foreign Office circles. Mr. Tanaka's visit was an effort to feel out SCAP position on this question. His superior Mr. Yaguchi is a friend of Mr. S. Kimura, Director of Liaison Bureau of the Ministry of Foreign Affairs.

N. Cottrell

List of Members of Immigration Surveillance Council

Chairman:

Chuta Iehiro	Administrative Vice-Minister for Foreign Affairs

Members:

Wajima Siji	Chief, Controls Bureau, Ministry of Foreign Affairs
Yaguchi Rokuro	Chief, Immigration Service Division, Ministry of Foreign Affairs
Murakami Tomokazu	Chief, Civil Affairs Bureau, Attorney-General's Office
Takahashi Ichiro	Chief, Prosecution Bureau, Attorney-General's Office
Okada Shuichi	Chief, Maritime Transportation Bureau, Ministry of Transportation
Tanabe Shigeo	Chief, Relief Bureau, Repatriation Relief Agency, Ministry of Public Welfare
Ito Hachiro	Chief, Customs Bureau, Ministry of Finance
Suga Kenji	Chief, Food Division, Food Agency, Ministry of Agriculture
Kobayama Toshio	Chief, Police Guard Division, National Rural Police Headquarters
Mita Kazuya	Chief, Patrol & Rescue Division, Maritime Safety Agency
Sunabi Toshiaki	Chief, Liaison & Administration Division, Local Autonomy Agency
undecided	Chief Secretary of Councillors Room, Prime Minister's Secretariat

Cabinet Order No. 326 8. Sept. 1949

The Cabinet Order for Immigration Surveillance Liaison Council

In accordance with the provisions of Article 5, paragraph 2 of the Cabinet Order concerning Immigration Surveillance (Cabinet Order No. 299 of 1949), the Cabinet establishes this Cabinet Order.

(Responsibilities)

Article 1. The Immigration Surveillance Liaison Council (to be hereinafter referred to as "the Council") shall deliberate on necessary matters for the purpose of promoting liaison and coordination among the functions of the administrative organs concerned with respect to the immigration surveillance, the prevention of illegal entry and the deportation of illegal entrants, etc.

(Organization)

Article 2. The Council shall be comprised of Administrative Vice Minister for Foreign Affairs and members not exceeding twenty in number.

2. The members of the Council shall be appointed by the Minister for Foreign Affairs from the personnel of the various administrative agencies concerned.

3. The members shall not be of full-time service.

(Duties of Chairman)

Article 3. Administrative Vice Minister for Foreign Affairs shall preside over the affairs of the Council as Chairman.

2. In case the Chairman is prevented from discharging his duties, a member designated in advance by the Chairman shall act for him.

(Secretaries)

(Secretaries)

Article 4. The Council shall have secretaries not exceeding twenty in number.

2. The secretaries shall be appointed by the Minister for Foreign Affairs from the personnel of the various administrative agencies concerned.

3. The secretaries shall assist the members of the Council in performing the functions in its charge.

4. The secretaries shall not be of full-time service.

(Miscellaneous Affairs)

Article 5. The miscellaneous affairs of the Council shall be handled by the Immigration Service Division of the Controls Bureau of the Ministry of Foreign Affairs.

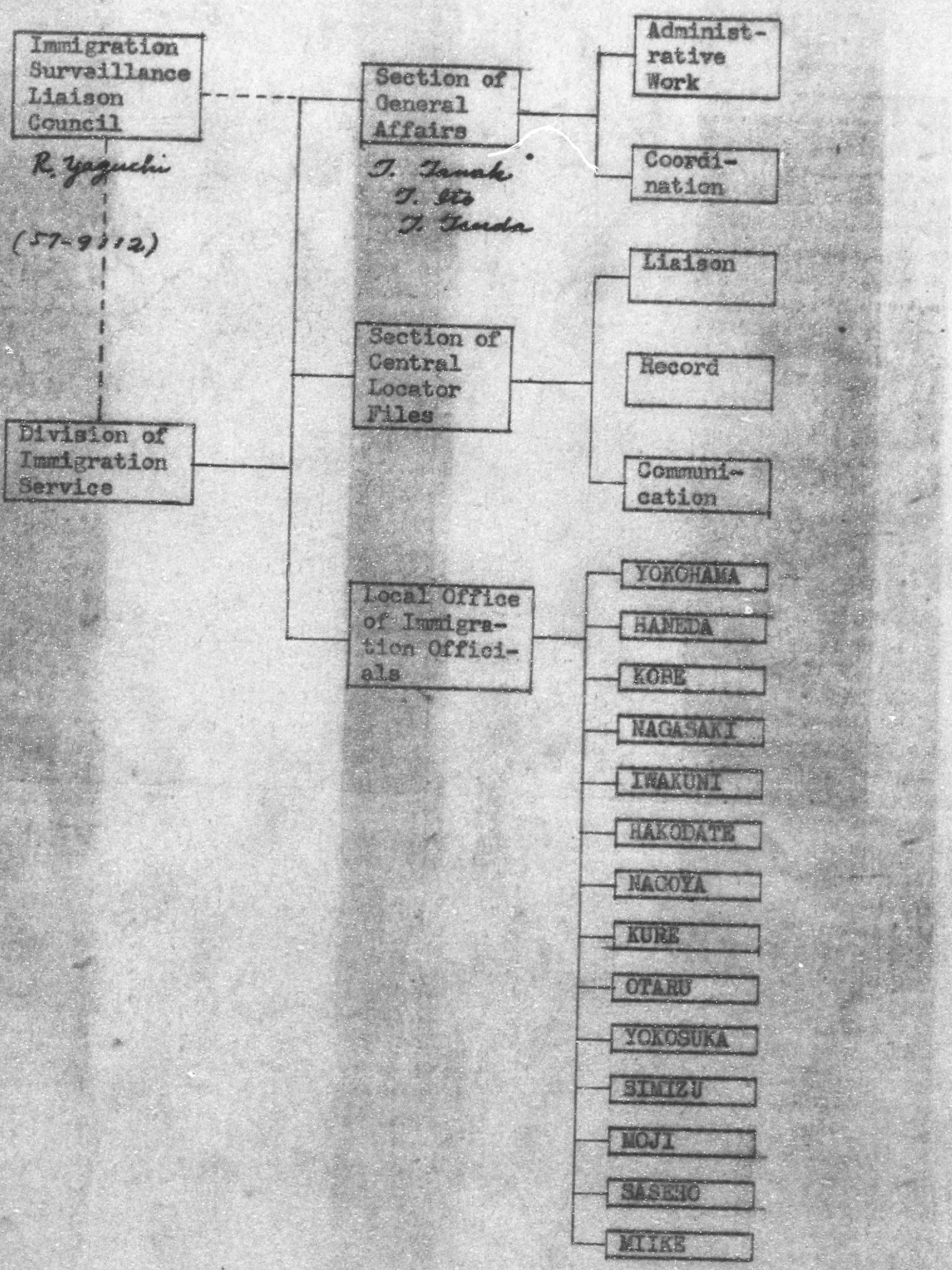
(Miscellaneous Provision)

