

January 2018  
Immigration Bureau, Ministry of Justice, JAPAN

## Further revision of operations to optimize the refugee recognition system

Based on changes in domestic and international trends affecting the refugee recognition system, the Ministry of Justice revised the operations of the refugee recognition system in September 2015 in order to promote prompt and reliable asylum for genuine refugees, and as part of this revision, measures are being implemented in order to curb the abuse or misuse of applications for refugee recognition status, but there has been a persistent surge in the abuse or misuse of applications, resulting in a situation where the prompt protection of genuine refugees has been hindered.

Therefore, the Ministry of Justice, endeavoring to promptly offer protection to those who genuinely require asylum, and to curb the abuse or misuse of applications and to promote appropriate implementation of the refugee recognition system, has decided to further revise the operations relating to the status of residence of “Designated Activities” for those applicants residing legitimately in Japan in order to prevent the prompt protection of genuine refugees from being hindered.

### 1. Status of applications for refugee recognition from January to September 2017

- (1) The number of foreign nationals, who applied for refugee recognition in Japan (hereinafter referred to as “applicants”), increased to 14,043 (increase of approximately 77% (6,117 persons) compared to the same period for the previous year), and it has already largely exceeded the number of applications for 2016 (10,901 persons).

The main nationalities of the applicants were the Philippines, Vietnam, Sri Lanka, Indonesia and Nepal, in increasing order, and while the number of applicants from the top five countries in the world, from which a large number of people have been forced to flee, including Syria (according to UNHCR “Global Trends 2016”), made up a mere 29 applicants, the majority of applicants were from countries which did not face a situation causing a massive number of refugees or displaced persons.

- (2) Of the claims filed by applicants who were not recognized as refugees, the most common reasons were problems with acquaintances and neighboring residents in the home country (about 44%), of which about 66% had problems relating to debt. In addition, there were applications which expressed desire to work in Japan, and approximately half of the total number of claims clearly did not come under the “refugee” stipulated in the Convention and Protocol Relating to the Status of Refugees (hereinafter referred to as “Refugee Convention”).

### 2. Further revision of the operations

- (1) A time limit has been set to sort out the contents of the cases for first-time applications, and based on the results of the pre-sorted contents, measures are promptly taken with regard to the status of residence (permission to stay, restrictions on stay, work permission, restrictions on employment).
- (2) Applicants whose applicability as a refugee is deemed to be high under the Refugee Convention are quickly granted a status of residence permitting work and are given further consideration.

- (3) Even with first-time applications, applicants who claim circumstances which clearly do not correspond to the requests of the Refugee Convention will not be permitted to stay (restrictions on stay).
- (4) Even if restrictions on stay are not imposed, those applicants who applied after they abandoned engaging in activities corresponding to the original status of residence, such as technical intern trainees who absconded, are not permitted to work (restrictions on employment), and the period of stay is also reduced to three months.

**Further revision of the operations in order to optimize the refugee recognition system**

**1. Status of applications for refugee recognition from January to September 2017**

(1) Number of applications for refugee recognition

In recent years, the number of applications for refugee recognition has been increasing sharply every year by about 50%, and the number of applications filed as of the end of September 2017 was 14,043, which was a huge increase by about 77% (6,117 persons) compared with the same period for the previous year (7,926 persons), and it has already largely exceeded the number of applications (10,901 persons) for 2016.

Of these, 1,242 persons, comprising approximately 9%, are repeat applicants who have re-submitted applications despite having received a disposition of denial of refugee recognition in the past, and the highest number of applications from one applicant was six times.

Table 1 and Figure 1: Changes in the number of applications for refugee recognition

| Number of applications | 2012  | 2013  | 2014  | 2015  | 2016   | 2016    | 2017    |
|------------------------|-------|-------|-------|-------|--------|---------|---------|
|                        |       |       |       |       |        | Jan-Sep | Jan-Sep |
|                        | 2,545 | 3,260 | 5,000 | 7,586 | 10,901 | 7,926   | 14,043  |

