

4 Departure Order System

To encourage the voluntary departure of illegal foreign residents

The departure order system was established by amendment of the Immigration Control and Refugee Recognition Act on June 2, 2004, and implemented on December 2, 2004.

The departure order system aims at encouraging the voluntary departure of illegal foreign residents, who satisfy all of the requirements below, using a simplified procedure and without detention.

(Requirements)

- The foreign national has appeared at an immigration office voluntarily with the intention of departing from Japan immediately;
- The foreign national does not come under any of the grounds for deportation other than overstaying;
- The foreign national has not been sentenced to imprisonment with or without labor on the charge of larceny or other prescribed crimes after entering Japan;
- The foreign national has no past record of deportation or that of departure by a departure order;
- The foreign national is expected with certainty to depart from Japan immediately.

※ Upon establishment of the departure order system, the period of denial of landing applicable for foreign nationals who have departed from Japan by a departure order has been reduced to one year



Detection of violation of the Immigration Control and Refugee Act

In the case of the departure order system, detection means the voluntary appearance of the illegal foreign resident at an immigration office.

Investigation of the violation

An immigration control officer investigates the violation.



In the case of the departure order system, the illegal foreign resident will not be detained before departing from Japan.

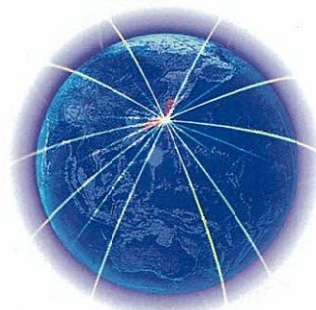
Investigation of the applicability of the departure order

An immigration inspector examines whether the illegal foreign resident fulfills the conditions for a departure order. The examination is conducted based only on the documents.

Issuance of a departure order

The supervising immigration inspector issues a departure order.

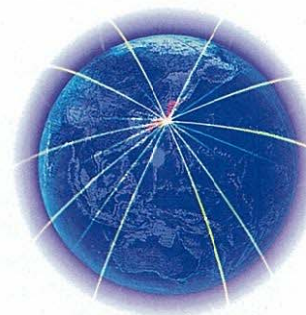
Departure



5 Refugee Recognition

Recognition of Refugee Status

As a member of international society



Refugee recognition, approval of entry

Year	Number of applications	Approved	Declined	Residence approved on humanitarian grounds	Long term residence and approval of entry of Indochina refugees
1978					3
1979					94
1980					396
1981					1,203
1982	530	67 ()	40		456
1983	44	63 ()	177		675
1984	62	31 ()	114		979
1985	29	10 ()	28		730
1986	54	3 ()	5		306
1987	48	6 ()	35		579
1988	47	12 ()	62		500
1989	50	2 ()	23		461
1990	32	2 ()	31		734
1991	42	1 ()	13	7	780
1992	68	3 ()	40	2	792
1993	50	6 ()	33	3	558
1994	73	1 ()	41	9	456
1995	52	2 (1)	32	3	231
1996	147	1 ()	43	3	151
1997	242	1 ()	80	3	157
1998	133	16 (1)	293	42	132
1999	260	16 (3)	177	44	158
2000	216	22 ()	138	36	135
2001	353	26 (2)	316	67	131
2002	250	14 ()	211	40	144
2003	336	10 (4)	298	16	146
2004	426	15 (6)	294	9	144
Total	3,544	330 (17)	2,524	284	11,231

(Note 1) Of the figures of "approved", the numbers in parentheses in 1995, 1998, 1999, 2001, 2003 and 2004 are the numbers of foreign nationals who were first rejected but later approved as a result of the objections they filed, and they are not counted in the figures of those originally approved.

(Note 2) The numbers of foreign nationals whose residence was approved on humanitarian grounds show those who were not recognized as refugee but later approved to stay from a humanitarian standpoint, and they include those whose applications to change their status of residence or to extend their period of residence were approved.

(Note 3) Indochinese refugees are those who took refuge in the countries or regions adjacent to their own, due to the change of political structure of 3 Indochinese countries (Viet Nam, Laos and Cambodia) around 1975.

Japan established a system for recognition of refugee status in 1981, which was the year Japan acceded to the Convention relating to the Status of Refugees (Refugee Convention). The term "refugee" means "a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself (herself) of the protection of that country".

When a foreign national in Japan applies for recognition of refugee status, the application will be examined and it will be determined whether he or she is to be recognized as a refugee. If recognized as a refugee, the national will be entitled to receive the protection covered by the Convention, including issuance of a Refugee Travel Document for when he or she goes abroad.

The number of foreign nationals recognized as refugees by the Japanese government since 1982 has reached 330, but even some of those who were not recognized as such were given special consideration to continue their stay in Japan, if the government found that there were circumstances to approve their stay from a humanitarian standpoint. The number of foreign nationals who have been approved to stay on humanitarian grounds since 1991 totals 284.

In addition, of all the so-called Indochina refugees, that is, those who took refuge in the three adjacent Indochina countries (Viet Nam, Laos, Cambodia), Japan has approved a total of 11,231 as of 2004 for long term residence in Japan.

