

Appeal Calling for the Regularization of Irregular Migrants and the Improvement of the Detention System ahead of the Olympic and Paralympic Games Tokyo 2020

In April 2019, the amended Immigration Control and Refugee Recognition Act (hereinafter, Immigration Control Act) came into force, marking the start of admittance of migrant workers through the creation of a new residence status of “specified skilled worker.” With the expansion of acceptance of migrant workers, the government has announced efforts towards ‘a symbiotic society co-existing with foreign nationals,’ but in order to achieve a truly symbiotic and inclusive society, the newly arriving migrant workers must not be treated as mere work force. An environment that guarantees their human rights and dignity must be created. Also, those migrants who are already residing, working and studying in Japan must be accepted as members of Japanese society and their human rights and dignity must be respected. And in terms of rights as human beings (human rights) and dignity, this also applies to those without valid residence status.

There are currently close to 80,000 irregular migrants in Japan. Among them are children who were born and raised in Japan, those with families in Japan, and those who have nowhere else to go, including long-term residents for whom it is difficult to build livelihoods in their home countries, those who are very likely to be refugees, or who were not recognized as refugees (or granted permission to stay for humanitarian reasons) despite the fact that their return to their home countries would be difficult due to various reasons. Also, there are more than 1,000 people who are forced to stay in detention centers around the country at any given time. These people live in extremely difficult conditions without freedom, under fear of being detained and deported. In the last few years, there has been a rapid increase in the number of those who are detained for longer periods without provisional release, and cases of attempted suicides and deaths of detainees within detention facilities persist. The treatment within these facilities are far below the international human rights standards such as the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). The Immigration Detention Facilities Visiting Committee, established in 2010 to monitor the operation of the detention facilities, is not fulfilling its function in full, as it is not independent from the government and has insufficient authority and budget.

On the occasion of the new acceptance of migrant workers, as well as the Olympic and Paralympic Games Tokyo 2020, we strongly call for the regularization of irregular migrants and the improvement of the detention system, in order to present Japan to the rest of the world as a country that truly guarantees human rights and human dignity, to achieve the respect for human rights and dignity, as well as non-

discrimination, envisioned in the Fundamental Principles of the Olympic Charter, and also to realize *Unity in Diversity*, one of the core concepts of the Tokyo 2020 Games.

1. Please grant, from a humanitarian perspective, special permission to stay to irregular migrants who have their bases of livelihoods in Japan, and for whom returning to their home countries is difficult.

2. Please revise the laws on detention according to the following.

1) Revise the provisions allowing indefinite detention, and set a maximum period of detention.

2) Enable prompt judicial review of detention and release.

3) Explicitly include the necessity of detention as a requirement for detention

4) Conduct examinations of provisional release in public court.

5) Provisional release should, in principle, be granted where there is no risk of escape.

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3. Please improve the treatment of detainees within detention facilities, in line with international human rights standards. In order to do so, please reorganize the Immigration Detention Facilities Visiting Committee so that it is independent from the government, and increase its authority and budget.

July 26, 2019

NPO Solidarity Network with Migrants Japan

Attorneys Fighting Against Detention, Hammersmith Oath

Emergency Joint Statement

Minister of Justice

Commissioner of the Immigration Services Agency

July 23, 2019

Japan Lawyers Network for Refugees

Hammersmith Oath

(Attorneys Fighting Against Mandatory Detention Policy)

On July 22, 2019, the supervising immigration inspector of Tokyo Regional Immigration Bureau re-detained two foreigners who had been provisionally released by the director of Higashi Nihon Immigration Center two weeks before, instead of granting them permission for extension of provisional release.

We strongly protest against this action and request their prompt release. We also request that those who contemporarily received permission for provisional release would not be re-detained.

The two foreigners had been on a hunger strike before their provisional release was permitted. On June 24, 2019, a Nigerian man, who is reported to have been on a hunger strike, died in the Omura Immigration Center located in Omura City, Nagasaki Prefecture. The two foreigners were provisionally released all of a sudden a few days after this incident. They had been detained for several years.