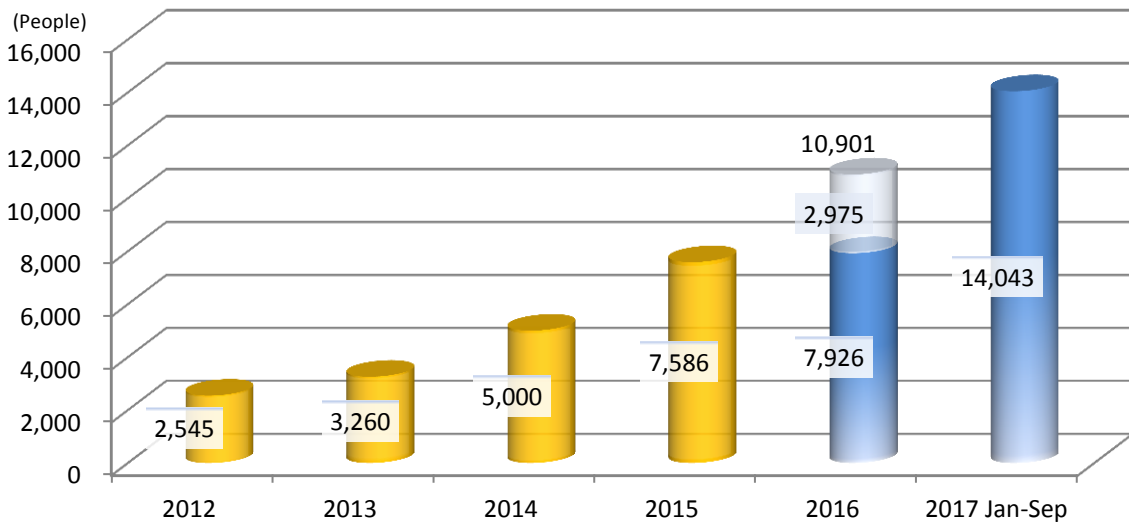
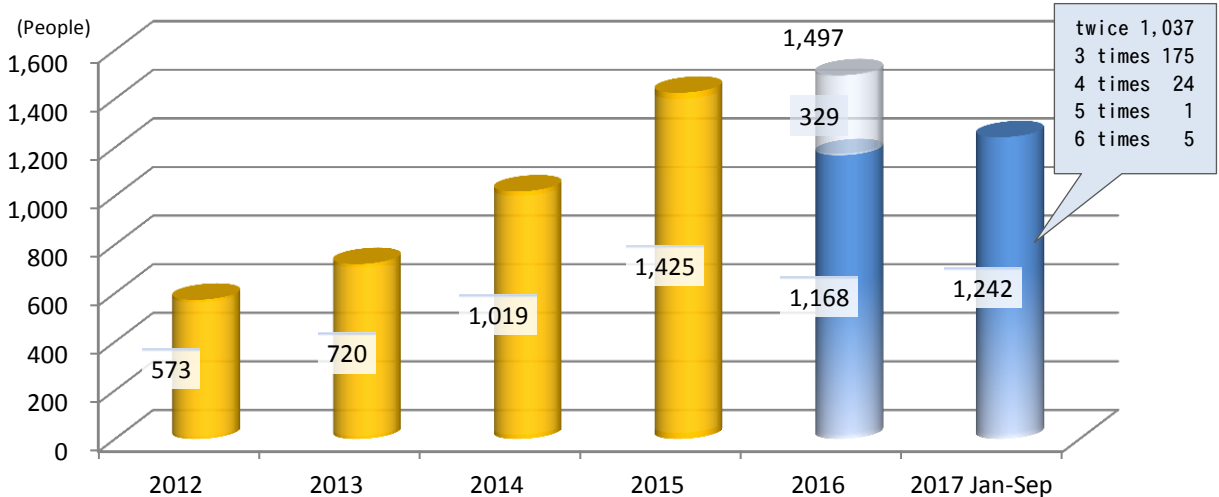


Table 2 and Figure 2: Changes in the number of repeated applications

| Number of applications | 2012 | 2013 | 2014  | 2015  | 2016  | 2016    | 2017    |
|------------------------|------|------|-------|-------|-------|---------|---------|
|                        |      |      |       |       |       | Jan-Sep | Jan-Sep |
|                        | 573  | 720  | 1,020 | 1,425 | 1,497 | 1,168   | 1,242   |



