

# **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 Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention) (Article 1A (2)) defines a refugee as a person who:

*“...owing to 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 Japan Association for Refugees (JAR))

Under the Refugee Convention, a person must satisfy four criteria to qualify as a refugee. The person must:

- 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
- Being unable or unwilling to avail himself of the protection of that country owing to such fear. be located outside the country of one’s nationality

### **WHO DETERMINES WHO IS A REFUGEE?**

The Ministry of Justice of Japan is responsible for determinations of refugee status in Japan. The procedures for such a determination, which are administered by the Immigration Bureau, are explained below.

## **II. WHAT YOU SHOULD KNOW BEFORE APPLYING FOR REFUGEE STATUS**

### **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 procedures for applying for recognition of refugee status.

[Please also see the attached flow chart]

The procedures are explained in more detail in the brochure “*A Guide to the Procedure for Recognition of Refugee Status*” 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 Refugee Status**

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

- *Protection against refoulement*: You will not be sent back to your home country or to a country where your life or freedom would be at risk.
- *Status of residence (Zairyu-shikaku)*: Regardless of whether or not you had a valid status of residence prior to recognition of your refugee status, you will be entitled to “long-term” residence status that allows you to live in Japan without any restriction of activities.
- *Refugee Travel Document*: You will be permitted to apply for a Refugee Travel Document, with which you may travel to other countries without a passport.

- *Other benefits:* You will be entitled to the same benefits that Japanese citizens living in Japan enjoy. Requirements for permission for permanent residence as well as naturalization are also relaxed.
- *Family unity:* With long-term residence status, if certain criteria are met, you will be permitted to invite your spouse and minor children to Japan (if applicable).

### (3) Statistics

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

Year	Number of Application	Appeal/ Administrative Review	Recognized (upon appeal)*	Denied upon Initial Examination	Withdrawn upon Initial Denial	Humanitarian Grounds
1982-90	896	243	196	515	141	-
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	3(1)	32	24	3
1996	147	35	1	43	6	3
1997	242	41	1	80	27	3
1998	133	159	17(1)	293	41	42
1999	260	158	19(3)	177	16	44
2000	216	61	22	138	25	36
2001	353	177	28(2)	316	28	67
2002	250	224	14	211	39	40
2003	336	226	14(4)	298	23	16
2004	426	209	21(6)	294	41	9
2005	384	183	61(15)	249	32	97
2006	954	340	46(12)	389	48	53
2007	816	362	45(4)	446	61	88
2008	1,599	429	74(17)	791	87	360
2009	1,388	1,156	38(8)	1,703	123	501
2010	1,202	859	52(13)	1,336	93	363
2011	1,867	1,719	35(14)	2,002	110	248
2012	2,545	1,738	31(13)	2,083	110	112
2013	3,260	2,408	9(3)	2,499	140	151
2014	5,000	2,533	16(5)	2,906	257	110
2015	7,586	3,120	27(8)	3,411	468	79
2016	10,901	5,197	28(2)	7,492	675	97
2017	19,629	8,530	20(1)	9,736	1,612	45
Total	60,675	30,253	829(132)	37,567	4,529	2,588

\* The first number in each row of this column represents all the applications for which refugee status was granted upon; the number in parentheses represents applications for which refugee status was granted on appeal or administrative review.

### (4) Countries of Origin of Recognized Refugees

2017: Egypt 5, Syria 5, Afghanistan 2

2016: Afghanistan 7, Ethiopia 4, Eritrea 3, Bangladesh 2

2015: Afghanistan 6, Syria 3, Ethiopia 3, Sri Lanka 3, Eritrea 2, Nepal 2  
(Excluding countries from which only one refugee was recognized.)

## (5) Summary of Procedures

### (A) Application for Recognition of Refugee Status (“Refugee Application”)

There is no limitation on the period of time within which a person must apply for recognition of refugee status. An application can be submitted to the immigration bureau/office that has jurisdiction over the place of residence of the applicant. Applications by persons without resident status are also accepted.

### (B) Interview with a Refugee Inquirer (*Nanmin Chousa-kan*) and Determination

After submitting an application, you will be summoned to an interview with a “Refugee Inquirer” (*Nanmin Chousa-kan*), an officer of the Immigration Bureau. Interviews may take place once or multiple times. It may be several months or more before you are required to attend an interview.

As a general rule, other people, such as lawyers or friends, may not accompany you in the interview(s) if you are an adult. Each interview will be recorded in writing, which you will be asked to sign at the end of the interview. Before signing this document, you must fully understand the contents and confirm that everything that is written is correct (using a translator, if necessary).

Subsequently, you will be notified of the determination as to whether you are recognized as a refugee or not. Please note that this may take several months or more from the date of your last interview.

### (C) Administrative Review

If you are denied refugee status, you can request an administrative review from the Minister of Justice within seven days from the date you receive a notice of refusal of refugee status. If you cannot make the request within this period due to an unavoidable circumstance (such as a natural disaster), you may make the request even after the seven-day period has passed.

A form for requesting administrative review is usually provided together with the notice of rejection of refugee status. If you do not receive the form, you should immediately ask the immigration office to provide one.

You also must submit a Statement of Objection generally within 2-4 weeks after the date you submit a request for administrative review. If you cannot submit the statement in time, please consult with the immigration office.

As with the initial application for recognition of refugee status, you should submit your request for administrative review to the immigration bureau/office that has jurisdiction over your place of residence. You may submit the request in person or by proxy (in other words, by someone else on your behalf), or you may send the necessary documents, including a Statement of Objection, by post.

Procedures for the administrative review are as follows:

- *Petition for oral hearing (interview) by the refugee applicant*
- *Request for attendance of relevant administrative agency:* You may request that the administrative agency that rejected your application appear at the hearing. If you make such a request, you must submit your questions before the date of the hearing. The administrative agency will be required to attend the oral hearing only if the examiner of your case deems such presence to be necessary upon review of your questions.
- *Production of evidence*
- *Right to inspect documents and request copies:* During the administrative review period and until the proceedings are concluded, you can request to inspect and/or receive copies of the documents you have submitted. However, such requests may be denied if the examiners deem them to be unnecessary.
- *Submission of legal briefs:* Legal briefs challenging the rejection of your refugee status,

supporting your eligibility for refugee status, and/or advancing any other arguments on your behalf may be submitted by an attorney or organization.