However, their release ended in a short period of time. Generally, the appearance date to make an application for extension of provisional release is designated one month after the provisional release. However, they were told to appear two weeks after.

They could have fled, but instead of doing so, they appeared voluntarily. However, Tokyo Regional Immigration Bureau detained them and transferred them to Higashi Nihon Immigration Center located in Ushiku City, Ibaraki Prefecture on the same day.

There is no respect for a personal liberty of foreigners.

Detention under Immigration Control and Refugee Recognition Act is permitted only for the purpose of preparing deportations. It is not a criminal punishment or preventive detention, nor should it be used as a means to warn those who breached the conditions. Detention of foreigners whose deportation is not yet scheduled, or of asylum seekers whose deportation is prohibited by law exceeds the intended purpose and therefore illegal.

A spate of hunger strikes throughout Japan, the aforementioned case of death in Omura, and the re-detention case which trifles with the two foreigners are tragedies caused by long-term detentions beyond the intended purpose.

We request you to stop such a long-term detention beyond the intended purpose immediately.

The fact that a permission for provisional release was granted to the two foreigners in the first place reflects the existence of inconsistency arising from the policy of long-term detention beyond the intended purpose. However, once detainees who went on a hunger strike increased remarkably thereafter and such inconsistency became even more evident, the supervising immigration inspector re-detained the two foreigners in order to threaten the other detainees and to make an example of them. Such measures are so inhuman that they not only impair the dignity of detainees but also deprive them of hope in life.

In one year, Japan will host the Olympic and Paralympic and will receive many foreigners. The Article 2 of the Fundamental Principles of Olympism provides that “the goal of Olympism is...promoting a peaceful society concerned with the preservation of human dignity”. This re-detention is directly opposed to this goal of Olympism. We strongly request you to take appropriate measures as a host country.

【Contact Information】

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Minister of Justice

Commissioner, Immigration Service Agency

Director, Omura Immigration Center

Urgent Request for the Prevention of Recurrence of Cases of Death of Detainees in Omura Immigration Center

July 18, 2019

Participants in Visits to the Detainees in the Omura Immigration Center

Representative: Hiroshi Yunohara (Nagasaki International Church)

Representative: Shinichi Kamizaki (Asago Catholic Church)

Network Kyushu for Living Together with Migrants

Co-Representative : Yukio Inoue (Living in Asia Association Fukuoka)

Mitsuhiro Iwamoto (Advocacy Network for Foreign Trainees Kitakyushu)

Marcel.C (Minoshima Pastoral Center)

Shinichiro Nakashima (Kumustaka-Association for Living Together with Migrants)

In the afternoon on June 24, 2019, one of the detainees in your Center was found collapsed in the living quarters by a staff. His death was pronounced later at the hospital.

This detainee's death is not an incidence of the past. There are still at present a number of detainees whose lives are at risk. We are jointly making the following requests, in order to save the lives of these people from those risks, so that there will be no more cases of deaths.

1. Please take appropriate measures regarding detainees whose lives are currently at risk.

Detainees who are voluntarily refusing to eat, or those who are unable to eat regardless of intent

Detainees who are at risk of sudden cardiac arrest after having discontinued their refusal to eat

Detainees who are at risk of self-harm due to depression or mental instability

Detainees who have developed mental illness

Detainees with hypertension, who are at high risk of developing serious symptoms of cerebrovascular disease that may be fatal

Detainees whose lives are at risk due to cancer

Detainees who have suddenly lost their consciousness in the past few months, and are left unattended without having the cause determined

There are close to 20 detainees, such as the above, including overlapping cases, whose lives are likely to be at risk. Please take immediate and appropriate medical measures.

2. Please create an independent committee, provide it with the information on the latest developments, cooperate with it in determining the cause, present specific measures to prevent recurrence and implement those measures.

While giving due consideration to the wishes of the families of the deceased for privacy, in order to give meaning to the death of the deceased, please create an independent third party committee consisting of doctors, lawyers, academic experts, human rights defenders among others, not of officials of the Ministry of Justice.