(2) Number of applications for refugee recognition by nationality

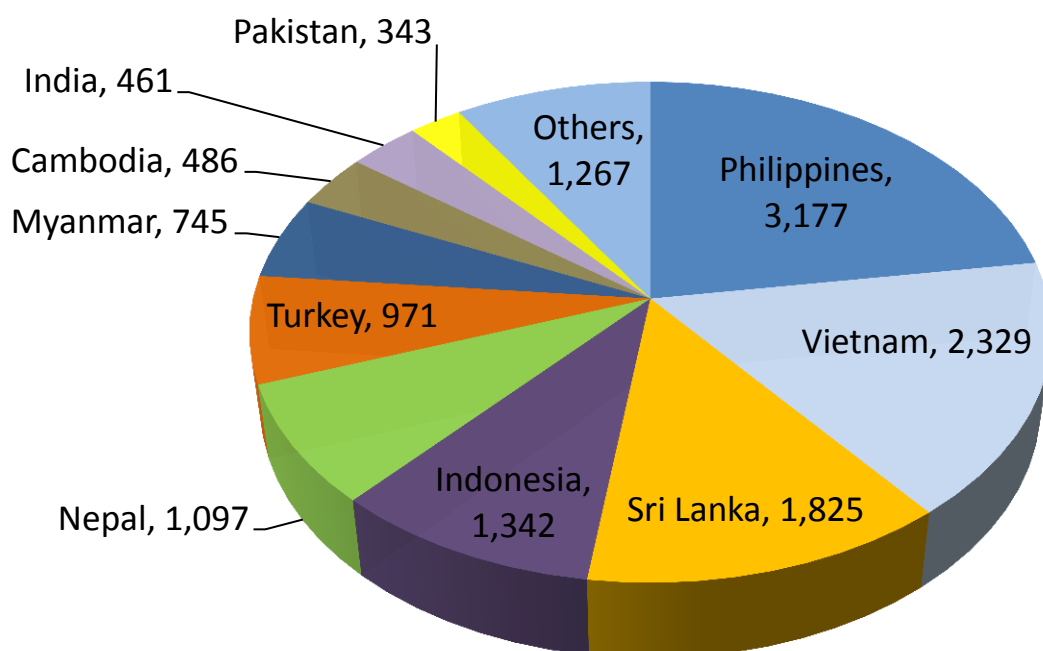
The nationalities of the applicants covered 77 countries, and the main nationalities of the applicants were the Philippines at 3,177, Vietnam at 2,329, Sri Lanka at 1,825, Indonesia at 1,342 and Nepal at 1,097, and these top five countries accounted for approximately 70% of the total number of applications. In particular, the top three countries (the Philippines, Vietnam and Sri Lanka) have more than doubled when compared with the same period for the previous year.

In addition, the number of applicants from countries that are regarded as the top five countries in the world (Syria, Colombia, Afghanistan, Iraq, and South Sudan) from which a large number of people have been forced to flee as indicated in the “Global Trends 2016” press release of the United Nations High Commissioner for Refugees (UNHCR) in June this year, was a mere 29 persons, while the majority of applicants were from countries that are not facing circumstances creating a large number of refugees or displaced persons.

Table 3: Changes in the top five countries in the number of applications by nationality

|   | 2014         | 2015         | 2016          | 2016<br>Jan-Sep | 2017<br>Jan-Sep | Rate of change<br>(Same period for<br>the last year) | Percentage of<br>application<br>Total |
|---|--------------|--------------|---------------|-----------------|-----------------|--|---------------------------------------|
| 1 Philippines                           | 82           | 299          | 1,412         | 886             | 3,177           | 258.6%   | 22.6%                                 |
| 2 Viet nam                              | 294          | 574          | 1,072         | 845             | 2,329           | 175.6%   | 16.6%                                 |
| 3 Sri Lanka                             | 485          | 469          | 938           | 615             | 1,825           | 196.7%   | 13.0%                                 |
| 4 Indonesia                             | 17           | 969          | 1,829         | 1,342           | 1,342           | 0.0%   | 9.6%                                  |
| 5 Nepal                                 | 1,291        | 1,768        | 1,451         | 1,206           | 1,097           | -9.0%  | 7.8%                                  |
| <b>Number of<br/>applications(Top5)</b> | <b>2,169</b> | <b>4,079</b> | <b>6,702</b>  | <b>4,894</b>    | <b>9,770</b>    | <b>99.6%</b>   | <b>69.6%</b>                          |
| <b>Number of<br/>applications(All)</b>  | <b>5,000</b> | <b>7,586</b> | <b>10,901</b> | <b>7,926</b>    | <b>14,043</b>   | <b>77.2%</b>   | <b>100.0%</b>                         |

Figure 3: Number of applications for refugee recognition by nationality



(3) Situation of residence at the time of the application for refugee recognition

The applicants' situation of residence at the time of the application for refugee recognition was 13,317 legitimate residents (about 95% of the total number of applications), and 726 illegal residents (about 5%), with legitimate residents accounting for most of the applications.

The status of residence of the legitimate residents was 7,772 with "Temporary Visitor" who entered for the purpose of sightseeing, etc., 2,035 with the status of residence of "Technical Intern Training", 1,773 with the status of residence of "Student", 761 with the status of residence of "Designated Activities" (departure preparing period) where the applicant expressed their intention to depart, but ended up filing an application after they had received permission to stay having requested a grace period to prepare for departure, and 560 with the status of residence of "Designated Activities" (in the process of applying for refugee recognition) who had repeatedly applied for refugee recognition. In particular, the number of applications from applicants residing in Japan with "Temporary Visitor", "Technical Intern Training" and "Designated Activities (departure preparing period)" saw a dramatic increase having more than doubled when compared with the same period for the previous year.

