

“Open Japan’s Gate for All”

—Joint statement of churches opposing the proposed revision of Japan’s *Immigration Control and Refugee Recognition Act*, which would expel refugee applicants—

There are now over 3 million people with foreign citizenship living in Japan. This number includes Koreans in Japan, whose presence is a legacy of Japan’s colonial rule, as well as migrant workers, women who immigrated through international marriage, foreign students, technical interns and other groups. These numbers have increased rapidly since around the 1990s.

Since about the same time, Churches and Christians in Japan, together with civil society NGOs and Lawyers’ associations, have been advocating for enactment of a *Basic Law on Foreign Residents* as well as a *Basic Law on the Elimination of Racial Discrimination*, with an aim to ensure the human rights of foreigners and build an inclusive society. Amid the COVID-19 pandemic of the past year, the same advocates have worked to assist the approximately 10,000 refugee applicants and 80,000 residents that have over-stayed their visas (“overstayers”), who were unable to receive government support during the crisis.

These men and women, who came to Japan because they were persecuted in their home countries, and who applied for recognition as refugees, fell into “overstay” status when their refugee applications were denied. They face poverty and hardship, because they are detained in immigration facilities when they lose residency status. They are prohibited to work even if they are granted temporary release, and they cannot gain health insurance because they are not registered residents. Furthermore, the spread of COVID-19 has caused job losses among their family, relatives and compatriots, so many community members can no longer support those who are granted temporary release, or who have fallen into over-stay status. This situation is expected to grow worse.

However, on February 19, while leaving the desperate situation of these people unsolved, the Cabinet of the current Government of Japan approved a draft reform bill of the *Immigration Control and Refugee Recognition Act* (“*Immigration Act*”), and submitted it to the Diet (national legislature).

We must first recognize the reality of Japan’s closed-door policy toward refugees, where the approval rate of refugee applicants is remarkably low, and where many cases that would be approved in other countries are rejected by Japan. Within the international community, Japan’s record is appalling.

Far from changing the insular, exclusive status quo for the better, the current government proposal seeks to establish a system with the following characteristics.

A. Limitation of refugee application to 2 times

The root of the problem with Japan's immigration detention system is the government's refugee recognition system, which approves less than 1% of applicants.

Under the proposed revision, the government would limit the number of times that a person can submit a refugee application to 2, and would deport anyone submitting an application 3 or more times. This clearly contravenes the non-refoulement principle, found in Article 33 of the Refugee Convention, which prohibits the expulsion or return of a refugee to the frontiers of territories where his/her life or freedom would be threatened.

B. Application of "Crime of refusing deportation" to refugee applicants and over-stay individuals who refuse a written deportation order

In the last 10 years, 97% of foreigners who received a written deportation order left Japan for their country of origin or elsewhere, but the remaining 3% (approximately 3,000 people) have refused repatriation. Refugee applicants who refuse repatriation apply for refugee status because they cannot return to the home country, where they were persecuted. Also, many over-stay individuals have worked for many years in Japan, have established families here, and have children who were born and raised in Japan.

By introducing a new "criminal penalty," which would be added to the "administrative penalty" of a written deportation order, the government will force a vicious cycle upon refugee claimants and over-stays: Individuals would be sent to jail under criminal procedures, then sent to immigration detention facilities, then subjected again to criminal procedures if they refuse repatriation. This constitutes an inhumane, compounded system of punishment.

C. Introduction of "Monitoring measures" and "Crime of desertion from provisional release" as alternatives for long-term detention in immigration facilities

The current immigration detention system against foreigners who have lost resident status provides no judicial review, applies mandatory detention to all cases, and permits unlimited detention periods. Within immigration detention facilities, visitation with family and friends is limited to 30 minutes, and detainees with illnesses cannot receive hospital treatment without approval. For these reasons, deaths from illness, hunger strikes and starvation continue.

In response to long-term detentions of refugee applicants and overstay individuals, the U.N. Committee Against Torture expressed concerns and issued recommendations for correction to the Japanese government in 2007 and 2013, as well as the U.N. Human Rights Committee in 2014, and the U.N. Committee on the Elimination of Racial Discrimination in 2018.

And, on August 22, 2020, the U.N. Human Rights Council's Working Group on Arbitrary Detention adopted an opinion which states, "there is a pattern of adopting a

discriminatory attitude towards individuals who seek asylum in Japan,” pointing out that indefinite immigration detention violates Article 9 (1) of the International Convention on Human Rights (Prohibition against arbitrary arrest and detention), of which Japan is a signatory party, and that the absence of judicial review concerning immigration detention violates Art. 9 (4) (Anyone deprived of liberty by arrest or detention shall be entitled to seek remedy before a court), thus constituting “arbitrary detention lacking legal basis.”

