

Are all foreign nationals who file for recognition of refugee status held in detention?

In principle, the Japanese deportation procedures are carried out with the illegal resident held in detention.



However, illegal residents make up only about 25% of the total number of refugee recognition applicants

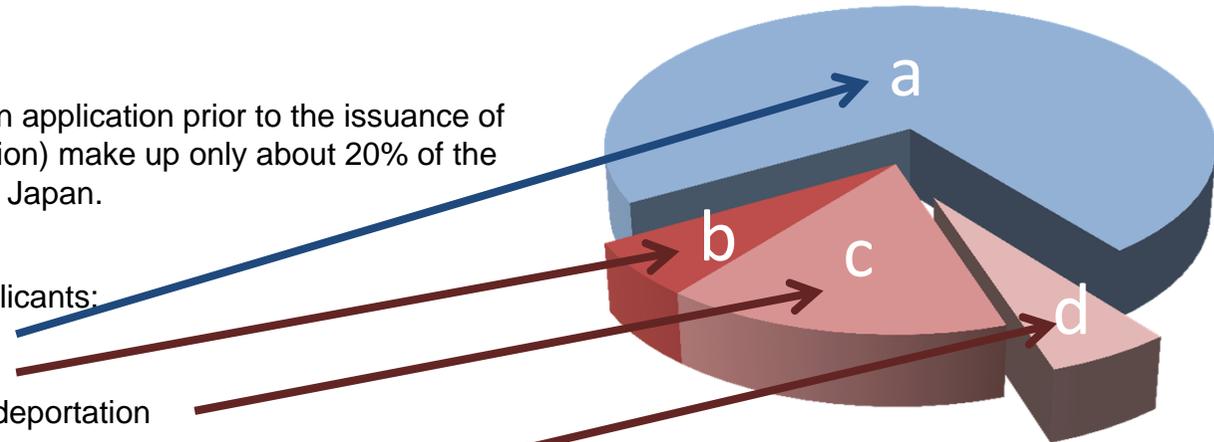


In addition, foreign nationals who filed an application prior to the issuance of a written detention order (prior to detention) make up only about 20% of the number of applicants illegally residing in Japan.



In other words, about 95% of the applicants:

- (a) Are not subject to detention
- (b) Applied during their detention, or
- (c) Applied following the decision on deportation



※ 2013 application base

If (d) the illegal resident filed an application prior to detention

⇒ normally the refugee examination procedures and the deportation procedures will be carried out without the foreign national being detained.

