The Asia-Pacific Journal: Japan Focus
In-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

Open the Door-- Japan's Policy of Exclusion of Refugees (Part 1)

By Iwasaki Atsuko

Despite having ratified the 1951 Convention on Refugees in 1981, Japan accepts relatively few refugees compared with other countries. The Ministry of Justice (MOJ) reports Japan received 3,544 applications for refugee status between 1982 and 2004 but granted only 330 requests. In 2004 Japan accepted 15 persons as refugees, while the UK accepted 12,925 and the US 21,148. Low numbers aside, there are also a number of problems in Japan's refugee recognition procedures that pose threats to asylum seekers' personal well being. For example, during the application process asylum seekers are often held in detention centres where many suffer mentally and physically from both fear of deportation and poor conditions. Between 2001 and 2002, several ethnic Hazara Afghani asylum seekers detained in these centres attempted suicide. Responding to criticism of its harsh refugee recognition procedure, the Japanese government amended its Immigration Control and Refugee Recognition Act (ICRRA) in 2004 for the first time in 23 years and the amended measures have been in force since May 2005. There have been improvements, but a number of important issues were not addressed.

In the first part of a two-part series, Iwasaki Atsuko investigates problems in Japan's refugee recognition procedures that pose threats to asylum seekers' well-being.

"Are We 'Human Beings'?" One Man's Story

Erdal Dogan, a Kurdish asylum seeker from Turkey, is completely depressed. Just 31 years old, already his hair is speckled with grey and his face is etched with fatigue. He has just brought his wife back from the hospital. The harsh life in Japan has taken a big toll on her mental stability. "It was a mistake to come to Japan. I always regret it," he said.

Dogan arrived in Japan in January 1999, seeking a life where he would "be treated like a 'human being.'" He was born in a small Kurdish village under the severe rule of the Turkish government. During his boyhood Turkish police and military repeatedly harassed him, sometimes pointing weapons at his head. An uncle unhinged by police torture later died from it. During his military service, superiors and fellow conscripts often beat Dogan because of his ethnicity.

Such discrimination often promotes a heightened ethnic consciousness as an unintended consequence. Dogan later joined a Kurdish political party and distributed its newspaper. He was arrested and beaten severely by the police. "If we find that newspaper again, you will be killed or sent to prison," he was told. Upon release, he fled Turkey.

Dogan applied for refugee status in Japan in December 1999; One year later, his application was rejected by the MOJ with the comment that no evidence of persecution was found. Between 1982 and 2004, 614 Turkish nationals, most of whom were Kurdish, applied for asylum, none successfully. His appeal was rejected once more in 2001. After that, he sued the MOJ, seeking to overturn the rejection. By that time, he had a wife and two small children to provide for. In December 2002, he was seized and remanded to the Ushiku Detention Centre in Ibaraki Prefecture.

Erdal Dogan assists a relative of Ahmet Kazankiran upon receiving the news of Ahmet's deportation

What followed was a period of stress, fear of deportation, and hopelessness. At the detention centre, he twice attempted suicide. Dogan's brother was also incarcerated at the centre. Together they embarked on a hunger strike to protest their predicament and detention centre conditions. It lasted for sixty days. "I am working toward peace," he said. "Why does Japan put me in 'prison'? The whole world accepts Kurdish refugees, but Japan has never accepted any of us. Nobody wanted to understand the problem."

The asylum seeker was provisionally released in October 2003, but further difficulties lay ahead. During his court action against the MOJ, he was prohibited from working and received no support from the public authorities. His family was evicted from their apartment in Kawaguchi, near Tokyo, and they live now in a Christian charity house. He suffers from constant headaches, and his 3-year-old son has chronic and severe cold sores. They can rarely receive medical attention because there is not enough money to pay the doctors -- the typical bill for treatment from a single visit would come to £100 -- and the family can not join the national health insurance scheme. "The doctor said that my children had vitamin deficiencies. But I cannot buy them vitamins."

In the summer of 2004 the Dogans and another Kurdish family seeking asylum, the Kazankirans, resorted to more direct protest. For 72 days both families maintained a vigil in the front of United Nation's University building housing the regional office of United Nations High Commissioner for Refugees (UNHCR). When the UNHCR and police tried to force them to leave, Dogan and Ahmed Kazankiran, the father of the Kazankiran family, resorted to self-immolation.