Article 6. Other them those provided for in the preceding Articles, procedural and other necessary matters for the operation of the Council shall be determined by the Chairman.

Supplementary Provision:

This Cabinet Order shall come into force as from the day of its promulgation.

Chart of Organization of Immigration Service Division



Registration of Koreans

30776

5089

BASIC Ltr, Osaka Mil Govt Team, APO 25, subj: "Registration of Foreign Nationals", dtd 12 September 1947.

AG 014.33 - BA 1st Ind GLA/lha

Hq I Corps, APO 301 22 SEP 1947

TO: CG, Eighth Army, APO 343

3930

1. Attention is invited to basic letter attached for your information and whatever action you deem appropriate.

2. While the thoughts expressed in par 4 are generally true, the fact remains that in general Koreans were following the orders of the Central Korean League when they refused to comply with the Registration ordinance, and the Central Japanese Government should, therefore, be the subject of censure more than the Prefectural law enforcing agencies. The latter were relatively powerless in such localities as Osaka and Kyoto where unregistered Koreans numbered approximately 100,000 and 40,000 respectively.

FOR THE COMMANDING GENERAL:

2 Incls:
n/c

WILDER A. JOHNSON
Capt. A. G. D.
Asst. Adj. Gen.

6 OCT 1947

AG 091.4 (MG-L) 2nd Ind

Headquarters Eighth Army, APO 343

TO: Supreme Commander for the Allied Powers, APO 500

Forwarded for your information.

FOR THE COMMANDING GENERAL:

2 Incls:
n/c

R. SCHAFER
Lt. Col., A.G.D.
Asst. Adj. Gen.

COPY

BASIC: Ltr, Osa[illegible] MG Team, APO 25, subj: Regist[illegible]tion of Foreign Nationals, dtd 12 Sep 47

AG 014.33 - BA 1st Ind. GLA/lha

Hq I Corps, APO 301, 22 Sep 47

TO: CG, 8th Army, APO 343

1. Attention is invited to basic letter attached for your information and whatever action you deem appropriate.

2. While the thoughts expressed in par 4 are generally true, the fact remains that in general Koreans were following the orders of the Central Korean League when they refused to comply with the Registration ordinance, and the Central Japanese Government should, therefore, be the subject of censure more than the Prefectural law enforcing agencies. The latter were relatively powerless in such localities as Osaka and Kyoto where unregistered Koreans numbered approximately 100,000 and 40,000 respectively.

FOR THE COMMANDING GENERAL:

/s/ Wilder A. Johnson
WILDER A. JOHNSON
Capt, AGD
Asst Adj Gen

2 Incls
n/c

6 OCT 1947

AG 091.4 (MG-L) 2nd Ind

Headquarters Eighth Army, APO 343

TO: Supreme Commander for the Allied Powers, APO 500

Forwarded for your information.

FOR THE COMMANDING GENERAL:

R. SCHAFER
Lt. Col., A.G.D.
Asst. Adj. Gen.

2 Incls:
n/c

COPY

HEADQUARTERS
OSAKA MILITARY GOVERNMENT TEAM
APO 25

12 September 1947

SUBJECT: Registration of Foreign Nationals

TO: Commanding General
I Corps
APO 301
ATTENTION: Military Government Section

1. Several months ago the Japanese Government issued an order requiring the registration of all foreign nationals in Japan. According to the Japanese directive the registration was to commence 1 July and be completed by 31 July 1947.

2. Only a small percentage of all foreign nationals in Osaka Prefecture registered prior to 31 July 1947. Consequently the Central Government amended its directive, extending the registration period to 31 August 1947.

3. On or about 25 August 1947 less than 10 per cent of all Koreans in Osaka Prefecture had registered. Failure to register was alleged to have resulted from an order issued by the head of the Korean League in Japan. Thereafter, on or about 27 August 1947, the head of the Korean League in Japan directed the head of the Korean League in Osaka to have all Koreans registered before 31 August 1947. The estimated Korean population in Osaka is 103,690, and registration of the great bulk of Koreans, approximately 100,000, would have to be accomplished in approximately four days. Since the registration of so many persons in such a short period of time was physically impossible, the chief of the General Affairs Department of Osaka Prefecture issued an order, dated 30 August 1947, directing the mayor of each city, head of each ward, town and village, and the head of each local administrative office, to set up a period of 10 days, between 1 - 10 September, called the "business adjusting period", for completing the registration of Koreans. A copy of said order is attached hereto as Inclosure Number 1.

4. According to reports submitted by the Chief of Police of Osaka Prefecture, a copy of which is attached hereto as Inclosure Number 2, he considers that registration was completed on 31 August 1947 despite the fact that approximately 72,612 Koreans were issued temporary registration certificates between 1 - 10 September. It is

~~6037~~ 4
BH 60802

believed by this headquarters that the administration of the Japanese Government, both central and prefectural, in handling the registration of foreign nationals was poor. If the same energy and attention were devoted to this problem during the month of July 1947, the registration could have been accomplished as thoroughly during that period as from 1 - 10 September. It is submitted that the changing of regulations to meet the convenience of the Korean population tends to weaken the authority of Japanese law-enforcement agencies, and encourages the Koreans in their attitude of disregard for Japanese law and law-enforcement agencies.

