

A Guide to the Procedure for Recognition of Refugee Status

Immigration Bureau
Ministry of Justice

INTRODUCTION

“A Guide to the Procedure for Recognition of Refugee Status” (the first version) based on the Immigration Control and Refugee Recognition Act, which was partially amended in 1981, was compiled for the purpose of establishing refugee recognition procedures in line with Japan’s participation in the Convention relating to the Status of Refugees and related matters. The second version was published to make additions and alterations to the procedure guidelines because a bill partially amending the Immigration Control and Refugee Recognition Act with the aim of adding the Permission for Provisional Stay System and the Refugee Adjudication Counsellors System was passed on May 27, 2004 in the 159th ordinary session of the Diet and was promulgated on June 2, 2004. This third version was published to provide an additional description of temporary asylum procedures. This time, based on a recent bill partially amending the Immigration Control and Refugee Recognition Act, which went into effect on July 9, 2012, this fourth version is published.

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CONTENTS

SECTION 1. OUTLINE OF REFUGEE RECOGNITION SYSTEM OF JAPAN.....	1
SECTION 2. RIGHTS OR BENEFITS ENJOYABLE FOR AN ALIEN RECOGNIZED AS A REFUGEE.....	2
1. Partial Relaxation of Conditions for Permanent Residence Permit.....	2
2. Issuance of Refugee Travel Document.....	2
3. Various Rights Stipulated in the Refugee Convention	2
SECTION 3. PROCEDURE FOR RECOGNITION OF REFUGEE STATUS.....	3
1. Application Procedure	3
(1) Application Period.....	3
(2) Office of Application.....	3
(3) Necessary Documents for Application	3
(4) Proof of Refugee Status.....	5
2. Permission for Provisional Stay	5
(1) Stay based on the Permission for Provisional Stay	6
(2) Written Permission for Provisional Stay	6
(3) Period of Provisional Stay and the Extension of the Period.....	6
(4) Conditions for the Permission for Provisional Stay	6
(5) Revocation of Permission for Provisional Stay.....	6
3. Issuance of Certificate of Refugee Status.....	7
4. Permission related to the Status of Residence	7
SECTION 4. APPEAL	8
1. Procedures for Filing an Appeal	8
(1) Appellant	8
(2) Period to File an Appeal	8
(3) Office for Filing an Appeal.....	8
(4) Necessary Documents for Filing an Appeal.....	8
2. Refugee Adjudication Counsellors System	8
3. Decision by the Minister of Justice	9
SECTION 5. REFUGEE TRAVEL DOCUMENT.....	10
1. Office of Application	10
2. Necessary Documents	10
(1) Documents to Submit	10
(2) Documents to Show.....	10
3. Period of Validity of Refugee Travel Document	11
4. Fee	11
SECTION 6. LANDING PERMISSION FOR TEMPORARY REFUGE.....	12
1. Application	12
(1) Eligible Persons	12
(2) Application Method.....	12
2. Necessary Documents for Application	12
(1) Documents to Submit	12
(2) Documents to Show.....	13
3. Issuance of Certificate of Permission for Temporary Refuge	13

Illustration of Procedure for Recognition of Refugee Status 14

SECTION 1. OUTLINE OF REFUGEE RECOGNITION SYSTEM OF JAPAN

As the Convention relating to the Status of Refugees (hereinafter referred to as “the Refugee Convention”) and the Protocol relating to the Status of Refugees (hereinafter referred to as “the Protocol”) were put into effect for Japan in 1982, the system of refugee recognition was established for the purpose of domestic implementation of these provisions of the treaties. Under this system, an alien who is a refugee may apply for refugee recognition and be recognized as a refugee by the Minister of Justice, and may avail him/herself of the protection as a refugee as prescribed in the Refugee Convention.

The word “refugee” in this Guide means a refugee as defined in Article 1 of the Refugee Convention or in Article 1 of the Protocol: a person who is outside the country of his/her nationality owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country.

The procedure for refugee recognition is to investigate and determine whether an alien is eligible for the status of refugee or not.

