

TO THOSE WHO WISH TO APPLY FOR REFUGEE STATUS

**An explanation of the refugee application process in Japan
and advice to those wishing to make an application.**

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I. INTRODUCTION: WHO IS A REFUGEE?

The 1951 Refugee Convention stipulates a refugee to be the following (Article 1A (2)): A refugee is a person who,

“...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” (Emphasis added by JAR)

Under the Refugee Convention, a person must satisfy four (4) criteria to be qualified as a refugee:

- To be outside the country of one's nationality;
- To have a well-founded fear of being persecuted;
- The fear of being persecuted is based on race, religion, nationality, membership of a particular social group or political opinion; and
- Being unable or unwilling to avail himself of the protection of that country owing to such fear.

WHO DECIDES WHO IS A REFUGEE?

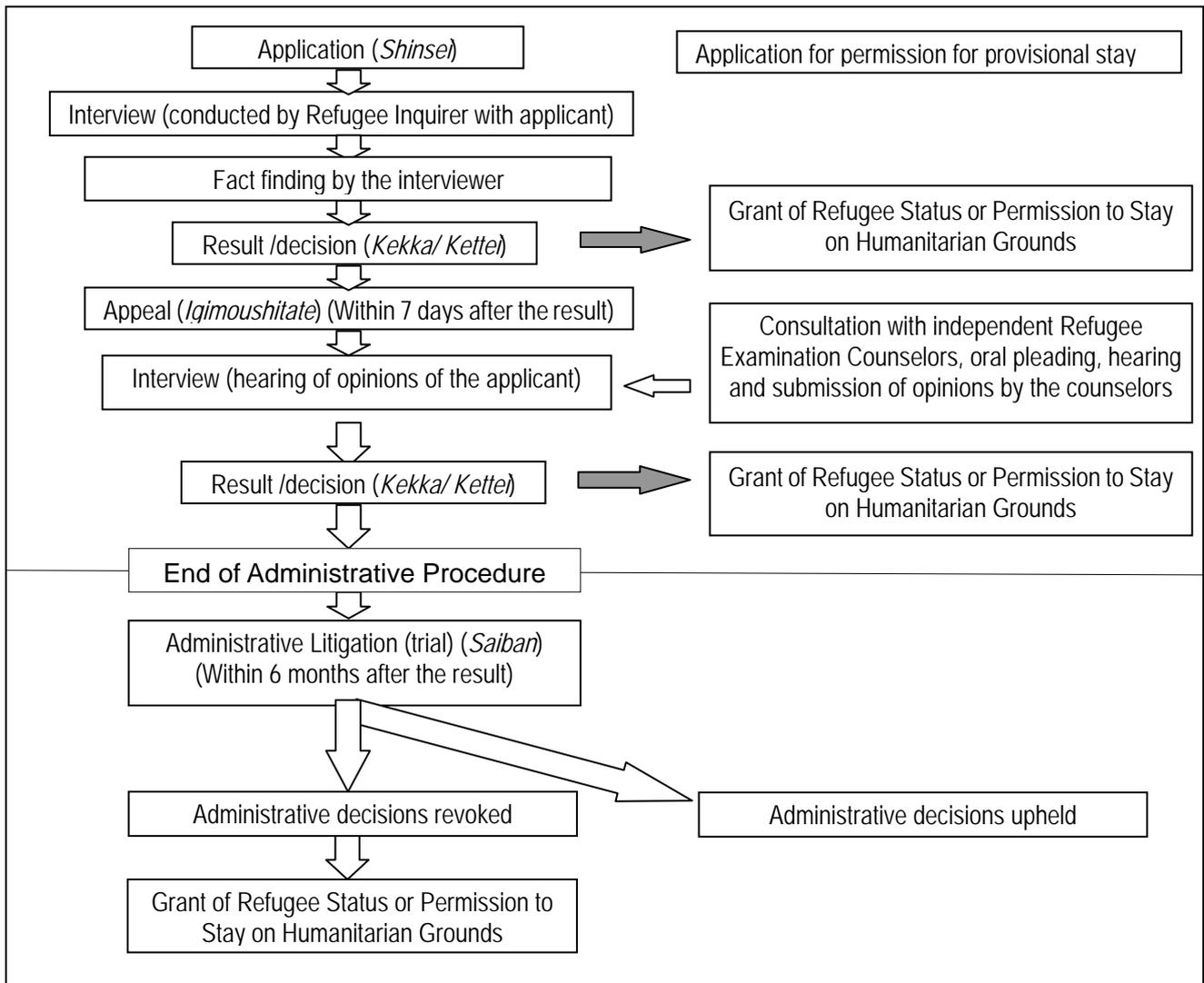
The Government of Japan is responsible for refugee status determination. The status determination procedures are explained below.

II. THINGS YOU NEED TO KNOW BEFORE APPLYING

1. The Refugee Recognition System in Japan

(1) Overview

Japan acceded to the Refugee Convention in 1981 (effective since 1982). In Japan's legal system, the *Immigration Control and Refugee Recognition Act (Shutsu Nyukoku Kanri Oyobi Nanmin Nintei-hou)* sets out the procedure for applying for refugee status.



* Refugee recognition procedures are explained in the pamphlet "Guide to Refugee Recognition Procedures," produced by the Immigration Bureau (available in Japanese, English, Chinese, French, Spanish, Arabic, Turkish, Burmese, Urdu, Farsi, Russian, Dari, Pashto, and Korean).

(2) Rights Attached to a Refugee Status

If you are recognized as a refugee, you will be entitled to the following rights and benefits:

- Protection against *refoulement*: A person who is recognized as a refugee will not be sent back to his/her home country or to a country where his/her life or freedom would be at risk.
- Status of residence (*Zairyu-shikaku*): Provided that his/her refugee status is recognized, a refugee would be entitled to a resident status which would allow him/her to work and stay in Japan for a long-term even if he/she entered into Japan illegally, overstayed, or are in Japan on a temporary status such as with a temporary visitor visa.

