

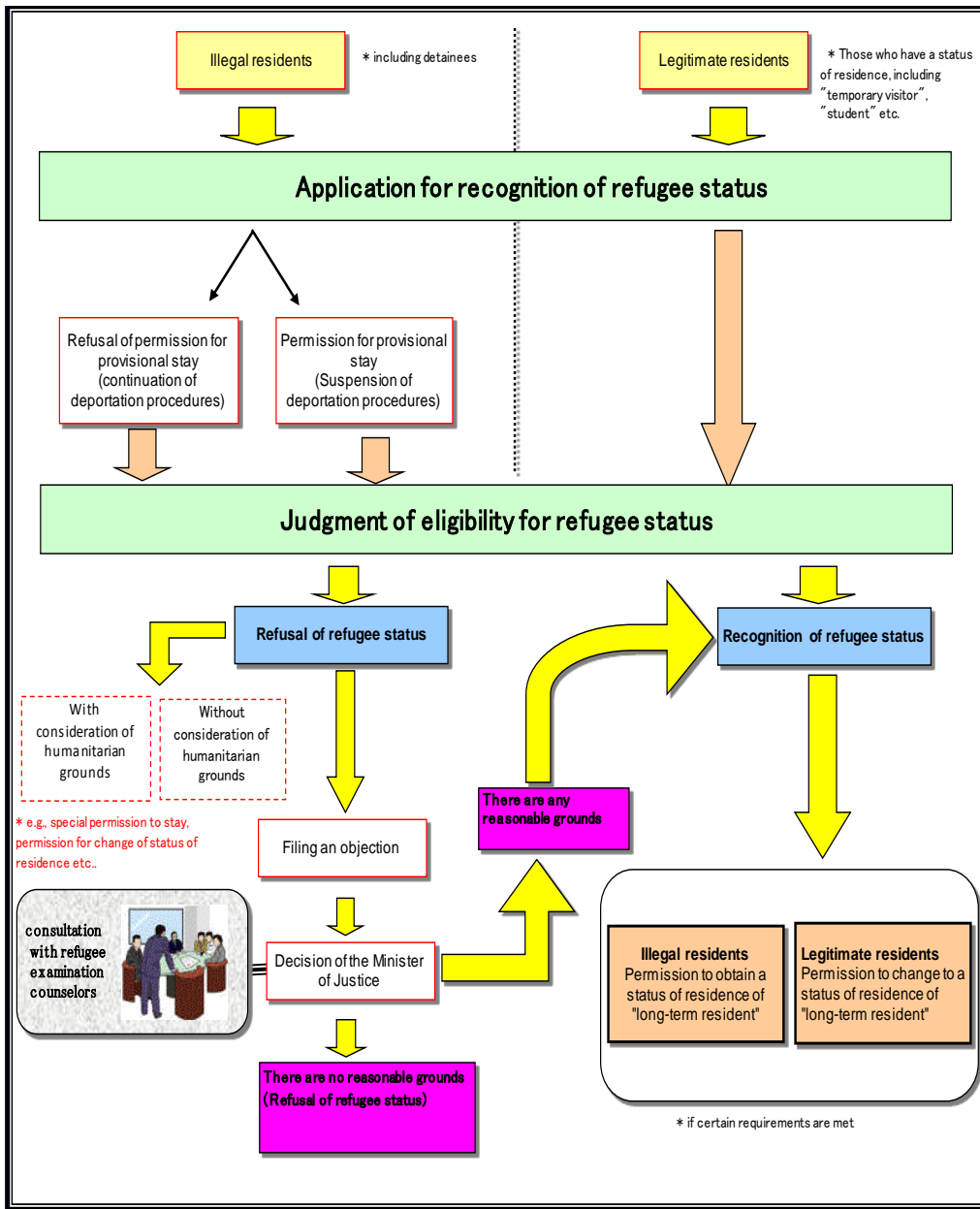
# Outline of the Revisions for Operation of the Refugee Recognition System

~Toward promptly and reliably offering asylum  
to genuine refugees~



September 2015  
Immigration Bureau, Ministry of Justice

# 1. Overview of the refugee recognition system



The term “refugee” is defined in the provisions of the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees as a person 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”.

The refugee recognition procedures are procedures where the Minister of Justice determines whether a foreign national comes under the status of a refugee.