The Ministry of Justice should disclose all information including records of treatment, medical treatment and of regular video recording to the independent committee and cooperate with it in its examination.

The Ministry of Justice should give serious consideration to the report of the findings of the independent committee, develop prevention measures and implement them.

3. Please cease long term detention, and approve provisional releases. Please grant people with serious diseases resident status that enables them to apply for the national health insurance.

Arbitrary detention for indefinite term of people who cannot be deported should not be allowed for humanitarian reasons. The Ministry of Justice policy states that the authorities will continue to detain and try to deport those who are considered ineligible for provisional release, even when there are no prospects

for their deportation, unless they are so ill that further detention would be unbearable (from the Ministry of Justice Notice Kan-kei No. 43 issued February 28, 2018 on appropriate operation regarding provisional release of those who have been issued deportation orders and further strengthening of monitoring of developments, attachments, policy on operation of provisional release, 1 principles of operation of provisional release, (2) those who are ineligible for provisional release). This policy leads to desperation among many detainees who believe that they “are unable to get out unless they become fatally ill.” Or some may feel that they “may be able to go out if they go on a hunger strike until they are close to death” and this has had the unintended result of continued refusals to eat. The policy should be withdrawn at once.

Please grant provisional release to long-term detainees, who have been detained for six months or more.

Please grant resident status to seriously ill detainees in particular, that would enable them to apply for national health insurance.

A letter from a person who has been detained in Omura Immigration detention center

Dear Friend [REDACTED] さん

Wishing you well. I am Sorry for a delayed reply. It may be caused by medications prescribed to me. I am unable to concentrate, feel like losing myself, as well as difficulty in holding the things down to my memory. "These are the better prescription for you, and you must follow the instructions for a quick recovery" says these doctors. I requested again and again to these two doctors to whom I was taken to provide me with 処方箋 but instead Omura Immigration gave me this attached piece of paper, saying "it's their diagnose" This piece of paper seems like a cruel practical joke to me. Please see it to yourself and decide?

In addition to above mentioned I was kept on a wait for 110 days before given a disapproved result for my "仮放免" it's a sadistic, twisted mind that is doing all these inhumane torturous schemes. Keeping somebody on wait for 90-110 days, Raising the hopes that it may go well this time, and suddenly dropping a bomb crushing hopes, dreams and taken life out of him slowly but gradually. Who approved such practices, is it legal, is it civility? As I was taken to an interview room to announce my 結果 result, soon after this Karikome Tantei, another Tantei (Ticket Tantei) entered into the room, saying, "look your application for Karikome is declined it's better if you leave voluntarily, other wise we must DEPORT YOU FORCEFULLY" I replied "Sir, my refugee application is still in process for which final judgement has not been made" Ticket Tantei said "Look it's not my concern. WE WILL NOT RELEASE YOU, it's my recommendation that you may go back at your own will otherwise we will do it Forcefully."

For the last two years I have been detained without given any explanation, reason what's so ever for my detention. I haven't committed any crime. Since my detention in 2017, I applied 6 times for Karikome with same Disapproved result. How cruel is treatment, I wonder what makes them to realize that each time they rejected an application for Provisional Release (仮放免), detention term increased automatically by 4 or 5 months. A detainee (Person) like me who has never committed a crime that leads to prison or so, each time when my Karikome is rejected without any reason or explanation given, I try to justify my detention within me, by myself, How painful is this process of self healing. How painful is it to feel that I have to live here in this God forsaken detention centre till my next Karikome approval, But when? No body knows.

Don't these immigration officers have families, loved ones, What are their conscience are made of? On 24 June 2019, A Nigerian died alone, helpless and cold. Who is responsible, How many heads ^{are} rolled, what inquiry ^{have} done, we may never know. But you can, [REDACTED] さん my friend you ^{should} could not see any regret or sign of sorry among the staff. Although they have failed themselves in doing their job i.e "PROTECTING LIFE"

Perhaps in their training manuals we are animals, that's why should be treated as one. Is there any accountability for those officials and in-charges responsible for our lives. Is our life has any worth and value to Japanese society and her sense of humanity.

