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List of Constituent Organizations

Human Rights Now <https://hrn.or.jp/eng/>

Human Rights Now (HRN) is an international human rights NGO based in Tokyo, Japan with UN special consultative status. HRN was established in 2006 by a group of human rights professionals, among them lawyers, scholars and journalists, as the first international human rights NGO based in Japan.

Center for Prisoners' Rights http://cpr.jca.apc.org/about/outline_en

Center for Prisoners' Rights has been working to improve the human rights situation in criminal detention facilities in line with international human rights standards since 1995.

Japanese Lawyers and Citizens Network for the Medical Aid of Welfare and Human Rights

<https://www.facebook.com/iryofujo>

To improve the human rights situation in psychiatric treatment, the Network has been conducting investigations of facts based on the complaints of persons concerned and requesting related agencies to take appropriate measures since 2012.

Japan Lawyers Network for Refugees <http://www.jlnr.jp/>

Japan Lawyers Network for Refugees is an association of lawyers established in 1997 with the purpose of supporting individual refugees and advocating policies to ensure the appropriate and prompt recognition of refugee status and to guarantee the status of applicants, those recognized as refugees, and immigrants who have been given status by humanitarian consideration.

Solidarity Network with Migrants Japan <https://migrants.jp/english.html>

SMJ is an NGO advocating for the rights and dignity of migrants and people with multi-cultural backgrounds living in Japan. SMJ was established in 1997 and became a nonprofit corporation in 2015.

Additional Information on Criminal Institutions (Disciplinary punishment against Mr. Hoshino, from February 1989 to May 2018)

- **February 1989**, one week of “minor solitary confinement”
Hoshino’s prison labor at that time was making plastic flowers. One day he warmed plastic material with a kettle in his bed in order to prevent it go brittle in the freezing room. The prison authority caught him and imposed a punishment called “*Keiheikin*” [Minor solitary confinement].

- From **15 to 23 August 1990**, “minor solitary confinement”
The prison authority placed him in “minor solitary confinement” because he washed his towel, with which he had wiped his feet after they got dirty during the exercising without socks.

- **November 1996**, 20 days of “minor solitary confinement”
He was placed in “minor solitary confinement” because he washed his foot after he inadvertently stepped on a cockroach in his cell.

- **March 2010**, “admonition”
On 26 February 2010, Tatsuo Suzuki, Hoshino’s attorney, visited him and informed that the Tokyo High Court had set 31 March as the deadline for the submission of his opinion letter for a retrial. On 28 February, he spent the whole day writing his opinion letter. After the lights-out, he corrected one line - the “reason” for the admonition.

- **March 2010**, one week of “disciplinary confinement”
“*Heikyo batsu*” [disciplinary confinement] was imposed because he had put *zenzai* (hot sweet Japanese soup) in the case for his artificial tooth in order to cool it down.

- **April 2011**, demotion from the third privilege grade to the fourth, because of accumulation of two “yellow cards” as follows:
 - (i) During the work time, Hoshino, speaking to a prisoner, asked him; “do you have a permit to talk to me?” The authorities ruled Hoshino’s expression as “irregular conversation.”
 - (ii) After the authorities changed his cell, he stood on the table in order to clean up the cell.

- 8 May 2018, three punishments:
 - (i) Handing back of 500 Yen (=4.70846 USD, 1 USD=106.192 JPY) cash reward
 - (ii) Handing back of one of 4 pins each of which honored his 3-year no accident record.
 - (iii) Demotion from the second privilege grade to the thirdOn the 3 May national holiday, he overlooked the notice that instructed the dessert must be eaten before the supper and instead consumed it one hour after. His behaviour was ruled “irregular consumption.”

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WORLD NEWS APRIL 3, 2017 / 3:03 PM / UPDATED 3 YEARS AGO

Vietnamese died of stroke at Japanese detention center: official

By Ami Miyazaki, Thomas Wilson

2 MIN READ



TOKYO (Reuters) - A Vietnamese man who died in solitary confinement at a Japanese immigration detention center, raising questions about monitoring of detainees, died from a stroke, a Justice Ministry official said on Monday.

FILE PHOTO: An inside view of a shared cell is seen at the East Japan Immigration Center in Ushiku, Ibaraki prefecture, Japan, March 19, 2015. REUTERS/Yuya Shino/File Photo

The death of Nguyen The Hung last month at the East Japan Immigration Centre in Ibaraki prefecture, northeast of Tokyo, took the toll in Japan's detention system to 13 since 2006.

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An autopsy found that Nguyen died of a subarachnoid hemorrhage, the official said, requesting anonymity. The autopsy was carried out on Wednesday, a separate person with direct knowledge of the matter said.

While full details of Nguyen's medical condition and treatment at the center remain unclear, fellow detainees said the Vietnamese had repeatedly told guards he was suffering from pain in his head and neck after his arrival.

Nguyen was prescribed painkillers by a doctor at the center, the detainees said in a letter, only for guards to ignore his later complaints of pain as he was held in a solitary cell and tell him to be quiet.

Tooru Tsunoda, a doctor and vice-chairman of a watchdog overseeing conditions at the center, told Reuters that although strokes are hard to detect, guards may have missed symptoms of Nguyen's illness.

"They may have been unable to detect the stroke by only monitoring Nguyen in the solitary cell," Tsunoda told Reuters.

Nguyen, born in 1969, arrived in Japan in 1998 to seek asylum, a Vietnamese nun told Reuters. He was one of more than 11,000 refugees Japan took in during the aftermath of the Vietnam War.

A Reuters investigation into the death of a Sri Lankan held in a solitary cell at a Tokyo detention center revealed serious gaps in medical care and checks on ill detainees.

Reporting by Ami Miyazaki and Thomas Wilson; Editing by Nick Macfie

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Turkish man sues Japanese gov't, says immigration officials broke his arm

May 29, 2018 (Mainichi Japan)



Osaka immigration officials subdue a Turkish man who is now suing the government of Japan, alleging that the officials broke his right arm. (Image courtesy of lawyers for the plaintiff)

OSAKA -- A Turkish man sued the government of Japan on May 29 seeking damages totaling 4.5 million yen, alleging that immigration officials in Osaka broke his right arm while trying to restrain him at a detention facility here.

According to the Osaka District Court lawsuit, the plaintiff, 34, arrived in Japan in January 2015 but was denied entry as he had previously been deported due to an illegal stay. He has since been under detention.

The alleged incident at the Osaka Regional Immigration Bureau detention facility in Osaka's Suminoe Ward occurred in July 2017, when the Turkish man threw a book at an official because he became angry at the official's attitude. This action prompted several officials to pile onto him, breaking his right arm.