- Refugee Travel Document: Refugees may apply for a Refugee Travel Document, which serves as his/her passport. By having this Document, refugees may travel to other countries.
- Other benefits: Refugees are entitled to benefit from healthcare insurance and, in cases of need, from social welfare. Refugees are also entitled to receive the equivalent benefits that Japanese citizens living in Japan enjoy in terms of employment and basic educational services. Requirement for permission for Permanent Residence will be also relaxed.

(3) Statistics

The following table shows the trend of the applications for refugee status in Japan. (Source: Immigration Control Bureau under the Ministry of Justice)

Year	Application	Appeal	Granted	Not granted (1 st instance)	Withdrawn (1 st instance)	Humanitarian Ground
1982	530	22	67	40	59	
1983	44	7	63	177	23	
1984	62	55	31	114	18	
1985	29	23	10	28	7	
1986	54	5	3	5	5	
1987	48	29	6	35	11	
1988	47	53	12	62	7	
1989	50	26	2	23	7	
1990	32	23	2	31	4	
1991	42	10	1	13	5	7
1992	68	36	3	40	2	2
1993	50	28	6	33	16	3
1994	73	33	1	41	9	9
1995	52	39	1(1)	32	24	3
1996	147	35	1	43	6	3
1997	242	41	1	80	27	3
1998	133	159	15(1)	293	41	42
1999	260	158	13(3)	177	16	44
2000	216	61	22	138	25	36
2001	353	177	24(2)	316	28	67
2002	250	224	14	211	39	40
2003	336	226	6(4)	298	23	16
2004	426	209	9(6)	294	41	9
2005	384	183	31(15)	249	32	97
2006	954	340	22(12)	389	48	53
2007	816	362	37(4)	446	61	88
2008	1599	429	40(17)	791	87	360
2009	1388	1156	22(8)	1703	123	501
2010	1202	859	26(13)	1336	93	363
2011	1867	1719	7(14)	2002	110	248
2012	2545	1738	5(13)	2083	110	112
Total	14299	8465	503(113)	11523	1107	2106

* (): The number of people whose refugee status were granted on appeal (not included in the total number).

(4) An Overview of Each Process

① Application for Refugee Status

There is no provision in law that limits the duration within which a person must apply for refugee status. If you make a refugee application within your residency period, the duration of the residency will be extended upon application for change/extension of your status of residence. If you are without a legal

status, permission for Provisional Stay will be considered. Yet, several requirements should be met in order to be qualified for permission for provisional stay. For example, the application for refugee status must be filed within six (6) months from the date of your landing in Japan (see section 4 for details).

② Interview with a Refugee Inquirer (*Nanmin Chousa-kan*) and the Decision

Once your application is processed, you will be called for an interview with a Refugee Inquirer (*Nanmin Chousa-kan*), who is a staff member of the Immigration Bureau. This may take place once or for several times. As for adults, third parties, such as lawyers or friends, cannot accompany you to the interview(s). Subsequently, you will be notified of the decision as to whether you are recognized as a refugee or not. It may take a few months between the interview(s) and the final decision. The interview(s) will be recorded in written statement(s), to which you will be asked to put your signature at the end of each interview. It is necessary that you clearly understand the content of the statement for signature.

③ Appeal Process

If your application is rejected, you can apply for an appeal (*igi moushitate*) by submitting to the Ministry of Justice an *Appeal Application Form*. In the *Appeal Application Form*, you specify the reason(s) for your appeal and attach materials that support your reason(s). It is possible to submit additional reasons and materials later, but the *Appeal Application Form* itself must be submitted within seven (7) days since the date in which you were notified of the result of your initial application (not the date in which the decision was made). The *Appeal Application Form* will be given to you upon notification of the negative decision of your initial application. If the form is not made available to you, request a copy at the immigration office. You will then need to submit a Statement of Objection within six (6) weeks after appeal application (if not possible to submit in time, you may consult with the Immigration Bureau).

④ Interview during the Appeal Procedure and the Decision

You can request for an oral pleading and hearing. Refugee Examination Counselors (*Nanmin Sanyo-in*) will come in to the oral pleading and hearing, and your lawyer is allowed to accompany you. Usually this interview takes place only once; the hearing with Examination Counselors lasts for approximately two (2) hours including the time for translation and a question and answer session with the counselors. The applicant's friends or other interested third parties may attend the hearing and provide his/her opinions as a curator or an intervener. In that case, you must notify the Immigration Bureau in writing of the identities of those curators or interveners.

After the interview, you will be notified of the decision on appeal. If the appeal decision deems the decision in the first instance rejecting the refugee status to have been erroneous and thereby overturns it, you will be granted a refugee status. Otherwise, the appeal decision is final in the administrative procedure. Reapplication, however, is not prohibited when a situation upon which you can base a new refugee claim arises.

⑤ The Administrative Litigation Procedure (Judicial Review)

Even in case in which your appeal is rejected, you may still ask for a judicial review of the decisions given by the Immigration Bureau. The applicant must file an action for judicial review within six (6) months of one's learning of the dismissal (If you learn the decision on which you seek judicial review on January 10th, the deadline for filing the action for judicial review will be July 10th. Note that, if July 10th is a national holiday, the deadline will be on the following day.) You may file an action for judicial review either upon rejection in the first instance, concurrently with the appeal procedure.

There is an administrative fee for filing a court action: in case of an action requesting for revocation of the decision not to recognize refugee status, the applicant is requested to make a prepayment of 8,200-yen revenue stamp and 6,400-yen postal stamps to the court. If the trial requires an official court interpreter, the applicant is also required to prepay the fee for interpretation, which would cost several ten thousands yen. If you cannot afford these court expenses, you may apply for a legal aid along with filing of your action.

2. Basics of Refugee Recognition

The following information may help you in preparing your refugee application:

(1) Persecution

According to the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (1992), there is no universally accepted definition of “persecution” (*hakuga*). It may be inferred from Article 33 of the Refugee Convention that a threat to life or freedom is persecution. Other serious violations of human rights would also constitute persecution.