- *Oral hearing (interview)*
- *Conclusion of administrative review process:* When the officials responsible for your case consider the necessary proceedings to have been completed, the review process will be concluded and you will be notified of such completion.
- *Determination:* After the conclusion of the review process you will be notified of the result of the review. If your initial rejection of refugee status is found to have been groundless, you will be recognized as refugee. However, if your initial rejection is upheld, the refugee recognition procedure will be finalized. Requests for a second review are not accepted.

#### **(D) Re-application for Recognition of Refugee Status**

If the rejection of refugee status is upheld and the administrative review process is finalized, you may re-apply for recognition of refugee status. Since June 2017, if you re-apply for recognition of refugee status, you will be subject to different procedures from those of your first application by submitting a special application form. The immigration bureau will carefully scrutinize how your previous application was processed and the nature of any new reasons for your application, if any. (See the box labeled "TOPIC 1" below.)

#### **(E) Procedures for Administrative Litigation (Judicial Review)**

You can also challenge a rejection of your refugee status in a court of law.

In this case, you may file a lawsuit:

- after you are notified of the initial rejection of recognition of refugee status; or
- concurrently with the administrative review; or
- after you are notified of the administrative review determination to uphold the initial rejection of recognition of refugee status.

A lawsuit must be filed within six months after you learn of the negative decision. For example, if you receive the notification on January 10<sup>th</sup>, the deadline for filing a lawsuit will be July 10<sup>th</sup>.

If you wish to take legal action (even if you have missed the deadline), please consult with a lawyer.

Taking legal action to challenge the decision not to recognize your refugee status may be very costly. Please consult with a lawyer to determine the expected costs and fees and to determine whether you are able to afford them.

### **TOPIC 1: Review of the Operation of the Refugee Recognition System**

#### Background

To appropriately cope with domestic movements including a rapid increase in number of applicants for refugee recognition and abusive RSD applications, as well as international movements, such as regional conflicts in the Middle East and African countries and a shifting trend of the international community's efforts toward refugee protection, in September 2015 the Ministry of Justice, following discussions by a panel of experts, announced 'the Review of the Operation of the Refugee Recognition System' to ensure prompt protection of genuine refugees.

Its overview states that at issue as challenges to the operation of the refugee recognition system are (1) criticism, domestic as well as international, of a disproportionately small number of recognized refugees, (2) rapid increase in the number of cases of abuse and misuse of the refugee recognition system. The ministry says that nearly 30% of the applicants claim financial/property-related troubles such as indebtedness or inheritance, or adverse livelihood, trouble with neighborhood, violence in the

home country as their reasons, which are clearly out of the scope of the definition of persecution under the Refugee Convention. And based on their perception that the problem (2) aggravates the problem (1), a number of revisions have been made to the operation of the system. Worth noting, in relation to the procedures are; 'Distinctive treatment for minors and persons with serious illness, providing with more information on the procedures for them', at the same time, 'Simplified and accelerated procedure by introducing a preliminary sorting process', 'Reviewing the way a work permit is granted to the applicants', 'Restricting re-applications to only those cases where a new situation has come up since the end of the original procedures'.

### Specific Revisions

- (1) Cases such as the above-mentioned where the applicant claims reasons which the Ministry considers to be clearly out of the scope of the definition of persecution under the Refugee Convention (e.g. 'has fled the debt owed in the home country', 'wishes to work in Japan') or re-application cases where without reasonable grounds the applicant repeats the same reasons as the previous ones will be sorted out prior to initiating a thorough examination and, while the applicant's opportunity to fully make his/her claim before a Refugee Inquirer being guaranteed, such cases will be processed very swiftly.
- (2) As the current practice of 'granting work permit across-the-board after a given period of time to applicants who submitted the application while having legal residence status' might induce abuse of the refugee recognition system and groundless applications, to those considered to be able to maintain livelihood without work and re-applicants who repeat the same reasons as the previous application without reasonable grounds, while residence permit will be granted, work permit will not be granted until the decision on the application is made.
- (3) For re-applicants who repeatedly claim a case which clearly falls out of the scope of the definition of persecution under the Refugee Convention or multi-re-applicants who repeat the same reasons as the previous applications without reasonable grounds, while RSD procedures continue, residence permit will not be granted.

Source: Website of the Ministry of Justice 'Overview of the Review of the Operation of the Refugee Recognition System'

## 2. Basics of Refugee Recognition

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

### **(1) Persecution**

There is no universally accepted definition of "persecution", and its interpretation varies. While the Japanese government is said to regard persecution as "a threat to life or freedom", the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status indicates that not only "a threat to life or freedom" but also any "other serious violations of human rights" would constitute persecution.

While "discrimination" generally differs from "persecution", it can amount to persecution if it takes a particularly serious form or is continuous and consistent in nature.

For example, persecution could include any of the following:

#### **(A) Threats to your life, security, or freedom**

- Danger to your life (*Mi no kiken*): for example, in cases where you are a target of attack by the government of your home country.
- Arrest / Detention (*Taiho / Koukin*): an arrest or detention may be procedurally legal or illegal in the country in which it occurred. It would constitute



“persecution” regardless of the agent of arrest or detention, be it the police or other security force, a guerrilla group, or anyone else, as long as it can be proven that the local government does not have the intention or the ability to protect its people. A situation in which you fled from the attempted arrest or detention but were not in fact detained or arrested is also evidence of a threat to 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 (*Kyouhaku*): cases in which you, your family, or your friends were threatened directly.
- Disappearance: cases in which you, your family, or your friends were abducted.