SECTION 2. RIGHTS OR BENEFITS ENJOYABLE FOR AN ALIEN RECOGNIZED AS A REFUGEE

The following are examples of the rights or benefits that an alien recognized as a refugee is entitled to enjoy.

1. Partial Relaxation of Conditions for Permanent Residence Permit

When an alien staying in Japan wants to obtain permission for permanent residence, he/she must meet the following two conditions.

- ① He/she is of good conduct.
- ② He/she has sufficient income, assets or ability to support him/herself.

An alien staying in Japan with the refugee status may be granted permission for permanent residence at the discretion of the Minister of Justice even if he/she does not meet the second condition.

2. Issuance of Refugee Travel Document

When an alien recognized as a refugee intends to travel to a foreign country, he/she may be issued a refugee travel document. An alien who has a refugee travel document may depart from and enter Japan any number of times within the term of validity described in the document.

3. Various Rights Stipulated in the Refugee Convention

An alien recognized as a refugee, in principle, may be accorded the same treatment as a citizen of a signatory nation [of the Refugee Convention] or an ordinary alien with regard to various rights stipulated in the Refugee Convention. Japan accords to refugees the same treatment as is accorded to Japanese nationals with respect to qualifications as recipients of the National Pension Plan, Child Support Allowance, Welfare Allowance and similar benefits.

SECTION 3. PROCEDURE FOR RECOGNITION OF REFUGEE STATUS

1. Application Procedure

(1) Application Period

There is no provision that restricts the period of application for refugee recognition.

(2) Office of Application

Application for recognition of refugee status is accepted by the regional immigration bureau, district immigration office or branch office that has jurisdiction over the place of residence, etc. of the applicant.

An applicant shall appear in person in order to make an application. However, if the applicant is under 16 years of age or cannot appear in person because of illness or any other unavoidable reasons, the application may be made by his/her father or mother, spouse, child or another relative on behalf of the applicant.

For a list of divisions in charge of applications available in each regional immigration bureau and district immigration office, refer to last page of this guide.

(3) Necessary Documents for Application

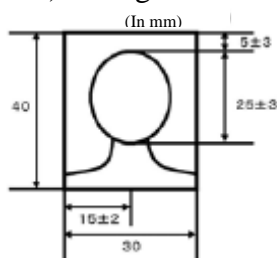
The following documents should be prepared for an application. An alien who cannot fill out an Application Form because of an injury or physical disability may make oral statements on the matters to an immigration inspector or to a refugee inquirer instead of the application form.

(i) Documents to Submit

- a. Application for Recognition of Refugee Status (The application form is available at the office of application.) 1 copy
- b. Material showing that the applicant is a refugee (Including the statement to assert that he/she is a refugee .) 1 copy
- c. Photographs (Must meet all of the requirements listed below, with the applicant's full name written on the back) 2 copies
(However, an alien without a legal status of residence must submit 3 copies of his/her photograph.)

(Requirements)

- (a) The photo must cover the applicant him/herself, and the applicant only.
- (b) The photo's dimension:
The main portion of the photo, excluding the margin, must meet the following dimensional specifications. (It must show the applicant's whole face, from the top of the head (including the hair) through the end of the chin.)



- (c) The applicant must look straight ahead, without a cap or hat. (In case the applicant is unable to submit such photos, for some religious or medical reason, he/she is to submit a written statement [with no specified format] explaining such a reason.)
 - (d) The photo must not have any background or shadow.
 - (e) The photo must contain a clear image. (In focus, without stain, blemish, or a hole. No shadow. No part of the face covered by clothes or hair. No background. For samples and examples, please see the application photos in the Immigration Bureau's website.)
 - (f) The photo must be taken within 3 months before the submission. (In case the applicant is unable to submit such a photo for some justifiable reason, for instance he/she was long hospitalized, he/she is to submit the latest photo available.)
- d. In case the applicant is unable to show his/her passport or Certificate of Status of Residence, he/she must submit a written document why he/she is unable to. 1 copy

