

Japan Association for Refugees: What You Need to Know about Our Opinion on the Bill for the Partial Revision of the Immigration Control and Refugee Recognition Act

In April 2021, the Diet began discussing the "Bill for the Partial Revision of the Immigration Control and Refugee Recognition Act" (hereinafter referred to as "this bill"). JAR believes that there are some parts of this bill that would make refugee protection in Japan more difficult, and we issued an Opinion. This bill was withdrawn in May and has not been enacted. However, we believe that it is important for refugees to know about the contents of our Opinion as this bill would have a great impact on refugees who have fled to Japan.

What You Need to Know

1. **Regarding deportation of refugee applicants: It is unacceptable to make exceptions to the suspension of deportation procedures, as this is contrary to the principles of refugee protection.**
 - Article 33 of the Refugee Convention prohibits countries from sending refugees and refugee applicants to their home country. This is called the "non-refoulement principle" and it is a principle of international law. There should be no exceptions to suspending deportation procedures.
 - However, this bill would provide an exception to the suspending deportation procedures for people who have applied for refugee status three or more times.
 - The government's most important priority should not be deportation, but improving Japan's refugee protection system.
 - In this bill, appeal would not possible for people who are exceptions to deportation procedure suspension, and there is no rule for notifying the person of their right to a trial.

2. **Regarding complementary protection: Definition and procedures should be revised to protect those who need international protection**
 - This bill would create a new category called "complementary protection". However, the definition of "complementary protection" is very narrow and does not provide sufficient protection for people who do not fit the category of refugees but need international protection.
 - Complementary protection is originally intended to protect those who are at risk of serious harm, including torture and inhuman treatment, which are prohibited by international human rights laws such as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Japan is a party.
 - While "complementary protection" is commonly practiced in other countries, Japan has its own definition. We cannot know if people who have fit the category of "humanitarian consideration" would fit the definition of "complementary protection".

3. **Regarding the provisional stay system: Requirements should be relaxed and the system should be utilized.**
 - In 2005, the provisional stay system was established to stabilize the legal status of refugee applicants without residence status. This bill would establish new rules regarding residence status and work permits for the provisional stay system.
 - Currently, the requirements for provisional stay are too strict, and very few people get permission for provisional stay. It is necessary to relax the requirements so that many refugee applicants who do not have residence status can get permission for provisional stay.

4. **Regarding monitoring measures: Monitoring measures do not improve the issue of long-term detention and should be reviewed.**
 - This bill would create new "supervisory measures" in order to reduce the problem of long-term detention.
 - "Supervisory measures" means that people who have received a deportation order or permission for provisional stay are not in detention, but have a supervisor. There are many problems such as the obligation of the supervisor to report if they think the person will run away or is working illegally.
 - Instead of the supervisory measures in this bill, there should be a system that creates a time limit for detention and holds judicial review.
 - The goal should be making measures that avoid unnecessary detention and guarantees human rights for foreigners, including the right to freedom.

5. **Conclusion: Toward the improvement of the refugee recognition system**
 - This bill is designed to make managing refugees and other foreigners easier and to make sending them to their home countries easier.
 - However, the government's priority should be to improve the refugee recognition system, which has many problems. They need to establish a refugee recognition system that is independent of the Immigration Services Agency, set refugee recognition standards based on the views of the United Nations High Commissioner for Refugees (UNHCR), ensure transparency in the process (such as allowing the presence of a representative at the initial screening interview, making recordings, etc.), and make laws for livelihood support for refugee applicants.