In addition, 99% or more of the applicants for refugee recognition with the status of residence of "Technical Intern Training" were foreign nationals who had entered Japan after being recommended by an organization of the national government or local government of the home country or an equivalent organization, and moreover, many of the applicants had submitted an application for refugee recognition after they had absconded from the implementing organization or after their whereabouts had become unknown.

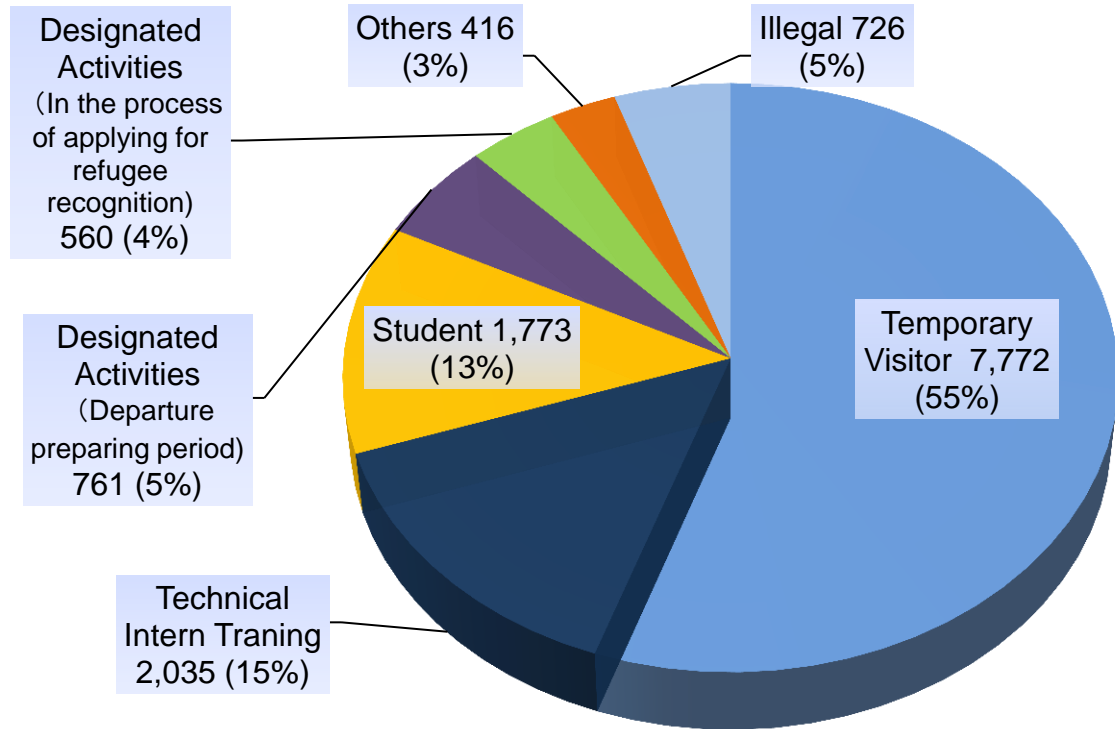
Table 4: Changes in the number of applications for refugee recognition by status of residence

|                     |  | 2014  | 2015  | 2016   | 2016<br>Jan-Sep | 2017<br>Jan-Sep | Rate of change<br>(Same period for<br>the last year) | Percentage of<br>application<br>Total |
|---------------------|--|-------|-------|--------|-----------------|-----------------|--|---------------------------------------|
| Legal               |  | 4,134 | 6,394 | 9,702  | 6,920           | 13,317          | 92.4%  | 94.8%                                 |
| Status of Residence | Temporary Visitor  | 1,813 | 2,882 | 5,395  | 3,553           | 7,772           | 118.7%   | 55.3%                                 |
|                     | Technical Intern Training  | 414   | 731   | 1,106  | 783             | 2,035           | 159.9%   | 14.5%                                 |
|                     | Student  | 696   | 1,413 | 1,399  | 1,243           | 1,773           | 42.6%  | 12.6%                                 |
|                     | Designated Activities<br>(Departure preparing period) ※Note1.                    | -     | -     | 436    | 268             | 761             | 184.0%   | 5.4%                                  |
|                     | Designated Activities<br>(In the process of applying<br>for refugee recognition) | 628   | 849   | 784    | 627             | 560             | -10.7%   | 4.0%                                  |
|                     | Others   | 580   | 519   | 582    | 446             | 416             | -6.7%  | 3.0%                                  |
| Illegal ※Note2      |  | 866   | 1,192 | 1,199  | 1,006           | 726             | -27.8%   | 5.2%                                  |
| Total               |  | 5,000 | 7,586 | 10,901 | 7,926           | 14,043          | 77.2%  | 100.0%                                |

※Note 1. In these statistics, "Designated Activities (departure preparing period)" is included in "Others" because it was not counted in 2014 and 2015.