I have seen the best of Japanese love and care for life that's why it's the country I call my home.

Sorry for me being over critical. But, I am extremely hurt and dejected. After 110 days my hopes were high - - - but now I am at the bottom of despair. Can't make sense out of all these procedures and policies. Is it also a way of torture by Japanese Immigration, that leads someone sane to insanity. That's what happening to me, that the piece of paper "Lhtik Lx' xxi Lx'" called it "Sleeping disorder" that I am so heavily dozed each day that I have become a walking zombie. May God guide these officials to do right, just and humane.

Say my regards to all. Do take care of yourself.

Anticipating a reply.

Your friend

09, July 2019.

(PLS SEND me that dictionary)

別記第3号の2様式

診療情報提供書

殿

令和 元年 6月 11日

所在地	〒856-0817 長崎県大村市古賀島町644-3
名称	入国者収容所 大村入国管理センター 診療室
電話番号	(0957) 52-2121

下記の者に関する病状等については、以下のとおりです。

患 者	国 籍			
	氏 名		性別	男
	生年月日			

傷 病 名	1 状況反応性睡眠障害及び焦燥感 2 末梢神経症（下肢）
治 療 経 過	1 についてはコントミン、レボトミンで加療中 2 については運動障害なし、触覚、痛覚障害なし。 複合ビタミン剤による加療経過観察中
備 考	

A letter addressed to Daily Yomiuri written by a detainee who has been detained in Osaka immigration center for 5 years.

PAGE: [REDACTED]

TO:

THE HONORABLE, DIRECTOR/EDITOR.

DAILY YOMIURI: PRESS AGENCY.

1-7-1, ŌTEMACHI, CHIODA-KU, TOKYO. 100-8055.

.RE: A CRY FOR AN OUTSIDE APPEAL FOR HELP.

THE EDITOR, SIR/MADAM.

MAY YOU PLEASE REFER THE HEADING HERE ABOVE.

THUSAMHERE RESPECTFUL, VERY PAINFUL AND FAITHFUL, EXPRESSING MYSELF DEEPLY AND BRIEFLY, REGARDING TO MY CURRENT DEPLORABLE SITUATIONS, I AM FACING HERE, IN THE ŌSAKA IMMIGRATION DETENTION.

AT LAST, THROUGH THE MASS-MEDIA, I AM VERY DESPERATELY AND URGENTLY, PLEADING FOR A LEGAL-HELP AND HUMANITARIAN-INTERVENTIONS, ONTO MY PRESENT ACCOUNT, AND HERE IS ONLY MY LAST HOPE LEFT.

.NOTE:

FIRSTLY, I WROTE TO YOU IN THIS YEAR: 2019 04 17, AND THIS TODAY, IS MY SECOND LETTER, BUT WITH ALL THE SAME, WITH MY PREVIOUS LETTER CONTENTS AND MOTIVES.

FORMERLY, I MARRIED LEGALLY TO A JAPANESE NATIONALITY-WOMAN, IN MY COUNTRY TANZANIA, IN THE YEAR: 2000, AND IN THE SAME YEAR, WE APPLIED AND RECEIVED A ONE-YEAR SPOUSE-VISA (HAIGUSHA-VISA), ISSUED BY THE EMBASSY OF JAPAN, IN DAR-ES-SALAAM, TANZANIA.

IN THE YEAR: 2000-12, I AND MY WIFE, WE CAME TO JAPAN LEGALLY AND ARRIVED AT KANSAI INTERNATIONAL AIRPORT (ŌSAKA).

IN THE YEAR: 2001-09, WE (ME AND MY WIFE), WE WERE BLESSED FOR HAVING A NEW BABY BOY, A JAPANESE NATIONALITY.

