

THE FATES OF ASYLUM SEEKERS THROUGH JAPAN'S IMMIGRATION POLICY

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Introduction

With every growing number of life-threatening situations in numerous countries, Japan is experiencing a record number of people seeking asylum within their borders. Unfortunately, the application process is tedious and may take years to complete. If rejected two times, asylum seekers will get deported back to their home country or placed into a confinement camp, according to Teppei Kasai, a program officer for the Human Rights Watch, a nongovernment organization that reports on various human rights topics, in his article *Japan's Immigration Law Creates New Obstacles for Asylum Seekers* (2023). There are very few exceptions to this law.

The number of people needing to seek asylum grows every day in the world. Japan is an important part of a broader solution, but Japan is currently not helping. The inspiration for this topic stemmed from the stimulus materials Thomas & Chaleff's "Moral Courage and Intelligent Disobedience" and Melinda Janko's "Elouise Cobell: A Small Measure of Justice". Moral courage is needed to hold the Japanese government accountable for how asylum seekers are being treated within their asylum system. Intelligent disobedience may also be a solution through acts of civil disobedience on behalf of Japanese citizens allied with the cause. The need for accountability within government, like US's Judge Lamberth, is a need if asylum seekers truly want safety, as well as justice. Ethical, societal, and political perspectives are needed to evaluate the Japanese asylum system. The clear human rights violations being committed by the Japanese government needs to change.

The Ethics of Deportation and Confinement Prisons

The ethical fate of these asylum seekers is often debated within the Japanese culture and government. According to the Statistica Research Department in their data analysis of Number of Deported Foreign Nationals in Japan from 2013-2023, approximately 4000+ people were deported in 2023. These countries are filled to brim with war and famine. For example, Myanmar is currently in the middle of a military coup, as of 2022, and is cracking down on anyone who voices any slight opposition to the rules. According to Kasai in his article *Japan Court Finds Rohingya Ethnicity Grounds for Refugee Status* (2024), "The junta security forces have carried out mass killings, arbitrary arrests, torture, sexual violence, and other abuses that amount to crime against humanity." Other surrounding countries are experiencing similar effects. Although Japan might not be the only place these people can go, it is the furthest and nicest place they can go. According to Eri Ishikawa, the Chair of the Board for Japan Association for Refugees (JAR), an activist organizational built on the foundation of helping refugees survive in Japan, "Japan is more than capable of providing peace and safety as well as education and employment." The withholding of these factors that should come with asylum seeker/refugee status is an ethical dilemma. According to Paul Tiedemann, a former administrative jurisdiction of Hesse judge with

a doctorate in philosophy and law in his article, *Are There Moral Duties Toward Refugees? Considerations in Legal Ethics*, (2021), “if the authorities know or negligently do not know that the person will be killed in the event of his return to his home country, then the action, which appears superficially as a mere termination of residence, can be described as an act of homicide.” There is no possibility that the Japanese government has no state of mind towards crisis’ in places like Myanmar, Iraq, Bangladesh, etc., considering how mainstream they are. Therefore, the actions of the Japanese government when they deport failed asylum seekers and refugees back to their home countries, it can be considered an act of homicide, from an ethics standpoint.

According to Ben Dooley, a New York Times reporters who specializes in Japan’s economy and social issues, in his article *Japan Is Shaken After a Detainee, Wasting Away, Dies Alone in Her Cell* (2021), When it comes to the confinement prisons that hold some failed asylum seekers, there are about twenty-four recorded deaths since 1997. Although some activists believe that they are purposely hiding the actual count, this has not been proven. A few have died from hunger strikes, as a response to Japan making an amendment to the Immigration Control and Refugee Recognition Act, which said that they can now be detained forever.

Societal Views

Japan’s long history of isolation is a cultural contributor to the lack of societal acceptance for asylum seekers. Japan has always been a country focused on tradition and culture, so when the thousands of non-Japanese peoples attempt to populate the country, it can be quite controversial. According to Naohiko Omata, an author and professor at the Refugee Studies Centre within the University of Oxford, in his article *Open Wallet, Closed Doors: Exploring Japan’s Low Acceptance of Asylum Seekers* (2015), “Many observers have noted a deep cultural aversion to any form of immigration in Japan, despite an aging population and growing need for new workers...the concept of a homogenous culture and Japanese identity remains pervasive in popular discourse. It is possible this sentiment extends to all newcomers including refugees and asylum seekers.”

The Japanese attitude towards foreigners is mostly negative. The police have been known to arrest people without a warrant, simply based off suspicion. As stated by the US Department of State in *2016 Country Reports on Human Rights Practices: Japan* (2016), “credible NGOs and journalists continued to allege that police in large cities employed racial profiling to harass and sometimes arrest “foreign-looking” persons, particularly dark-skinned Asians and persons of African descent, without cause.”