※Note 2. "Illegal" means a foreign national who does not have permission to stay.

Figure 4: Breakdown of applications for refugee recognition by status of residence

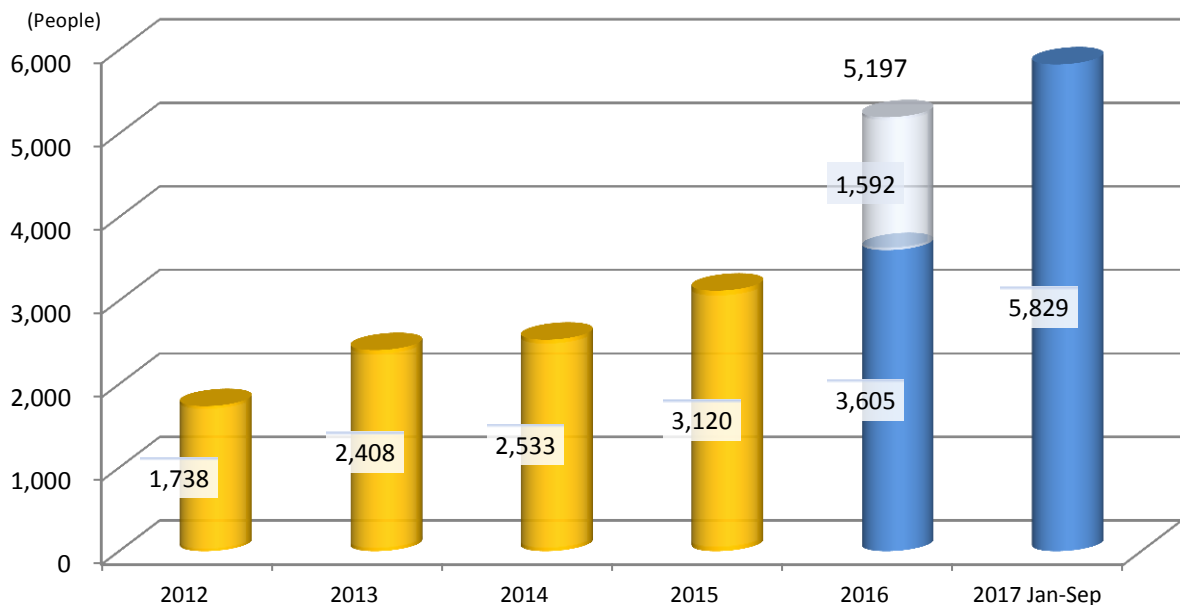


(4) Number of Appeals

The number of foreign nationals who filed appeals against disposition of denial of refugee recognition has been increasing every year along with the increase in the number of refugee recognition applications in recent years, and the number of appeals at the end of September 2017 was 5,829, which is a substantial increase of about 62% (2,224 persons) compared with the same period for the previous year (3,605 persons).

Table 5 and Figure 5: Changes in the number of appeals filed

|                       | 2012  | 2013  | 2014  | 2015  | 2016  | 2016    | 2017    |
|-----------------------|-------|-------|-------|-------|-------|---------|---------|
|                       |       |       |       |       |       | Jan-Sep | Jan-Sep |
| Administrative review | 1,738 | 2,408 | 2,533 | 3,120 | 5,197 | 3,605   | 5,829   |



(5) Processing

A. Refugee recognition applications (primary examination)

The number of cases processed through the preliminary screening was 7,454, an increase of about 29% (1,685 persons) compared with the same period for the previous year.

The breakdown consists of nine applicants who were recognized as refugees (hereinafter referred to as “recognized persons”), 6,602 applicants who were denied recognition as a refugee (hereinafter referred to as “non-recognized persons”), while the number of applicants who withdrew their application owing to such reasons as “Return home”, “Because the problem was resolved”, and “Because I am not a refugee”, etc., accounting for about 11% of the total number of cases processed, was 843 persons.

B. Appeals

The number of appeals processed was 2,680, an increase of about 33% (660 persons) compared with the same period for the previous year.

The breakdown includes one person who was judged to have grounds for an appeal (recognized person) , 1,778 persons, who were judged to have no grounds (non-recognized persons), and 901 persons, who withdrew their appeal, accounting for 34% of the total number of processed cases.

C. Number of recognition of refugee status and number of granted humanitarian consideration

As a result of the refugee recognition procedure, there were 44 applicants who were given permission to stay in Japan, of which number 10 were recognized persons, and 34 applicants, who did not qualify as refugees but were permitted to stay in Japan due to humanitarian consideration.

