



Information for Asylum-Seekers in Japan

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1. Refugee Definition

Article 1 (A) of the **1951 Convention Relating to the Status of Refugees** states that a refugee is any 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..., is unable or, owing to such fear, is unwilling to return to it.”

2. Asylum system in Japan

2.1 General Provisions

Japan is a Contracting State to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and thus the Japanese authorities are competent to determine refugee status in Japan. Anyone who intends to seek asylum in Japan needs to apply for refugee status at an immigration office of the Ministry of Justice. A foreigner can file her/his refugee claim with the Japanese Government free of charge, irrespective of his/her nationality and present legal status. A person who entered Japan irregularly or overstayed her/his stay permit can also apply for asylum if s/he has a well-founded fear to

return to her/his country. It should be noted, however, that applying for asylum will NOT automatically regularise the status of an illegal stayer. Therefore, if the applicant is not recognized as a refugee or not given other legal status after the Government examines his/her claim - she or he might be subject to detention and/or deportation to her or his country.

According to the Immigration Control and Refugee Recognition Act (Japanese law), an asylum application must be submitted to the authorities within 60 days since the applicant's arrival in Japan, or within 60 days since the date when s/he became aware of the fact that the circumstances in connection with which s/he may become a refugee arose while s/he is in Japan (unless an asylum-seeker could not apply on time due to unavoidable circumstances).

Important

The Immigration Control and Refugee Recognition Act was revised in May, 2004. The entry into force of the new law is expected in summer 2005. The modified law abolished the rule of 60 days in the asylum application procedure.

The amended Immigration Control and Refugee Recognition Act provides the possibility of issuing a Permission for Provisional Stay to the asylum-seekers without a status of residence while the outcome of their asylum application is pending. Those entitled to a Permission for Provisional Stay will not be subject to detention. However, to benefit from such Permission you should satisfy to a number of criteria, including:

1. Apply for asylum within **six months** of your arrival in Japan or since the date when you became aware of the fact that the circumstances in connection with which you may become a refugee arose while you were in Japan.
2. Come directly from a territory where your life, physical security or physical freedom were threatened due to the reasons described in Article 1, A(2) of the 1951 Convention (see Section 1 above).

If you are recognized as a refugee by the Ministry of Justice, you will be allowed to stay in Japan with an appropriate residence permit and given rights similar to those of foreigners lawfully staying in Japan, as stipulated in the 1951 Refugee Convention.

2.2 Refugee Status Determination Procedure

Official Guidebook:

The Ministry of Justice has published a leaflet entitled “**A Guide to the Procedure for Recognition of Refugee Status**” which is available in several languages at immigration offices (the list of immigration offices and contact information are available at the end of this document). Please read it carefully and file your application to the designated immigration office according to the instructions in the leaflet.

Application Form:

The application form is available at immigration offices and on the Internet:
<http://www.moj.go.jp/ONLINE/IMMIGRATION/16-6-1.pdf>
It is also available at Japan Association for Refugees (JAR).

Interview:

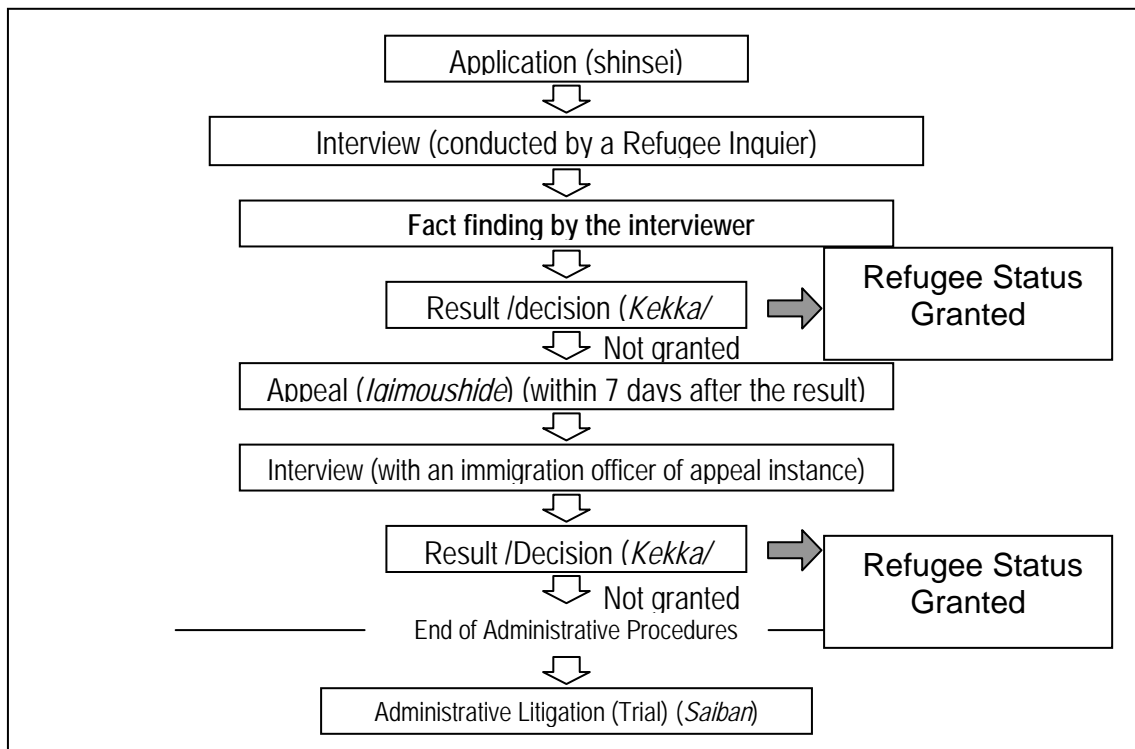
You will be called in for an interview with an immigration officer (“refugee inquirer”). You may be called for an interview more than once.

Decision:

After the interview(s), you will be notified whether you have been recognized as a refugee or not. Please note that the asylum procedure can take some time, from several months (usually) to several years (exceptionally).

JAR Guidebook:

Japan Association for Refugees (JAR) has also prepared a detailed and practical information booklet for asylum-seekers. Copies are available in several languages and can be obtained at JAR’s office (Japan Association for Refugees, 2-19-406 Kagurazaka, Shinjuku-ku, Tokyo, Tel: 03-5228-3628) or on JAR web-site
http://www.refugee.or.jp/for_refugee/index.html.



(This chart is taken from the JAR’s handbook for asylum seekers)

If your application is rejected, you have the right to appeal

If your application for refugee status is rejected, you have the right to file an appeal to the Immigration office for reconsideration. In that case, you must appeal **within 7 days** since the day you are notified of the rejection. It may be helpful to have a lawyer to support your case on appeal, but it is optional. If your application is rejected on appeal, further review is only possible through the court and you need to have a lawyer. You must file your case to court **within 3 months** since you are notified of the rejection of your appeal.

Legal Aid by the NGOs

Japan Legal Aid Association (JLAA) provides legal counselling services. The fee is 5,000 yen per hour of counselling. Free counselling is available every Thursday. Please call JLAA at 03-3581-6941 for more information.

About your refugee claim:

When considering your claim for asylum, the Ministry of Justice relies on your statements. To the extent possible, you should provide all documentation to support your application. Identity cards, military service papers, school or university certificates, political party membership card/certificate, certificates of birth, documents of release from detention, etc., may be useful evidence.

You are expected to help the Ministry of Justice in assessing your claim by providing them with true facts and any concrete evidence you are able to obtain in relation to the material aspects of your claim. Note that the Immigration Control and Refugee Recognition Act states that “a person who was recognized as a refugee by making a false statement or by other dishonest means” shall be punished with penal servitude or imprisonment of up to 3 years and/or a fine up to 300,000 yen. (Article 70)

Other Form of Protection: Special Residence Permit on Humanitarian Grounds

In recent years, the Ministry of Justice has been providing other forms of protection through Special Residence Permits (SPR) on humanitarian grounds (16 persons in 2003). The SPR is provided to those who did not meet the refugee criteria but are unable to return to their country of origin for similarly compelling reasons such as war, civil war, etc. However, the criteria of the Ministry of Justice are not published. If you are rejected in the refugee procedure but granted special residence, please inform UNHCR.