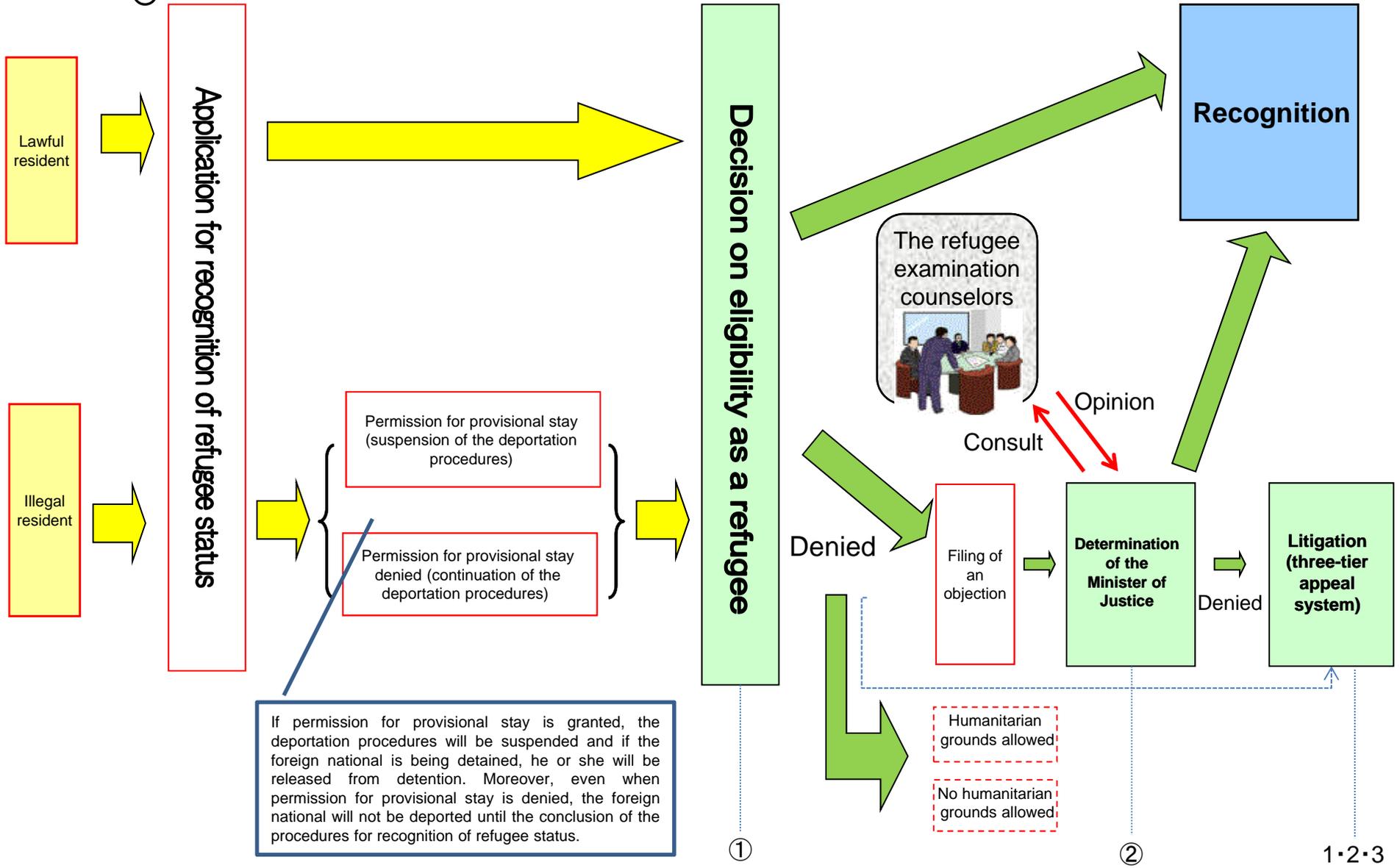
(Foreign nationals are detained in extremely exceptional cases such as when a foreign national committed a crime after filing an application for recognition of refugee status, was arrested by the police and was subsequently handed over for detention or when the whereabouts of a foreign national became unclear during a pending application and the foreign national was subsequently detained.)

Conclusion: foreign nationals are only detained through the deportation procedures following the filing of an application in extremely exceptional cases.

(Reference)

Of the 277 foreign nationals held in detention during the refugee recognition procedures (note) as of the end of 2013, the number of foreign nationals detained following the filing of an application for refugee recognition was 13 **in exceptional cases such as where the foreign national had committed a crime after filing the application** (the number of applicants awaiting the results of their application for refugee recognition (note) as of the end of 2013 was approximately 6,500). (Note: including foreign nationals awaiting the results of their objection)