**(B) 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.

**(C) Others**

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

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

- Race (*Jinshu*): includes tribe, clan, or ethnicity.
- Religion (*Shuukyou*).
- Nationality (*Kokuseki*): includes citizenship, but may occasionally overlap with the term “race”.
- Political opinion (*Seijiteki iken*): includes any expression of political opinion or political activity. Also includes cases of ‘imputed political opinion’, in which the persecutor erroneously thought that the applicant held a particular political opinion.
- 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 substantiate a claim to refugee status. There may, however, be special circumstances where mere membership can be a sufficient ground to fear persecution.

**(3) Proof of Persecution**

According to the UNHCR Handbook, as well as the view of the Japanese government, it is the applicant’s burden to prove sufficient grounds for his or her claim for refugee status. Specifically, as an applicant you should do the following:

- 1) Tell the truth and assist the examiner sufficiently in establishing the facts of your case.
- 2) Make an effort to support your statements with all available evidence and to provide convincing reasons for any lack of evidence. You must make an effort to collect additional evidence if requested to do so.
- 3) Supply all relevant information concerning yourself and your past experience in as much detail as is necessary to enable the interviewer to determine the relevant facts. Be prepared to give a coherent explanation of all the details of your claim.

It is very important that you explain to the Immigration Bureau 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 so that you can confirm the contents afterwards.

- One copy of the Application Form for Recognition of Refugee Status (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. There is no fixed format.);
- Other materials that would/might prove that you are a refugee; and
- 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 in Japan.).

When submitting the documents above, you also will be asked to produce all of the following documents that are in your possession:

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

#### (1) Where to Obtain the Application Form

If you reside in any prefecture in Kanto or Koshin'etsu, excluding Kanagawa (namely, Tokyo, Saitama, Chiba, Tochigi, Gunma, Ibaraki, Yamanashi, Nagano, and Niigata), you can obtain an application form at the "REFUGEE DIVISION" (*Nanmin Chousa Bumon*) on the third floor of the Tokyo Immigration Bureau (*Tokyo Nyuukoku Kanrikyoku, or Nyuukan*) in Shinagawa. Upon your visit to the Tokyo Immigration Bureau, you should express your wish to apply for refugee status. If you reside in Kanagawa, you can obtain an application form at the 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, Cambodian, Chinese, Indonesian, Korean, Singhalese, Spanish, Swahili, Thai, Tagalog, Tamil, Dari, Turkish, Nepalese, Pashto, Punjabi, Hindi, French, Vietnamese, Farsi, Bengali, Portuguese, Burmese, Mongolian, Russian, Urdu and so on). Forms are also available at JAR.

※If you are outside of Kanto or Koshin'etsu, you can check the location of your Regional Immigration Bureau in Appendix II. If you are detained in an immigration detention center, 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 (0120-477-472/ 03-5379-6003) and/or UNHCR (03-3499-2011).

#### (2) Filling out the 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, you should consult with the Immigration Bureau. You need to answer all of the questions. If you leave any items blank, the Immigration Bureau will follow up to request that you complete the form, or they might even refuse to accept your application. If you do not understand any of the questions, you may ask the Immigration Bureau for assistance. When filling in the form, you do not need to try to fit everything in the limited space of the form. Instead, you may simply write "as

described in the attached statement” or “please see the attached statement” in the applicable column and attach separate sheets of paper describing such details including your “personal statement”. You may be requested to submit a translation of the attached statements.

### (3) Where to Submit the Application Form

Submit the application form by handing it to a Refugee Inquirer (*Nanmin Chousa-kan*) at the Immigration Bureau. When the application is received, you will receive an “Application Receipt” (*Uketsuke-hyou*), which usually will be stapled to your passport. This receipt will have your application number written on it. It is very important that you receive this receipt. Even if the officer takes your application papers, your application might not be deemed officially accepted if this Application Receipt is not issued. Carefully retain this receipt until your case is finalized.

### (4) Personal Statement

Your personal statement is an important part of your application. **For more details please refer to “Self Help Kit” which is available at JAR office. Ask a JAR staff member if you need one.**

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, including the following:

- 1) Details of the persecution: how you were persecuted and what happened to you.
- 2) The reason for the persecution: why you were or would be persecuted.
- 3) The current situation: the fact that you would be persecuted if you returned.

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 and continue to the present (if necessary, include situations of your family or relatives as well). However, the most important part is a description of the actual persecution you were subjected to or you would be subjected to if you were to return to your country. Detailed information as to the names of persons involved in the persecution, dates, facts and how things proceeded 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?* For example, what happened to you, what would have happened if you had stayed in the home country, and 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. You avoid inconsistencies between what you stated in your personal statement and what you say in the interview(s), as such inconsistencies may be considered negatively by the Refugee Inquirer.

### (5) Other Evidence

You should do everything possible 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 relevant 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 a relevant 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); and
- 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.).

Not all of your documentation has to mention you specifically. For example, although a letter from an organization that you belong to should state your name and preferably what happened to you in your country, a newspaper article does not necessarily have to mention you – 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 provide strong support for your application.

Remember that you should keep the original of these important pieces of evidence 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.

#### **(6) Request for Disclosure**

Various documents and records relating to refugee recognition procedures are kept in the immigration office. Many of them are regarded as personal information attached to the applicant him/herself; therefore, in accordance with Japanese laws you can request the disclosure of any documents you submitted.

Among these documents are the application form for recognition of refugee status, including any translations, documents submitted as evidence, and interview records. These pieces of information are important for confirming what is recorded for purposes of the review of your application for refugee status. In addition, when you consult with a lawyer, these documents are critical as objective materials for the lawyer to come up with a strategy for legal assistance. It generally takes about one month to receive these documents after requesting them, so you should plan in advance if you wish to have these documents available when you consult with a lawyer.

You may make a request for the documents at the General Affairs Division of the Tokyo Immigration Bureau, on the 4<sup>th</sup> floor. The initial request fee is 300 yen. A request for disclosure can also be made for other procedures (e.g. procedures for landing permission for temporary refuge, deportation, etc.). In any case the request can be made only after the disposition is rendered.