Pouring gasoline over their bodies, they shouted, "We are not insects. We are human beings." The UNHCR eventually designated the Kazankiran family as having mandated refugee status, which means it recognised them as refugees with well-founded fears of persecution should they return home. Supporters of the families collected 63,000 signatures backing their bids for asylum. Despite this positive development, a few months later, on 17 January 2004, Kazankiran and his eldest son, Ramazan, were detained within hours of arriving at the Immigration Bureau in Tokyo to renew their provisional status. A day later, they were forcibly bundled on to a plane back to Turkey before they had any chance to talk to their lawyers or other members of their family.

Relatives of Ahmet Kazankiran, a Kurdish refugee deported to Turkey

The UNHCR strongly criticised the Japanese government for this act of *refoulement*, meaning to expel or return a refugee to the frontiers of territories threatening life or freedom. "It is against international law," Nathalie Karsenty, a senior legal officer of the UNHCR regional representation in Japan, stated. The MOJ was unmoved and countered semantically in a paper to the UNHCR "the Japanese court judged that they were not 'refugees', so the deportation was held in accordance with the law…The UNHCR did not find a third country [for the Kazankiran family to immigrate], so we acted."

Dogan in a fading voice sums up the situation: "My children can speak only Japanese. I only want to live with my family in peace. Most of the other Kurds who sought asylum in Japan also ended up with mental and physical disorders, because of stress caused by the MOJ's shocking handling of our cases."

Furthermore, in July 2004, the MOJ staff went to Turkey. Together with Turkish police and military officers, they visited the family homes of 14 Kurds, including Dogan's family, who were at that time seeking asylum in Japan. The officials went so far as to show the Turks documents that the asylum seekers had submitted to the Japanese Immigration Bureau, "to make sure whether these documents are genuine" (according to the investigation record).

Ms Karsenty of the UNHCR condemned this investigation. "It is absolutely crucial not to share and not to disclose asylum information under claim with the country of origin, its prosecutors. It could totally destroy trust that asylum seekers have in the asylum system itself. How can asylum seekers open their hearts to give all information about their political beliefs and family backgrounds, if they doubt that it will be or might be shared with the authority of the country of origin one day? Of course, it can also create danger in the family in the country of origin."

"I think my family fled the village," Dogan said while lowering his head, "because of fear of the police. The Japanese government does not care about my family."

Dogan has finally given up on Japan and has forwarded his personal details to Canadian authorities. As he prepares his move he feels he had no choice.

Detention Centre: Treated like Criminals

Ali Jan, a 20-year-old Hazara from Afghanistan, could not believe what happened to him in Japan, where he sought asylum in August 2001. The Taliban had persecuted his family because of their ethnicity. His brother was killed during the civil war and the Taliban kidnapped his father. Jan's mother gave him $9,000 and sent him to what she thought was a safe haven, Japan. However, when he sought asylum at Narita Airport, the immigration officers arrested him for illegal entry. The broker who supposedly arranged his entry into Japan disappeared with his passport and visa. He was detained at the Ushiku Detention Centre for more than seven months.

In the detention centre more than ten people were packed into a room with no differentiation between asylum seekers, over-stayers and criminals. One Kurdish asylum seeker lost his mind and wandered naked. Two months later, Ali Jan heard that his application for asylum was rejected, which coincided with the beginning of the US invasion of Afghanistan. Despairing of being forced to return, Jan stabbed himself with scissors and tried to hang himself with a rope before his fellow detainees stopped him.

Kodama Koichi, a lawyer who supports Afghan asylum seekers, explained the situation of asylum seekers. "When they seek asylum at the airport, instead of being helped, immigration officers put them in detention, even though they escaped from Taliban persecution before the Afghanistan war." Eventually, with the help of lawyers and NGOs, Ali Jan was released in March 2002.

Between 2001 and 2002, over thirty ethnic Hazara were put into detention centres. Of those, about twenty were seized at an airport for traveling with fake passports, Kodama said. While other nations were opening their doors to Afghan asylum seekers, Japan remained inflexible. "Some of them returned to Afghanistan even during the Afghanistan war, saying it was better than being locked up in a detention centre," Kodama noted. By May of 2002, at least six Hazaras in centres had tried to injure themselves by swallowing objects such as money and soap, because they thought they would be released when they became ill.

As a general rule, the UNHCR does not recognize as acceptable the practice of detention of asylum seekers and it strongly urges Japan not to do so. Amnesty International has been scathing towards a policy where "those held in detention have been ill-treated on account of their race or nationality, and cite overtly racist statements by police and detention officials to support their claims" in

its 1997 report on Japan. One hurdle that asylum seekers face is the length of the process. If their visas expire, they become, in official eyes, over-stayers, tantamount to criminals. It is a bureaucratic convenience that supports an official agenda of detention and deportation.