In addition, an applicant may have been subject to various measures not in themselves amounting to persecution (e.g. discrimination in different forms) or in some cases being combined with other adverse factors (e.g. general atmosphere of insecurity in the country of origin). In such situations, the various elements may, if taken together, produce an effect on the mind of the applicant that can reasonably justify a claim that he/she had a well-founded fear of persecution on “cumulative grounds.” It is not possible to lay down general principles as to what kinds of cumulative reasons may justify a claim for a refugee status. This will necessarily depend on all the circumstances, including the particular geographical, historical, and ethnological contexts.

For example, persecution could include any of the following:

Threats to your life, security, or freedom

- Danger to your life (*Mi no kiken*): for example, in cases where the applicant is a target of attack by the government of the home country.
- Arrest / Detention (*Taiho / Koukin*): arrest/detention may be procedurally legal or illegal in the country in which arrest or detention was conducted. It would constitute “persecution” regardless of the agent of arrest or detention, be it the police, security troops, or guerrilla groups, as long as it can be proven that the local government does not have the intention or the ability to protect its people. Situation in which the applicant fled from the attempted arrest/detention but was not in fact detained or arrested will also prove threats to his/her life, security or freedom.
- Torture (*Goumon*): torture takes many forms, even those that are not conventionally considered as such, such as non-provision of food or sleep deprivation during detention.
- Threat (*Kyohaku*): in cases where the applicant, his/her family, or friends were threatened directly.
- Disappearance: in cases where the applicant, his/her family, or friends disappeared by means of abduction.

Conditions related to security and freedom of economic livelihood and property

- Confiscation of property
- Prohibition of employment or deprivation of opportunity to work
- Deprivation of educational opportunity

Others

- Forced conversion or devotion to a certain religion.
- Forced entry into or withdrawal from a certain political party.

(2) Reason(s) for the Persecution under the Refugee Definition

- Race (*Jinshu*): include tribe, clan, or ethnicity.
- Religion (*Shuukyō*)
- Nationality (*Kokuseki*)
- Political opinion (*Seijiteki iken*): include any expression of political opinion or political activity.
- Membership of a particular social group: generally, a particular social group is considered as a group comprised of persons with similar backgrounds, habits, or social status. Mere membership of a particular social group will not normally be enough to prove a claim to refugee

status. There may, however, be special circumstances where mere membership can be a sufficient ground for a fear of persecution.

(3) Proof(s) of Persecution

According to the UNHCR Handbook, the burden to prove the sufficient grounds for one's refugee claim lies on the applicant. Specifically, the applicant should do the followings:

- 1) Tell the truth and assist the examiner sufficiently in establishing the facts of his/her case.
- 2) Make an effort to support his/her statements with any available evidence and to provide convincing reasons for any lack of evidence. If necessary, the applicant must make an effort to collect additional evidence.
- 3) Supply all relevant information concerning him/her and his/her past experience in as much details as is necessary to enable the interviewer to determine the relevant facts. Be prepared to give a coherent explanation of all the details of his/her claim.

It is very important that you explain to the Government of Japan in detail why you are in danger. Saying that your government (or the government of the country of your residence) violates human rights, or that the situation in your country is generally unstable, is not enough. It is necessary to explain the specific reasons why you would be a target of persecution. Before submitting the necessary documents to the Immigration Bureau, it is advisable that you make a photocopy of all the documents to be submitted for your own records.

3. Documents Required for Application

Prepare the following documents for submission. You should also retain one set of copies of the documents for personal records.

- One copy of the Refugee Status Application Form (Size A4, 12 pages)
- One copy of a personal statement (although it is not mandatory to submit a personal statement, it would play a critical role in examination of your claim. Format is free.)
- Other materials that would/might prove that you are a refugee
- Two photos of yourself (5cm×5cm, without a hat, front view, taken within the last two months) (Three photos are required if you do not have permission to stay.)

The applicant will be asked to produce the following documents in submitting the above documents, provided he/she has any:

- Passport, Travel Document or Certificate of Status of Residence;
- Resident Card (*Zairyu* Card);
- Certificate of Provisional Release (*Kari Houmen*);
- Any Landing Permission such as Landing Permission for Temporary Refuge (*Ichiji Higo Joriku Kyoka*), if applicable.

(1) Where to Obtain the Application Form

For those residing in all Kanto or Koshin'etsu-area prefectures excluding Kanagawa (namely, Tokyo, Saitama, Chiba, Tochigi, Gunma, Ibaraki, Yamanashi, Nagano, and Niigata), application forms are available at "REFUGEES EXAMINATION DEPARTMENT (*Nanmin Chousa Bumon*)" on the third floor of the Tokyo Immigration Bureau (*Tokyo Nyuukoku Kanrikyoku, or Nyuukan*) in Shinagawa (Tennozu Isle). Upon visit, express your wish to apply for refugee status. For those residing in Kanagawa, forms are available at Yokohama District Immigration Office, Tokyo Regional Immigration Bureau.

You can also download the application form (PDF format) from the Ministry of Justice website (<http://www.moj.go.jp>). Forms are available in a number of languages (English, Amharic, Arabic, Indonesian, Sinhalese, Spanish, Swahili, Thai, Tagalog, Tamil, Dari, Turkish, Nepalese, Pashto, Punjabi, Hindi, French, Vietnamese, Farsi, Bengali, Portuguese, Burmese, Mongolian, Russian, and

Urdu). Forms are also available at JAR.

※For those who are outside of “Kanto or Koshin’etsu-area prefectures excluding Kanagawa”, check the locations of your Regional Immigration Bureaus listed in Appendix - II. For those detained in immigration detention centers, ask the immigration officer at the facility for an application form. If you are at the airport and need information about refugee application, ask the immigration officer. You may also contact JAR (03-5379-6003) and/or UNHCR (03-3499-2011).

(2) Filling out the Refugee Status Application Form

You must fill out the application form by yourself. Write in the language you are most comfortable with, such as your mother tongue, to make sure you make no mistakes. If you are unable to write, consult with the Immigration Bureau. When filling in the form, you do not need to try to fit everything in the limited space of this form. Instead of trying to fit all the details on this form, you may simply put "as described in the attached statement" or "please see the attached statement" in the applicable column, and attach another sheet of paper(s) describing the details as your “personal statement”.