## **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 you fall under any of the specific grounds for deportation.
- 2) You have filed an application for recognition of refugee status within six months from the date of landing in Japan (if you chose to seek asylum while in Japan for reasons emerging after

- your landing in Japan, six months will be counted from the date on which you learned of the facts that led you to seek asylum).
- 3) You entered Japan directly (see note below) from a territory where you had a well-founded fear of persecution.
  - 4) You have 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 you.
  - 6) There are no reasonable grounds to suspect that he/she is likely to escape.

※The term “entered Japan directly” in 3) above may be interpreted loosely since it is difficult for many asylum seekers to come to Japan “directly” from their country of origin.

Permission for provisional stay is normally granted for six months. You can apply for renewal of permission ten days prior to its expiration date.

If you are granted Permission for Provisional Stay, deportation procedures (including detention) will be suspended during the period of such permission. If you are denied Permission for Provisional Stay, procedures for your deportation will not be suspended and a deportation order could be issued against you. However, you will not be deported while your refugee application is being considered by the Ministry of Justice.

## 5. Change of Status of Residence/Extension of Period of Stay

If you have a valid status of residence at the time you submit your application for refugee status, normally you can change your status of residence to “Designated Activities” after submitting such application. It is the usual practice of the immigration office, except in special circumstances, to extend the period of this status until a determination has been made on your application for refugee status. However, it is possible that an extension will not be permitted if you commit a crime. It is also possible that an extension will be denied if you re-apply for recognition of refugee status after an unsuccessful first attempt.

You can apply for an extension within three months before the expiry date. Don't forget to extend the period or you will be an overstayer! So long as you apply for the extension on or before the expiry date, you will not be an overstayer, even if a decision regarding the extension is not made by the expiry date. While waiting for the decision you may stay legally under your latest status of residence for two months after the original expiry date.

You may apply for a work permit six months after the date of your application for refugee recognition.

If you are granted “Designated Activities” status, you will be issued a “Residence Card” by the immigration office. You need to register your residence at your local municipal office, and you will be eligible for the National Health Insurance.

## 6. Permission to Stay on Humanitarian Grounds

You may be granted permission to remain in Japan on humanitarian grounds even if your application for refugee status is rejected. In such a case, you may be granted either “Designated Activities” or “Long-term” status for a period of one year. If you have a valid status of residence during the refugee application procedures, your existing status of residence will be either extended or changed to one of these residence statuses.

If you do not have a valid status of residence at the time you submit a refugee application, you may be granted “Special Permission to Stay” (*Zairyu Tokubetsu Kyoka*). According to the *Immigration Control*

and *Refugee Recognition Act*, you may be granted such permission if there are special reasons for permitting your stay in Japan on humanitarian grounds.

While the exact criteria of “special reasons” are not disclosed, “humanitarian grounds” are considered to have three categories, namely “opportunity to flee the conflict”, “situation of the home country and family” and “others”. “Others” are described in detail in the following guidelines:

<http://www.moj.go.jp/content/000007321.pdf>

Note that a determination to grant “Special Permission to Stay” is made as part of either deportation procedures or refugee status recognition procedures. If you have applied for refugee status, you will be considered for Special Permission to Stay as part of the refugee status recognition procedures, not as part of the deportation procedures.

## 7. Deportation Procedures (*Taikyo Kyosei Tetsuzuki*)

If you apply for refugee status without a valid status of residence, you may receive a letter or a phone call from the Immigration Bureau’s department in charge of investigating immigration violations requesting that you attend an interview. This interview is different from the interview for the determination of refugee status, as its purpose would be to investigate whether you have overstayed the period of time you are permitted to remain in Japan or entered Japan irregularly (illegally). This investigation 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) Investigation/Examination into Violations of Law

You will first be called for an interview for the purpose of investigating whether you have committed any violations of the *Immigration Control and Refugee Recognition Act*. You should explain to the immigration officers the reasons why you cannot go back to your country.

### (2) Provisional Release

If there are grounds, or suspected grounds, for a person’s deportation (such as overstaying your visa) you would normally be subject to detention. The system of provisional release, however, provides relief from detention, but with several restrictions on your freedom. Under provisional release you must comply with the following conditions:

- You must appear at the Immigration Bureau regularly (usually once every one to three months);
- You must not leave a permitted area of movement (unless you are permitted to do so after obtaining proper travel authorization. For more details, please confirm with the Immigration Office); and
- You must obtain prior permission from the Immigration Office for any change of residence. The immigration office may request that you present the lease contract to confirm your residence at 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 (in other words, detention for deportation or granting of residence 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 is ¥3,000,000. However, the actual amount required varies by case. If the immigration officer charges you more than what you can afford, you can try to negotiate with the officer to reduce the amount.

