



February 15, 2018

Re: Jetstar Case

(Explanation in connection with “NOT DEPARTED” System)

Creativity & Insight Legal Professional Corporation

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1 Introduction

We are now working as defense counsels in a case occurred on January 24, 2018 through January 25, 2018 due to the cancellation of Jetstar flight #35 which had been scheduled to be bound for Shanghai Pudong International Airport from Narita at 10:15PM (followingly, referred as “Case”)¹².

We consider that this Case would be avoidable if only correct information were provided and proper explanation were made. With the consent of our clients, we would like to make an announcement regarding a procedure of “Not Departed” system.

2 Background (regarding the procedure)

On the cancellation of the flight, approximately 100 Chinese passengers have chosen to remain and spend a night at the Narita airport while all Japanese passengers left. What made Chinese passengers to stay?

One of the reasons may have been that they could not expect to find an accommodation. But the truth is, as our research reveals, most of Chinese passengers had a single tourist visa to allow one visit only and a large number of them were misled into thinking that they were not entitled to “re-enter” Japan after completing departure formalities at the airport.

However, according to the formalities regarding Japan’s Immigration Control Law and Refugees Authorizing Law, and related regulations, it is possible to suppose the one whose departure has once been confirmed by Immigration Control as not having departed by applying “Not Departed” procedure, provided that a just cause is recognized such as a cancellation of a flight (as shown in

¹ An official statement has also been announced at the Chinese Embassy in Japan. <http://www.china-embassy.or.jp/chn/gdxw/t1529239.htm> (only Chinese)

² We were engaged as the defense counsels for the client on and after January 29, 2018 and the previous defense activities were conducted by the different defense counsel.



the picture).



Our client said that they would have left the airport if they were informed about this exceptional action in a proper way.

For airport officials, it should be a matter of course, but the fact that many Chinese passengers did not comprehend their situation suggests that the explanation on that day was not satisfactory.

3 Request

We sincerely ask airport officials and those who are engaged in related services to cope with the situation like this Case, supposing that it is liable to mislead the foreign passengers with a single tourist visa into the idea that they are not entitled to re-enter Japan when the cancellation of flight occurs after completing departure formalities. A multilingual leaflet about “Not Departed” procedure, possibly with some photos, should be prepared so that foreign passengers can understand the exceptional action in their own language.

To the tourists from China and from all over the world visiting Japan, we would like you to remember that Japan has this procedure to help you on the occasion of flight cancellation after having completed departure formalities. Please do not presume that you have no choice but remain at airport. Also, we would like you to relay this information to your friends or acquaintances if they are unfortunately led into a same situation due to flight cancellation.

[End]