(3) Where to Submit the Application Form

Submit the application form to Refugees Examination Department at the Immigration Bureau. When the application is received, a "Certificate of Receipt" (*Juri-hyou*) will be issued to the applicant, which will usually be stapled to the applicant’s passport. This receipt will have the application number written on it. It is very important that you receive this receipt. Even if the officer takes your application papers, your application may not be deemed officially accepted without issuance of this Certificate of Receipt. Carefully retain this receipt until your case is finalized.

(4) Personal Statement

Your personal statement is an important part of your application. **Refer to “Self Help Kit” for more details.** In your statement, you may wish to explain in detail the circumstances that led you to believe that you cannot go back to your country.

- 1) Details of your persecution: how you were persecuted and what happened to you.
- 2) The reason for your persecution: why you were or would be persecuted.
- 3) The current situation: that you will be persecuted if you returned.
- 4) A detailed explanation of the above points: not only of your own experiences, but also using examples of what happened to your family, friends and any organizations you belong to.

Your statement must be as detailed as possible. It should start from your birth up to the present (if necessary, include situations of your family or relatives as well). But the most important part is the actual persecution you were subjected to or you would be subjected to. Detailed information as to names of persons involved in the persecution, dates, facts and how things evolved chronologically are all important. Remember that you must show what happened to you specifically and why YOU specifically are in danger.

You may wish to cover the following key questions: *who? what? why? when? where? and how?* What happened to you, what would have happened if you had stayed in the home country, or what will happen if you return there? Refer to the evidence you submit with your application. Do not forget that you are writing about your own experience (or the experience of your close relatives and associates), not just about the general situation.

Do not worry about the statement being long. It must be detailed. The most important thing is that you explain why you need protection. Make sure that you keep a copy of your statement with you. It constitutes the core part of your application and is an important document. Note that inconsistencies between what you stated in your personal statement and what you say in the interview(s) may be considered negatively by the refugee inquirer.

(5) Other Materials of Proof

You should try to substantiate (prove) your claim for refugee status; that is, you should try to get evidence to prove that you would be persecuted if you go back to your country. Naturally, this can be very difficult especially if you have no or few documents with you. However, it is very important that you do your best to get as much evidence as possible to establish your claim. No matter how minor it might be, every detail counts and should be submitted. Do not wait for the refugee inquirer to ask you for material evidence; you should try to produce as much documentation as possible voluntarily.

For example, the following evidence might be an effective support for your claim if submitted:

- Newspaper or magazine articles that refer to your activities or persecution,
- Newspaper or magazine articles expressing your political opinion,
- Documents expressing intent of persecution against you including search warrants or arrest warrants,
- Proof of membership in your organization (e.g., a letter stating that you are a member of the group or a letter describing your position or activities within the organization),
- Any sorts of identification related to your claim (e.g., student identification card), or
- Reports published by governments, agencies, and human rights groups (e.g., U.S. Department of State, UK Home Office, Amnesty International, Human Rights Watch, etc.), including domestic organizations and organizations established in other countries by refugees.

Not all of your documentation has to mention you specifically. For example, a letter from your organization should state your name and preferably what happened to you in your country. But a newspaper article does not necessarily have to mention you in it; it can be about the persecution of people in the same organization, for example. The same goes for human rights organization reports; do not disregard it just because you are not mentioned in it by name. If it talks about the persecution of people in a similar situation as you, then it can be a strong support for your application. These materials could help to show that you cannot return to your country. Even if there are materials that you cannot supply translation, it is important that you submit them.

Remember that you should keep the original of these important evidences with you and submit only the photocopied version to the immigration officer. Take the originals with you when you go to submit your application form or when you attend the interview and show them to the officer, so that he/she can see that the originals and the photocopies are the same. But DO NOT submit the originals.

4. Permission for Provisional Stay (*Karitaizai*)

If you do not have a legal status of residence and have applied for refugee recognition, you may be granted permission for provisional stay. You must satisfy the following requirements to be eligible for permission for provisional stay:

- 1) There are no reasonable grounds to suspect that he/she falls under any of the specific grounds for deportation.
- 2) He/she has filed an application for recognition of refugee status within six (6) months from the date of landing in Japan (for those who “became” an asylum seeker while in Japan for reasons emerging after one’s landing in Japan, six months will be counted from the date on which the person learned the fact that makes him/her seek asylum).
- 3) He/she has entered into Japan directly* from a territory where he/she had a well-founded fear of persecution.
- 4) He/she has not been sentenced to imprisonment with or without labor on charges of a crime set forth in the Penal Code or on contravention of other laws after entering into Japan.
- 5) A written deportation order has not been issued against him/her.
- 6) There are no reasonable grounds to suspect that he/she is likely to escape.

*The term “coming directly” could be interpreted flexibly since it is difficult for many asylum seekers to

come to Japan “directly” from their country of origin. Therefore, you should explain the reason in detail why you could not come to Japan “directly”. The provisional stay is normally granted for six months. You can apply for renewal of the permission ten days prior to its expiration date. Deportation procedure will be suspended without detention while you have this permission.

If your provisional stay is permitted, deportation procedure will be suspended until the permission for provisional stay is withdrawn. If your provisional stay is not permitted, your deportation procedure would not be suspended and deportation order could be issued against you. However, you would not be deported while your refugee application is being considered by the Ministry of Justice.

