

## Treatment of a Person Not Possessing a Certificate of Negative Test Result of Pre-entry COVID-19 Test

### 1 Restriction of Disembarkation, etc. under Article 5 of the Act

Article 5 of the Quarantine Act (Act No. 201 of 1951; hereinafter referred to as the "Act") sets forth that with respect to an Overseas Vessel or Overseas Aircraft (hereinafter referred to as "Vessel, etc."), it is prohibited for any person to disembark or unload articles from the vessel, or leave or carry articles out of either the aircraft or the area designated by the quarantine station chief in the Quarantine Airport, before the captain or pilot thereof has received a quarantine certificate or a provisional quarantine certificate.

Pursuant to Article 18 of the Act, it is set forth that a quarantine station chief may issue a provisional quarantine certificate to the captain or pilot of a Vessel, etc., specifying a certain period of time, if the quarantine station chief "finds there to be very little risk of pathogens of a Quarantinable Infectious Disease entering the country via the Vessel, etc."

### 2 Submission of a Certificate of Negative Test Result of Pre-entry COVID-19 Test and Issuance of a Provisional Quarantine Certificate

While all people who enter Japan are required to have a certificate of negative test result of pre-entry COVID-19 test (hereinafter referred to as "Certificate of Negative Test Result") and a person not possessing a Certificate of Negative Test Result is required to wait in an accommodation facility of the quarantine station in light of the situation surrounding COVID-19 including the recent spread of infection with variants, there exist a considerable number of people who do not intentionally obtain a Certificate of Negative Test Result and accept waiting in an accommodation facility of the quarantine station.

Therefore, in order to ensure the effectiveness of obtaining a Certificate of Negative Test Result, it will be required to confirm a negative test result with a Certificate of Negative Test Result and to conduct a testing at the airport for the time being when a provisional quarantine certificate is issued so that there deems very little risk of pathogens entering the country, and a provisional quarantine certificate will not be issued to a Vessel, etc. where a passenger not possessing a Certificate of Negative Test Result is on board.

If a passenger not possessing a Certificate of Negative Test Result is on board, a provisional quarantine certificate will not be issued to the captain or pilot of the Vessel, etc., and passengers and crew who are on board the Vessel, etc. and luggage and cargo thereon are restricted to disembark or to be unloaded in accordance with Article 5 of the Act.

However, the restriction will be lifted for the passengers possessing a Certificate of Negative Test Result and their luggage among the passengers who are on board the Vessel, etc. after individual confirmation by conducting a testing at the airport in accordance with item (iii) of proviso to Article 5 of the Act. The restriction will also be individually lifted for the crew on

board the Vessel, etc. and cargo thereon in accordance with item (iii) of proviso to Article 5 of the Act.

### 3 Boarding Refusal to a Passenger Not Possessing a Certificate of Negative Test Result

As possession of a Certificate of Negative Test Result by passengers constitutes a requirement for issuance of a provisional quarantine certificate under the Quarantine Act, every airline is required to refuse boarding of a passenger not possessing a Certificate of Negative Test Result in the country of departure for the purpose of appropriate and smooth operation of the Quarantine Act.

The Ministry of Health, Labour and Welfare is to notify every airline of this operation through the Ministry of Land, Infrastructure, Transport and Tourism and to ensure that the operation is widely known to users through the websites, etc. of the Ministry of Health, Labour and Welfare and overseas diplomatic establishments.

### 4 In case It Is Difficult to Obtain a Certificate of Negative Test Result

It is publicly announced that passengers who have a difficulty, which is truly uncontrollable, in obtaining a Certificate of Negative Test Result, in such case as where neither Japanese nor foreign nationals may undergo a testing under the policy of a foreign government authority are advised that to consult with overseas diplomatic establishments of the place of departure. In that case, an overseas diplomatic establishment will issue a consular letter stating that the passenger could not obtain a Certificate of Negative Test Result for a justifiable reason, and those who present the letter are allowed to board. Accordingly, a provisional quarantine certificate will be issued to captain or pilot of a Vessel, etc.

At the time of entry into Japan, the passenger is requested to wait at the area designated by the quarantine station chief (limited to accommodation facilities secured by the quarantine station). In addition, on the third day after entry into Japan (third and sixth days for the passenger from the countries/regions with community transmission of coronavirus variants of concern), those who are tested negative again will leave the accommodation facility secured by the quarantine station and request to wait at home for 14 days after arrival in Japan.

### 5 Treatment of Passengers Under Quarantine

A passenger who goes through quarantine is first asked whether he/she possesses a Certificate of Negative Test Result, and a person not possessing a Certificate of Negative Test Result will be not taking subsequent procedures (such as conduct of quantitative antigen test and check of questionnaire). The quarantine station chief notifies the captain or pilot of the Vessel, etc. of the following matters:

- (i) A provisional quarantine certificate is not issued;

- (ii) Passengers possessing a Certificate of Negative Test Result and their luggage are individually permitted to disembark or to be unloaded after going through a testing at the airport in accordance with item (iii) of proviso to Article 5 of the Act. Crew and cargo are also individually permitted to disembark or to be unloaded in accordance with item (iii) of proviso to Article 5 of the Act; and
- (iii) A passenger not possessing a Certificate of Negative Test Result and his/her luggage are not permitted to disembark or to be unloaded in accordance with Article 5 of the Act.