D. Average processing period

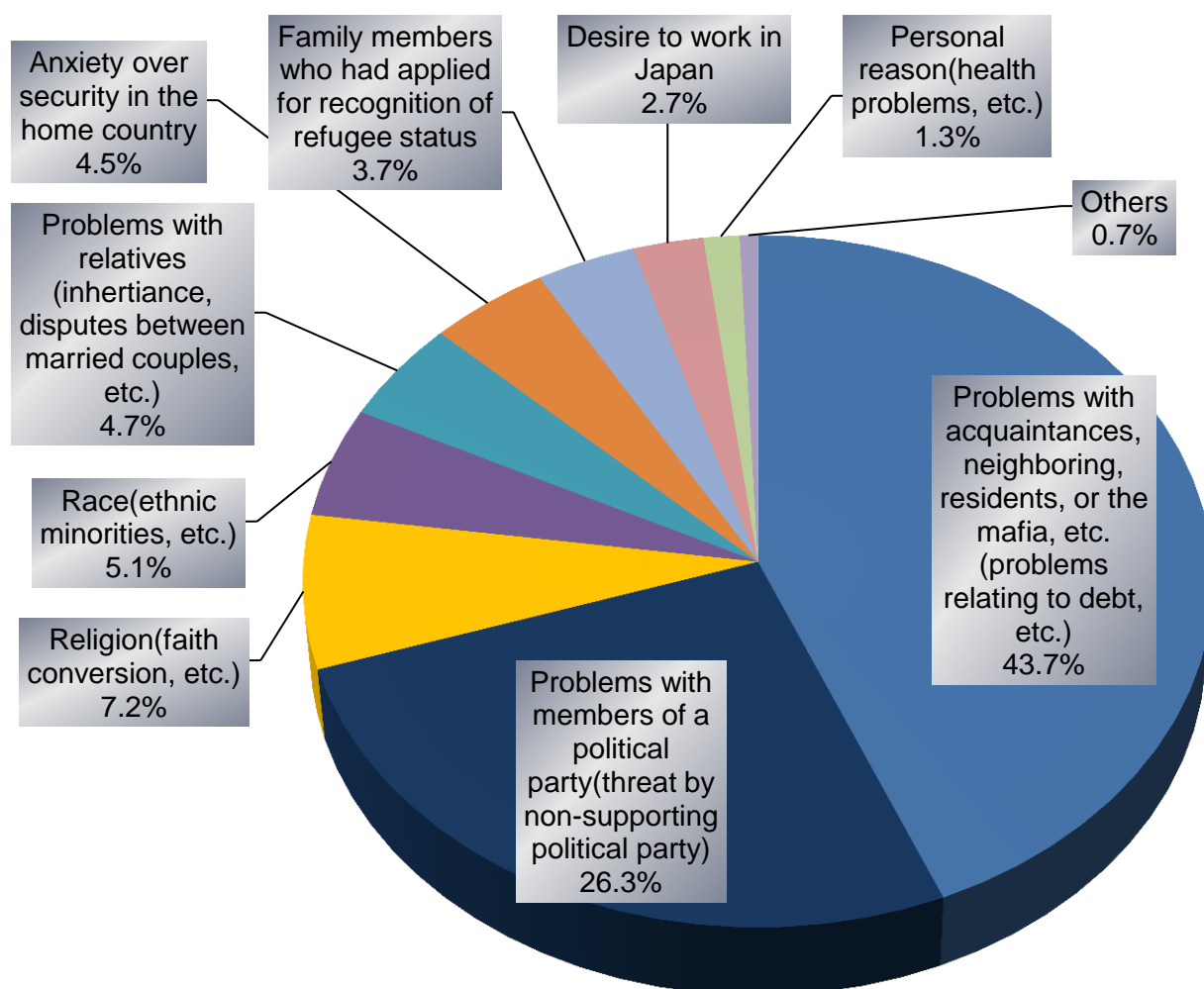
The average processing period for the preliminary screening was about 9.9 months, while the average processing period for the appeals was about 23.4 months, and both processing periods are taking longer.

(6) Contents of claims of applicants not recognized as refugees in the primary examination

The main claims of non-recognized persons were as follows. The most common were problems with acquaintances, neighboring residents, or the mafia, etc. (approximately 44%), of which about 66% had problems relating to debt.

In addition, there were some who expressed a desire to work in Japan, and even based on the contents of their claims, more than half of the total clearly did not correspond to a refugee under the Refugee Convention.

Figure 6: Breakdown of the contents of the claims



○Problems with acquaintances and neighboring residents

- Intimidation from creditors owing to not having repaid debts
- Repossession of their home by the bank owing to an inability to repay their debts
- Demands for compensation from victims and their families owing to a traffic accident
- Grudge held by a criminal owing to having witnessed and reported a crime
- Victim of assault having gotten into trouble with the mafia

○Problems with members of a political party

- Invited to join a political party, and requests for donations
- Posted dissatisfaction with the government of the home country through a social



networking service, or participation in a demo

※Note: The “refugee” in the Immigration Control and Refugee Recognition Act is the same as the “refugee” defined in the Refugee Convention, and a refugee is someone 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”.)