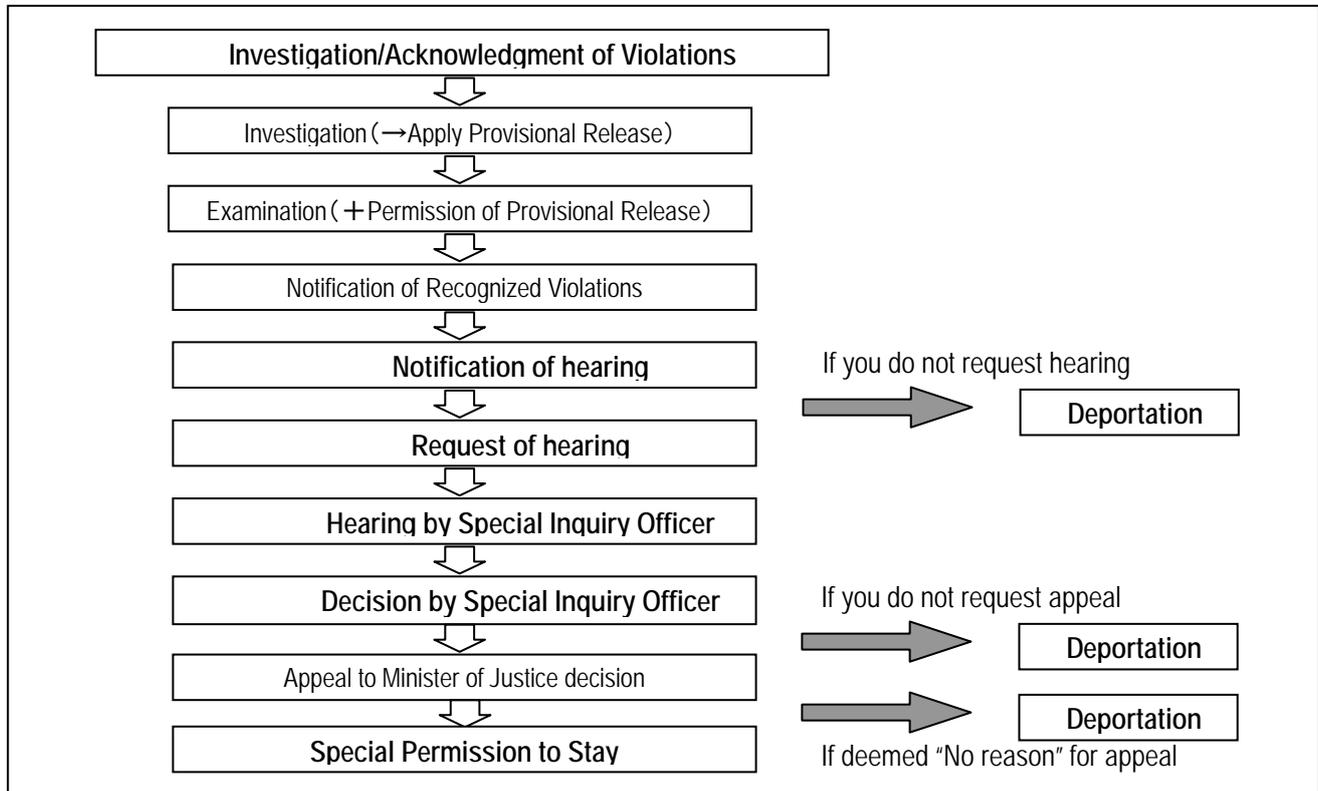
5. Permission to Stay on Humanitarian Grounds

You may be granted permission to stay on humanitarian grounds even when your application for refugee status is rejected. If you have been with a status of residence during the refugee application procedure, the status of residence will be either extended or changed. If you have been without a status of residence, you will be granted Special Permission to Stay (*Zairyu Tokubetsu Kyoka*)¹. According to the *Immigration Control and Refugee Recognition Act*, if there are special reasons for permitting your stay in Japan, you will be granted residential status. While the exact criteria of “special reasons” are not disclosed, Ministry of Justice generally takes into consideration the elements such as applicant’s i) past record, ii) family links, and iii) situation in the country of origin. Note that if you have applied for refugee status, you will be considered for Special Permission to Stay in the refugee status determination procedure, not in the deportation procedure.

¹ Special Permission to Stay is an **act of regularization** by which the Minister of Justice authorizes a foreigner without status of residence (*zairyu-shikaku*) to stay in Japan, taking into consideration the individual’s special circumstances. It entails provision of an appropriate status of residence which is determined in accordance with the circumstances that the Ministry of Justice considered in granting the permission.

6. Deportation Procedures (*Taikyo Kyosei Tetsuzuki*)

If you apply for refugee status without a status of residence, you may receive a letter or a phone call from the Third Examination Department of the Immigration Bureau requesting that you attend an interview. This interview is different from the interview for refugee status determination as it is conducted to investigate people for overstaying or irregular (illegal) entry. It forms a part of the deportation procedures (*taikyo kyosei tetsuzuki*). In most cases, the deportation procedures are as follows. (See Article 27 to 55 of the *Immigration Control and Refugee Recognition Act*)



(1) Inquiry and Investigation of Violations of Law

You will first be called for an interview, which investigates any violations of the *Immigration Control and Refugee Recognition Act* (if you are called to the Tokyo Immigration Bureau, the interview will take place at the Third Inquiry Division or the Investigation of Violations of Law Division on the sixth floor). You should explain to the Immigration Officer the reasons why you cannot go back to your country.

(2) Provisional Release from Detention

If a foreigner is found to have violated the *Immigration Act*, he or she would normally be subject to detention. The system of provisional release, however, provides a relief from detention while it imposes several restrictions on the freedom of the concerned foreigner. Provisional release is similar to bail under penal procedures. Under provisional release, the foreigner must comply with the following conditions:

- He or she must appear at the Immigration Bureau regularly (usually once a month-three months);
- He or she must not go out of the prefecture in which he/she reside (unless he/she is permitted to do so after obtaining proper travel authorization);
- He or she must report to the Immigration Office any change of residence (Often, reporting prior to the change of residence is expected, but the timing of report is not strictly specified. Nonetheless, the immigration officer may request that he/she presents the Lease Contract to confirm his/her residence in the reported address.)

To assure that you will abide by the above conditions, you will be requested to make a guarantee deposit and find a guarantor. The deposit will be refunded upon completion of the deportation procedure (i.e. detention for deportation or obtainment of residency status). The guarantor will not be held liable for any payment but will make an oath to be responsible for your compliance with the conditions.

The payment of a guarantee deposit completes the application for provisional release. The upper limit of the deposit may amount up to ¥3,000,000. Yet, it is difficult to speculate how much the requested amount will be as it depends on individual cases (thus, if the Immigration Officer charges you more than what you can afford, try to negotiate with the Officer to reduce the amount).

After the payment, they will issue a "Permission Statement for Provisional Release" which then lets you proceed to the next step in the deportation procedure: investigation of violations by the Immigration Control Officer.