Surveillance camera footage showed about eight officials pinning the man on the ground. The image was made public by the lawyers for the plaintiff following its release by the bureau.

One of the lawyers says they want to examine the Osaka bureau's stance toward detainees as officials there have been accused of "illegal restraint" in the past. A bureau official declined to comment, saying the suit had not reached the bureau.

(Japanese original by Koji Endo, Osaka City News Department)

Brazilian man sues Japanese gov't for injuries at immigration center



KYODO NEWS - Nov 18, 2019 - 14:54 | All, Japan



TOKYO – A Brazilian man has sued the Japanese government after sustaining injuries in October last year while being forcibly restrained at an immigration facility in Tokyo, people familiar with the matter said Monday.

Andre Kussunoki, 33, filed a lawsuit with the Tokyo District Court, claiming the physical restraint used by immigration officials was unnecessary and amounted to assault. He is demanding that the state pay 5 million yen (\$46,000) in damages.



restrained by several officials after refusing to follow an order at the Tokyo Regional Immigration Bureau, the sources said.

The bureau detains foreigners who have received deportation orders.

In recent years, several other detainees have sustained injuries while being physically restrained at immigration facilities in the country.

A Kurdish man injured his neck in May last year at the Tokyo immigration bureau, and a Turkish man broke his right arm in July 2017 at the Osaka Regional Immigration Bureau.

According to internal documents from the immigration bureau, obtained by Kyodo News, immigration authorities tried to transfer Kusunoki to an immigration center in Ushiku, Ibaraki Prefecture, on Oct. 9, 2018, but he resisted the transfer order by locking himself in the toilet.

Six immigration officials had to forcibly remove him from the toilet, taking him down on his stomach and handcuffing him behind his back.

Kusunoki, with bleeding fingers, complained of pain in his left shoulder, according to the documents.

After he was transferred to the immigration center in Ushiku later in the day, he was diagnosed by the center's doctor as having a left rotator cuff injury.

Kusunoki told Kyodo News in a recent interview that the officials continued to restrain him even after he stopped resisting.

"Although I asked the officials to explain why it was necessary for me to be transferred, they persistently said such explanations were unnecessary," Kusunoki said.

"I don't understand why they had to physically restrain me, when all they needed to do is explain," he said.



An official at the Immigration Services Agency said, "We recognize that a measure of restraint was carried out using the reasonably minimum necessary physical force for the violation of not complying with orders."

Some critics point out that detainees and immigration workers are both stressed out, with detainees increasingly being held for longer periods of time. The government is being criticized for keeping detainees with no clear idea of when they will be sent back to their countries.

"Being detained without any prospects, detainees are feeling stressed, and officials who are responding to them are becoming exhausted and violent," said Koichi Kodama, a lawyer who has expertise in immigration policy and the rights of foreigners.

"Detentions at immigration facilities will be conducted for deportation as intended by the Immigration Control and Refugee Recognition Law, and detentions of foreigners who have no prospects of deportation should be stopped immediately," Kodama said.

Related coverage:

[10 detainees go on hunger strike at Japanese immigration center](#)

[Asylum-seeker No. in Japan almost halves in 2018 amid tougher rules](#)

[Asylum seeker's cuffed and roped hospital visit in Japan sparks debate](#)

Nov 18, 2019 | KYODO NEWS





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Footage of Kurdish man's detainment submitted to Tokyo court

 KYODO NEWS - Dec 20, 2019 - 20:00 | All, Japan



TOKYO – Footage displaying the moment a Kurdish man from Turkey was restrained at an immigration center in eastern Japan in January has been submitted to a Tokyo court by the facility, after the man sought damages alleging he had been manhandled.

The video shows the 40-year-old named Deniz, who declined to give his surname for fear of retaliation against his family in Turkey, being restrained by staff members at the Higashi-Nihon Immigration Center in Ibaraki Prefecture.



[Courtesy of the plaintiff's lawyer]

District Court on Thursday.

The video features five to six staffers yelling, "Control, control," as they hold the man to the floor and handcuff him behind his back.

His arms bent backward, the man can be heard repeatedly crying out, "It hurts," and, "They're going to kill me."

"It's no longer an acceptable form of restraint under the immigration center's regulations, but an organized form of torture," lawyer Takeshi Ohashi said.

"The facility will become like Abu Ghraib prison if conditions are left like this," he said, in reference to the site in Iraq of a notorious detainee abuse scandal involving the U.S. military.

The immigration center has admitted to the occurrence of "unjustifiable conduct" and apologized to the man. But it has refused to release documents on what actually happened.

"I thought they were going to kill me," Deniz said, according to the lawyer. "I still have nightmares about the assault."

The defense team has claimed at the court that the incident occurred at midnight on Jan. 18 after the man was denied medicine from the staff. A number of personnel entered his room, twisted his wrists and used their thumbs to thrust up his chin before moving him to a separate room where he was handcuffed tightly behind his back.

The Immigration Bureau of Japan declined to comment, citing that the case has been brought to court.

Footage of Kurdish man's detainment in Japan



Dec 20, 2019 | KYODO NEWS



Nigerian man died on hunger strike at Japan detention center: agency



KYODO NEWS - Oct 1, 2019 - 17:06 | All, Japan



TOKYO – The immigration agency revealed Tuesday that a Nigerian man died of starvation in June at one of its facilities in southwestern Japan after he went on hunger strike over his prolonged detention.

The first such death in Japan occurred at the immigration center in Omura, Nagasaki Prefecture, on June 24, according to the Immigration Services Agency.

The agency concluded in a report that the man, who was in his 40s, had refused food or medical treatment and that the facility could not forcibly treat him, saying its response to

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The man was convicted in various criminal cases including theft and was taken into the detention center after he was provisionally released from prison in November 2015. The report said he could not be released from the center given the seriousness and the repetitious nature of his crimes.

Japan's immigration detention centers hold people who have overstayed their visas or who have been ordered to be deported, among others. Many people end up being detained for a long time if they refuse to be deported or if their home countries refuse to accept their return.

There have been other cases of hunger strikes by detainees who seek to be freed from the centers, and civic groups have criticized the immigration authorities for keeping them for extensive periods, saying it is a human rights issue.

The agency also said in the report, "The problem of prolonged detainment should be resolved by facilitating repatriation," while calling for considering measures to prevent hunger strikes and making it mandatory for detention facilities to give medical treatment to detainees when necessary.