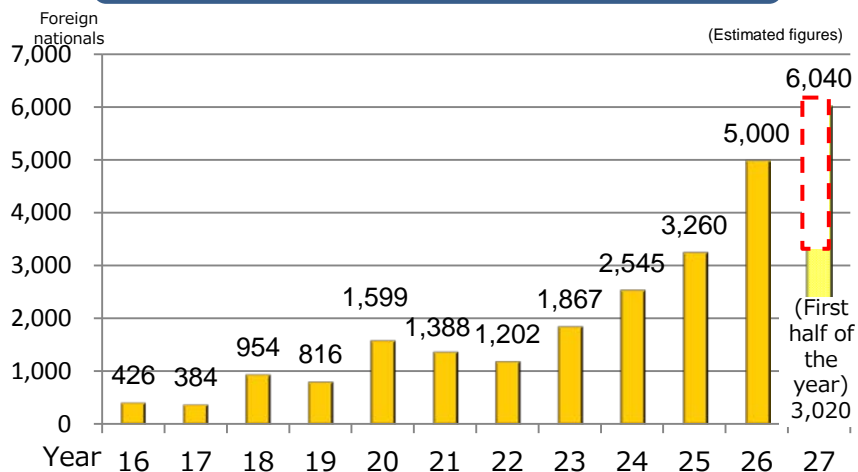
## Article 61-2:

The Minister of Justice may, if a foreign national in Japan submits an application in accordance with the procedures provided by an ordinance of the Ministry of Justice, recognize such person as a refugee based on the data submitted.

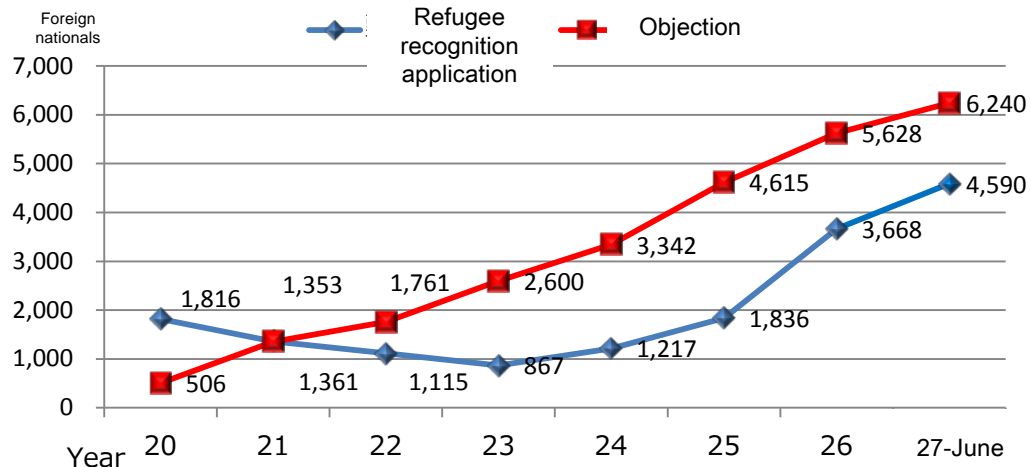
(Note) The system of transferring refugees, who have fled from their country of origin and have temporarily been accepted in a refugee camp, etc., in a neighboring country, from the country where the refugee sought asylum to a third country which has agreed to newly accept the refugee, which is carried out with the involvement of the United Nations High Commissioner for Refugees (UNHCR), is referred to as “resettlement” and is a system which differs from that of the refugee recognition procedures.

## 2. Status of operation of the refugee recognition system (Overview)

Changes in the number of refugee recognition applications



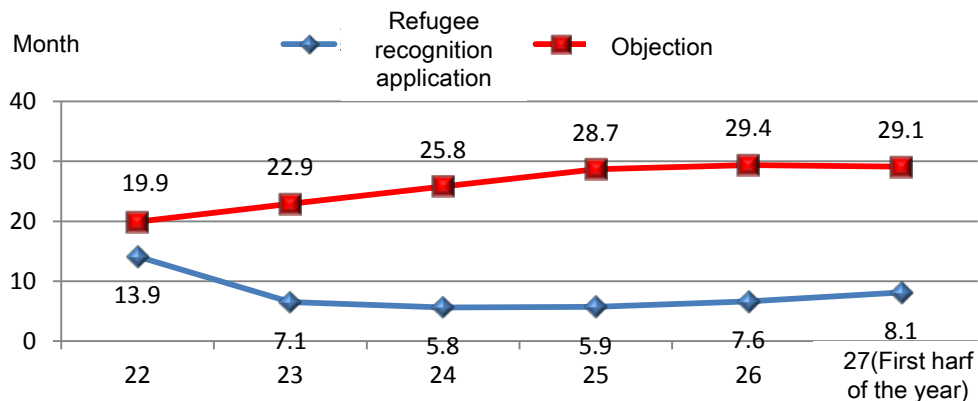
Changes in the number of unprocessed applications



Status, etc. of refugee recognition and asylum in Japan

Year	Refugee recognitions	Other forms of asylum	Total
2004	15(6)	9	24
2005	46(15)	97	143
2006	34(12)	53	87
2007	41(4)	88	129
2008	57(17)	360	417
2009	30(8)	501	531
2010	39(13)	363	402
2011	21(14)	248	269
2012	18(13)	112	130
2013	6(3)	151	157
2014	11(5)	110	121