2 Incl:
Incl No. 1
Incl No. 2

Malcolm E. Craig

MALCOLM E. CRAIG
Colonel, Infantry
Commanding

C O P Y

Inclosure No. 1

Cho No. 574

Aug. 30, 1947

TO : Mayor of each City, Head of each ward, town & village
Head of each local administrative office

FROM: Chief of General Affairs Dept. Osaka Pref.

SUBJ: Regarding the Establishment of Adjusting Period
of Foreign Nationals Registration Business

The period for application for the head registration has been fixed, as reported in the previous notification, at the end of this month and the extension of period will never be made absolutely. However, on the one hand, as it has been decided by the organizations of Koreans that the Koreans should apply all together to complete the registration within the period, there is fear of being the business made confused by the rush of applications at one time as the result of the decision.

And moreover, as it requires considerably much time in investigation of papers as well, it has been decided to establish the business adjusting period of ten days between 1st and 10th of September.

Acknowledging the above, you are requested to take perfect measures such as to connect with the associations concerned, in order to make this registration perfect throughout, accepting applications made in the period.

C O P Y

Encl 1'

COPY

Inclosure No. 1

Cho No. 574

Aug. 30, 1947

TO : Mayor of each City, Head of each ward, town & village
Head of each local administrative office

FROM: Chief of General Affairs Dept. Osaka Pref.

SUBJ: Regarding the Establishment of Adjusting Period
of Foreign Nationals Registration Business

The period for application for the head registration has been fixed, as reported in the previous notification, at the end of this month and the extension of period will never be made absolutely. However, on the one hand, as it has been decided by the organisations of Koreans that the Koreans should apply all together to complete the registration within the period, there is fear of being the business made confused by the rush of applications at one time as the result of the decision.

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COPY

2nd 1²

C O P Y

Inclosure No. 2

Sept. 11, 1947

TO : Mr. Sullivan, Osaka Mil. Govt. Team

FROM : Chief of Police, Osaka Prefecture

SUBJ : Report on circumstances of application for the foreigners' registration

---

This is to inform you of the circumstances of the applicants for the foreigners' registration.

On Sept. 10, the last day of the ten-day old readjustment period (starting from Sept 1.) for this registration, the number of applicants amounted to about 20,000 who have their residences in the Ikuno police district, and adding to this, there were about 40,000 living in Higashinari, Nishinari, Sakaikita and Fuse police districts who applied in the lump through the concerned branch office of the Korean League.

The registration seems to have mostly finished before the evening of the day, but it is presumed that there are a very small number of persons who have not yet applied by reason of their long travel and so on.

Temporary applicants would receive the "temporary registration certifications" with the effective period lasting till Sept. 30 of this year.

These temporary applicants are to be entered in the normal registration by the end of this month. Their number is shown in details in the attached sheet.

/s/ Eiji Suzuki
/t/ E. SUZUKI
Chief of Police
Osaka Prefecture

C O P Y

Incl 2'

C O P Y

Nationality	Presumed Popul. of legal residents	Applicants for the registration			No. of issued certificates:		
		Regular Registration:	Temporary Registration:	Total:	Regular Registration	Temporary Registration	Total:
Korean	103,690	29,479	72,612	102,091	21,801	37,398	59,199
Chinese	1,620	1,594	9	1,603	1,594	9	1,603
Formosan	2,868	2,862	43	2,905	2,862	43	2,905
Others	129	185		185	185		185
Total	108,307	34,120	72,664	106,784	26,442	37,450	63,892

C O P Y

COPY

Inclosure No. 2

Sept. 11, 1947

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FROM : Chief of Police, Osaka Prefecture

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/s/ Eiji Suzuki
/t/ E. SUZUKI
Chief of Police
Osaka Prefecture

COPY

Encl 2

AUTHORITY NND 968078 BY NARS, DATE 12-18-75

COPY

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Total	108,307	34,120	72,664	106,784	26,442	37,450	63,892

COPY

Registration of Koreans —

August 19, 1947

TO : General of the Army Douglas MacArthur,
Supreme Commander for the Allied Powers

FROM : Youth Organization for Reconstruction of
Korea

SUBJECT: Gratitude re: Amendments of the Japanese
Ordinance relating to Registration of Aliens.

Our dear General:

We feel it very honorable that our petition regarding amendments of the Registration Ordinance of Aliens which was submitted on July 25 received your esteemed consideration and the matter came to a satisfactory conclusion in its amendments and complete execution thanks to the efforts full of understanding and kindness done before and after the date by Col. Bunker, Mr. Fielding, Capt. Novotny, Government Section, Maj. Goff, USAMGIK liaison office and other personnel concerned.

Our organization, with over six hundred thousand supporters of Korean residents in Japan, deem it our supreme joy that now we can fully cooperate towards the complete and prompt execution of the Ordinance.

This is all due to your Excellency, your deep benevolence towards us as a great statesman and a consistent savior of a weak and small nation and also

it has been brought about by the sincere efforts of many officers under your command who have worked in obedience to your true will.

Our Organization, with our compatriots in Japan, hereby express our deepest and heartfelt appreciation towards your Excellency.

Praying God for your better health,

faithfully yours,

Hon Hyunki

Yon Taih Kim

Kun Se Pak

Representatives for Youth Organization for Reconstruction of Korea

Representative for Korean Residents Union in Japan

Exo Co
F

Koreans
01433

APO 500
Tokyo, August 19, 1947

Mr. Keun Yun,
The League of Koreans Residing
in Japan,
3, 1-chome, Tamura-cho, Shiba-ku,
Tokyo.

Sir:

Reference is made to your letter dated July 16, 1947, regarding registration of Koreans residing in Japan. Under Chapter III of the Japanese Constitution, certain basic rights are guaranteed to the people. There are also a number of laws which have now been enacted, setting up machinery for the enforcement of those provisions. It would therefore appear that most of the objections and criticisms contained in your letter are based upon former abuses of personal rights by Japanese authorities and do not apply to current realities.

Although the ordinance under discussion does not specifically include provisions regarding personal liberties, it nevertheless will be carried out under procedures guaranteed by the Constitution and pertinent laws which in themselves provide for personal rights. The requirements and penal provisions of the present ordinance, it should be recalled are neither harsh nor burdensome by comparison with similar alien registration laws in force in other countries.