The center learned on May 30 that the man had stopped eating. Officials at the facility checked his health and tried to persuade him to eat or receive treatment, according to the report.

The man, who had married a Japanese woman but subsequently divorced, had refused to be deported because he had family in Japan.

As of the end of last year, 1,246 people were being detained at immigration facilities, with 681 of them being detained for more than 6 months, according to the agency.

Oct 1, 2019 | **KYODO NEWS**



2 foreign female detainees fearing COVID-19 file suit seeking release

By REI KISHITSU/ Staff Writer

May 28, 2020 at 17:07 JST



The Tokyo Regional Immigration Bureau (Asahi Shimbun file photo)

Two foreign female detainees have filed a lawsuit with Tokyo District Court seeking temporary release from an immigration facility because of fears of infection by the novel coronavirus.

The women--one from China and the other from the Philippines--are being detained at a Tokyo Regional Immigration Bureau facility for overstaying their visas and other violations.

The lawsuit, dated May 22, seeks a retraction of an order denying the women temporary release. Lawyers for the women said this was the first case of detainees asking for release because of their concerns about becoming infected with

COVID-19.

The Chinese woman has been detained for 15 months while the Filipina has been detained for about three years. They claim in the lawsuit that their continued detention raises the risk of becoming infected and that their rights to good health are being violated.

According to lawyers who have supported detainees, the women are kept in cells holding three or four detainees, an example of the unventilated and congested spaces that the government is warning the public to avoid.

As of April 30, 280 men and women were detained at the Tokyo bureau's facility. While restrictions were temporarily placed on visitors, those detainees still come in daily contact with staff at the facility, leaving many detainees fearing that they will become infected.

The Chinese woman told her lawyer that she feared becoming infected and that if she was not given a temporary release, she would rather die.

On April 25, female detainees did not return to their rooms at the prearranged time and began protesting for a temporary release in a common room. A large number of male facility employees forcibly returned the women to their cells.

One female detainee who witnessed the incident said, "Two or three women were forcibly taken back to their cells by about a dozen male workers. It was a very tense situation."

According to the lawsuit, the Chinese woman slashed her wrist the following day using a piece of wire in an apparent suicide attempt.

Since her detention, the Filipina has been unable to see her 10-year-old daughter, who lives in a foster care facility.

“Her stress level has reached its limit because of her fears of infection and due to the loneliness she feels from not being able to see her daughter,” said Jun Sasamoto, the woman’s lawyer.

An organization that supports detainees questioned the need for such violent measures to return the women to their cells.

When asked about the incident at a May 13 hearing in the building for Upper House members, Akira Okamoto, who heads the security department at the Immigration Services Agency, said, “The staff responded in line with regulations. Male employees may become involved in dealing with female detainees during an emergency.”

According to the office of Upper House member Mizuho Fukushima, which questioned central government officials, while there were 1,139 detainees at all detention facilities on April 7, when a state of emergency was declared related to the coronavirus pandemic, the number decreased to 914 by April 30.

Support groups believe many detainees were given a temporary release to prevent further infections. However, those groups insist there are still many detainees being kept at the facilities despite their continuing concerns.

Statements have been released since April by the United Nations Network on Immigration, the Japan Federation of Bar Associations and other organizations both in Japan and abroad asking that the detainees be released to prevent a spread of infections.

Regarding the latest lawsuit, the Immigration Services Agency said it would deal appropriately with the case after studying the lawsuit.

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Japan's hidden darkness: Deaths, inhumane treatment rife at immigration centers

July 9, 2019 (Mainichi Japan)



An image from surveillance footage taken of the Cameroonian man whose case was heard at the Mito District Court is seen here. The image shows him in pain on the floor, having fallen from his wheelchair. The image was provided by the plaintiff's legal team.

TOKYO -- Persistent cases of foreign nationals without residency status dying in detention facilities across Japan point to a hidden darkness, at odds with a country set to welcome the world at the Olympics and Paralympics next year amid a historic tourism boom.

At the Omura Immigration Center in Nagasaki Prefecture, southwest Japan, a detainee died at the end of June while on hunger strike. Another foreign national died in 2014 at a facility in Ibaraki Prefecture

northeast of Tokyo. A trial over the Ibaraki case recently exposed the miserable conditions in which detained individuals are kept.

--

It's May 24 at the Mito District Court, courtroom number 302. On a large monitor, a man is seen on the floor, writhing in agony. "I'm dying, I'm dying," he says. His faltering, pained voice echoes from the screen and across the courtroom. Around 12 hours after the security footage was taken, he was found in same cell in cardiorespiratory arrest. He was later taken to hospital, where he was pronounced dead.

The footage came from recordings captured in March 2014 by a security camera at the Higashi-Nihon Immigration Center in Ushiku, Ibaraki Prefecture. The victim was a Cameroonian man who had arrived in Japan in October 2013, then aged 43.

Detained shortly after entering the country, it emerged from a government diagnosis the following November that he had health issues including diabetes. In the month prior to his death, he had complained of chest pains and difficulty breathing, and further pain in his legs meant he struggled to walk. When other detainees could no longer bear to see his suffering, they appealed to staff at the center to let him be seen by a doctor.

The center moved him to the camera-monitored "recuperation room" on March 27, three days before he died. Although the measures taken by the center indicate they considered his condition to have worsened enough to warrant constant monitoring, it's said that there was no opportunity for him to be seen by a doctor from the day he was moved until his death.

In September 2017, the deceased man's family launched a lawsuit seeking compensation of 10 million yen for losses against the national government and the head of the center at the time of his death.

Back on the screen in the Mito courtroom, a group of immigration officials enter the room. Footage of them trying to drag the man onto a wheelchair is shown. Though he is clearly in pain, the officials shout "No!" at him in harsh, admonishing tones.

Footage shows him falling repeatedly from the bed and wheelchair, ending up writhing on the floor. At around 8 p.m. on the day before he dies, his movements gradually become more languid and his speech became choppy. After a groan escapes his lips, his arms, outstretched toward the wheelchair while he remains on the ground, fall. Unsparing images of a man facing the end of his life play out in the court.

The judge watches the images intently, hand over mouth with a flushed face. At 1 a.m. on the day he died, the man is on the floor, and his head and feet are shaking. Left in that state, he is confirmed six hours later to have suffered cardiorespiratory arrest.

The government maintains it is not responsible for what happened, that the man was given care including water, and that immigration authorities carried out their measures correctly. But there were moments in the trial that day that brought the government team's prudence into question.