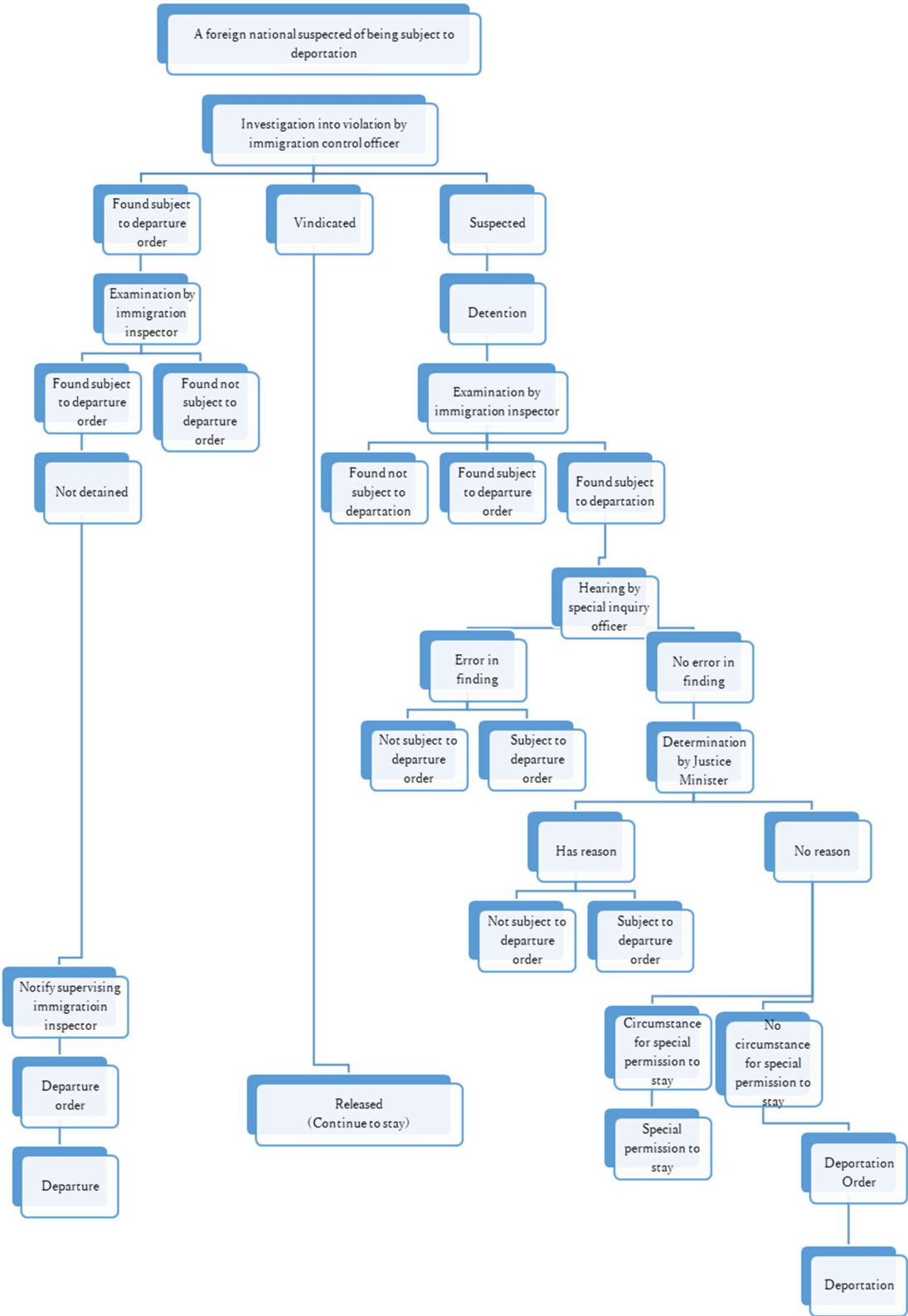
After you pay the deposit, you will be issued a "Permission Statement for Provisional Release", which lets you proceed to the next step in the deportation procedure: examination of violations.

Once issued, the permission for provisional release will in many cases remain valid until the end of the deportation procedures.

### **(3) Subsequent Procedures**

If the immigration officer and inspector conclude that your stay or entry to Japan was illegal, you may appeal for another interview by a special inquiry officer. A lawyer or acquaintance may accompany you to this interview. If the special inquiry officer upholds the initial rejection of your refugee status, you may ask for re-consideration of the decision made by the immigration officer and inspector to the Ministry of Justice (in some instances, the Director of the Regional Immigration Bureau may be authorized to make a determination on behalf of the Ministry of Justice). You will not be deported while your refugee claim is being considered by the Ministry of Justice.

See the flow chart pertaining to deportation procedures on the following page.





\*Based on the flow chart of Immigration bureau of JAPAN

### **III. Frequently Asked Questions (FAQ)**

#### **1) What should I do if the immigration officers tell me to appear for an interview related to an investigation of a violation of immigration laws, after I submit my application for refugee status?**

Please refer to the earlier section on Deportation Procedures.

If you have overstayed the period of time you are permitted to remain in Japan or have made an irregular (illegal) entry to Japan, upon submitting the refugee status application form, you may be asked to first go through an investigation into violations (*ihan chosa*) by an immigration control officer before your application for Refugee Status is accepted. However, in order to prevent a deportation order from being issued before the processing of your asylum application, you should try to have the immigration officer accept your refugee status application before an investigation of a violation of immigration law begins.

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

YES. As long as you are currently residing in Japan, you can apply for refugee status. Even if your status of residence has expired (e.g., you have overstayed the authorized period of residence or you are prevented from applying for an extension of your period of stay) or if, for example, 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 a visit to the immigration office for a refugee application.

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

Since it is possible to submit additional supporting materials after you submit the refugee status application form, we think that it is preferable for you to submit the application as soon as possible.

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

The Ministry of Justice and the Immigration Bureau take the position that the applicant is responsible for translating all the documents that are submitted. We recommend that, if possible, you submit translations 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 fees 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 languages other than Japanese.

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

It is possible to submit an asylum application without a lawyer. However, in the course of the applicable procedures, some legal advice from a lawyer would be useful. Some bar associations offer legal counseling services for foreigners, with or without fees. Please contact your nearest bar association to inquire about such services. The cost of hiring a lawyer may range from 200,000 yen to 500,000 yen. (Sometimes interpreter fees, transportation fees, and/or a contingent fee are charged additionally.) If you cannot afford the lawyer's fees, limited legal aid from Japan Federation of Bar Associations may be available. Consult with the lawyer who is handling your case for information about such legal aid services.

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

Refugee applicants can obtain legal and social counseling services and assistance from Japanese NGOs and government-affiliated organizations. For example, JAR, a partner of UNHCR, counsels asylum seekers regarding procedures for applying for refugee status, immigration procedures and other related laws and regulations. JAR also assists and provides consultations to asylum seekers concerning their daily needs such as health, employment and 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 is mandated to monitor the Japanese government's compliance with the Refugee Convention. In particular, they monitor whether:

- the government ensures that persons in need of international protection are given access to asylum procedures and provides such persons with asylum; and
- the government ensures asylum seekers are given 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 information regarding the countries of origin of potential asylum seekers. As part of its advisory role, UNHCR also submits legal opinions to the Immigration Bureau and to relevant courts regarding the interpretation of the Refugee Convention.