The provisional Code of Criminal Procedure, which specifies the method of enforcing the fundamental rights guaranteed by the Constitution, will in all probability be revised. It should also be recalled that there will be no police participation in registration of aliens inasmuch as the mayor of city or town, head of village, and chief of ward have been designated as registering authorities.

The Japanese Government is without jurisdiction in approving entrance of aliens into Japan. Under Allied direction, approval of admission lies with the Supreme Commander of the Allied Powers; and this applies equally to all aliens.

The provision of the ordinance which requires carrying of registration cards and producing them upon demand is in no wise a restriction

GS (Info

DECLASSIFIED BY NSSE SEC. 3(E) AND 3(B) OR (E) NNDS # 775 072

a restriction upon personal liberties but is an administrative measure necessary to enforce the ordinances. It should also be noted that all civilian Occupation personnel are required to carry identification cards, an administrative measure which has already been in force for many months.

Very truly yours,

W. J. Sebald
Acting Chief

S 800
A 014.33
LNJohansen:mm
CC

Copy to: DC/S (Koryu)
GS

GS (Info)

DECLASSIFIED AUTH: EXEC. ORDER 12356 SEC. 3.4(b)(1) AND 3.4(b)(3) OR (E) NNDB # 775 012

Koreans - 091.1

S 800 Korea
A 014.33

DS/GA/[illegible]/hp
Communication from League of Koreans
Residing in Japan re: Registration

DS

GS
D/CS (Koryu) 28 July 1947

1. 1. Forwarded for information and comment is a copy of a communication from the League of Koreans Residing in Japan concerning the attitude of the League and of Koreans in Japan in general regarding the registration of Korean nationals. 2 Enc

Incl:
As stated.

- G.A. Jr. - - - - - - -

From: D/CS (Koryu) To: GS Date: 4 August 1947

Noted and forwarded for comment.

Incl - n/c

5. From: Govt. Sec. To: DS L.J.W. Date: 8 August 1947

1. Objections and criticisms contained in inclosure appear to be almost entirely based upon former abuses of Koreans by Japanese authorities and upon failure to include provisions regarding personal liberties in the Ordinance. It is quite obvious that the League of Koreans is not aware of the rights guaranteed the people in Chapter III of the new Japanese Constitution, nor of laws enacted setting up the machinery for the enforcement of these rights.

2. The requirements and penal provisions of the present Ordinance are neither too burdensome, nor unduly harsh. As a comparison the Alien Registration Act of the United States, enacted in 1940, generally provides for much more stringent regulations and heavier penalties for violations than does the Japanese Ordinance.

3. Comments upon specific questions raised are:

a. The method of enforcing the fundamental rights and freedoms as guaranteed in the Constitution is specified in the provisional Code of

5 (Cont'd) Criminal Procedure which is scheduled for complete revision before the end of the current year.

b. Registration is to be made with the mayor of a city or town, head of a village or chief of ward, thereby eliminating police participation in a purely administrative procedure provided for in the Ordinance.

c. Effective 2 May 1947, all aliens, except those who enter with the approval of SCAP, are prohibited from entering Japan. This is merely a re-statement of existing SCAP policy. As the Japanese Government has no jurisdiction to approve the admission of aliens, it is without power to enact legislation covering matters mentioned in Section I, paragraph 3 of inclosed letter.

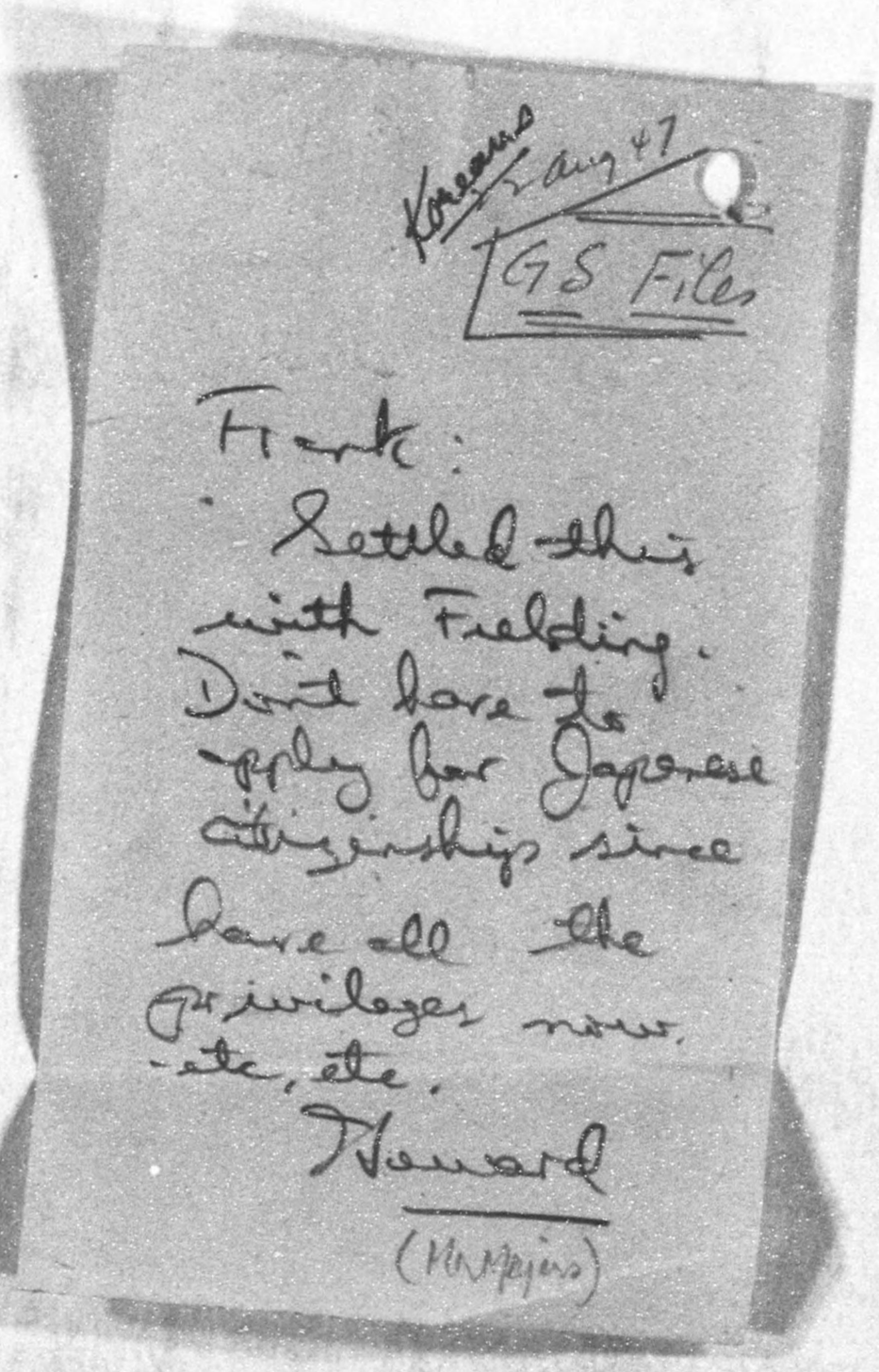
d. The Ordinance would be ineffective unless provisions for enforcement were included. As a means of checking for compliance with registration requirements the Ordinance requires the alien to have registration certificate in his possession at all times, and to produce the same upon demand of government or public officials. To say that such provision is an abuse of personal liberties is the equivalent of contending that a motorist should not be required to carry his driver's license and produce it upon demand.