Once issued, the permission for provisional release will remain valid until the end of the deportation procedure. In addition, even if the deportation procedure started while you are in the refugee status determination procedure, by being called for a deportation interview or by your voluntary appearance to the Immigration Bureau, the final decision for deportation will not be made until the completion of your Refugee Recognition procedure (including appeal decision). Therefore, the permission for provisional release will normally remain valid during the whole process of your Refugee Recognition application.

(3) Subsequent Procedures

If the Immigration Control Officer concludes that your stay or entry to Japan was 'illegal', you may appeal for another interview by the Special Inquiry Officer. A lawyer or acquaintance may accompany you to this interview. If the appeal decision upholds the first instance decision and you are still dissatisfied with the appeal decision, you may ask for re-consideration of the decision to the Minister of Justice (in some instances, the Regional Immigration Bureau Chief may be authorized to issue the decision on behalf of the Minister). The Minister will make the ultimate decision on whether to issue a Deportation Order or not. However, deportation would not be enforced while your refugee claim is being considered at the Ministry of Justice.

III. FAQ

1) What should I do if the Immigration Officers tell me to appear for a Violation Examination after my application for refugee status?

Please refer to the earlier section on Deportation Procedures.

If you have overstayed or have made an irregular (illegal) entry to Japan, on submitting the refugee status application form, you may be requested to appear at the department for Violation Examinations (Second Examination Department). You may be asked by the immigration officer to first go through an investigation of violation (*ihan chosa*) before they accept your application for Refugee Status. However, in order to prevent deportation order from being issued before the processing of your asylum application, it is preferable that the immigration officer accepts your asylum application before they start investigating violation of immigration law.

2) Can I apply for refugee status even if I have overstayed the period of my residency status or have irregularly (illegally) entered (*chouka taizai* or *fuseiki nyukoku*) in Japan?

YES. As long as you are currently residing in Japan, you can apply for refugee status. Even if your residency status has expired (e.g., you have over-passed the authorized period of residence or you are prevented from applying for renewal of your residency status) or if you came on a forged passport (illegal entry; *fuhou nyu-koku*), you have the right to apply for refugee status. Applicants are not detained nor arrested upon visit to immigration office for refugee application.

3) I'm not sure if I have all the necessary documentation for my application. Should I wait until I prepare them all?

Since it is possible to submit additional supporting materials once you submit the refugee status application form, we think that it is more beneficial for you to submit the application without delay.

4) What happens if I can't translate all of my documents?

The Ministry of Justice and the Immigration Bureau is taking a stance that the applicant is responsible for translating all the documents submitted. We recommend that, if possible, you submit the translation of the documents in Japanese. Ask your friends or other people you know to help you in translating your documents. However, translating "all" the documents may be impossible as translation fee can be very expensive. The government might try to translate some documents written in English or other languages by themselves, if they deem those materials to be critical. Nonetheless, there is no guarantee that they would read everything that is written in non-Japanese languages.

5) Do I need a lawyer (*bengoshi*)?

It is possible to submit an asylum application without a lawyer. However, in the course of the process, some legal advice would be useful. There are some bar associations offering legal counseling service for foreigners with or without fees. Please contact your nearest bar association to inquire about the service. The cost of hiring a lawyer may range from 200,000 yen to 500,000 yen. (Sometimes interpreter fees or transportation fees are asked additionally.) For those who cannot afford the lawyer's fee, limited legal aid may be available. Consult with the lawyer who is handling your case for such legal aid service.

6) What kind of assistance could I get from Japanese NGOs?

Refugee applicants can get legal and social counseling service and assistance from Japanese NGOs and government-affiliated organizations. For example, JAR, an implementing partner of UNHCR, undertakes counseling with asylum seekers regarding procedures for applying for refugee status,

immigration procedures and other related laws and regulations. JAR's social workers also assist and give consultations to asylum seekers concerning their daily needs such as health care, employment, and securing housing. If further assistance is needed, JAR may also refer your case to specialized NGOs such as International Social Service Japan (ISSJ) and Japan Evangelical Lutheran Association (JELA). Refugee applicants may seek state funded financial assistance from Refugee Assistance Headquarters (RHQ).

7) What kind of services does UNHCR (the United Nations High Commissioner for Refugees; *Kokuren Nanmin Koutoubenmu-kan Jimusho*) provide to asylum seekers?

UNHCR Tokyo Office is mandated to monitor the Japanese government's compliance with the international Refugee Convention. In particular, they monitor whether:

- the government secures persons in need of international protection an access to asylum procedures and provides them with asylum; and
- the government secures asylum seekers an access to adequate conditions pending the outcome of their asylum application (access to information, freedom from detention, material assistance to asylum seekers in need, education for children, basic medical care, etc.)

To that effect, UNHCR monitors the refugee status determination procedures administered by the Ministry of Justice and provides the Ministry with updated countries of origin information. As part of its advisory role, UNHCR also submits their legal opinions on the interpretation of the refugee determination to the Immigration Bureau and to Courts.

UNHCR has a partnership with JAR to provide assistance to asylum seekers and refugees. You should first contact JAR if you are in need of assistance on the following areas:

- counseling on the asylum procedure;
- counseling on where and how to obtain material assistance during the asylum procedure;
- lawyer's assistance during judicial proceedings;
- advice on how to obtain provisional release from detention; and

any other information in relation to your life in Japan during the duration of your asylum procedure

8) What will the interview be like?

The interview with the Refugee Inquirer is normally a series of day-long interviews. Many questions will be asked to understand your claim as accurately as possible. Similar questions may be asked repeatedly to verify facts and avoid misunderstandings. It is important to answer the questions as truthfully as possible and try to explain each and every detail of the claim carefully during the interview.

An interpreter who speaks your language will be arranged for you. But if you find your interpreter to be unreliable or biased in their political opinions, be sure to request a change of interpreters. It is important to have a competent and fair interpreter in order to avoid miscommunication.

The Refugee Inquirer will be taking notes in Japanese during the interview. At the end, he/she will show the interview statement (*kyoujutu-chosho*) to you and the interpreter will read back to you what is written on the statement. You will then be asked to sign the statement to confirm that it is what you told the interviewer. If you are an adult, third parties such as lawyers and acquaintances are not allowed to attend the interview(s) in the first instance. In the appeal, they are allowed to attend the procedure.