IN THE YEAR: 2001.12, WE MADE AN APPLICATION FOR THE EXTENSION OF MY LEGAL RESIDENCE STATUS, AND WAS APPROVED AND EXTENDED TO THREE-YEARS (2001.12 TO 2004.12), OF SPOUSE-VISA, ISSUED BY OSAKA REGIONAL IMMIGRATION BUREAU.

ACCORDINGLY, LIFE WENT ON BUT DUE TO THE FAMILY AFFAIRS OF UNSOLVED, UNENDLESS MISUNDERSTANDINGS AND PROBLEMS, THEN MY WIFE, FILED FOR A DIVORCE, WHICH WAS THEN SETTLED BY OSAKA FAMILY COURT, IN THE YEAR: 2004.12. FURTHERMORE, ALL THE RIGHTS AND CUSTODY OF OUR SON, WERE ALL BESTOWED TO MY WIFE.

THEN, BEFORE THE EXPIRATION OF MY STATUS OF RESIDENCE, I AND WITH A LEGAL-HELP, WE MADE AN APPLICATION FOR CHANGING AND EXTENDING MY LEGAL STATUS, FROM SPOUSE-VISA TO LONG-TERM VISA (TEIJU-VISA), WHILE I HAD A PERMANENT-WORK AND A JAPANESE GUARANTOR SUPPORT. HOWEVER, IN THE YEAR: 2005.03, I RECEIVED A VERBALLY NOTIFICATION DENIANCE OF MY VISA APPLICATION.

IT WAS A SHOCKING NEWS AND A HORRIBLE-MOMENT. I COULD NOT ACCEPT A SEPARATION FROM MY FAMILY/MY SON. HENCE, I DID NOT LEAVE JAPAN AND THEN I BECAME AUTOMATICALLY OVERSTAYED MY STATUS.

IN THE YEAR: 2007.08, I HELD A MEDIATION RECONCILIATION WITH MY FORMER-WIFE, AT OSAKA FAMILY COURT AND WHILE I WORKED AS A JAPANESE PUBLIC SCHOOLS AS AN ENGLISH TEACHER (ALT).

UNEXPECTEDLY, I WAS ARRESTED AT HOME, BY OSAKA POLICE, FOR LIVING ILLEGALLY. I WAS CONVICTED AND THEN AFTERWARDS, I WAS ISSUED A DEPORTATION ORDER, BY OSAKA IMMIGRATION BUREAU, IN THE YEAR: 2007.12, WHILE BEING HELD IN IMMIGRATION CUSTODY.

IN THE YEAR: 2010.03, I WAS GRANTED A PROVISIONAL-RELEASE (KARIMEN), BY OSAKA IMMIGRATION BUREAU.

IN THE YEAR: 2012.12, I MADE AN APPEAL FOR RECONCILIATION MEDIATION, AT OSAKA FAMILY COURT AND AT LAST, THE OUTCOMES OF THE RULING SETTLEMENT, WERE AS FOLLOW, MENTIONED HERE. FIRSTLY, I WAS VERY PRIVILEGED, TO HAVE A DIRECT COMMUNICATIONS

TO MY SON AND BEING TOLD TO BE RESPONSIBLE OF CONTRIBUTING FOR OUR SON'S WELFARE, AT LEAST 30,000YEN TO 40,000YEN, EVERY MONTH. REALLY, I WAS OVERWHELMED BY A PARENTAL-JOY.

SINCE I AM / WAS IN THE RESTRICTION ORDER OF NOT TO WORK WITH A PROVISIONAL-RELEASE, THEN I PROMISED TO MAKE THE TRANSACTION OF 10,000YEN - MONTHLY, FROM 2013.01, AND THAT I AM CERTAINLY/EVEN TO CONTRIBUTE MUCH MORE, SOON AS I WILL GET A VISA.