Responding to one question about the case from a judge, a lawyer representing the government said with a smile, "We still haven't gotten a response (from Cameroon)" -- a response that could be interpreted as prejudice toward a developing country. A voice from the gallery could be heard criticizing the government team's attitude, saying, "How can you smile while the responsibility for the loss of a life is called into question?"

The plaintiff's side sought to uncover the circumstances surrounding the man's death. They asked how was he being monitored and by how many employees, and why it was decided an ambulance didn't need to be called even though he was complaining of pain in a loud voice.

The representative for the complainant, lawyer Koichi Kodama, criticized the center's response. "A death under detention is a serious incident. Records of an internal investigation and an acknowledgement of the facts should still remain. But even these haven't been brought to light," he said.

Kodama noted that the government had a clear responsibility for the health of detainees. "The reality is that incidents where the government maintains that it 'did what it should, but it couldn't foresee a death' are common," he said. "There have even been cases where immigration staffers have confirmed that a detainee's pulse has stopped, but still judged it as a case of feigned illness."

The family of the deceased, who live abroad, had struggled to launch the suit -- a case of the government being held responsible for deaths in enclosed spaces at its immigration facilities is rare.



Mehmet Colak, 39, who was provisionally released in June from his detainment at the Tokyo Regional Immigration Bureau in Minato Ward, said of the state of healthcare under detention, "I tried to get seen by a doctor while I was in the center, but it took as long as three weeks for one to come. All you could do was wait."

Colak is Kurdish; he came to Japan in 2004 to escape persecution in Turkey. While seeking recognition of refugee status he lived with his family of five, but was detained in January 2018. In March 2019, he complained of searing pain to his chest and head, but immigration officers reportedly just said to him,

Mehmet Colak speaks during a June 24, 2019 news conference in Tokyo's Minato Ward. (Mainichi/Akihiro Ogomori)

"You're still alive, aren't you? You're talking, aren't you?"

When explaining the conditions at the time of Colak's detention, a representative of the Tokyo bureau said, "The appropriate response was provided; there were no problems."

Based on known cases alone, since 2007 some 15 foreign nationals have died while being transported or after being detained by immigration authorities in Japan.

On June 24, a Nigerian man in his 40s died at the Omura Immigration Center in Nagasaki Prefecture, in southwest Japan.

The center itself has not provided detailed information on his identity or details of the circumstances in the case, but according to people including those who had been supporting him, he was 49 years old. He was first detained in Osaka in November 2015, and then transferred to Nagasaki in 2016. At the time of his death, he was reportedly on a hunger strike, as a protest against being refused permission for provisional release.

Upon receiving news of his death on July 1, the Tokyo Bar Association said, "The detainee was cornered and ultimately driven to death by a policy of indefinitely long detention." The head of the association called for changes to the way in which detainee cases are handled.

On July 5, amid calls from citizens in activist groups, around 60 people gathered outside the Ministry of Justice to protest over the government's handling of the cases.

At the Higashi-Nihon Immigration Center, hunger strikes began in May, with close to 30 people participating by the end of June. One of the hunger strikers, a 45-year-old Iranian man, spoke to a Mainichi Shimbun reporter who came for a face-to-face visit on June 26. Describing the state of the center, he said, "Do you realize how many people lost their lives as a result of illness or suicide? This is the only resistance we have."

Detention and processing for deportation is one administrative punishment for foreign residents who have lost permission to stay in Japan. This is not a criminal penalty. But even convicted criminals who have committed serious crimes do not have to struggle in such a harsh environment, where people cry out in pain with a sense that death is only hours away.

"It's as if immigration officials don't think of foreign nationals under detention as human beings," said Kodama, the lawyer in the Cameroonian man's case, as he reflected on the continuing deaths.

Even so, awareness of human rights issues at detention centers is becoming more widespread among the general population. In early June, a group of some 30 people came together in Tokyo to study the

issue. A 28-year-old woman at the gathering who works at a restaurant spoke about her meetings with people at the centers, saying, "Almost all long-term detainees have health problems, from issues with their kidneys and other internal organs, to skin diseases and mental health problems."

The meetings started around a year ago, following the suicide of a 32-year-old Indian man in April 2018 at the Higashi-Nihon Immigration Center. The 28-year-old woman admitted that going to speak directly to detainees about their hardships was tough.

When asked why she still does it, she said, "It's hard to accept that the taxes we pay are being used to make people suffer. If we as the majority don't try to change what's happening, then nothing will change." She says that when the detainees thank her for her efforts, she tells them that the group is simply cleaning up after the government's mess.

(Japanese original by Jun Ida, Integrated Digital News Center)

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法務省管警第43号

平成30年2月28日

入国者収容所長 殿
地方入国管理局長 殿
地方入国管理局支局長 殿

法務省入国管理局長 和田 雅 樹

(公印省略)

被退去強制令書発付者に対する仮放免措置に係る適切な運用と動静監視強化の
更なる徹底について (指示)

退去強制令書が発付されたものの送還の見込みが立たない被収容者については、仮放免を許可することが適当でない者を除き、出入国管理及び難民認定法第54条に規定する仮放免を活用する一方、適正な仮放免の運用を担保するために被退去令仮放免者の動静監視を強化し、仮放免の条件違反者や仮放免理由の消滅者等、仮放免を継続しておくことが適当ではない者については、仮放免の取消しや仮放免期間の延長不許可により再収容するなど、仮放免の適正化を図るとともに、速やかな送還に向けた準備を行うよう、平成28年9月28日付け法務省管警第202号「被退去強制令書発付者に対する仮放免措置に係る適切な運用と動静監視強化の徹底について」をもって指示しているところです。

ところで、近年、難民認定手続における濫用・誤用事案への対策が急務となっており、これら濫用・誤用的難民認定申請者に対して従来から講じている就労・在留制限措置を更に拡大すること等に係る難民認定事務取扱要領の一部改正については、平成30年1月12日付け法務省管総第82号により通達したところです。

そこで、上記措置の実施を踏まえ、仮放免に係る具体的運用方針について、別添のとおり定めたので、今後、当面の間は同運用方針に従い、仮放免の適切かつ厳格な運用に努めるよう指示します。

添付物

仮放免運用方針

1部

仮放免運用方針

1 仮放免の運用の原則

(1) [Redacted]

ア [Redacted]

(注1) [Redacted]

(注2) [Redacted]

イ [Redacted]

(2) 仮放免を許可することが適当とは認められない者

仮放免を許可することが適当とは認められない者（注3）は、送還の見込みが立たない者であっても収容に耐え難い傷病者でない限り、原則、送還が可能となるまで収容を継続し送還に努める。 [Redacted]