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 in any of the following areas:

- counseling on the asylum procedure;
- counseling on where and how to obtain assistance during the asylum procedure;
- lawyer's assistance during judicial proceedings;
- advice on how to obtain provisional release from detention; or
- 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 so that the Refugee Inquirer can 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. If you find your interpreter to be unreliable or biased (for example, due to their political or religious 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 take 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. If you are not satisfied with what is written, you may express your dissatisfaction and request a correction. 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 any interviews at this stage of the procedures (i.e., prior to an initial determination of your refugee status). If you appeal a rejection of your refugee status and an administrative review is initiated, third parties will be allowed to attend follow-up interviews.

It is important to fully prepare for the interview, including to make sure that you have all the documents with you and that you read through your personal statement. Take all your documents with you and carefully read your personal statement once again immediately before the interview. The Refugee Inquirer will ask you questions based on your statement. If you introduce new elements or facts during the interview that were not written in or are different from your statement, you will be 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 Immigration Bureau's decision. It is not easy to predict the timing of the decision. Recently, it generally has taken between six months and two years before an initial decision is made. The administrative review procedures tend to take longer, with some cases taking years for the decisions to come out.

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

The previous practice was that if you held any valid status of residence, such as "Temporary Visitor", that had not expired before you applied for refugee status, you could be granted "Designated Activities" status and renew it repeatedly until a final decision (i.e., upon appeal/administrative review) was made, and six months after submission of the refugee application a work permit (*shuuro kyoka*) was generally obtainable, as well. The practice has CHANGED dramatically, however, for refugee applications submitted on or after January 15, 2018 (See the attached).

To renew your residency status, please go to the Immigration Bureau and show them the Application Receipt of your refugee status application. It currently costs ¥4,000 for each renewal of residency status.

If you applied for refugee status while you did not hold a valid residency status (*zairyu-shikaku*), you may be subject to detention. You might be eligible for "Permission for Provisional Stay" if you satisfy certain conditions. However, Permission for Provisional Stay is not an official residency status. Its effect is to suspend the deportation procedures during the period for which such permission is valid. Under current laws, an 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 for reasons of overstay, provisional release may be permitted without detention. A person granted Provisional Stay permit or Provisional Release will not be arrested by the police nor detained for lack of residence status. The Immigration Bureau will not, in any case, enforce a deportation order against an asylum seeker until the completion of the asylum procedures (i.e., a final determination with respect to an application for refugee status upon appeal/administrative review).

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

There is a government sponsored support system for refugee applicants who have difficulty in maintaining their livelihood.

Limited financial assistance toward expenses for food, shelter, and medical costs as well as limited supply of accommodations are available from the Refugee Assistance Headquarters (RHQ, Tel; 0120-925-357). Please call this number and make an appointment for counseling. On average, the RHQ notifies applicants of their decision whether or not to provide assistance approximately 40 days after an application for assistance is submitted.

### **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 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 with a duration of more than six months and those who have received Permission for Provisional Stay. Please contact the ward office or city office (*kuyakusho* 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 this insurance system, you will receive an insurance card (*hokennsho*: a small A5-sized 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 based on your annual income.

If you receive an extremely expensive bill for emergency medical services, please consult a hospital social worker, as well as RHQ, JAR, and/or ISSJ. In some cases, you may be eligible for a particular healthcare program that allows you to receive the first treatment for free or with a reduced fee. Please consult JAR if you have any medical conditions.

### **13) What about school for my children?**

School age children, regardless of legal status, are entitled to go to school during the years of primary education (1<sup>st</sup> grade to 9<sup>th</sup> grade) which is the compulsory education. Please contact the ward office or city office of your residential area for information on how to enroll your children in elementary (1<sup>st</sup> to 6<sup>th</sup> grades) and junior high school (7<sup>th</sup> to 9<sup>th</sup> grades).

One can also take entrance exams for higher education regardless of his/her status of residence.

### **14) Can I go to another country (for example Canada, U.S.A., Australia) while my application for recognition of refugee status is in progress in Japan?**

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

### **15) Can I leave and re-enter Japan while my application for recognition of refugee status is in progress?**

You might wish to leave Japan while your application for refugee recognition is still in progress. However, under the Japanese refugee recognition system, if you leave Japan without a re-entry permit while your refugee application is being considered, you need to withdraw your refugee application. If you are already in the administrative review stage, the initial decision (that is, rejection of your refugee status) will become definitive. Obtaining a re-entry permit generally is thought to be difficult during the application period; however, there may be some possibility that an applicant having a status of residence with a duration of one year or longer may be granted a special re-entry permit.

If you are thinking of temporary overseas travel, consult with the immigration office to see about obtaining a re-entry permit.

### **On a final note...**

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

**TOPIC 2: My Experience Applying for Refugee Status – a message from a recognized refugee**

**I was recognized as a refugee four years after I 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 (i.e., those summarized 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 may refuse to grant you 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 in 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 who 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 pertained to me personally. I tried to show with concrete examples what would happen to me and 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 one 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 or kyousei soukan</i>
detention	-- <i>koukin or 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 or Nyuukan</i>
lawyer	-- <i>bengoshi</i>
persecution	-- <i>hakugai</i>
political party	-- <i>seitou</i>
race (of a person)	-- <i>jinshu</i>
receipt (of application)	-- <i>uketsuke-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 or Tokyo Nyuukan</i>
torture	-- <i>goumon</i>
trial (of Judicial Court)	-- <i>saiban</i>
UNHCR	-- <i>Kokuren Nanmin Koutou Benmu-kan or simply UNHCR</i>