Changes in average processing time



- The numbers given in brackets denote the number of foreign nationals recognized as refugees as the result of filing an objection (number out of the total recognized later)
- The numbers of "refugee recognitions" include refugees accepted through third-country resettlement and Indochinese refugees
- "Other forms of asylum" refers to the number of foreign nationals who were rendered a disposition denying recognition of refugee status, but who were granted special permission to stay pursuant to Article 61-2-2-2 of the Immigration Control and Refugee Recognition Act or were permitted residence on the grounds of humanitarian consideration and received permission to change their status of residence

### 3. Status of operation of the refugee recognition system (Issues)

#### (1) Criticism within Japan and from other countries of the low number of refugee recognitions

- Media report of Friday, June 19, 2015  
“While the United Nations announced that the number of refugees and internally displaced persons around the globe has reached the highest level ever recorded of 65 million people, **the number of people recognized as refugees in Japan in 2014 was only 11, and Japan remains cautious when it comes to refugee recognition.**”
- Media report of Thursday, November 18, 2014  
“Japan helps too few refugees: UNHCR chief  
3,260 people applied last year but only six got refugee status”

#### (2) Proliferation of abuse and misuse of the refugee recognition system

- a. Taking a look at the applications of the 2,906 foreign nationals who were not recognized as refugees in 2014, **the contents of approximately 30% of the applications clearly did not come under the grounds of persecution under the Refugee Convention.**
- (Examples)
- ① Applications submitted mainly because of trouble with property such as debt or inheritance problems: **approximately 16%**
  - ② Applications submitted for personal reasons such as problems related to a hard life after return to the home country or hopes of continuing to earn a living in Japan: **approximately 7%**
  - ③ Applications submitted because of the risk of harm due to trouble or a violent incident which occurred with a local resident or others: **approximately 5%**
- b. **684 foreign nationals, which constitutes more than 80% of the total of 796 foreign nationals who were rendered a decision of “without grounds” as a result of their filed objection in 2013, and moreover, were not granted humanitarian consideration re-submitted their application** (as of the end of June 2015).



Owing to the proliferation of such cases, the time required for examinations is taking longer, and this is acting as an obstacle to the offering of prompt asylum to those refugees who are genuinely in need of asylum.

## 4. Background, etc. to the revisions

### (1) Background

In order to deal appropriately with the changes in domestic trends such as the surge in the number of applicants applying for refugee recognition and the existence of applicants who attempt to abuse the system as well as the changes in international trends such as regional conflicts in the Middle East and Africa and measures, etc. being taken to protect refugees by the international community, the Expert Meeting on the Refugee Recognition System was established under the Sixth Immigration Policy Discussion Panel, and this meeting held discussions related to revision of the refugee recognition system and its operations, and submitted the “Results of the Study on the Direction of the Revision of the Refugee Recognition System (Report)” to the Minister of Justice last December.

### (2) Outline of the recommendations of the report

#### a. Reliable asylum by clarifying those eligible for protection

Review protection through accurate interpretation of the Refugee Convention with regard to so-called “new forms of persecution” and, in light of international trends and the norms of international human rights laws, establish a new framework granting permission to stay as an “opportunity to get under shelter”.

#### b. Proper and prompt recognition of refugee status through clarification of the procedures

Clarify the special treatment to be given to young people and people with serious illnesses, etc. and improve guidance on the procedures, and simultaneously consider simplified and prompt processing through the implementation of pre-sorting procedures, review whether or not to grant work permission to foreign nationals awaiting the outcome of their application and consider limiting the re-submission of applications for refugee recognition to those applications where new circumstances have arisen after the completion of the procedures.

#### c. Improve transparency through clarification of the decisions on recognition

In addition to pursuing clarification of the “normative elements” of applicability as a refugee, increased publication of cases of recognition and cases of refusal of refugee status, and consideration to be given to improving the descriptions given for the reasons for refusal of refugee status and adding supplementary notes to the reasons for recognition. In addition, develop a system for centralized collection and analysis of information.

#### d. Improve the expertise of personnel involved in the practical work of recognition of refugee status

Consider increasing the number and allocation of refugee inquirers and refugee examination counselors and revising the process used for processing cases, and simultaneously strengthen the human resource training programs, create a training course for interpreters, and share case examples of judgments among the refugee examination counselors.