6 Deportation by the Owner, Captain or Pilot of Vessel, etc.

The quarantine station chief is, together with the notice specified in 5 above, to request the owner, captain or pilot of a Vessel, etc. to promptly deport a passenger not possessing a Certificate of Negative Test Result and his/her luggage to an area outside of Japan on the Vessel, etc., another Vessel, etc. belonging to the owner, or any other Vessel, etc. at the responsibility of the owner, captain or pilot of the Vessel, etc. in accordance with Article 23-2 of the Act include where boarding of the passenger not possessing a Certificate of Negative Test Result is deemed to be attributable to the owner, captain or pilot of the Vessel, etc. In this case, the quarantine station chief is to give consideration necessary for the treatment of the passenger until the deportation from a humanitarian standpoint in performing designation and other duties in accordance with the provisions of Article 5 of the Act.

7 Effective Date

The above 1 to 6 will become effective on March 19.

(Reference)

○ **Quarantine Act (Act No. 201 of 1951) (Extract)**

(Restriction of Traffic)

Article 5 With respect to an Overseas Vessel or Overseas Aircraft (hereinafter referred to as "Vessel, etc."), it is prohibited for any person to disembark or unload articles from the vessel, or leave or carry articles out of either the aircraft or the area designated by the quarantine station chief in the Quarantine Airport, before the captain or pilot thereof has received a quarantine certificate or a provisional quarantine certificate; provided, however, that this does not apply when it falls under any of the following items:

- (i) when a person disembarks or unloads articles from the vessel, or leaves or carries articles out of either the aircraft or the area designated by the quarantine station chief in the Quarantine Airport, after the quarantine station chief has confirmed that they are clearly not contaminated by pathogens of Quarantinable Infectious Diseases;
- (ii) when the articles are unloaded or carried out in accordance with the instructions set forth in Article 13-2; or
- (iii) when it is found to be absolutely necessary due to an emergency and the permission of the quarantine station chief has been received.

(Issuance of Provisional Quarantine Certificates)

Article 18 (1) If a quarantine certificate cannot be issued, a quarantine station chief may issue a provisional quarantine certificate to the captain or pilot of a Vessel, etc., specifying a certain period of time, if the quarantine station chief finds there to be very little risk of pathogens of a Quarantinable Infectious Disease entering the country via the Vessel, etc.

(2) In the case referred to in the preceding paragraph, the quarantine station chief may request that a person who is likely to be infected with pathogens of a Quarantinable Infectious Disease (except infectious diseases listed in Article 2, item (ii)) who is not detained present the passport as provided for in Article 2, item (v) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), request that the person report the place of residence in Japan, contact name and address, travel schedule and other matters as specified by Order of the Ministry of Health, Labour and Welfare, request that the person report the health condition of the person including body temperature within a period as specified by the preceding paragraph, or ask questions, or have a quarantine officer do it.

(3) If a quarantine station chief confirms that a person has any health problems as a result of reports or questions pursuant to the provisions of the preceding paragraph, the quarantine station chief must instruct the person to undergo a medical examination at a public health center or other medical institution and provide other instruction as necessary on preventive

measures regarding Quarantinable Infectious Diseases, and must give notice of the instructions and other matters specified by Order of the Ministry of Health, Labour and Welfare to the prefectural governor (city mayor or ward mayor in a city with a public health center or a special ward of Tokyo; the same applies in paragraph (5) and Article 26-3) who has jurisdiction over the location of residence of the person.

(4) In the case of paragraph (1), the quarantine station chief may request a person that is likely to be infected with pathogens of an infectious disease listed in Article 2, item (ii) and is not detained to present the passport as provided for in paragraph (2), or request the person to report the place of residence in Japan, contact name and address, travel schedule and other matters as specified by Order of the Ministry of Health, Labour and Welfare, or have a quarantine officer do it.

(5) The quarantine station chief must give notice of matters reported pursuant to the provisions of the preceding paragraph to the prefectural governor who has jurisdiction over the location of residence of the person specified in the preceding paragraph.

(Request for Cooperation)

Article 23-2 If a quarantine station chief finds it necessary in order to smoothly perform quarantine activities in the quarantine station, the quarantine station chief may request the owner, captain or pilot of a Vessel, etc., or the administrator of a Quarantine Port or Quarantine Airport to distribute a document concerning enquiries pursuant to the provisions of Article 12, supply information on quarantine procedures, or make any other necessary requests for cooperation.

(Penal Provisions)

Article 35 Any person who falls under any of the following items is to be punished by imprisonment with work for not more than one year or a fine of not more than one million yen:

- (i) a person who has violated the provisions of Article 5; or
- (ii) a person who has been subjected to an isolation or detention order and has run away while the order was in effect.