As used in this context, “persecution” is understood, as a general rule, to refer to infringement or repression of life, body or physical freedom by a state agency, and specifically, killing, unlawful detention, or an unfairly severe punishment by a state agency. In addition, “fear of being persecuted” is understood to mean that abstract possibilities are insufficient, that objective and specific fears of persecution must exist, and furthermore, “there is a well-founded fear”, and it is not enough simply for there to be a subjective situation where the applicant has a fear of being persecuted, and a situation must exist where if a person is placed in the position of the applicant, he or she would objectively have a fear of persecution.

## **2. Further revision of the operations of the refugee recognition system**

As stated in 1 above, applications, such as owing to debt, which clearly do not correspond to the definition of a refugee under the Refugee Convention account for approximately half of the applications for refugee recognition, and there are a considerable number of applications for refugee recognition which lack applicability as a refugee or where the need for humanitarian consideration is not recognized, and there has been a rapid increase in the number of such applications along with the recent surge in refugee recognition applications.

In cases where an application for refugee recognition is received from a legitimate resident in or after March 2010, in consideration of ensuring a stable life for the applicant during the refugee recognition procedures, as a general rule, the Ministry of Justice operates a system permitting work in Japan after six months have passed from the submission of the application for recognition of refugee status until the time of completion of the refugee recognition procedures, but it appears that the operation of the system is being conveyed in an erroneous way to foreign nationals who wish to work in Japan, which is leading to an increase in the number of foreign nationals abusing or misusing the refugee recognition system, and it is believed that this is the main cause of the increase in the number of refugee recognition applications.

Therefore, in order to promote prompt and reliable asylum for genuine refugees in light of the changes in domestic and overseas trends affecting the system of recognition of refugee status, the Ministry of Justice, based on the “Outline of the Revisions for Operation of the Refugee Recognition System” announced in September 2015, took measures from the same month to quickly process refugee recognition applications which attempt to abuse or misuse the system, and also to permit stay in Japan but not work (hereinafter referred to as “restrictions on employment”), based on the contents of the application, to applicants who re-submit applications for refugee recognition for the purpose of working in Japan, or even measures not to permit stay in Japan (hereinafter referred to as “restrictions on stay”).

However, these measures are intended for repeat applicants who re-submit applications for recognition of refugee status, and although these measures have had a certain degree of effect in curbing the re-submission of applications, since they cannot be applied to first-time applicants of recognition of refugee status (hereinafter referred to as “first-time applicants”), who account for the majority of the dramatic increase in the number of applicants for recognition of refugee

status, applications by these first-time applicants, which attempt to abuse or misuse the system, are still increasing rapidly, and this situation is interfering with the provision of prompt protection for genuine refugees.

Therefore, the Ministry of Justice will be further revising the operations relating to the status of residence of “Designated Activities” for persons filing applications who are residing legitimately in Japan as given below in order to be able to further promptly protect those foreign nationals truly in need of asylum, who are applicants thought highly likely to be a refugee as stipulated under the Refugee Convention, and to curb those applications which attempt to abuse or misuse the system from applicants who are not deemed to be refugees, and by promoting optimization of the refugee recognition system, ensure that prompt protection of genuine refugees is not hindered.

(1) Establishment of a pre-sorting period

Measures have been taken to set a time limit for pre-sorting the contents of the cases following receipt of a first-time application (time limit not exceeding two months), and based on the results of pre-sorting the contents, to promptly take measures on the status of residence (permission to stay, restrictions on stay, work permission, restrictions on employment).

(2) Further consideration for applicants whose applicability as a refugee is deemed to be high

Applicants whose applicability as a refugee under the Refugee Convention is deemed to be high or applicants who are considered highly likely to need humanitarian consideration due to the situation in their home country, were previously granted the status of residence of “Designated Activities” (six months) permitting work after the passing of six months from the time of submission of the application for recognition of refugee status, but through a further revision of the system, these applicants will be quickly granted the status of residence of “Designated Activities” (six months) permitting work after the sorting of the application, thereby promoting quicker protection.

(3) Further strict responses to abuse or misuse of applications

A. First-time applications

(A) Restrictions on stay will be imposed on applicants claiming circumstances that clearly do not correspond to the requests of the Refugee Convention.

(B) Even in cases where restrictions on stay are not imposed, applicants who applied for recognition of refugee status after abandoning to engage in the activities falling under the original status of residence, such as technical intern trainees who have absconded or international students who have left their educational institution, or applicants who filed an application for recognition of refugee status during the departure preparing period will have restrictions imposed on their work. In addition, the period of stay in this case will be reduced from the previous six months to three months.