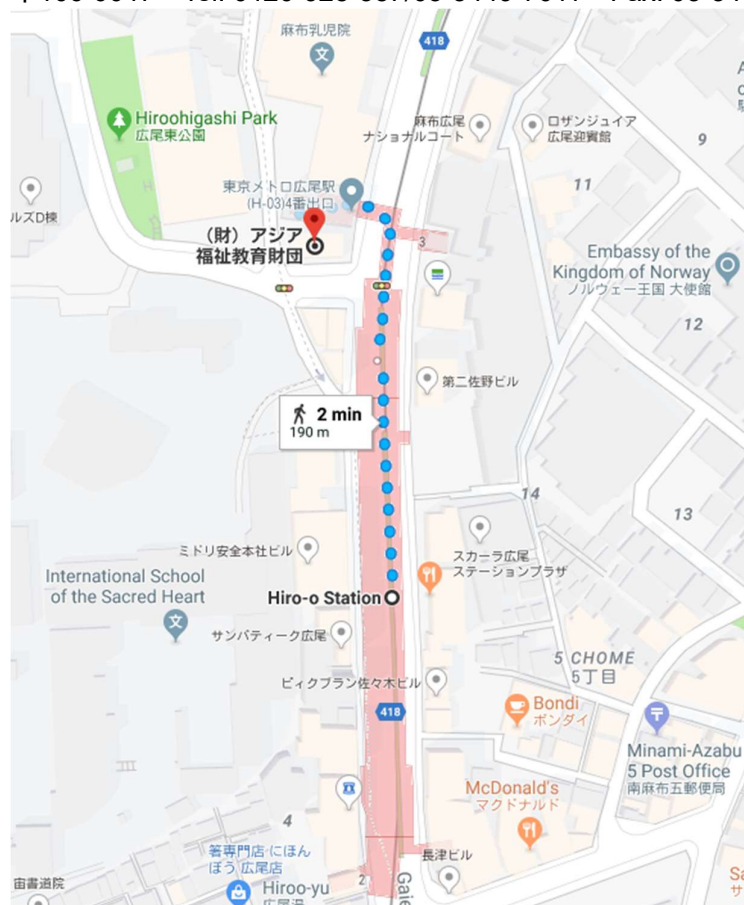
## **Appendix II: OFFICE CONTACTS**

### **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 – 18:00  
<http://www.unhcr.or.jp>

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

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., 11<sup>th</sup> 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

#### **Japan Legal Support Center (Hou-terasu)**

Tel: 0570-078374 (accessible also from PHS)/ 03-6745-5600 (from IP)  
 Reception: Weekdays 9:00 – 21:00 Saturdays 9:00 -17:00

#### ■ **Hou-terasu Tokyo**

Tel: 050-3383-5300  
 Stec-jouhou Bldg 13F, 1-24-1 Nishi-shinjuku, Shinjuku-ku, Tokyo 〒160-0023

## 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., 6<sup>th</sup> 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: 052-559-2126
  
- **Hiroshima Regional Immigration Bureau**  
2-31, Kami-hatchobori, Naka-ku, Hiroshima City, Hiroshima, Japan  
〒730-0012 Tel: 082-221-4412
  
- **Fukuoka Regional Immigration Bureau**  
3-5-25 Maizuru, Chuo-ku, Fukuoka City, Fukuoka, Japan  
〒810-0073 Tel: 092-717-5422
  
- **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, 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**

TAS Building 4F, 2-5-2 Nishikanda, Chiyoda-Ku, Tokyo, Japan

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

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

Fax:03-5215-6007

Email : [info@refugee.or.jp](mailto:info@refugee.or.jp)

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

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**TO THOSE WHO WISH TO APPLY  
FOR REFUGEE STATUS**

Published by Japan Association for Refugees

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Further revision in implementation by the Ministry of Justice as from January 15, 2018  
 ~ Changes with particular relevance to visa holders ~

[ Summary by JAR]

The Ministry of Justice (MOJ), with the objective of preventing the abuse and exploitation of the refugee recognition system as a means to obtain work in Japan that was particularly increased in prevalence since the year 2010, has begun to restrict (i.e., deny) the granting of work or residence permits to refugee recognition applicants.

While, previously, work permits were granted categorically to refugee recognition applicants with residence status after a period of six months has elapsed, as from January 15, 2018, implementation has been changed as described below.

Upon receipt of a refugee recognition application, the MOJ will classify the applicant case into one of four categories (A,B,C,D) within two months.

Categories	A : Those highly likely to be refugees under the Refugee Convention or those requiring consideration based on humanitarian grounds due to a specific situation, such as civil war, in their home country.
	<p>B : Those citing reasons clearly falling outside of the definition of persecution under the Refugee Convention.</p> <p>① Those citing mainly property-related troubles, such as debt burden or inheritance</p> <p>② Those citing personal reasons, such as difficulty in livelihood upon return to the home country or a desire to continue working in Japan</p> <p>③ Those citing fear of being subjected to harm arising out of conflict or violence, etc. with local residents, etc.</p> <p>④ Those merely citing concern over the security situation, etc. in the home country (limited to cases where it is determined that the government of the home country would generally be expected to extend protection against the illegal act)</p> <p>Note: “The security situation, etc.” is irrespective of whether there are reasons specific to individuals and includes cases where illegal acts against mass or multiple persons such as indiscriminate terrorism or mass or multiple threats are occurring (or there is a risk thereof)</p> <p>⑤ Those merely citing discontent over government policies, etc. in the home country</p> <p>⑥ Those citing reasons clearly lacking credibility, such as reasons that clearly contradict the political/social situation in the home country</p> <p>⑦ Those who are clearly not refugees, such as those citing reasons clearly not falling under any of the five definitions of persecution under the Refugee Convention or those who do not claim refugee status under the Refugee Convention</p> <p>Note: In cases where, notwithstanding that a case would fall under above, such case merits careful evaluation as to the necessity of consideration on humanitarian grounds, such case to be categorized as category A or D depending on the circumstances in the</p>

	home country and the reasons specific to the individual.
	C : Re-applicants who, without valid grounds, repeat the same reasons as the previous applications (those cases where the necessity for consideration based on humanitarian grounds is being evaluated to be classified as category D)
	D : Those not classified as categories A, B nor C

While the above categorization has been in effect since two years ago, as from January 15, there is further change as to how applications will be handled depending on whether it is a first time or repeat application. Applicants will not be informed of their category.