ULTIMATELY, IN THE YEAR: 2014.11, THEN, I VOLUNTARILY WITH-DREW FROM THE PROVISIONAL-RELEASE, AFTER ALMOST FIVE-YEARS, OF LIVING IN A DESTITUTE-LIFE, UNABLE TO WORK, UNABLE TO DO ANYTHING OR TO ENROLL IN ANYTHING AND EVEN, IT BECAME VERY HARD FOR ME, TO KEEP REMITTING THE TRANSACTIONS OF 10,000YEN - MONTHLY, AS A SUPPORTIVE ALLOWANCE, TO MY SON.

AT THE IMMIGRATION, DURING THE RECEPTION, I DEEPLY EXPRESSED, PLEADING FOR A VISA, FOR THE SAKE OF MY SON AND OR AT THE WORST CASE SCENARIO, I AM READ FOR AN ENFORCEMENT-DEPORTATION, SINCE I AM A FATHER, BIOLOGICALLY AND WITH LOTS OF LOVE TO MY SON, NO-WAY, I CAN ABANDON TO MY SON AND LEAVE JAPAN, VOLUNTARILY.

I AM NOT AN ASYLUM-SEEKER NOR BEING ENGAGED WITH ANY OF JUDICIAL PROCEDURES, AGAINST IMMIGRATION BUREAU.

AS A MATTER OF FACT, THE VISA NEVER BEING PROVIDED NOR THE ENFORCEMENT DEPORTATION, TILL THIS PRESENT, FIVE-YEARS - NOW, I AM BEING CAGED BEHIND THE BARS, OF THE OSAKA IMMIGRATION DETENTION, AND YET STILL, I DONOT KNOW THE DAY OF MY FREEDOM.

BESIDES, IN ALL THIS TIME, I HAVE BEEN APPLYING AND PLEADING FOR A LEGAL-STATUS(VISA) THROUGH SAISHIN-JOGANSHO, FOR FIVE-TIMES AND ALWAYS BEING TURN-DOWN, JUST FLATLY AND WITHOUT ANY FURTHER DETAILS, AT ALL.

PLEASE, EVERYONE KNOWS THE QUALITIES AND VALUES, TO BE A HUMAN-BEING. JUST IMAGINE, THE FEELINGS OF BEING CAGED FOR A SUCH LONG-TIME, WITH A VERY POOR MEDICATION CARE, MAL-NUTRITION AND TASTELESS FOOD, BEING DEPRIVED FROM MY DUTIES AS A PARENT AND ALL OF MY RIGHTS AND DIGNITY AS A HUMAN, SIMPLY BECAUSE, I OVERSTAYED MY VISA.

NO!. MAY GOD ALMIGHTY, DAMN-IT.

OBVIOUSLY, THIS IS A MODERN ENSLAVEMENT AND CRUELTY, A TORTURE, AN ACT OF INJUSTICE AND PREJUDICE UPON A HUMAN-BEING.

NOW, I AM IN A VERY POOR-SHAPE, LOSS OF MY PHYSICAL-ENERGY, LOSS OF MY EYE-SIGHT, MY HALF BODY PARALYZATION - TIME-TO - TIME AND MANY TO MENTIONED.

VERY SOON, I AM AFRAID TO FALL INTO A PERMANENT MENTAL DISORDER, A PERMANENT PHYSICAL-DISABILITY AND AT WORSE, A SUDDEN-DEATH. AND HERE OF COURSE, NO-ONE CARES.

MY STOMACH IS SO WEAK AND ALWAYS AM SUFFERING FROM STOMACH-ACHE, EVEN THE FOOD HAS BECOME LIKE A POISON IN MY STOMACH. SOMETIMES, WHEN I AM SO SICK IN HERE, I DOUBT MYSELF, IF TOMORROW MAY FIND ME ALIVE, BECAUSE OF MY CONSTANT HEARTACHE.

HERE IN JAPAN, I AM NOT A TERRORIST, NEITHER A CRIMINAL. I AM JUST AN ORDINARY PERSON, WITH A HUMAN-HEART AND A PURE LOVE TO MY SON AND WITH MUCH RESPECT/CARE, TO THE JAPANESE AND ALL THE PEOPLE, AND TO THIS NATION OF JAPAN, WHICH I HAVE BEEN LIVING IN, FOR ALMOST TWENTY-YEARS.