(ii) Documents to Show

- a. Passport and Resident Card, if the applicant is a medium-to-long-term resident
- b. Passport and Certificate of Special Permanent Resident, if the applicant is such a resident
- c. Passport or Certificate of the Status of Residence, if the applicant is neither a medium-to-long-term resident nor a special permanent resident (If the applicant is on a provisional release, the certificate of provisional release)
- d. If the applicant is permitted to land in Japan on a provisional landing permit, a landing permission for crew members, an emergency landing permit, a landing permission due to distress, or a landing permission for a temporary refugee, the certificate of the relevant permission

(4) Proof of Refugee Status

Recognition of refugee status will be based on the materials submitted by the applicant. Therefore, an applicant him/herself is expected to prove that he/she is a refugee by substantial evidence or by testimony of persons concerned. In case such evidence documents (including the relevant written statements) are in a language other than Japanese, an applicant must submit their Japanese translations as well.

When sufficient proof cannot be established from the materials submitted by the applicant, a refugee inquirer will inquire into the facts stated by the applicant through interview with the applicant or reference to public offices, etc. and make efforts so that an appropriate recognition of refugee status could be granted.

2. Permission for Provisional Stay

When an alien without a legal status of residence such as an undocumented resident applies for refugee recognition for the purpose of stabilizing his/her legal status, he/she is permitted to temporarily stay in Japan and deportation procedures are suspended if he/she meets certain requirements such as that an application for refugee recognition is submitted within six months after he/she disembarked in Japan (or the day he/she became aware of the fact that the circumstances in connection with which he/she may become a refugee arose while he/she is in Japan) or he/she directly entered Japan from a territory where he/she may suffer the persecutions that are stipulated in the Refugee Convention.

It is not necessary to separately apply for a Permission for Provisional Stay additionally because judgment on the permission is given based on documents submitted by an applicant for refugee recognition, including an application form for refugee recognition.

(1) Stay based on the Permission for Provisional Stay

With the Permission for Provisional Stay, deportation procedures are suspended temporarily. An alien may legally stay in Japan until the permission period elapses due to the expiration of the period of Provisional Stay or other reasons.

(2) Permission for Provisional Stay

A Permission for Provisional Stay is issued to an alien who is permitted to temporarily stay in Japan by the Minister of Justice.

He/she is always required to carry this document during the period of permission.

(3) Period of Provisional Stay and the Extension of the Period

In principle, the period of Provisional Stay is six months.

Application for the extension of the period of Provisional Stay is received from ten days before the expiration, and application forms are distributed by each regional immigration bureau, district immigration office and branch office.

(4) Conditions for the Permission for Provisional Stay

The place of residence and the range of activities of a person who is permitted to temporarily stay in Japan are subject to restrictions. Regarding activities in Japan, he/she will be subject to various conditions such as that he/she is prohibited from being employed, and he/she is obliged to appear at a specified place on a designated date to cooperate for refugee recognition procedures when requested by the refugee inquirer.

(5) Revocation of Permission for Provisional Stay

Permission for Provisional Stay may be revoked if a person who is permitted to temporarily stay in Japan violates the set conditions, if he/she dishonestly submits falsified documents to be recognized as a refugee, if he/she makes a false statement, and in other similar cases.

3. Issuance of Certificate of Refugee Status

A Certificate of Refugee Status is issued to an alien who is recognized as a refugee by the Minister of Justice. When seeking various protection measures as a refugee, the refugee can present this Certificate to prove his/her status as a refugee.

4. Permission related to the Status of Residence

When an alien who is recognized as a refugee has not acquired a legal status of residence yet, an equivalent status of residence as a fixed domicile resident is given to him/her if he/she meets certain requirements such as that an application for refugee recognition is submitted within six months after he/she disembarked in Japan or he/she directly entered Japan from a territory where he/she may suffer the persecutions set forth in the Refugee Convention.

Even if those requirements are not met, an alien may be exceptionally permitted to live in Japan when there is a special reason for permitting his/her residence in Japan.

In case an applicant's time period of stay in Japan exceeds three months, as a result of such permission, a Resident Card is issued to him/her.

SECTION 4. APPEAL

1. Procedures for Filing an Appeal

(1) Appellant

An alien who was not recognized as a refugee despite application for recognition of refugee status or whose recognition of refugee status has been revoked after being recognized as a refugee may file an appeal to the Minister of Justice.