<First-time applicants>

A : Those with valid residence status will promptly be granted ‘Designated Activities’ status for a six month period with work permit.
B : Residence status denied from the start.
D : 1. Those who submitted application for refugee recognition after discontinuing their original activities under their visa (such as ‘Technical Intern Trainee’ status or ‘Student’ status), or after the commencement of preparation period for departure from Japan, will be granted ‘Designated Activities’ status for a three month period without work permit. 2. Those who do not fall under category D-1 and have valid residence status (such as ‘Temporary Visitor’) will be permitted to work as before six months after submission of application for refugee recognition.

<Re-applicants>

A : Those with valid residence status will promptly be granted ‘Designated Activities’ status for a six month period with work permit.
C : Residence status categorically denied.
D : Residence status categorically denied.

<Percentage composition of and treatment under each category under the new policy>

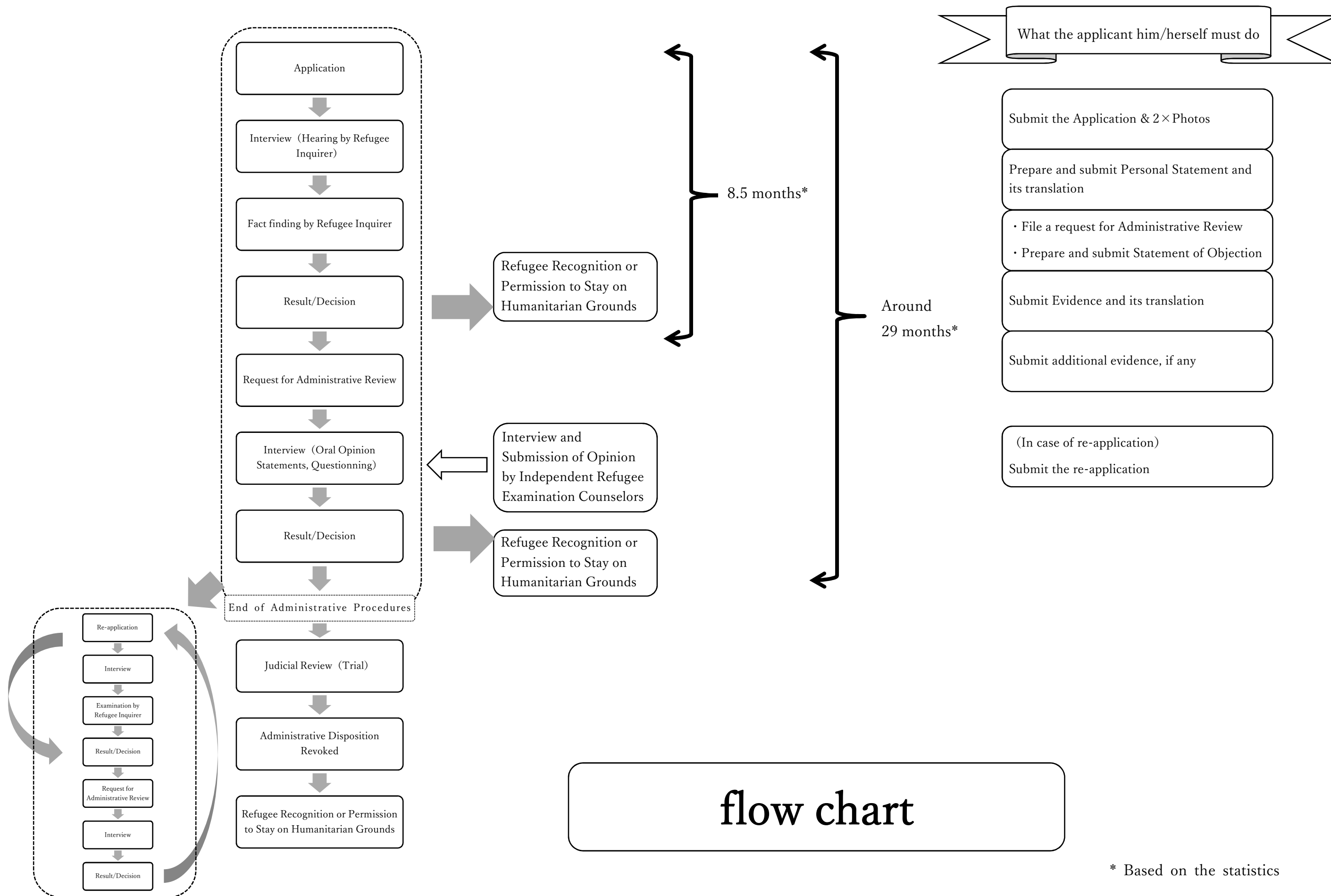
	A Highly likely to be convention refugee or protected on humanitarian grounds	B Clearly falling outside the definition of persecution under the Refugee Convention	C Re-applicants repeating same reasons as previous applications without valid grounds	D Others
Number of applications	2	1,526	292	2,951

(Apr-Aug 2016) *1				
Percentage	0.04%	32.0%	6%	61.9%
<b>Treatment under the new policy *2</b>				
First-time application	Residence status (Designated Activities' for 6 months) and work permit granted promptly	Neither residence status nor work permit granted	-	Residence status granted but with shorter period for some applicants*3 Work permit not granted
Repeat application	Same as above	Same as above	Neither residence status nor work permit granted	Neither residence status nor work permit granted

\*1. Source: Written Answer No.58 dated February 22, 2016 in response to the question submitted by Keiko Itokazu, Member of House of Councillors, the National Diet of Japan on procedures related to applications for refugee recognition and swift processing thereof in Japan

\*2. Source: 'Further revision of implementation for optimization of the refugee recognition system'

\*3. Such applicants being those who applied for refugee recognition after discontinuing their original activities under their visa, e.g., technical intern trainees who had absconded or students who have dropped out of school, or those who applied for refugee recognition after the commencement of preparation period for departure from Japan; for such cases, the permitted period of stay shortened to three months from previously six months.



\* Based on the statistics