e. There will undoubtedly be abuses of individual rights in the process of enforcing the requirements of not only this Ordinance but various other laws. The insertion of a phrase, sentence or paragraph in a law explicitly forbidding such abuse does not prevent the police from arbitrary or unjust action. But measures can and have been taken to guarantee the people (including aliens) certain well defined personal rights and liberties, and for providing the machinery for obtaining relief from such abuses or redress for damages sustained.

4. At the verbal request of D/CS (Koryu) check sheet is being forwarded directly to DS.

Incl - n/c

- -C.W.- - - - - - - - - - - - - - -



Koreans
2 Aug 47
GS Files

Frank:

Settled this with Fielding. Don't have to apply for Japanese shipping since have all the privileges now etc, etc.

Howard

(Humphreys)

Doc No 33294

JRB/UDI

Koyro

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
MILITARY INTELLIGENCE SECTION. GENERAL STAFF
ALLIED TRANSLATOR AND INTERPRETER SECTION

NOTE: Translation directed by Commander-in-chief

Received ATIS: 4 Aug 47

DIGEST OF LETTER

TO: General MacARTHUR.

FROM: KOBAYASHI, Tetsu (小林哲).
NAGASAKI Ken, NISHISONOKI Gun,
NAGAYO Mura, OKAGO 584.

DATE: 24 Jul 47.

The writer, a Korean, requests procedures be established whereby Koreans may be naturalized as Japanese.

He has been informed that the Japanese government is in no position to grant naturalization pending the conclusion of a peace treaty. Indications are that the government is not certain as to what policy will be adopted for naturalization of Koreans following the conclusion of the treaty because KOREA has no independent government.

The writer complains that the Koreans in JAPAN are treated as Japanese under some laws but as aliens under other laws, making acquision of Japanese nationality impossible.

The writer states that his Japanese wife and their two children are registered in his Korean family register. Their third child has been transferred to the former register of the writer's wife to be the successor of the house. The writer is her guardian.

G.S.
FILES

RECEIVED
19 AUG 1947
GHQ SCAP
AGO

拝啓　酷暑の砌閣下には益々ご健勝のこと、
存じ上げます

公務ご多忙の閣下に個人的私事について陳情する
ことをお許し下さいますようお願申上げます
さて本身は残留朝鮮人でございますが数年前
日本婦人と結婚しまして妻は朝鮮籍に入籍現在
三人の娘があります　うち人令年六才になる長女は
結婚当時単身主でありました妻の氏を相続
日本籍に入籍したるも未成年の為実父の者法定
後見人となっております　都合で戸籍上長女が二人に
なっております

こういう事情により日本に残留帰化を希望するものでございまして戦時中より転籍の機会を待っていましたが機を得ず終戦となりカイロ・ポツダム宣言の議定により実質上朝鮮は外國となりました

でおわけのこの問題を早急に解決すべく國会議員其他を通じ日本政府、我判断所其他機関の意向を質したところ講和條約締結までは方法なく又條約が締結されたとしても朝鮮に独立政府なき今将来においても見込がつかぬとの見解を表明政府自体如斯問題の自主的処理の積極的意志なきものと存ぜられます

講和條約調印時に於て これら旧日本領住民に
國籍選択の自由を付与されるものや否や疑問に存じ
ます
現在日本政府の朝鮮人取扱をみれば ある法によりては
日本人扱をし また ある法によりては 朝鮮人として外國人扱
をする実情に鑑み 右相矛盾したるものを感じ込みます
ために日本國籍の取得が出来ず 実社会に於て國籍
人種的感情偏見により差別的待遇を受ける現情
により就職も意の如くゆかず失業の手へ今日あるに及び
このインフレ激動のとき 妻子を路傍に迷わす危機に
直面いたしてあります

勇気がないとおっしゃればそれまでのことですが政治的にも
はたまた人事的にもデリケートな問題だけになお
ありますので
何卒右事情ご賢察下さいまして一日も早く転籍
またお帰化促進方お取計下さいますようお願申し
上げます
敬具

一九四七年七月二十四日

長崎縣西彼杵郡長与村岡郷五八四
小林 哲

Setsu Kobayashi

連合國最高司令官
ダグラス マックアーサー元帥閣下

only

Present ordinance

I hereby give My sanction to the Imperial Ordinance relating to the registration of Aliens in accordance with the Imperial Ordinance No. 542, 1945, concerning the Orders to be issued in consequence of the Acceptance of the Potsdam Declaration, and cause the same to be promulgated.

Signed: HIROHITO, Seal of the Emperor

This second day of the fifth month of the twentysecond year of Showa (May 2, 1947)

Countersigned: Prime Minister

YOSHIDA Shigeru

Minister for Home Affairs

UEHARA Etsujiro

IMPERIAL ORDINANCE NO. 207

Ordinance Relating Registration of Aliens

Article 1. The present Imperial Ordinance shall be designed for adequately carrying out measures in regard to the entry of aliens and for insuring just treatment thereof in all matters.