(2) Period to File an Appeal

An appeal must be filed within seven days from the date the alien receives the notice of refusal of refugee status or of revocation of refugee status. However, if any unavoidable circumstance such as a natural disaster prevents him/her from doing so, he/she may file an appeal even after 7 days have passed.

(3) Office for Filing an Appeal

An appeal can be filed at the regional immigration bureau, district office or branch office that has jurisdiction over the place of residence of the appellant as in the case of an application for recognition of refugee status.

An appeal may be filed by proxy or by sending the necessary documents by mail.

For a list of offices to file an appeal at the respective regional immigration bureaus and district immigration offices, refer to last page of this guide.

(4) Necessary Documents for Filing an Appeal

The following documents must be submitted:

- a. Appeal Form 1 copy

2. Refugee Adjudication Counsellors System

The Minister of Justice is required to ask for the opinions of Refugee Adjudication Counsellors in making decisions on filed appeals. The Refugee Adjudication Counsellors are appointed from among academic experts on legal issues or international affairs who have a respectable personality and can make fair judgments on filed appeals. The Refugee Adjudication Counsellors are also authorized to be present at procedures

related to the statement of opinions delivered by an applicant filing an appeal and ask him/her questions.

3. Decision by the Minister of Justice

A Certificate of Refugee Status is issued to an alien if the Minister of Justice decides that his/her appeal is reasonable and recognizes him/her as a refugee.

If an alien who is recognized as a refugee meets certain requirements, a status of residence as a fixed domicile resident is given to him/her and he/she is permitted to live in Japan.

Even if these requirements are not met, an alien may be exceptionally permitted to live in Japan when there is a special reason for permitting his/her residence in Japan.

In case an applicant's time period of stay in Japan exceeds three months, as a result of such permission, a Resident Card is issued to him/her.

SECTION 5. REFUGEE TRAVEL DOCUMENT

When an alien recognized as a refugee who resides in Japan intends to leave the country, he/she may be issued a Refugee Travel Document from the Minister of Justice.

1. Office of Application

The office of application for issuance of Refugee Travel Document is the same as the office of application for recognition of refugee status (See SECTION 3.1.(2)). In principle, an applicant must make the application by appearing in person, but applications may be made by his/her father or mother, spouse, child or another relative on behalf of the applicant if the applicant is under 16 years of age or cannot appear in person because of illness or any other unavoidable reasons. In such a case, the proxy must show his passport, Resident Card, certificate of birth, a copy of his/her certificate of residence, or another type of prima facie evidence to his/her qualification to act as a proxy.

2. Necessary Documents

(1) Documents to Submit

- a. Application for Refugee Travel Document (The application form is delivered by the office of application.) 1 copy
- b. Photograph (a 5 × 5 cm, bare-headed, full face, bust photograph taken within six months before the day of submission with the applicant's full name and the date of birth on the back) 2 copies
- c. Refugee Travel Document (In case the applicant already has this document issued)
- d. In case the applicant already has his/her Refugee Travel Document but is unable to submit it, a document describing the reason why he/she is unable to. 1 copy
- e. In case the applicant is unable to show his/her passport or Certificate of Status of Residence, a document describing the reason why he/she is unable to. 1 copy

(2) Documents to Show

- a. Certificate of Refugee Status

- b. Passport (excluding Refugee Travel Document issued by the Japanese government) and Resident Card, if the applicant is a medium-to-long-term resident in Japan
- c. Passport and Certificate of Special Permanent Resident, if the applicant is a special permanent resident
- d. Passport or Certificate of Status of Residence, if the applicant is neither a medium-to-long-term resident nor a special permanent resident.

(Note) In case a proxy makes an application, if the application requires showing of the applicant's passport or Certificate of Status of Residence, the proxy must make copies of them and write in them, in a way appropriate, that the proxy is making the application as well as the proxy's name. Then, the proxy must let the applicant have the copies, while the application procedure is in progress.