Injured Dignity and Families at Risk

The size of a typical detention room, such as the one in which Ali Jan was held, is a mere 17 square metres with ten people packed into it.. Some have been held for over two years. Severe neuroses, facial tics and appetite loss affect many detainees, according to Tanaka Kimiko, a representative of *Ushiku Nyukan Syuyojo Mondai wo Kangaeru Kai* (Group to consider the Ushiku detention centre's problems), an NGO that supports detainees.

Detainees are given multiple tablets for multiple ailments, often without proper diagnosis. "One 50-year-old Kurdish asylum seeker suffered from seriously high blood pressure. Even though he asked to go to an outside hospital, the detention staff told him he'd have to pay for it, which in his case was not possible. Still, if detainees can afford to go to an outside hospital, they are tied with rope and handcuffed," Tanaka explained.

"In the first place, the asylum seekers can not understand why they are held in a detention centre, as they had not committed any crimes. They had already been persecuted in their home countries and had experienced posttraumatic stress and other mental disorders. By being detained, their pride and dignity were seriously hurt. As a result, they could not sleep at night and had other physical problems," Tanaka said.

An immigration detention center in Chiba

Detention places other family members in extreme difficulties. Mustafa Colak, a 30-year-old Kurdish asylum seeker from Turkey, was arrested and remanded to Ushiku in May 2001, the moment his asylum application was rejected. His wife, Evangeline, was nine months pregnant and caring for a one-year old daughter. Neighbours who knew her situation helped her through this crisis but another was found when she gave birth. Evangeline was afflicted with uterine cancer.

The Colak's water and electricity were stopped when the bills weren't paid. Then food ran out. The family survived, barely, with help from neighbors. Mustafa was finally released at the end of July.

"The immigration officers think that I have been lying from the beginning. When they interviewed me, one man broke a pencil and threw it in my face. Why do I have to face such abuse in Japan after all I went through in Turkey?" Mustafa said. Under constant pressure, he seems disoriented at times and experiences memory difficulties.

Wakabayashi Toshiaki, a supporter of the Colak family, has collected more than 16,000 signatures on a petition requesting the MOJ to permit the Colak family to live in Japan."Seeing what has happened to Mustafa and his family situation," he commented, "I can only wonder at the Justice Ministry's lack of international common sense."

In January 2006, two Kurdish teenage asylum seekers in Saitama Prefecture were deported to Turkey on the same day their refugee status was denied by the MOJ.

The 20th century was called 'the century of refugees.' As of 2005, there were 9,671,800 refugees worldwide, according to the UNHCR. When persons displaced internally within their own countries and other stateless people are included in the figure, it rises to 19.2 million. In addition, there are more than 4 million Palestinian refugees whom the United Nations Relief and Works Agency for Palestine Refugees in the Near East supports. MOJ data demonstrate the less-than-admirable track record: Between 1982 and 2004 out of 3,544 applications for refugee status, Japan accepted 330. In 1982, the first year, in which the number of applications reached a high of 530, only 67 were accepted. In the four-year period between '94 and '97, a total of 5 cases were recognized. Even as the number of cases has climbed since 2001, out of 1,365 applications made to 2004 only 65 were accepted. In 2003-04, out of 762 applications, for refugee status, just 25 were accepted.

Japan□s Convention Refugee Applications & Decisions

Year	Applied	Recognised		Rejected	Withdrawn	Humanitarian Status
		First Instance	On Appeal			
1982	530	67	0	40	59	0
1983	44	63	0	177	23	0
1984	62	31	0	114	18	0

Source: the Ministry of Justice, February 2005

Iwasaki Atsuko, a freelance journalist and former journalist at the Kyoto Shinbun, completed an MA in International politics and security at Bradford University and an MA in International journalism at City University, not PhD.at City University. She wrote this two-part series for

1985	29	10	0	28	7	0
1986	54	3	0	5	5	0
1987	48	6	0	35	11	0
1988	47	12	0	62	7	0
1989	50	2	0	23	7	0
1990	32	2	0	31	4	0
1991	42	1	0	13	5	7
1992	68	3	0	40	2	2
1993	50	6	0	33	16	3
1994	73	1	0	41	9	9
1995	52	1	1	32	24	3
1996	147	1	0	43	6	3
1997	242	1	0	80	27	3
1998	133	15	1	293	41	42
1999	260	13	3	177	16	44
2000	216	22	0	138	25	36
2001	353	24	2	316	28	67
2002	250	14	0	211	39	40
2003	336	6	4	298	23	16
2004	426	9	6	294	41	9
Totals	3544	313	17	2524	443	284

Japan Focus. Posted on February 19, 2006.

Created by Datamomentum