Article 2. The term "aliens" as used in the present Imperial Ordinance shall mean persons who are not of Japanese nationality except those persons who come under any or the following categories:

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Article 2. The term "aliens" as used in the present Imperial Ordinance shall mean persons who are not of Japanese nationality except those persons who come under any or the following categories:

(1) Persons and their dependants attached to or accompany-ing the Occupation Forces.

(2) The personnel who are members or employees of official miss-ions accredited to and recognized by the Supreme Commander for the Allied Powers and members of their families.

(3) Those personnel who are stationed in Japan on official bus-iness for foreign government their attendants and dependants.

Article 3. Aliens shall, for the time being, be forbidden to ent-r Japan (Areas designed by the Attorney General shall be excepted. Same applies to other Articles.)

The provision of the preceding paragraph shall not apply to those aliens who enter Japan with the approval of the Supreme Commander for

the Allied Powers, who may designate the harbor or airfield for entry.

Article 4. Any alien shall, as provided for by the Attorney General, within sixty days of the landing, when he has entered Japan, or within fourteen days of the alteration, when non-alien has become alien, register the necessary matters to the mayor of a city or town or the head of a village (in the case or Tokyo Metropolis, where there is ward administration, Kyot, Osaka, Nagoya, Yokohama and Kobe cities ... chief of the ward. Same applies to other Articles.)

In case where the difficulty of communication and other unavoidable cases render it impossible to made registration within the period specified in the preceding paragraph, the prefectural governor may prolong the period.

The registration mentioned in first paragraph of this article shall not be made to more than one mayor of a city or town or the head of a village.

Article 5. The mayor of city or town or the head of village shall, as provided for by the Attorney General prepare a register of aliens and maintain the same in the office of city, town or village.

Article 6. The mayor of city or town or the head of village, when filed the application for registration, under the provision of Article 4 shall, as provided for by the Attorney General enter the necessary matters in the register and issue a registration certificate.

prolong the period.

The registration mentioned in first paragraph of this article shall not be made to more than one mayor of a city or town or the head of a village.

Article 5. The mayor of city or town or the head of village shall, as provided for by the Attorney General prepare a register of aliens and maintain the same in the office of city, town or village.

Article 6. The mayor of city or town or the head of village, when filed the application for registration, under the provision of article 4 shall, as provided for by the Attorney General enter the necessary matters in the register and issue a registration certificate.

Article 7. The alien who has changed his residence, shall, as provided for by the Attorney General within 14 days of such change, register with the mayor of city or town or the head of village of his new residence.

In the case of the preceding paragraph the mayor of a city or town or the head of a village shall as provided for by the Attorney General register the necessary matters and issue a registration certificate in exchange for that issued by the mayor of a city or town or the head of a village of the former residence.

The provisions of article 4, paragraph 2 and paragraph 2 and paragraph 3 shall apply to paragraph 1 of this article.

Article 8. When a change has occurred in any items of his registration, any alien shall, as provided for by the Attorney General within 14 days of such change, register such alteration.

In the case of the preceding paragraph the mayor of a city or town or the head of a village shall register the alteration, as provided for by the Attorney General.

The provision of Article 4, paragraph 2 shall apply to paragraph 1 of this Article.

Article 9. When leaving Japan, any alien shall return the registration certificate to the government or public official designated by the prefectural governor who exercises jurisdiction over the place of the harbor or airfield from which he departs.

The alien, who becomes non-alien, shall, within 14 days of such alteration, return the registration certificate to the mayor of a city or town or the head of a village where he resides.

Article 10. An alien shall have registration certificate in his possession at all times, and produce the same upon demand of government or public official designated by the Attorney General.

When requested by the Government or public official d[illegible]
by th[illegible]

certificate to the government or public official designated by the prefectural governor who exercises jurisdiction over the place of the harbor or airfield from which he departs.

The alien, who becomes non-alien, shall, within 14 days of such alteration, return the registration certificate to the mayor of a city or town or the head of a village where he resides.

Article 10. An alien shall have registration certificate in his possession at all times, and produce the same upon demand of government or public official designated by the Attorney General.

When requested by the Government or public official designated by the Attorney General the alien shall present passport, nationality certionality certificate or other papers showing that he is a proper possessor of the said registration certificate or that the matter entered in registration certificate is true.

Article 11. Formosans designated by the Attorney General and Koreans shall, for the time being, be presumed to be aliens.

In case where an alien cannot make registration or other acts provided in the present Imperial Ordinance or Ordinance to be issued in accordance therewith on account of illness or other reasons specified by the Attorney General the person designated by the Attorney General shall perform the same for him.

Article 12. Any person who comes under any of the following categories shall be sentenced to not more than 6 months imprisonment with or without hard labor, or a major fine not exceeding 1,000 yen, or detention or police fine:

(1) Any alien who makes his entry into Japan in contravention of the provisions of Article 3.

(2)- Any alien who, in contravention of the provisions of Article 4, paragraph 1, Article 7, paragraph 1, or Article 8, paragraph 1, fails to make registration, or who makes false registration.

(3) Any person who prevents application for registration provided for in Article 4, paragraph 1, Article 7, paragraph 1 or Article 8, paragraph 1.

(4) Any alien who, in contravention of the provisions of Article 4, paragraph 3, or Article 7, paragraph 3 makes registration to more than one mayor of a city or town or head of a village.

(5) Any alien who, in contravention of the provisions of Article 9, fails to return the registration certificate.

(6) Any alien who, in contravention of the provisions of Article 10, refuses to present the registration certificate,

paragraph 1, fails to make registration, or who makes false registration.

(3) Any person who prevents application for registration provided for in Article 4, paragraph 1, Article 7, paragraph 1 or Article 8, paragraph 1.

(4) Any alien who, in contravention of the provisions of Article 4, paragraph 3, or Article 7, paragraph 3 makes registration to more than one mayor of a city or town or head of a village.

(5) Any alien who, in contravention of the provisions of Article 9, fails to return the registration certificate.

(6) Any alien who, in contravention of the provisions of Article 10, refuses to present the registration certificate, other papers corresponding to such.

(7) Any alien who gives a registration certificate to some other person, or who receives a registration certificate signed with the name of some other person or uses the same.