3. Period of Validity of Refugee Travel Document

The Refugee Travel Document is valid for one year. During the period of validity the holder may leave and enter Japan as any number of times. When, however, regardless of the validity of the Refugee Travel Document, an "authorized period of entry into Japan" is determined, such as the case when the remaining authorized period of stay in Japan is less than one year, the holder must enter Japan before the authorized period of entry into Japan expires. The authorized period of entry into Japan is shown at item 2 on the first page of the Refugee Travel Document. The holder of the Refugee Travel Document is always expected to make sure of the authorized period of entry into Japan and not to confuse it with the period of validity of the Refugee Travel Document.

4. Fee

Upon the issuance of a Refugee Travel Document, a necessary fee will be charged. For an extension of the period of validity of a Refugee Travel Document in a foreign country, the fee required in the currency of that country will be charged.

SECTION 6. LANDING PERMISSION FOR TEMPORARY REFUGE

Landing permission for temporary refuge is granted by the immigration inspector to aliens embarked on vessels, etc. when the immigration inspector deems that they have escaped from territories where their life, body, or physical freedom was imperilled for the reasons specified in the Refugee Convention or other similar reasons and that it is reasonable to allow them to disembark temporarily, and therefore it is permission granted as a “national emergency measure to provide protection (territorial asylum).”

1. Application

(1) Eligible Persons

Aliens embarked on vessels or aircraft

(2) Application Method

In order to make an application, an applicant shall appear in person at the regional immigration bureau located at the port of entry. However, if the applicant is under 16 years of age or cannot appear in person because of illness or any other unavoidable reasons, the application may be made by his/her father or mother, spouse, child or another relative on behalf of the applicant.

2. Necessary Documents for Application

(1) Documents to Submit

- a. Alien Disembarkation Record (generally called an E/D card; this card may be given out in the aircraft and is available from an airline counter or immigration inspection booth at the airport.) 1 copy
- b. Declaration (distributed by the regional immigration bureau located at the port of entry; status-related matters, the reason for application, etc. should be stated.) 1 copy
- c. Photograph (if any) 2 copies
- d. Material showing justification for asylum (if any) 1 copy