I SOLEMNLY SPEAKING THAT I HAVE NO ANY-ILL-WILL, AGAINST ANYONE.

INTENTIONALLY, I AM WRITING THIS LETTER, TO YOU, DAILY YOMIURI-PRESS AGENCY, SO THAT THE PEOPLE IN JAPAN, AND AROUND THE WORLD, MAY GET TO APPREHEND A LITTLE BIT, THE WAY OF JAPANESE (OSAKA) IMMIGRATION, HOW IT WORKS.

MOREOVER, I AM VERY DESPERATELY AND URGENTLY, IMPLO- RING FOR A LEGAL-HELP (THE ATTORNEY), IN ORDER TO FILE A LAW SUIT, AND SO, TO SUE THE OSAKA REGIONAL IMMIGRATION BUREAU, AGAINST ALL THESE MALTREATMENTS, WHICH I HAVE BEEN THROUGH, TILL NOW.

IN ADDITION TO THIS, I AM VERY HUMBLY, BESEECHING FOR ANY OF INTERVENTIONS, OF ANY HELP FROM FOREIGN EMBASSIES IN JAPAN, UN-AGENCIES, THE GOVERNMENT OF JAPAN, JAPANESE SUPPORT GROUPS AND ALL THE PEOPLE.

WE / I MYSELF, I AM BEING TREATED NOT LIKE AN ANIMAL,

JAPAN THE NATION. IS ONE AMONG THE WELL-RESPECTABLE AND MOST ADMIRABLE FOR EVERYTHING, GLOBALLY, AND AS WELL AS A LONG-TIME MEMBER OF G-7/G-20.

DESPITE ALL THESE POSITIVE IMPACTS ONLY, BUT JAPAN (OSAKA) IMMIGRATION, DISREGARDS AND VIOLATES HUMAN-RIGHTS PROTECTION.

IF YOU ARE NOT AN AMERICAN AND OR FROM EUROPE, BUT YOU ARE FROM A BLACK-RACE AND OR FROM THE THIRD-WORLD COUNTRIES, THEN YOUR FATE IS UGLY, YOU ARE NOT HUMAN-BEING, IN THE DETENTION OF OSAKA IMMIGRATION.

I BELIEVE THAT, THIS BARBARIC AND EVIL-SYSTEM OF THIS IMMIGRATION, MUST BE CONDEMNED, IN AND OUT OF JAPAN.

THE NAME "OSAKA IMMIGRATION" IS A TERRIBLE DISGRACEFUL TO THIS, A GREAT-NATION AND HER PEOPLE (THE JAPANESE).

IN CONCLUSION, (DAILY YOMIURI), I HEREBY KINDLY TO CONFIRM MY PERMISSION, TO PUBLISH AND SHARE MY STATEMENT, TO ALL KIND OF MASS-MEDIA AND OR EVERYONE AND EVERYWHERE.

INDEED, I AM KINDLY BEGGING FOR YOUR POSITIVE CONSIDERATION AND I AM MUCH GRATEFUL, FOR YOUR SUPPORT, IN ADVANCE.

- IT'S ME, WITH ALL DUE RESPECT AND HONOR:

FROM:

NAME:

SEAL:

GENDER: MALE. NATIONALITY:

D.O.B:

AGE:

ADDRESS: OSAKA REGIONAL IMMIGRATION BUREAU, DETENTION SECTION.
1-29-53, NANKO-KITA. SUMINOE-KU, OSAKA-CITY. 557-0034.

DATE: 2019.06.19.

SIGNATURE:

Case report

Special Permission to Stay for N and her Family

Don't send children born and raised in Japan across the ocean

Social Action Center Sinapis, Archdiocese of Osaka

Born and Raised in Japan – M and S

M and S are siblings going to schools in Osaka Prefecture. She is a second-grader in the senior high school and he is a second-grader in the junior high school. Their nationality is Peruvian, but they were born and grew up in Japan. They take part in school club activities, spend time chatting with friends, and fighting with each other as siblings do. They never doubted that they would continue to live in Japan, and they talked about their future aspirations.