The Japanese government’s proposed revision completely ignores the concerns and recommendations of such international institutions. The government’s proposal establishes neither judicial review, nor any upper limit on detention periods, moves the guarantor system for provisional release toward a stricter system of “monitoring measures” and, furthermore, introduces the new offense of “desertion.”

With these proposed revisions, the Japanese government is attempting to increase further the physical and psychological pressure upon people who continue to seek refugee recognition, who have narrowly avoided deportation and have been barely surviving, and to shut them out. The fundamental solution to the problem is not to “rationalize procedures for the enforcement of written deportation orders” (government proposal), but to “rationalize systems for the protection of refugees” (Convention Relating to the Status of Refugees).

As a first step, Japan’s refugee recognition system, which recognizes less than 1% of applicants, should be radically reformed to make it consistent with international human rights standards. Also, people who have overstayed their visas should be guaranteed resident status, so they can live in Japan without fear.

Thou shalt neither vex a stranger, nor oppress him: for ye were strangers in the land of Egypt.

(Exodus 22:21)

For it is he who is our peace. Through his mortality he made both groups one by tearing down the wall of hostility that divided them. He rendered the Law inoperative, along with its commandments and regulations.

(Letter to the Ephesians 2:14, 15a)

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<Endorsing Churches and Organizations within Japan >

National Christian Council in Japan
National Conference of Christians Seeking Institution of a Basic Law for Non-Japanese Residents
Nippon Sei Ko Kai (Anglican Church in Japan)
YWCA of Japan
Nipponzan Myohoji (Buddhist temple)
Japan Alliance Christ Church Board of Directors
Japan Baptist Union Executive Committee
Japan Baptist Convention Board of Trustees
Catholic Commission of Japan for Migrants, Refugees and People on the Move
Japan Alliance Christ Church "Church and State" Committee
Japan Alliance Christ Church Overseas Missions Committee
Japan Baptist Convention Special Committee in Solidarity with Japan-Korea and Koreans in Japan
Church of Christ in Japan Committee on Human Rights
Japan Evangelical Lutheran Church Social Committee
Korean Christian Church in Japan Social Issues Committee
The National Council for Human Rights Education in Christian Schools
United Church of Christ in Japan West-Chugoku District
Council of Kansai Christian Representatives Working Toward Coexistence with Foreigners
Hiroshima Catholic Council for Justice and Peace
Hiroshima Conference of Christians Seeking Institution of a Basic Law for Non-Japanese Residents
Kanagawa Conference of Christians Seeking Institution of a Basic Law for Non-Japanese Residents
Kansai Christian Conference Working Toward Coexistence with Foreigners
Kyushu & Yamaguchi Christian Conference Realizing Coexistence with Foreign Residents
Anglican Church in Japan Diocese of Osaka Division of Mission
Anglican Church in Japan Diocese of Tokyo Human Rights Committee
Korean Christian Church in Japan Kanto District Social Issues Committee
United Church of Christ in Japan Hyogo District Committee for Social Issues
United Church of Christ in Japan Tokyo/North District Social Committee
Anglican Church in Japan Diocese of Chubu Nagoya Students and Youth Center
Dohoku Christian Centre
Information Center on Issues of the Yasukuni Shrine and Emperor System
Jesuit Social Center
Korean Christian Center in Japan
Research Action Institute for Koreans in Japan
Tomisaka Christian Center
United Church of Christ in Japan Buraku Liberation Center
United Church of Christ in Japan Kanagawa Parish Kotobuki District Center
Tokyo YMCA High School
Tokyo YMCA Open Space for Children "Liby"
Christian Network for Peace -Sticking to the Peace Constitution-
Ecumenical Network in Japan
Peace-Building Network of People of Faith
Tokyo Christian Association Against War

<Individual Churches>

Church of Christ in Japan Yokohama Kiribatake Church
Korean Christian Church in Japan Nagoya Church
Korean Christian Church in Japan Toyohashi Church
United Church of Christ in Japan Ouji Church
United Church of Christ in Japan Naka Church
United Church of Christ in Japan Hyakunincho Church
United Church of Christ in Japan Yotsuyashinsei Church

<Endorsing Churches and Organizations Abroad >

Figlie di Maria Ausiliatrice
Human Rights Office Istituto Internazionale Maria Ausiliatrice
Leadership Conference of Women Religious (U.S.A.)
National Christian Council in Korea Justice and Peace Committee
The Sisters of the Light of the Gospel
Sisters of St Joseph of Carondelet
The United Church of Canada
U.S. Federation of the Sisters of St. Joseph