2.3 Assistance Available to Asylum-Seekers

In principle, UNHCR does not provide any financial assistance to asylum-seekers in Japan, since the responsibility for such matters lies with the Japanese Government.

The government provides financial assistance for the asylum-seekers in serious need through the Refugee Assistance Headquarters (RHQ). According to the information leaflet issued by RHQ, "Explanation to Applicants for Recognition of Refugee Status":

"persons who are eligible to receive assistance are those applicants for recognition of refugee status (including persons who filed an appeal) who are recognized to be in need of protection (assistance), such as persons who live a high degree of poverty in Japan, lacking up clothing, food, accommodation, etc. Persons are not recognized to be in need of protection (assistance) if they have assets or income; if they are able to work; if they have relatives on whom they should and can depend; if they are receiving public assistance, etc.; or if it has been determined that the implementation of protection measures for them is inappropriate."

Those considered as eligible by RHQ receive monthly allocations and may also have their medical expenses covered if necessary. Asylum-seekers in need of accommodation may also request RHQ's assistance. Requests for information and assistance should be sent to RHQ (in Japanese, English or French).

RHQ Contact Information:

Tel.: 03-3449-7015

Open to public on weekdays, 10:00am – 5:00pm.

Assistance Division, Refugee Assistance Headquarters (RHQ)

Foundation for the Welfare and Education of the Asian People (FWEAP)

2F FWEAP Bldg. (Café des près is on the 1F)

5-1-27 Minami-Azabu, Minato-ku, Tokyo 106-0047

In front of Exit No. 3 of Hiroo Station (H03) of the Tokyo Metro Hibiya Line.

In principle, asylum-seekers seeking judicial review are not eligible for RHQ's material assistance.

If you are not eligible for assistance from RHQ, UNHCR may refer you to Non-Governmental Organisations (NGOs) that provide support such as social counselling, medical referral service, legal counselling, job placement, and limited financial assistance. Please contact the JAR/UNHCR Refugee Hotline by telephone **03-5228-3628** for counselling. However, please note that, despite their best effort, the NGOs can not always fulfil all your needs. UNHCR encourages asylum-seekers to become self-sufficient while waiting for the government's decision.

The asylum-seekers who applied for asylum while their stay permit is still valid can request a work permit (Designated Activities Permit) which will enable them to be employed in order to support themselves until the decision in the first instance. However, the Designated Activities Permit is not provided during the appeal and judicial review process.

2.4 Rights of the Refugees

Refugees recognized by the Japanese authorities normally receive long-term resident status of 1 or 3 years, renewable. Recognized refugees may apply and benefit from the National Health Insurance and, under certain conditions, receive welfare assistance from the Municipal Office. Upon recognition, refugees may also apply for the State-sponsored integration programme which includes Japanese language courses, orientation for living in Japan, job search assistance and limited financial assistance. The participation in this programme can last up to 6 months. During this period, the beneficiaries of the programme receive full-board accommodation at the Integration Promotion Centre at Shinagawa, Tokyo. For further information, please call RHQ at 03-3449-7011.

Recognized refugees intending to travel abroad should request a refugee travel document from the Ministry of Justice.

Important

Under the current legislation, refugees without a residence status have to apply for a long-stay permit. The amended Immigration Control and Refugee Recognition Act provides that persons satisfying, among others, to the criteria required for the Permission for Provisional Stay (see above) will automatically be granted a long-stay permit.

3. Role of UNHCR in Japan

UNHCR promotes international refugee law standards in the refugee status determination procedures and in the treatment of refugees and asylum-seekers (access to information, questions of detention, material assistance for persons in need, education of children, access to medical services, etc.).

As part of its advisory role, UNHCR submits legal opinions on the interpretation of the refugee definition to the Immigration Bureau and to the Courts.

UNHCR provides counselling services through its partner organisation Japan Association for Refugees (JAR). Please feel free to contact UNHCR/JAR Refugee Hotline for telephone counselling or making an appointment for on-site counselling if you need counselling and/or information on:

- ✓ the asylum procedure;
- ✓ where and how to obtain material assistance during the asylum procedure;
- ✓ assistance of a lawyer in judicial proceedings;
- ✓ detention issues;
- ✓ any other question in relation with your life in Japan while your asylum procedure is pending.