## 5. "Applicability for protection, clarification of the decisions on recognition and the procedures"

### (1) Reliable protection by clarifying applicability for protection

- a. Since it is necessary to offer protection by accurately interpreting the applicability of the refugee under the Refugee Convention, a framework will be built with regard to petitions claiming so-called "new forms of persecution" where refugee examination counselors with relevant knowledge and experience of laws and international affairs make recommendations to the Minister of Justice with respect to the deciding factors for the refugee recognition, and the Minister of Justice uses the recommendations in the subsequent decision to be made in the refugee examination.
- b. With regard to those foreign nationals who have fled to Japan due to such as danger with deterioration in the situation back home because of armed conflict, the cases where permission to stay was granted owing to humanitarian consideration and the points of the decisions are to be made public in order to clarify the foreign nationals who are eligible for permission to stay in Japan as an "opportunity to get under shelter from conflict".

### (2) Improve transparency by clarifying the decisions on recognition and the procedures

- a. With respect to the deciding factors pertaining to cases which clearly should be judged to be "refugee recognition" or "refusal of refugee status" (agents of percecution or persecution factors, etc.), a framework will be built where refugee examination counselors make recommendations to the Minister of Justice, and the Minister of Justice uses the recommendations in the subsequent decision to be made in the refugee examination.
- b. Increased publications of the cases of recognition and refusal of refugee status, and the points of the decisions to be made public in order to clarify, as much as possible, the normative elements of the judgment on applicability as a refugee.
- c. Quickly process the applications of applicants who are young people unaccompanied by guardian or people with serious illnesses and, at the same time, allow on a trial basis the applicant's doctor, counselor, lawyer or other relevant person to be present, where necessary, at the interview.
- d. As well as implementing necessary revision of the formats of the refugee recognition application form, improve the guidance on procedures for applicants applying for recognition of refugee status.

## 6 “Strengthening of the system and infrastructure pertaining to refugee recognition administration”

### (1) Analysis and sharing of information such as on the country of origin and training of human resources involved in the refugee recognition system

- a. Reinforcement of the system of analysis and sharing of information such as on the country of origin through such means as allocation of officers specializing in the collection and analysis of information on the country of origin and on international affairs.
- b. With the cooperation of the United Nations High Commissioner for Refugees (UNHCR), newly implement training for the practitioners of refugee recognition targeting those at the administrator level and, with regard to practical training such as training on the country of origin of the applicants applying for refugee recognition and training on case studies, which are already being implemented on a regular basis, further improve the contents and increase the number of times the training is held.
- c. Implement training for interpreters involved in the refugee recognition application procedures and objection procedures.

### (2) Reinforcement of the system for processing cases

- a. While keeping an eye on changes in the number of applications, improve the refugee recognition departments and the system of refugee examination counselors in order to promote smoother and faster procedures.
- b. Further efficiency will be achieved, for example, in cases where the refugee examination counselors (working with three counselors in one group) deem that “there is no need for questions to be asked by the refugee examination counselors” by having a refugee inquirer ask the questions and having the refugee examination counselors prepare a written opinion upon receiving a report on the results of the questioning from the refugee inquirer, and in this way, the time and efforts of the refugee examination counselors will be concentrated on cases which require particularly careful questioning.
- c. Case examples of the decisions of the refugee examination counselors, which may be used as reference material, will be compiled and shared with the other refugee examination counselors.

## 7 Appropriate responses to deal with applications attempting to abuse or misusing the refugee recognition system

### (1) Rapid processing of applications attempting to abuse or misuse the refugee recognition system

Applications claiming circumstances which clearly do not come under the grounds of persecution under the Refugee Convention (for example, “I fled from my home country to escape from a debt collector”, “I want to earn a living in Japan”, etc.) or applications which are resubmitted simply repeating the same circumstances as previous applications without good reason will be sorted beforehand at the stage prior to a fully-scaled investigation, and such applications will be quickly processed while ensuring that the applicant has an opportunity to make a sufficient claim such as through a hearing on the circumstances conducted by a refugee inquirer.

### (2) Optimization of work permission while the application for refugee recognition is pending

At present, if an applicant residing legally has applied for refugee recognition, permission for work will be uniformly granted after the passing of a certain period of time, but since this has the aspect of attracting abuse or misuse of the refugee recognition system, applicants who are determined to be capable of supporting themselves without working and repeat applicants who have resubmitted their applications simply repeating the same circumstances as previous applications without good reason will be permitted to stay in Japan but will not be granted permission to work until a decision is made on the application.

### (3) Responses to particularly serious abuse of the system

Under the current law, applications for refugee recognition may be made an unlimited number of times regardless of the content, and since we have a situation where one applicant has applied a record number of six times over a period of 11 years, applicants who resubmit their application simply repeating circumstances which clearly do not come under the grounds of persecution under the Refugee Convention or repeat applicants who have resubmitted their applications three times or more simply repeating the same circumstances as previous applications without good reason will be able to continue with their refugee recognition procedures but will not be granted permission to stay in Japan.

With regard to operation of the abovementioned points (1) to (3), a mechanism will be built for outside experts to verify their appropriateness.