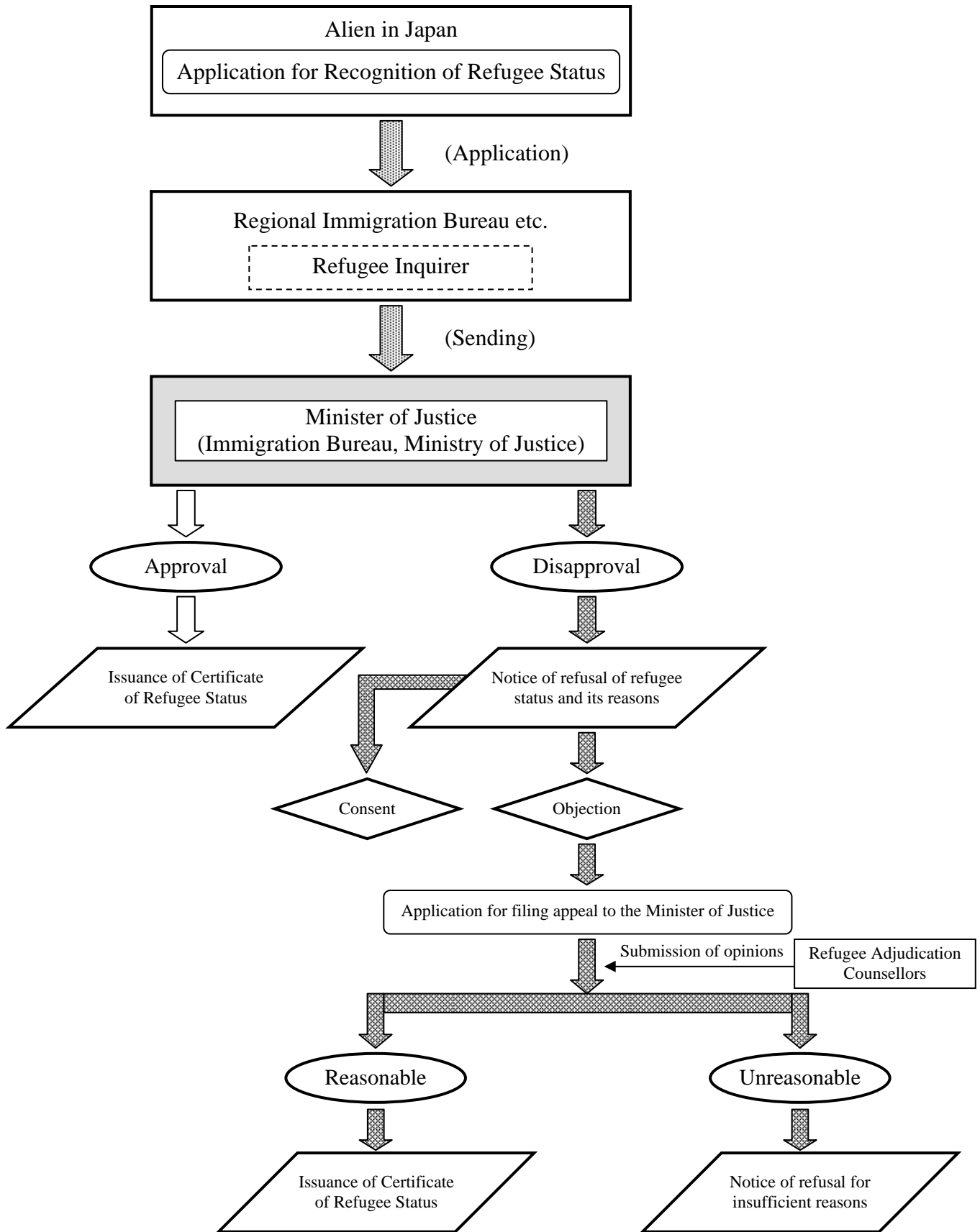
(2) Documents to Show

- a. Passport and other voyage documents (if any)
- b. Documents showing identification (if any)

3. Issuance of Certificate of Permission for Temporary Refuge

If, upon inspection, Landing permission for temporary refuge is granted, a certificate of permission for temporary refuge is issued. This certificate specifies the period of stay, residence, and the terms of disembarkation such as the scope of activity.

Illustration of Procedure for Recognition of Refugee Status



(Office of Application for refugee recognition)

Sapporo Regional Immigration Bureau	Status Division
Sendai Regional Immigration Bureau	Status Division
Tokyo Regional Immigration Bureau	Refugee Division
Narita Airport District Immigration Office	Inspection Administration Section
Haneda Airport District Immigration Office	Inspection Administration Section
Yokohama District Immigration Office	Employment and Permanent Residence Division
Nagoya Regional Immigration Bureau	Permanent Residence Division
Chubu Airport District Immigration Office	Inspection Administration Section
Osaka Regional Immigration Bureau	Employment and Permanent Residence Division
Kansai Airport District Immigration Office	Inspection Administration Section
Kobe District Immigration Office	Status Division
Hiroshima Regional Immigration Bureau	Entry and Status Division
Takamatsu Regional Immigration Bureau	Status Division
Fukuoka Regional Immigration Bureau	Entry and Status Division
Naha District Immigration Office	Status Division

(Office for Filing an Appeal)

Sapporo Regional Immigration Bureau	Status Division
Sendai Regional Immigration Bureau	Status Division
Tokyo Regional Immigration Bureau	Adjudication Division
Narita Airport District Immigration Office	Adjudication Division
Haneda Airport District Immigration Office	Inspection Administration Section
Yokohama District Immigration Office	Adjudication Division
Nagoya Regional Immigration Bureau	Adjudication Division
Chubu Airport District Immigration Office	Inspection Administration Section
Osaka Regional Immigration Bureau	Adjudication Division
Kansai Airport District Immigration Office	Inspection Administration Section
Kobe District Immigration Office	Status Division
Hiroshima Regional Immigration Bureau	Adjudication Division
Takamatsu Regional Immigration Bureau	Status Division
Fukuoka Regional Immigration Bureau	Adjudication Division
Naha District Immigration Office	Status Division