Government Contributions to Safety and Human Rights

According to Yukana Inoue, a staff writer for the Japan Times, “A record 303 asylum-seekers in Japan were granted refugee status in 2023, the Justice Ministry announced.” A contributing factor to the vast number of rejections is Japan’s differing definition of what an asylum seekers is and what it means to qualify for refugee status. “Japan’s refugee determination system puts more weight on asylum seeker’s individual circumstances than their status as a member of a particular group.” This contrasts with the United Nations Refugee Agency’s official definition, in *Who We Protect: Asylum-seekers*, (2024). “An asylum-seeker is someone who

intends to seek or is awaiting a decision on their request for international protection. In some countries, it is used as a legal term for a person who has applied for refugee status and has not yet received a final decision on their claim.”

Although a seemingly set-in-stone rule, there have been recent exceptions. Most notably, in 2023, the Japanese Diet ruled that an individual can be automatically granted asylum if they can prove that they have ethnic Rongingya lineage. According to Kasai, “The ruling was unprecedented,” as no one saw it coming.

Despite the insistence that Japanese confinement camps are completely humane, its inhabitants will argue differently. A primary example of the hunger strikes occurring within these prisons is Ali, an Iranian who was detained in 2019. “Ali was weak and bound to a wheelchair. He had been on hunger strike for 23 days, protesting his indefinite detainment, which at this point had lasted more than two years, and that of hundreds of others like him. ISA staff would place food for him and five other detainees at the entrance of their room, this is where it would remain,” as reported by researcher Taku Suzuki, who mainly reports on international affairs. “We will not be heard unless we endanger our health.” For Ali and hundreds like him, their lives are consumed with finding ways to be let out of their prison. The Japanese government has worked tirelessly to enforce their power to contain these asylum seekers indefinitely. According to Agnes Callamard, the elected leader of Amnesty International, an organization built on reporting on human rights movements, in their article *Japan: ‘Endless Detention’: Migrants Speak Out as Government Proposes Harsh Immigration Bill* (2023), “The Japanese government is set to imminently reintroduce an amendment bill to the country’s Immigration Control and Refugee Recognition Act, which allows the authorities to detain irregular migrants indefinitely. This includes people who enter to seek asylum or attempt to seek asylum after entering the country.”

The Japanese government has done nothing to address the hunger strikes occurring within the walls of their prisons. Neither have they addressed the civil unrest occurring in the countries that they are deporting their rejected asylum seekers back to. These government officials lack accountability for what they have caused within their borders. According to Elouise Cobell’s story, the US Judge Lamberth’s “take no bull” attitude caused multiple important officials to face the consequences of their actions that have affected others. This attitude needs to be held in the presences of the Japanese Diet so that they can attest to what they have been doing in the name of preserving their culture and economy.

Interventions

Usually when it comes to human rights violations, it is the United Nations that steps in. They have dealt with immense violations that go above and beyond what Japan is doing, so it is possible that they have a chance to put a stop to the treatment of asylum seekers. Representative hearings might be enough to convince them to take action. Although it might be hard to fly out the representatives with firsthand experiences themselves, there are still the reporters who have interviewed and witnessed the horrors going on within the Japanese confinement camps. The United Nations’ pressure may force the Japanese Diet to take accountability for their actions and face what they are doing to innocent people in Asia. One limitation of this solution is that it can take time to get an idea through an organization as big and as influential as the United Nations.

For every day that these asylum seekers are not protected is another day that are starving in confinement camps and being deported back to dangerous countries filled with war. One implication of trying to get the United Nations involved would be peace for more countries other than Japan. Currently, countries like Macedonia, Hungary, and Montenegro have the lowest refugee acceptance rates in the entire world. A United Nations involvement could influence these governments to take in more and more asylum seekers as wars continue to drive people from their homes.

Another potential solution is to gather Japanese people who are in support of these asylum seekers and refugees, particularly those who are willing to help. There are hundreds of supporters with organizations such as JAR, Japanese Initiative for the Future of Syrian Refugees (JISR) or Pathways Japan (TOP-EN). These organizations can connect supporters with asylum seekers to build support networks developing better pathways for legal, financial, and employment help. According to Moral Courage and Intelligent Disobedience stimulus material, “Intelligent disobedience requires refusing to follow orders that are either unlawful or will produce harm.” Change is hardly ever created by following laws and orders. Supporters must do what they can to practice intelligent disobedience so that these innocent people can have a better life than prisons and deportation. A strong limitation of this solution is the numbers needed. Thousands of asylum supporters would need to pool resources and accept management of efforts from organizations like JAR. An implication of this solution is that more asylum seekers will be able to live in a place where they aren’t constantly in danger. They will be fed and given a shelter, and someday they will be able to live peacefully within Japan’s borders.

Conclusion

With the blatant mistreatment of these innocent people, there comes a need for an immediate change. The clearest and quickest solution is to promote the help from Japanese allies, starting from within organizations like Newland Chase and the Forum for Refugees Japan. These companies have connections to people who would be willing to help smuggle these helpless asylum seekers, giving them a chance to stay in a somewhat safer than being deported to where they were trying to escape from or getting placed in a confinement camp.

Petitions are known to show governments that a change is both wanted and needed by the people. The more people who are behind it, the more likely it is to be considered. The people behind these pro-asylum seeker organizations can be the ones to present it. With this method, asylum seekers have a great chance of being able to settle away from danger permanently. For the time being, taking asylum seekers into a person’s home as a form of civil disobedience would be a good, temporary solution that would benefit hundreds of people.

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