(8) Any alien who forges or alters a registation certificate for the purpose of use, or who uses a forged or altered registation certificate.

Article 13. The prefectural governor (in the case of Tokyo Metropolis the Director of the Metropolitan Police Board Same applies to other Articles) may order out of Japan any alien who comes under any of the following categories:

(1) Any alien who entered into Japan in contravention of Article 3.

(2) Any alien who has committed the offence enumerated in the preceding Article and been sentenced to a penalty heavier than imprisonment.

(3) Any alien, except the same mentioned in the preceding paragraph, who, having been punished under the precaing Article, repeats any of the acts mentioned in the same Article.

Article 14. The Attorney General as provided for by the same Minister, compulsorily repatriate any alien who comes under any of the following categories:

(1) Any alien who, makes his entry into Japan in contravention of article 3.

(2) Any alien who disobeys a departure order mentioned in the preceding Article.

Article 15. Any alien who may take exception to the

(3) Any alien, except the same mentioned in the preceding paragraph, who, having been punished under the precaing Article, repeats any of the acts mentioned in the same Article.

Article 14. The Attorney General as provided for by the same Minister, compulsorily repatriate any alien who comes under any of the following categories:

(1) Any alien who, makes his entry into Japan in contravention of Article 2,

(2) Any alien who disobeys a departure order mentioned in the preceding Article.

Article 15. Any alien who may take exception to the disposition of the prefectural governor or the Attorney General under the preceding two Articles, may under-take acts of procedure within ten mays from the day of the decision, in the case of Article 13 or of the commencement of the disposition, in the case of the preceding Article.

The alien referred to the disposition under the preceding two Articles shall not be repatriated during the period mentioned in the preceding paragraph and during the action, if under-taken, is pending.

Supplementary Provisions:

The present Imperial Ordinance shall come into force as from the day of its promulgation; however, the provisions of Article 15 (including the case where it is applied in accordance with paragraph 3 of the Supplementary Provisions), shall come into force as from the day of the enforcement of the Constitutions of Japan. In this case "day of the decision, in the case of Article 13, or of the commencement of the disposition, in the case of the preceding Article " mentioned in the same Article, paragraph 1 shall read "the day of the enforcement of the Constitution of Japan", so far as the dispesition has been taker by the prefectural governor or the Attorney General before the enforcement of the provisions of the same Article.

Any alien who resides in Japan on the day of enforcement of the present Imperial Ordinance shall, within thirty days from its enforcement, register, as provided in Article 4.

The provisions of Article 12 to Article 15 inclusive shall apply to the preceding paragraph.

As amended
Feb 23/52

Cabinet Order No. 381

Cabinet Order for Partial Amendment to the
Ordinance for Registration of Aliens

The Cabinet establishes this Cabinet Order in accordance with the Imperial Ordinance concerning the Orders to be Issued in Consequence of the Acceptance of the Potsdam Declaration (Imperial Ordinance No. 542 of 1945).

The Ordinance for Registration of Aliens (Imperial Ordinance No. 207 of 1947) shall be partially amended as follows:

In Article 4 paragraph 2, "prefectural governor" shall be amended as "governor of To, Do, Fu or prefecture".

In Article 7 paragraph 1, before "within fourteen days" there shall be added", attaching his registration certificate,", and in the same paragraph, "apply for registration" shall be amended as "apply for registration of the change of place of residence", and in paragraph 2 of the same Article, "issue a registration certificate in exchange for that issued by the mayor of city or town or the head of village where his former residence was located," shall be amended as ", correcting the entries in his registration

In Article 4 paragraph 2, "prefectural governor" shall be amended as "governor of To, Do, Fu or prefecture".

In Article 7 paragraph 1, before "within fourteen days" there shall be added", attaching his registration certificate,", and in the same paragraph, "apply for registration" shall be amended as "apply for registration of the change of place of residence", and in paragraph 2 of the same Article, "issue a registration certificate in exchange for that issued by the mayor of city or town or the head of village where his former residence was located." shall be amended as ", corrected the entries in his registration certificate, return it to him.".

In Article 8 paragraph 1, "except that of the place of his residence" shall be added after "a change", and ", attaching his registration certificate," after "such alteration", and in paragraph 2 of the same Article, "make registration of the alteration" shall be amended as "make registration of the alteration and, corrected the entries in his registration certificate, return it to him.".

The following one Article shall be added after Article 8:

Article 8-2. A registration certificate shall be valid for three years from the date of its issuance.

A An alien shall, within one month before the expiration of the period mentioned in the preceding paragraph, return his registration certificate to the mayor of city or town or the head of village where his residence is located and apply anew for the issuance of a registration certificate, as provided for by the Attorney-General.

Upon receipt of the application for issuance of a registration certificate as prescribed by the preceding paragraph, the mayor of city or town or the head of village shall issue a registration certificate anew, as provided for by the Attorney-General.

In Article 9 paragraph 1, "prefectural governor" shall be amended as "governor of To, Do, Fu or prefecture".

Article 12 down to 15 shall be amended as follows:

Article 12. Any person who has made his entry into Japan in contravention of the provisions of Article 3 shall be punished with penal servitude or imprisonment for a period not exceeding three years or a fine not exceeding 100,000 yen.

Any person who has committed the offence mentioned in the preceding paragraph may be subjected to both penal servitude or imprisonment and fine concurrently.

Article 13. Any person who comes under any one of the following items shall be punished with penal servitude or imprisonment for a

certificate anew, as provided for by the Attorney-General.

In Article 9 paragraph 1, "prefectural governor" shall be amended as "governor of To, Do, Fu or prefecture".

Article 12 down to 15 shall be amended as follows:

Article 12. Any person who has made his entry into Japan in contravention of the provisions of Article 3 shall be punished with penal servitude or imprisonment for a period not exceeding three years or a fine not exceeding 100,000 yen.

Any person who has committed the offence mentioned in the preceding paragraph may be subjected to both penal servitude or imprisonment and fine concurrently.