It is important to fully prepare for the interview. Take all your documents with you and read carefully your personal statement once again before the interview. The Refugee Inquirer will be asking you questions based on your statement. If new elements or facts are introduced during the interview that were not written in or are different from your statement, you are expected to fully explain the inconsistencies.

9) How long will it take to be granted refugee status?

Regardless of the result, you will be notified of the decision. It is not easy to predict the time of the decision. Recently, it takes about 6 months before the decision on the first instance is made, but the appeal procedures tend to take a longer time, with some cases taking years for the decisions to come out.

10)What legal status will I hold while my refugee recognition application is processed?

If you hold any status of residence, such as “Temporary Visitor” status, and apply for refugee status before the expiration of the status, it is the practice of the Immigration Bureau to continue renewing your residential status until the refugee status decision is made. Recently, after the applicants have submitted the refugee status applications, their status of residence have been changed into “Designated Activities”, and after more than six (6) months since the submission of the application, the Immigration Bureau has issued a work permit (*shuuro kyoka*). To renew your residency status, please go to the Immigration Bureau and show them the Certificate of Receipt of your refugee status application. It costs ¥4,000 to have your residency status renewed each time.

If you applied for refugee status while you did not hold a valid residency status (*zairyu-shikaku*), you may be subject to detention after the rejection of refugee application. You might be eligible for permission for provisional stay provided that you satisfy certain conditions. Yet, permission for provisional stay is not an official residency status. Its effect is to suspend the deportation procedure while the permission is valid. Under the current law, the asylum application in and of itself does not constitute a reason for issuing a legal residency status. In addition, if you apply for refugee status before being arrested or detained, provisional release may be permitted without detention. The Immigration Bureau will not, in any case, enforce a deportation order against an asylum seeker until the completion of the asylum procedure.

11)Will there be any aid from the government during my application?

Limited financial assistance toward the expenses for food, shelter, and medical cost as well as limited number of accommodation is available from the Refugee Assistance Headquarters (RHQ, Tel: 0120-925-357). Please call the number and make an appointment for counseling.

12)What if I get sick?

Japanese hospitals normally provide emergency care for patients regardless of their legal status or financial situation. However, these services are not free of charge. The bill comes after the treatment.

Apart from the financial assistance from the RHQ, in some cases, assistance for your medical expenses may be provided by JAR (Japan Association for Refugees: Tel: 0120-477-472 / 03-5379-6003) or ISSJ (International Social Service Japan: Tel: 03-5840-5711). Please seek advice from these organizations.

National Health Insurance (*Kokumin Kenkou Hoken*) is available to refugee applicants who hold a residency status of more than six (6) months and those under Provisional Stay. Please contact the ward office or city office (*kuyakusyo* or *shiyakusho*) of your residential area for more information on National Health Insurance. National Health Insurance is a health care system run by the government. If you join the insurance, you will receive an insurance card (*hokennsyo*: a small A5 document or a plastic card), and your medical fee will be reduced (medical care will not be free of charge; you will pay 30% of the actual cost). A monthly payment for the insurance policy is required; the payment is calculated according to your annual income.

If you receive an extremely high amount of bill for emergency medical services, please consult a hospital social worker, as well as RHQ, JAR, or ISSJ. In some cases, you may be eligible for the medical system which allows you to receive the first treatment for free or with a reduced fee: thus,

please consult JAR if you have medical problems.

13)What about school for my children?

Primary education (1st grade to 9th grade) is available for school age children regardless of legal status. Please contact the ward office or city office of your residential area for information on how to enroll your children in primary and junior high school.

14)Can I go to the third country (for example Canada, U.S.A., Australia) while seeking asylum in Japan?

Since Japan is a member of the Refugee Convention, the Japanese Government is the competent authority to process refugee application. If you decide not to seek protection from Japan and to apply for an immigration visa to a third country, you should approach the embassy/consulate of the country you would like to go to and ask about the applicable criteria.

On a last note...

Please call JAR if you have any questions or need any help.

A Refugee Testimonial

I was recognized as a refugee 4 years after I had submitted my application. Although the government has established procedures for determining refugee status, recognition was not automatic in my case. Fundamentally, the government cannot make arbitrary decisions and must recognize people as a refugee as long as he/she meets the requirements of the Convention noted above. In reality, however, although you may think you are in danger of persecution, the government you apply to may not agree with you and refuse to grant you a refugee status. It is important that you remember that it is up to you to make the officials understand that you are in danger and that you need protection.

The process of applying for refugee status for my case was a long one. It was important for me to be determined and committed to go through the long-term investigation and cumbersome procedures. According to my lawyer, I was the only one who actually knew the facts and could collect the necessary evidence of any past persecution and/or fear of persecution should I return to my country. Lawyers and NGOs assisted me but it was up to me to make the government of Japan understand that I cannot return to my country. I felt that the difficulties of the length of the process were compounded by other problems. Since I did not have permission to work in Japan before I applied for refugee status, I was not allowed to work while I went through the process.

I felt that the personal statement was a very important part of the application. I tried to demonstrate how the situation adversely affected or targeted me personally. I tried to show with concrete examples what would happen to me or what I thought would happen to me if I went back.

I was sure to reread my statement before the interview. I was asked the same question many times throughout the interview. I tried to answer the questions truthfully and with as much detail as I could.

I was called upon by the Immigration 1 year after the last interview and was given the certificate which recognized me as a refugee.