（注3）「仮放免を許可することが適当とは認められない者」とは、次に掲げる者又はそれらに相当する者をいい、特に①から④に該当する者については、重度の傷病等、よほどの事情がない限り、収容を継続する。

① 殺人、強盗、人身取引加害、わいせつ、薬物事犯等、社会に不安を与えるよう

な反社会的で重大な罪により罰せられた者

- ② 犯罪の常習性が認められる者や再犯のおそれが払拭できない者
- ③ 社会生活適応困難者（DV加害者や社会規範を守れずトラブルが見込まれる者など）
- ④ 出入国管理行政の根幹を揺るがす偽装滞在・不法入国等の関与者で悪質と認められる者
- ⑤ 仮放免中の条件違反により、同許可を取り消し再收容された者
- ⑥ 難民認定制度の悪質な濫用事案として在留が認められなかった者（平成30年1月12日法務省管第2号による改正後の入国・在留審査要領第12編第26節第2の3に定めるところにより在留制限の対象とされた者のほか、難民認定申請中であることを理由に「特定活動」の在留資格を付与されたものの法第24条第4号イ等該当により退去強制令書が発付された者をいう。）
- ⑦ 退去強制令書の発付を受けているにもかかわらず、明らかに難民とは認められない理由で難民認定申請を繰り返す者（この判断に当たっては、難民性に関し地方入国管理局難民調査担当部門又は審査請求中にある場合は難民審判担当部門の意見を求めること。）
- ⑧ 仮放免の条件違反のおそれ又は仮放免事由の消滅により、仮放免許可期間が延長不許可となり再收容された者

(注4) [Redacted text block]

[REDACTED]

(3) 帰国希望者

訴訟や難民認定申請を取り下げるなど、帰国に翻意したことが明らかな被收容者を送還要件が整うまで收容する必要はなく、送還要件を整える手続や交渉については当該者自身に行わせるべく、出国準備のためとして仮放免の請求がなされた場合には、出国準備期間としての仮放免を許可する。

この場合における保証金は、仮放免請求者の資産に応じ、逃亡を防止し得る額とする。

2 仮放免後の措置

(1) [REDACTED]

(2) 上記1 (3) の退仮者については、出頭時に出国に向けた準備状況を確認し、[REDACTED] 出国準備が整わない場合には、仮放免許可の延長を行わず再收容して、送還準備を進める。

(3) 動静監視の効果的な手法

動静監視を実施する目的は、出入国管理行政を通じた我が国における安全・安心な社会の実現を図るために、在留資格を有しない退仮者の仮放免期間中の動静を監視し、仮放免不相当者は厳格に收容し仮放免制度の適正化を図ることにある。

[REDACTED]

[Redacted text block]

3 動静監視の運用

(1) 動静監視の目的

職員が、退仮者宅を訪問し、かつ、[Redacted text]
退仮者の動静を的確に把握するとともに、当局が、適切かつ厳格な動静監視を実施することにより、[Redacted text]
[Redacted text]

(2) 動静監視の要領

[Redacted text block]

ア 居住実態

[Redacted text block]

イ 生計維持

[Redacted text block]

[Redacted text]

ウ 仮放免継続事由

[Redacted text]

4 仮放免許可取消又は仮放免期間延長の許否判断の原則

(1) 仮放免許可取消しの許否判断

[Redacted text]

[Redacted text block]

(2) 仮放免期間延長の可否判断

[Redacted text block]

Ministry of Justice Directive No. 43

February 28, 2018

Directors of Immigration Detention Centers
Directors of Regional Immigration Bureaus
Directors of Regional Immigration Bureau Branch Offices

Masaki Wada
Director-General of the Immigration Bureau of Japan

About proper operations pertaining to provisional release measures for persons issued with mandatory deportation orders and more thorough enforcement of behavior monitoring (instructions)

For those detainees for whom deportation orders have been issued but there is no prospect of repatriation, although the provisions of Article 54 of the Immigration Control and Refugee Recognition Act do allow their provisional release (excluding those persons whose provisional release is deemed inappropriate), in order to ensure the appropriate operation of this provisional release system, we will strengthen our behavior monitoring of those under provisional release. **With regard to those for whom continued provisional release is deemed no longer appropriate (such as those who violate the conditions of their provisional release or whose grounds for provisional release are no longer valid), we may terminate their provisional release or decline to extend their provisional release period, with the aim of making provisional release fairer while also preparing for their prompt repatriation, as per the instructions of Ministry of Justice Directive No. 202, dated September 28, 2016, regarding "Proper operations pertaining to provisional release measures for persons issued with mandatory deportation orders and more thorough enforcement of behavior monitoring."**

Incidentally, in recent years there has been an urgent need to address cases of abuse and misuse of refugee recognition procedures. We were notified by Ministry of Justice General Directive No. 82, dated January 12, 2018, regarding partial revision of administrative handling procedures to further expand the conventional measures for restricting residence and employment in cases involving applicants for refugee status who abuse or misuse the system.

Therefore, based on implementation of the aforementioned measures, a concrete Operating Policy concerning provisional release is set forth as per the attached document. All employees are instructed to correctly and rigorously implement provisional release measures in accordance with this Operating Policy in the future.

Attachment

Provisional release Operating Policy

1 copy

Re-detention of asylum seekers in Japan, hunger strikes show strained immigration system

September 2, 2019 (Mainichi Japan)



Before surrendering himself to authorities at the Tokyo Regional Immigration Bureau, Safari Diman Heydar thanks his supporters in Tokyo's Minato Ward on Aug. 14, 2019. He was subsequently re-detained. (Mainichi/Ida)

"What violations have I committed in the past two weeks? Isn't it more of a violation of rules to bully a person like me, who has filed for recognition of refugee status?" asked Safari Diman Heydar. It was late August, and the 50-year-old Iranian national was in a wheelchair when he appeared at a visitation room at the Higashi-Nihon Immigration Center in the Ibaraki Prefecture city of Ushiku, northeast of Tokyo.

It has recently become common practice at Japanese immigration facilities to re-detain foreign nationals -- who lost their status of residence in Japan and have been issued deportation orders -- after

granting them provisional release following long-term detentions. Supporters and attorneys who work for the rights of foreign nationals call it abuse, saying that the practice plays around with the health and lives of human beings.

In the case of Heydar, who had been detained for at least three years, provisional release was granted on July 31, while he was on a hunger strike. But two weeks later, when he visited the Tokyo Regional Immigration Bureau in the capital's Minato Ward to renew his release term, an official told him that the duration of his provisional release could not be extended. That same day, Heydar was transferred to the Ushiku immigration center once again. He was given no reason for the bureau's decision.