B. Re-submission of applications

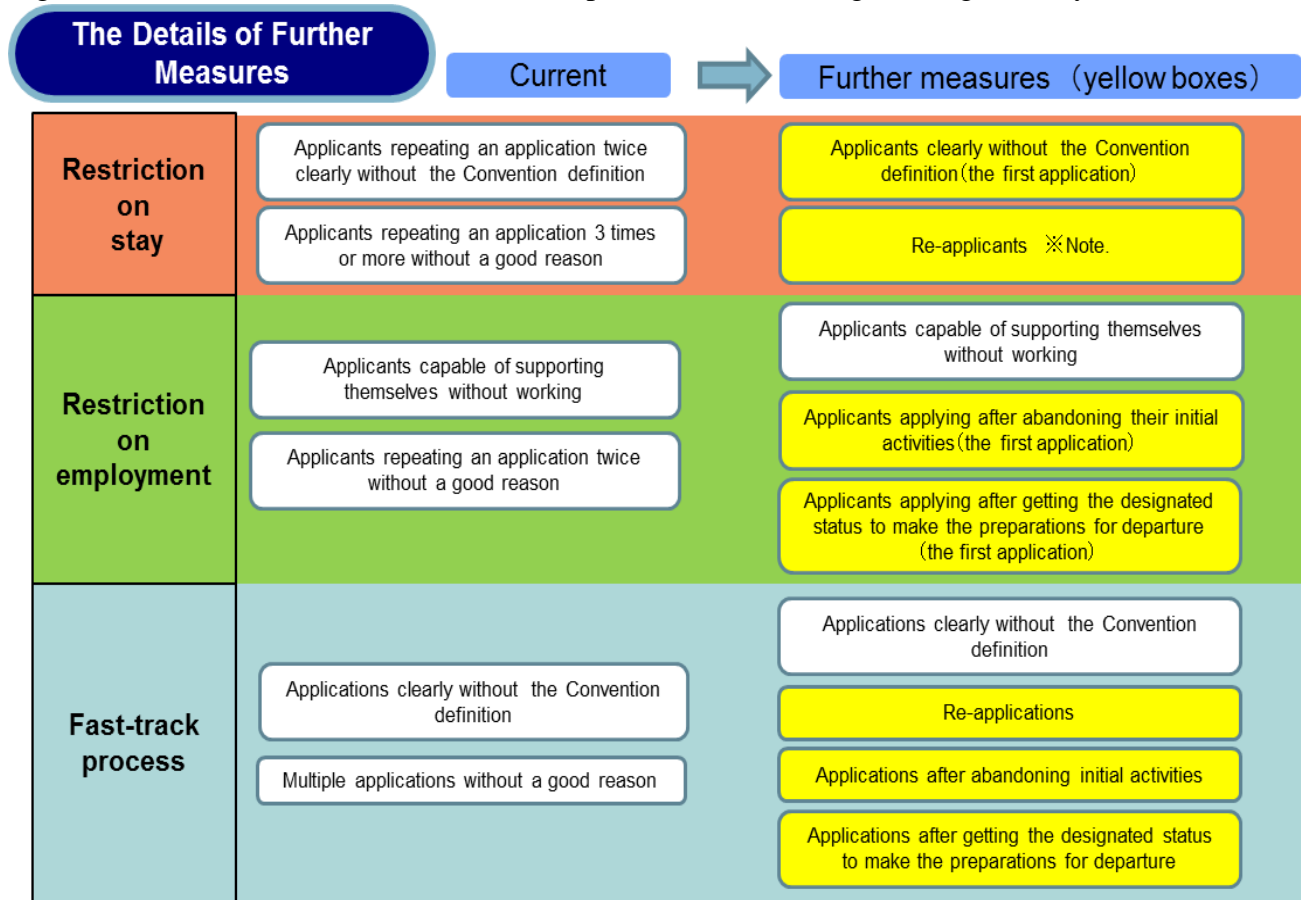
In principle, restrictions will be placed on stay in Japan.

However, even with repeat applicants, applicants whose applicability as a refugee under the Refugee Convention is deemed to be high, or applicants who are considered highly likely to need humanitarian consideration due to the situation in their home country will be given the protection in the abovementioned (2).

C. Fast-track process

Cases of applicants for recognition of refugee status who come under the abovementioned A and B will be promptly examined, and processed as quickly as possible.

Figure 7: Outline of further revision of the operations of the refugee recognition system



※Note: Excluding applicants whose applicability as a refugee under the Refugee Convention is deemed to be high, or applicants who are considered likely to require humanitarian consideration due to the situation in their home country.