JAR/UNHCR Refugee Hotline

Tel: 03-5228-3628

Fax: 03-5225-2136

2-19-406 Kagurazaka, Shinjuku-ku, Tokyo 162-0825

Email : info@refugee.or.jp

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

Note 1: If you are currently in a **detention centre**, you may call collect (free call) through an operator. Dial **106**.

Note 2: If you call any other number associated with UNHCR, you will be directed to the above hotline. Whenever you visit JAR/UNHCR office, we encourage you to come with someone who can interpret for you, unless you speak either English or Japanese.

Note 3: UNHCR is particularly concerned about the respect of human rights of refugees and asylum-seekers. If you have been victim of a crime, please report it to the police and inform JAR simultaneously. If you have been victim of physical aggression or sexual abuse, you can request a confidential interview with JAR or UNHCR.

4. Immigration Offices (Refugee Application Offices)

Tokyo Immigration Bureau

Add: 5-5-30, Konan, Minato-ku,
Tokyo 108-0075

Phone: 03-5796-7111

Osaka Immigration Bureau

Add: 2-1-17, Tani-machi, Chuo-ku,
Osaka-shi, Osaka 540-0012

Phone: 06-6941-0771

Sapporo Immigration Bureau

Add: 12 Ohdori Nishi, Chuo-ku,
Sapporo-shi, Hokkaido 060-0042

Phone: 011-261-7502

Sendai Immigration Bureau

Add: 1-3-20, Gorin, Miyagino-ku,
Sendai-shi, Miyagi 983-0842

Phone: 022-256-6076

Nagoya Immigration Bureau

Add: 4-3-1, Sannomaru, Naka-ku,
Nagoya-shi, Aichi 460-0001

Phone: 052-951-2391

Hiroshima Immigration Bureau

Add: 6-30, Kami Hacchobori, Naka-ku,
Hiroshima-shi, Hiroshima 730-0012

Phone: 082-221-4411

Fukuoka Immigration Bureau

Add: 1-22, Okihama-cho, Hakata-ku,
Fukuoka-shi, Fukuoka 812-0031

Phone: 092-281-7431

Naha Immigration Bureau

Add: 1-15-15, Higawa,
Naha-shi, Okinawa 900-0022

Phone: 098-832-4185

Yokohama Branch Office

Add: 37-9, Yamashita-cho, Naka-ku,
Yokohama-shi 231-0023

Phone: 045-661-5110

Kobe Branch Office

Add: Kaigan-dori, Chuo-ku,
Kobe-shi, Hyogo 650-0024

Phone: 078-391-6377

Narita Airport Branch Office

Add: Narita Airport 2nd PostOffice P.O.B2206
1-1, Aza Furugome, Furugome,
Narita-shi, Chiba 282-0004

Phone: 0476-34-2221

Kansai Airport Branch Office

Add: Senshu Kuko Naka-1-banchi,
Tajiri-cho, Sennan-gun,
Osaka 549-0011

Phone: 0724-55-1453

Higashi Nihon Immigration Center

Add: 1766, Kuno-cho,
Ushiku-shi, Ibaraki 300-1147

Phone: 0298-75-1291

Nishi Nihon Immigration Center

Add: 1-11-1, Kouriyama,
Ibaraki-shi, Osaka 567-0071

Phone: 0726-41-8152

Omura Immigration Center

Add: 644-3, Kogajima-cho,
Ohmura-shi, Nagasaki 856-0817

Phone: 0957-52-2121

Takamatsu Immigration Bureau

Add: 1-1, Marunouchi,
Takamatsu-shi, Kagawa 760-0033

Phone: 087-822-5851

UNHCR Contact Information:
UNHCR Regional Representation in Japan
Jingumae 5-53-70
Shibuya-ku, Tokyo
150-0001

Open to public: 10:00am – 6:00pm

UNHCR Protection Section

Tel: 03-3499-2075

Fax: 03-3499-2272

Official UNHCR web-site : www.unhcr.org

UNHCR web-site in Japanese: www.unhcr.or.jp

Email : jpnto@unhcr.org

Important: You can visit UNHCR only on appointment, except for very urgent cases.