Having resumed his hunger strike, Heydar's cheeks and eyes had sunken in further than before his re-detention. He said he'd lost at least 5 kilograms in a week, and he shed tears as he said, "I have no other method of making a statement but to hurt my own body."

The hunger strike at the Ushiku center spread gradually from May, and by the end of July, some 100 detainees were taking part in it. A 40-year-old Turkish man who visited immigration authorities two days after Heydar followed the same fate, put in detention once again after a two-week provisional release. Multiple detainees had been taken into detention after a two-week conditional discharge prior to the two men, and among them, there was at least one who was told by an immigration officer when he left on his provisional release, "Make sure you come back in two weeks, OK?" hinting that the man would be re-detained when he got back.

"To immediately return a man who had just been at the same detention center two weeks prior can only be interpreted as the immigration authorities' attempt to make an example of him to other detainees, to say 'hunger strikes are useless,'" explained Chie Komai, an attorney representing Heydar.

The trend toward increasingly longer detention periods is clear after examining data. As of the end of 2017, of the 1,351 detainees nationwide, 576 had been in detention for six months or longer. A year later, the number of detainees in the country had dropped to 1,246, but the number of those who had been in detention for six months or longer had risen to 681, or approximately 55 percent of those being detained.

"This is an abnormal situation in which detention periods of three years or longer is not much of an anomaly anymore," asserted Takeshi Ohashi, the aforementioned Turkish national's attorney, who has handled immigration cases for at least 20 years. "I have no recollection of this ever happening in the past." Some hold suspicions that the practice of re-detaining people after releasing them provisionally for a short period of time is a measure taken to keep the number of long-term detainees statistically low.

One of the cases believed to have sparked the start of provisional releases with the presupposition of re-detention is that of a Nigerian man in his 40s who died at Omura Immigration Center in Nagasaki Prefecture, southwestern Japan, on June 24. It has been reported that the man was in the midst of a hunger strike, but his cause of death has not been disclosed. The Japan Federation of Bar Associations and others have called for a third-party investigation into the case, but the Immigration Services Agency has told the Mainichi Shimbun that it does not intend to accept any probes.

Hiroshi Yunohara, a pastor based in Omura who supports and arranges visitation and prayers at Omura Immigration Center, revealed that the case made him feel that "it was time for me to raise my voice and get moving." In his activities supporting detainees, which he began in 2005, he had been providing emotional care for the detainees and others involved, focusing on lending an ear to people so they can talk about their trials and tribulations. However, after the man's death at Omura Immigration Center, Yunohara, for the first time in his career as a pastor, released statements directed at the head of the Omura center, the justice minister and the prime minister demanding the "swift release of long-term detainees."

Yunohara remembers the Nigerian man's joyful expression as he told him that his daughter had come to visit him at the detention center. "He was a gentle-natured man, but when his application for provisional release was rejected about a month before his death, he refused to receive any visitors and he apparently also stopped talking to the other detainees," he said. "Following his death, a lot of anxiety and distrust has spread throughout the detention center."

Asked about the man's death at a press conference following a July 2 Cabinet meeting, Justice Minister Takashi Yamashita stated, "In cases in which the prospects of swift repatriation are unclear due to problems relating to health or other issues, we will use the provisional release system in a flexible manner."

Attorney Ohashi suggested, "Until now, hunger strikes didn't prompt any provisional releases, but after the man's death, the authorities may have changed their policy to that of temporarily releasing detainees if they're on the brink of death."

However, Shoko Sasaki, the first commissioner of the Immigration Services Agency since it launched in April this year, told a press conference held at the Japan National Press Club in Tokyo in mid-July, "We have a duty to deport, and we will solve the issue of long-term detentions by repatriating people in an expeditious manner." Sasaki referred to foreign nationals in detention as "people that we cannot have within this country," and said that "if they agree to being deported, then they will be allowed to leave (the detention centers) as early as tomorrow." She emphasized that there was no change in the government's policy of seeking repatriation.

Ohashi explained, "Outside of criminal punishment, a system in which the state inflicts suffering for a certain purpose is inexcusable. Detention is not criminal punishment, but rather a measure to prevent escape. I believe that using that as a means to drive people into a corner so they have no other choice but to be repatriated is a type of torture." He continued, "If the authorities are trying to lull people -- whom legally speaking, authorities cannot deport because they are applying for asylum or have family members in Japan -- toward repatriation by inflicting great suffering on them through long-term detention, and to scare them into quitting hunger strikes, it's an appalling policy."

Former immigration officer Yoichi Kinoshita believes that long-term detention has no merits -- for either the immigration authorities or those applying for refugee status or other kinds of residency status in Japan. "It does not only have little effect on promoting deportation, but makes foreign nationals even more hardened in their attitude and behavior," he said.

When he was transferred from the Public Security Intelligence Agency (PSIA) to an immigration bureau in 2001, Kinoshita found his work rewarding, as he believed its aim was to crack down on "bad foreigners." But he eventually began to have doubts about the organization and what it was doing, and resigned this past March. He then founded Nyukan Mondai Kyuen Center, an organization that provides assistance to those facing immigration-related problems.

Of the present situation, in which hunger strikes have spread across multiple detention centers, Kinoshita remarked, "This is probably the first time that there has been disorder of this scale, and that the relationship between detainees and immigration authorities has been this strained." Kinoshita is also critical of the practice of provisionally releasing detainees who have become physically frail from hunger strikes and re-detaining them after a short period.

"Under the current system, immigration officials do not have to disclose the reason for allowing provisional release, or the reason for not extending provisional release and re-detaining someone," Kinoshita pointed out. "If one cannot know the reason for the decisions made over one's physical freedom, isn't it only natural that distrust toward immigration authorities is exacerbated and people remain unconvinced?"

One of the challenges facing the immigration system is the fact that it is difficult to measure what constitutes an achievement, according to Kinoshita. "Immigration officials capture, detain, decide on forced repatriation, and repatriate foreign nationals based on the Immigration Control and Refugee Recognition Act. This entire process is carried out by a single organization without checks and balances by outside bodies, like the courts. Because of this, the self-corrective ability of the organization has a hard time functioning, and deportations are carried out without significant scrutiny or verification. This has given rise to an environment in which such deportations are considered 'achievements,'" said Kinoshita, who calls such organizational culture "immigration-mindedness."