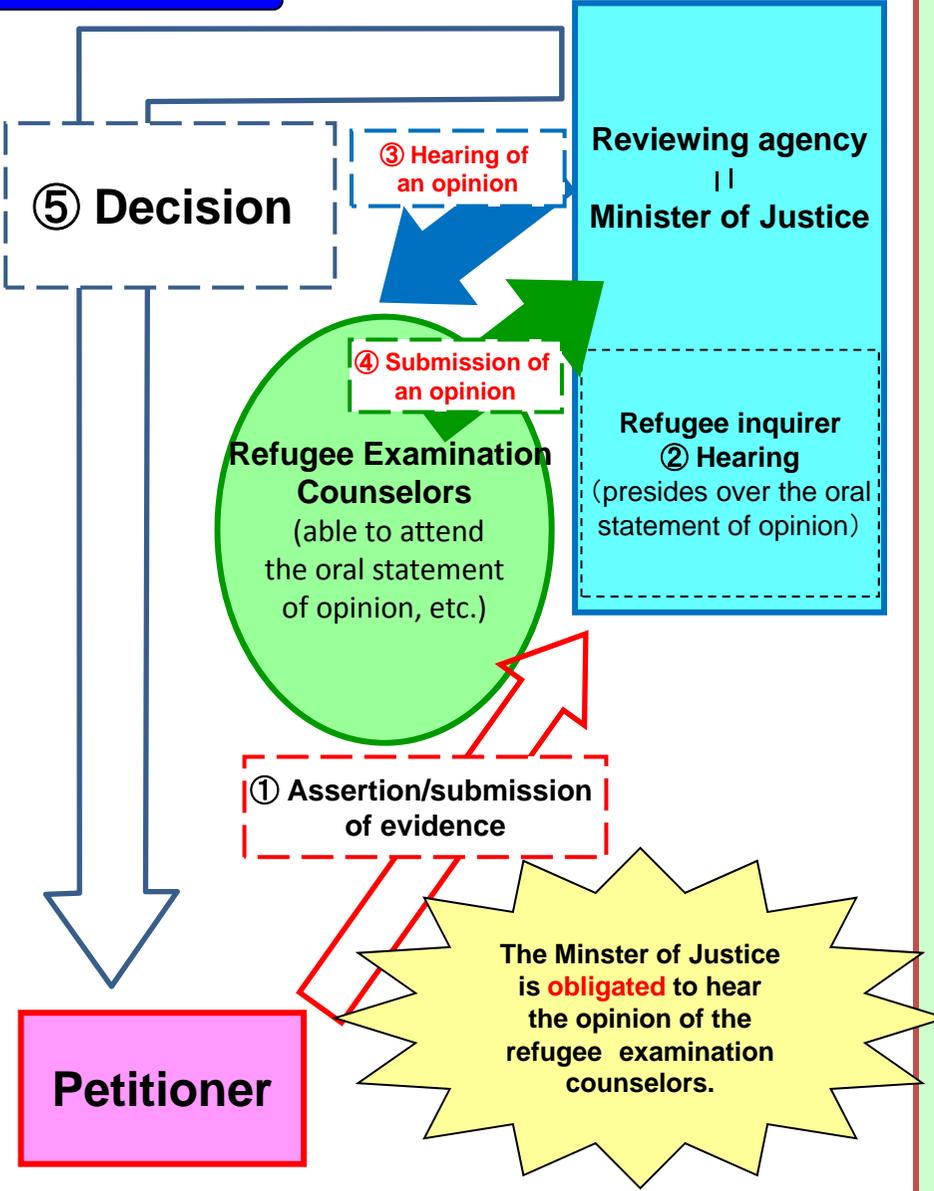
- Recognition of refugee status is appropriately carried out in Japan
- If a foreign national objects to a disposition, he or she is able to institute litigation
- The principle of “non-refoulement” is strictly applied



Highly Independent Appeals Mechanism (System of Refugee Examination Counselors)



Outline of the system



What is the System of Refugee Examination Counselors?

When rendering a decision on an objection filed by a foreign national, who is dissatisfied with a disposition denying recognition of refugee status, the Minister of Justice shall hear the opinion of the refugee examination counselors (hereinafter referred to as “counselors”) in all of the cases.

Who are the counselors?

The refugee examination counselors are appointed by the Minister of Justice from among persons of reputable character, who are capable of making a fair judgment on the objection to the disposition denying recognition of refugee status, and who have an academic background in law or current international affairs (Article 61-2-10 of the Immigration Control Act).

○ Breakdown of appointed counselors as of February 1, 2014 (total of 74 persons)

Legal practitioners: 25 experts

(8 former judges, 9 former public prosecutors, 8 attorneys)

International affairs experts: 25 experts

(5 former diplomats, 6 experts with experience of working abroad (correspondents, etc.), 9 recommended by NGOs, 5 recommended by the UNHCR)

Legal experts: 24 experts

(International law scholars, etc. (of which 5 were recommended by the UNHCR)

The Minister of Justice is **obligated** to hear the opinion of the refugee examination counselors.