Article 13. Any person who comes under any one of the following items shall be punished with penal servitude or imprisonment for a period not exceeding one year or a fine not exceeding 10,000 yen:

(1) Any person who, in contravention of the provisions of Article 4 paragraph 1, Article 7 paragraph 1, Article 8 paragraph 1 or Article 8-2 paragraph 2, fails to apply for registration or issuance of a registration certificate or makes false application therefor;

(2) Any person who prevents the application for registration or issuance of a registration certificate provided for in Article 4 paragraph 1, Article 7 paragraph 1, Article 8 paragraph 1 or

Article 8-2 paragraph 3;

(3) Any person who applies for registration to two or more city or town mayors or village heads in contravention of the provision of Article 4 paragraph 3 or the same provision when applied mutatis mutandis in Article 7 paragraph 3;

(4) Any person who fails to return his registration certificate in contravention of the provisions of Article 9;

(5) Any person who fails to carry his registration certificate with him or refuses to show it or other documents in contravention of the provisions of Article 10;

(6) Any person who gives his registration certificate to another person or receives a registration certificate bearing the name of another person for the purpose of uttering it; or utters such certificate.

Article 14. In cases any ship used in the criminal act mentioned in Article 12 is owned or possessed by the offender, it shall be confiscated.

In case any person other than the offender has acquired the ship mentioned in the preceding paragraph after the committal of the offence, it shall be confiscated unless he is proved to have acquired it bona fide.

Article 15. The proviso of Article 60 paragraph 2 and Article 89

(6) Any person who gives his registration certificate to another person or receives a registration certificate bearing the name of another person for the purpose of uttering it; or utters such certificate.

Article 14. In cases any ship used in the criminal act mentioned in Article 12 is owned or possessed by the offender, it shall be confiscated.

In case any person other than the offender has acquired the ship mentioned in the preceding paragraph after the committal of the offence, it shall be confiscated unless he is proved to have acquired it bona fide.

Article 15. The proviso of Article 60 paragraph 2 and Article 89 of the Code of Criminal Procedure shall not apply to any case involving the offence mentioned in Article 12.

If, in the case mentioned in the preceding paragraph, the court gives a judgment suspending the execution of penalty or a judgment of fine, the warrant of detention shall not lose its effect notwithstanding the provision of Article 345 of the Code of Criminal Procedure.

When the judgment mentioned in the preceding paragraph has become irrevocable, the warrant of detention shall lose its effect.

The following two articles shall be added next to Article 15:

Article 16. The Attorney-General may, as he stipulates, compel any alien falling under any one of the following items to leave Japan:

(1) Any person who has entered Japan in contravention of the provision of Article 3;

(2) Any person who has been sentenced to imprisonment or a heavier penalty after committal of any one of the offences mentioned in Article 13;

(3) Besides the person mentioned in the preceding item, any person who has once been punished after committing an offfence mentioned in Article 13 and again committed any one of the offences in the same article.

(4) Any person who has been punished after committal of the offence mentioned in Article 155 or 158 of the Penal Code regarding a registration certificate.

Article 17. The Attorney-General may, if he deems it especially necessary, let a governer of To, Do, Fu or prefecture compel the person concerned to leave Japan as prescribed by the preceding article.

In case the governer of To, Do, Fu or prefecture has

(3) Besides the person mentioned in the preceding item, any person who has once been punished after committing an offfence mentioned in Article 13 and again committed any one of the offences in the same article.

(4) Any person who has been punished after committal of the offence mentioned in Article 155 or 158 of the Penal Code regarding a registration certificate.

Article 17. The Attorney-General may, if he deems it especially necessary, let a governor of To, Do, Fu or prefecture compel the person concerned to leave Japan as prescribed by the preceding article.

In case the governor of To, Do, Fu or prefecture has compelled the person concerned to leave Japan under the preceding paragraph, he shall immediately report it to the Attorney-General.

Supplementary Provisions:

1. This Cabinet Order shall come into force as from January 16, 1950.
2. Aliens shall, as provided for by the Attorney-General, return the registration certificates issued prior to the enforcement of this Order (hereinafter to be referred to as "old registration certificate") to the mayor of city or town or the head of village where their residences are located and apply anew for the issuance of a registration certificate between the 16th and 31st of January, 1950.

In this case, the provision of Article 4 paragraph 3 shall be applied mutatis mutandis.

3. When the mayor of city or town or the head of village has received the application for the issuance of a registration certificate under the preceding paragraph, he shall issue a registration certificate without delay as provided for by the Attorney-General.

4. The old registration certificates shall lose their validity after the period mentioned in the second paragraph.

5. Any person who comes under any one of the following items shall be punished with penal servitude or imprisonment for not more than one year or a fine not exceeding 10,000 yen:

(1) Any person who fails to apply for the issuance of a registration certificate or makes the false application therefor in violation of the provisions of the second paragraph.

(2) Any person who prevents the application for the issuance of a registration certificate as prescribed by the second paragraph;

(3) Any person who, in contravention of the provisions of Article 4 paragraph 3 when applied mutatis mutandis in the second paragraph, makes application for the issuance of a registration certificate to two or more mayors of cities or towns or heads of villages.

6. Any person who has committed any one of the offences mentioned in the preceding paragraph shall be regarded as the one who

period mentioned in the second paragraph.

5. Any person who comes under any one of the following items shall be punished with penal servitude or imprisonment for not more than one year or a fine not exceeding 10,000 yen:

(1) Any person who fails to apply for the issuance of a registration certificate or makes the false application therefor in violation of the provisions of the second paragraph.

(2) Any person who prevents the application for the issuance of a registration certificate as prescribed by the second paragraph;

(3) Any person who, in contravention of the provisions of Article 4 paragraph 3 when applied mutatis mutandis in the second paragraph, makes application for the issuance of a registration certificate to two or more mayors of cities or towns or heads of villages.

6. Any person who has committed any one of the offences mentioned in the preceding paragraph shall be regarded as the one who has committed the offence mentioned in Article 13 with regard to the application of the provision of Articles 16 and 17.

7. As to the punishment of those who have committed offences enumerated in Item (2) of Article 13 as not amended yet by this Cabinet Order which is applicable mutatis mutandis in paragraph 3 of Supplementary Provisions of the Ordinance for Registration of Aliens, the provisions heretofore in force shall apply and, as regards the application of the provisions of Articles 16 and 17, they shall be regarded as those who have committed offences enumerated in Article 13.

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