"There appears to be no way out of this battle of patience between immigration authorities who want to make detainees give up under 'immigration-mindedness,' and detainees who fight back with hunger strikes. Immigration officers on the ground are becoming worn out," Kinoshita said. "I believe we've come to a point where foreign nationals who have not created any problems outside of violating the Immigration Control and Refugee Recognition Act, and who have been detained for over a certain period of time, be it one year or two, should be, as a general rule, approved for provisional release."

(Japanese original by Jun Ida, Integrated Digital News Center, Evening Edition Group)

Ministry panel proposes new penalties for refusing deportation

THE ASAHI SHIMBUN

June 16, 2020 at 19:00 JST



Inside the Omura Immigration Center in Omura, Nagasaki Prefecture, in July 2019 (Asahi Shimbun file photo)



An expert panel tapped by the government to study prolonged detention of foreigners who refuse to leave Japan is recommending criminal penalties and a new system to carry out deportation orders.

The panel, set up by the Ministry of Justice's Immigration Services Agency, drafted its highly anticipated recommendations on June 15.

The recommendations, light on details, were met with criticism from advocates of detainees, who among other things expressed disappointment that the panel dismissed calls to set up an independent judicial review system for detentions.

The panel's proposals include establishing new rules to prevent prolonging the deportation

process through refugee status applications.

Under the current system, the deportation process for a foreign national stops when they apply for refugee status.

To prevent a foreign national from applying for refugee status repeatedly to stall their deportation, the panel is recommending the agency add new requirements for foreigners to be recognized as refugees.

For foreign nationals detained at immigration facilities longer than a set period, the panel recommends that the agency set up a new screening system and take measures to prevent detainees from fleeing. Detainees may then be allowed to live outside an immigration control facility, the panel said.

The recommendations also suggest that the standards for provisional release need to be explicitly defined and that those who run away while on provisional release should be subject to punishment.

The panel, led by Kiyoshi Yasutomi, a professor emeritus at Keio University, said it hopes the changes encourage foreigners to follow deportation orders.

The recommendations will be delivered to the justice minister in July.

The agency is expected to discuss the recommendations with a future revision of the Immigration Control Law in mind.

'ONE-SIDED REGULATIONS'

Lawyers and advocates for detained foreign nationals slammed the panel's recommendations for failing to address fundamental problems with the system.

They are "one-sided regulations," one lawyer said.

In 2019, 1,054 foreign nationals who illegally overstayed their visas were detained at immigration facilities, according to statistics from the Immigration Services Agency.

About 40 percent, or 462 people, were detained for longer than six months.

That number increased each year since 2013, hitting a record high of 681 in 2018 before it dropped the following year.

Immigration authorities attribute the trend to the fact that some applied for refugee status repeatedly and filed suit asking the justice minister to grant special residence status.

The agency has been strict in applying standards for provisional release, which allows a detainee to live outside an immigration facility for a set period.

“A person with a criminal record is likely to commit a crime again,” an agency official explained.

Protests have mounted against that kind of treatment nationwide.

Many detainees started hunger strikes, demanding provisional release.

A Nigerian national in his 40s at Omura Immigration Center in Nagasaki Prefecture went on a hunger strike and died in June 2019 from starvation.

The public outrage prompted the agency to set up the panel of experts in October, made up of immigration scholars and lawyers.

The panel has held 10 meetings in six months to draft the recommendations, which are full of ambiguities.

The recommendations for criminal punishment include “various things like imprisonment and fines,” an agency representative said. “We will discuss that later.”

The recommendation suggests establishing a new system alternative to provisional release.

“We will plan a system properly,” the agency representative said.

But the recommendations do not clarify what exactly the new standards for refugee status and provisional release would be.

Lawyers who have supported foreign nationals and detainees have urged the agency to let a court rule on detainment cases and set time limits for them.

But the panel's proposals do not mention these requests.

The panel rejected establishing a judicial review system to examine whether it is necessary to keep a person detained because it would “be a major problem.”

At a news conference responding to the panel's proposals, a group of immigration lawyers pointed out that the suggestion for criminal punishment may be applied to foreign nationals who were born and raised in Japan if they are older than 14.

The group suggested under the proposed regulations anyone supporting that person could be treated as an accomplice, including lawyers and volunteers.

They raised concerns that the panel did not spend time discussing costs to public defenders or imprisonment.

Lawyer Shoichi Ibusuki was skeptical about the proposed new system.

“It is highly likely that the agency itself ends up becoming the judge,” he said.

“I don't think the agency that has granted a prolonged detainment can properly make an independent judgment on its necessity. I wonder if anything will change after all.”

(This article was written by Wataru Netsu and Chihiro Ara.)



送還忌避者の実態について

出入国在留管理庁

令和元年10月1日

(translation)

The actual situation of people who refused deportation

Immigration Services Agency of Japan

1 October 2019

* After lawyers pointed out the inaccurate part, the MOJ deleted the website http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri09_00053.html

被退令仮放免者の実態①

令和元年6月末現在の被退令仮放免者数は2303人であり、これらの者は、本来であれば直ちにその国籍国へ送還すべきであるが、送還忌避被收容者と同じく、**濫用的に難民認定申請に及び、送還を停止させるなどしており、送還が滞っている**状況にある。

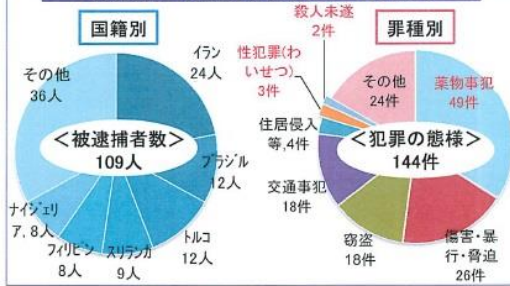
平成30年1月から令和元年6月末までに、**警察等から逮捕**(入管法違反を除く。)された旨通報があった被退令仮放免者は**109人**で、国籍別ではイランが24人と最も多く、次いでブラジル、トルコの各12人の順である。

また、罪種別では、**凶悪犯(殺人未遂)**が2件、**性犯罪(わいせつ)**が3件あるほか、**薬物事犯**が49件と最も多く、次いで**粗暴犯(傷害、暴行等)**が26件、**窃盗犯、交通事故犯**の各18件の順である。

【被退令仮放免者】

退去強制令書の発付を受けた後、病気その他やむを得ない事情があるために、一時的に收容を解かれた者

仮放免中の逮捕事案(H30.1-R1.6末)



仮放免中の逃亡による手配件数等の推移



※1 入管法違反を除く

※2 罪種別は同一人の異なる罪名をそれぞれ計上している

※3 数値はR1.6末現在の集計(速報値)