Appendix I: GLOSSARY (Some helpful Japanese words and phrases)

I am a refugee.	-- <i>Watashi wa nanmin desu.</i>
I cannot go back to my country.	-- <i>Watashi wa jibun no kuni ni kaeremasen.</i>
I want to apply for refugee status.	-- <i>Nanmin nintei shinsei o shitai desu.</i>
I was persecuted.	-- <i>Watashi wa hakugai saremashita.</i>
It is dangerous.	-- <i>Kiken desu.</i>
Appeal (to the refusal of refugee status)	-- <i>igi moushi-tate</i>
application form	-- <i>shinsei youshi</i>
deportation	-- <i>taikyo kyousei</i> or <i>kyousei soukan</i>
detention	-- <i>koukin</i> or <i>shuuyou</i>
family	-- <i>kazoku</i>
government	-- <i>seifu</i>
human rights	-- <i>jinken</i>
human rights violation	-- <i>jinken shingai</i>
Immigration Bureau	-- <i>Nyuukoku Kanri-kyoku</i> or <i>Nyuukan</i>
lawyer	-- <i>bengoshi</i>
persecution	-- <i>hakugai</i>
political party	-- <i>seitou</i>
race	-- <i>jinshu</i>
receipt (of application)	-- <i>juri-hyou</i>
refugee	-- <i>nanmin</i>
Refugee Inquirer	-- <i>Nanmin Chousa-kan</i>
refugee recognition	-- <i>nanmin nintei</i>
refugee recognition procedure	-- <i>nanmin nintei seido</i>
Regional Immigration Bureau	-- <i>Chihou Nyuukoku Kanri-kyoku</i>
refusal of refugee status	-- <i>nanmin no nintei o shinai shobun</i>
religion	-- <i>shukyou</i>
Tokyo Immigration Bureau	-- <i>Tokyo Nyuukoku Kanri-kyoku</i> or <i>Tokyo Nyuukan</i>
torture	-- <i>goumon</i>
trial (of Judicial Court)	-- <i>saiban</i>
UNHCR	-- <i>Kokuren Nanmin Koutou Benmu-kan</i> or simply UNHCR

Appendix II: OFFICE CONTACTS

UN High Commissioner for Refugees (UNHCR) Representation in Japan

Wesley Center, 6-10-11 Minamiaoyama, Minato-ku, Tokyo, Japan

〒107-0062 Tel: 03-3499-2011 Fax: 03-3499-2272 Office hours: 10:00 AM – 18:00 PM

<http://www.unhcr.or.jp>

Refugee Assistance Headquarters (RHQ), Foundation for the Welfare and Education of the Asian People (FWEAP)

5-1-27 Minami-Azabu, Minato-ku, Tokyo, Japan

〒106-0047 Tel: 0120-925-357/03-3449-7011 Fax: 03-3449-7016

■ **Kansai Branch**

Nissei Kobe Ekimae Bldg., 11th Floor, 2-1-18 Nakamachi-dori, Chuo-ku, Kobe City, Hyogo, Japan

〒650-0027 Tel: 0120-090-091/078-361-1700 Fax : 078-361-1323

Immigration Bureaus

■ **Tokyo Regional Immigration Bureau**

5-5-30 Konan, Minato-ku, Tokyo, Japan

〒108-8255 Tel: 03-5796-7111

Yokohama District Immigration Office

10-7 Torihama-cho, Kanazawa-ku, Yokohama City, Kanagawa, Japan

〒236-0002 Tel: 045-769-1721

Narita Airport District Immigration Office

Narita Airport Second Terminal Bldg., 6th Floor, 1-1 Furugome, Narita City, Chiba, Japan

〒282-0004 Tel: 0476-34-2211

■ **Osaka Regional Immigration Bureau**

1-29-53 Nankou Kita, Suminoe-ku, Osaka City, Osaka, Japan

〒559-0034 Tel: 06-4703-2190

Kansai Airport District Immigration Office

1 Senshu-Kuko-Naka, Tajiri-cho, Osaka, Japan

〒549-0011 Tel: 072-455-1457

Kobe District Immigration Office

Kobe Local Joint Government Bldg., 29 Kaigan-dori, Chuo-ku, Kobe City, Hyogo, Japan

〒650-0024 Tel: 078-391-6378

■ **Nagoya Regional Immigration Bureau**

5-18, Shoho-cho, Minato-ku, Nagoya City, Aichi, Japan

〒455-8601 Tel: 052-559-2120

■ **Hiroshima Regional Immigration Bureau**

2-31, Kami-hacchobori, Naka-ku, Hiroshima City, Hiroshima, Japan

〒730-0012 Tel: 082-221-4412

■ **Fukuoka Regional Immigration Bureau**

Fukuoka Airport Domestic Flights Terminal #3, 778-1 Shimo-usui, Hakata-ku, Fukuoka City, Fukuoka, Japan

〒812-0003 Tel: 092-626-5151

Naha District Immigration Office

Naha First Local Joint Government Bldg., 1-15-15 Higawa, Naha City, Okinawa, Japan
〒900-0022 Tel: 098-832-4186

■ **Sendai Regional Immigration Bureau**

Sendai Second Legal Affairs Joint Government Bldg., 1-3-20 Gorin, Miyagino-ku, Sendai City, Miyagi, Japan
〒983-0842 Tel: 022-256-6076

■ **Sapporo Regional Immigration Bureau**

Sapporo Third Joint Government Bldg., Odori-nishi 12 Chome, Chuo-ku, Sapporo City, Hokkaido, Japan
〒060-0042 Tel: 011-261-9658

■ **Takamatsu Regional Immigration Bureau**

Takamatsu Legal Affairs Joint Government Bldg., 1-1 Marunouchi, Takamatsu City, Kagawa, Japan
〒760-0033 Tel: 087-822-5851

If you need more information concerning this document, please contact us.

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Japan Association for Refugees

Daisan Shikakura Building 6F, 1-7-10, Yotsuya, Shinjuku-ku, Tokyo, Japan

Tel (toll-free line for refugees/ asylum seekers): 0120-477-472

Tel (hotline for refugees/ asylum seekers): 03-5379-6003

Fax:03-5379-6002

Email : info@refugee.or.jp

<http://www.refugee.or.jp>

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TO THOSE WHO WISH TO APPLY FOR REFUGEE STATUS

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Japan Association for Refugees (JAR) conducts research on refugee applicants. Please note that your information may be used for research purposes. The purpose of it is to build a better circumstance for refugees by understanding their needs and reality. No third parties reach the personal information obtained during the research. Also, no individual name or information to indicate a particular individual will appear in the subsequent research report. In conducting research/analysis, Japan Association for Refugees pledges that no disadvantage will arise against the participating refugee applicants.