仮放免中に犯罪を犯した者が相当数存在するほか、**仮放免中に逃亡して所在不明となっている者は332人**(令和元年6月末現在の被手配者数)と増加しており、国民の安心・安全を脅かしかねない状況にある。

4

(translation)

The actual situation of people released with provisional release ①

The number of people who have been released with provisional release is 2303, as of the end of June 2019. They should be deported to their countries of origin immediately, however, they made applications for refugee recognition abusing the system and stopped deportation. The deportation process is delayed. The provisionally released people about whose arrest polices etc. report to the immigration are 109 (violation of the immigration control act are excluded). Iranians are the most, 24 people, followed by Brazilians and Turkish, 12 people each. Seeing the kind of crime, brutal crimes (attempted murder) are two, sexual offense are three, drug cases are the most, 49, violent offenses (injury, assault) are 26, theft, traffic offense are 18. (graphs of the data)

People who committed crime while provisional release are quite a few. Besides that, 332 people absconded after provisional release and they have not been found (the end of June 2019). The number is increasing, and it may threaten relief and safety of nationals.

被退令仮放免者の実態②
～被退令仮放免者が関与した社会的耳目を集めた事件～

【事例1】名古屋イラン人集団暴行死事件

○発生年月:平成27年12月
○加害者:イラン人4人
(被退令仮放免者3人, 不法残留者1人)
○被害者:イラン人1人
○事件概要
名古屋市中川区路上において、被害者の運転する乗用車が前後を乗用車で挟み撃ちする形で停車させられた後、前後車両から降車した5～6人の外国人と思われる者に金属バットや刃物で被害者が襲撃された。被害者は隣のコンビニに助けを求め、救急搬送されたが、出血性ショックで死亡した。

【事例2】群馬伊勢崎ペルー人刺殺事件

○発生年月:平成28年1月
○加害者:ペルー人1人(被退令仮放免者)
○被害者:ペルー人1人
○事件概要
被害者は、同国人の知人によって群馬県伊勢崎市内の病院に血まみれのまま救急搬送されたが、その後死亡。捜査の結果、被害者の兄である加害者が行方不明であることが判明したが、加害者が伊勢崎警察署に出頭し、逮捕された。

【事例3】茨城土浦フィリピン人殺人未遂事件

○発生年月:平成28年11月
○加害者:イラン人1人(被退令仮放免者)
○被害者:フィリピン人1人
○事件概要
茨城県土浦市の駅ビルに入居するファミリーレストランにおいて、子どもの親権をめぐるトラブルとなっていた内縁関係の被害者女性と口論になり、加害者が液体のようなものをかけて火が付き、2人ともに全身やけどを負った事件。そのまま救急搬送され、意識不明の重体となっていたが、その後、加害者は熱傷性ショックで死亡した。

【事例4】神奈川県警警察官殺人未遂事件

○発生年月:平成29年6月
○加害者:ラオス人1人(被退令仮放免者)
○被害者:神奈川県警警察官1人
○事件概要
神奈川県綾瀬市路上において、加害者が同居女性と自宅でトラブルになり、神奈川県警大和署に一般通報後、臨場した警察官の胸部を、自宅にあったサバイバルナイフで突いて殺害しようとした事件。加害者はその場で制圧逮捕された。なお、警察官は防刃防護服を着用していたため無事であった。

5

(translation)

The actual situation of people released with provisional release ①

<p>(case1) Iranian group assault lead death in Nagoya</p> <p>month/year: December 2015 assailants: 4 Iranians (3 provisional release after deportation order, 1 overstaying) victim: an Iranian case summary (omit)</p>	<p>(case2) Peruvian stubbed death in Iseaki, Gunma prefecture</p> <p>month/year: January 2016 assailant: a Peruvian (provisional release after deportation order) victim: a Peruvian case summary (omit)</p>
<p>(case3) Filipino attempted murder in Tsuchiura, Ibaragi prefecture</p> <p>month/year: November 2016 assailant: an Iranian (provisional release after deportation order) victim: a Filipino case summary (omit)</p>	<p>(case4) a policeman in Kanagawa Prefectural Police attempted murder</p> <p>month/year: June 2017 assailant: a Laotian (provisional release after deportation order) victim: a policeman in Kanagawa Prefectural Police case summary (omit)</p>

*lawyers pointed out the case 4 was not accurate. The defendant was not charged with attempted murder but with obstructing or compelling performance of public duty, and he was found not guilty of it.

Sample of the statement paper by the state (case of provisional release)

(2) 原告には逃亡のおそれがなく、収容の必要性を欠くから本件不許可処分は違法である旨の原告の主張に理由がないこと

ア (略)

イ しかしながら、前記のとおり、原告は、入管法24条4号ロ所定の退去強制事由に該当し、法律上当然に本邦から退去強制されるべき立場にある者であるところ、前記のとおり、退去強制令書による収容の目的は、単に送還のための身柄の確保のみならず、被退去強制者を隔離して我が国におけるこれ以上の在留活動を禁止する趣旨をも含むものである。加えて、入管法52条5項も、退去強制令書を執行する場合において、「退去強制を受ける者を直ちに本邦外に送還することができないときは、送還可能のときまで、その者を入国者収容所、収容場その他法務大臣又はその委任を受けた主任審査官が指定する場所に収容することができる」と規定しており、入管法は容疑者に逃亡のおそれがあることを収容の要件としていない。

そして、前記のとおり、仮放免は、特別の事情が存する場合に例外的に認められる措置であり、入管法が仮放免許可の要件について何ら具体的な定めを置いていないことからすると、仮放免の許否の判断については、入国者収容所長等に広範な裁量を与えられており、逃亡のおそれの有無やその程度により、本件不許可処分が直ちに違法となるものではないのであるから、原告の前記アの主張は、その前提において理由がない。

Case number: 東京地方裁判所 (行ウ) 第215号

Tokyo district court 2019(gyou u)215

(Rebuttal by the state to the argument by the plaintiff that the disposition not to grant provisional release is illegal because there is no risk of the plaintiff's absconding and therefore it is not necessary to detain him)

*Underlined parts are translated

"The purpose of detention based on deportation order is not only to keep the custody in order to make deportation possible. It also includes to quarantine the person to be deported and to ban his/her activity in our country."

"The Immigration Control and Refugee Recognition Act does not require the risk of the suspect's absconding as a condition of detention"

"A wide range of discretion is given to the director of the immigration detention center etc. on deciding grant/refusal of provisional release The decision of refusal will not be found illegal just because of existence and/or possibility of risk of absconding."