The parents of the siblings arrived in Japan in the 1990s with passports bearing someone else's names. They continued to live in Japan, and the two were born. Their parents took education seriously, and with the support of people in the local community, the two were attending elementary school, when their father was arrested for violation of the Immigration Control Act. The mother and the two children appeared before the immigration office, but special permission to stay was not granted, and deportation orders were issued for all of the family. The parents could not tell the children of the facts.

They went to court to ask for revocation of the deportation orders, but their loss became final in 2015 with the Supreme Court decision. M was a junior high school student at the time. A friend asked her, "don't you have to go back to Peru?" She says that that was the first time she realized that her position was different from those of all her friends around her.

The Deportation of the Father, the Suffering of the Mother

The family was feeling desperate when something happened that was like another blow to them. In September 2016, their father was detained again on the day he was to appear before the immigration office as condition of his provisional release. The siblings knew without anyone telling them, why their father did not come home. The family and their supporters thought that he was detained to put pressure on

the family, as was the case when he had been detained before. But the father was deported to Peru only 15 days from the day he was detained.

When I was small, my father suddenly disappeared. One day, after a long time, my father came back. Last year, my father disappeared again. At that time, I was already a junior high school student, so I knew what had happened. Then my father really disappeared. For me, it was as if my father was taken hostage, and killed in the end. (Excerpt from essay by S)

Now suddenly, the mother, N, had to protect her children by herself. Sinapis (Social Action Center, Archdiocese of Osaka) decided to support N and her family. What could be done to enable the family to remain in Japan? Should they look for foster parents to take care of the children, while the mother returns to Peru alone, and negotiate for special permission to stay for the children? Or should they start another legal action so that all three family members can remain in Japan? We had many discussions with N, with advice from Attorney Yoshihiro Sorano of the Lawyers Network for Refugees in Western Japan, and members of NGOs. “When we lose in court, the door to the future of the children will be closed. Will the children hold a grudge against me, for making that decision?” “When I leave the children by themselves in Japan, will they feel abandoned?” As N struggled tearfully with how she should decide for her children, we could only listen to her, wiping our tears with her.

In July, she was required to appear every week before the immigration office. We were afraid that the mother might be separated from her children and detained. When school holidays began, the children were also required to appear before the immigration office together. The immigration official told the siblings in front of him, “you will be deported during the summer holidays, so have the passports ready.”

New Support for Legal Action

The possibility of deportation became a reality, and N and her family decided to start a mandamus action. N decided to place her final hope on the action, after being explained about the possibility. The circumstances of the family had changed since the time of the final loss at the Supreme Court two years ago. The father was deported and they had not heard from him since then. This should make it possible for them to start legal action to require the government to issue a special

permission to stay.

“We need to make this case significant for all children in Japan who find themselves in similar situations.” Attorney Sorano’s call brought together 15 lawyers who would represent the family, and on August 15, 2017, the petition was submitted at the Osaka District Court.

The petition emphasizes the problems of deporting the children, that “to be deported to a country they know nothing about, and to be forced into a life that is completely different from the one they are leading now, would be tantamount to denying the complete history of the children.” The siblings, who speak almost no Spanish, would have to restart their education from the first grade in elementary school, and the knowledge they had gained would come to nothing. As the Convention on the Rights of the Child stipulates, consideration must be given to the best interests of the child even in immigration control measures including deportation, regardless of the status of residence of the parents or the children themselves.

At the beginning of the second court hearing, M read an essay out loud to the judge. There were so many people who have come to support N and her family that day, from the church and local community, as well as the head master and the teachers of the siblings’ classes that not all of them managed to fit in the courtroom gallery. Many people support this court case.

The case will proceed, taking in views from various experts, such as of international human rights law, linguistics, and clinical psychology. We hope that you will watch over the progress of the case of N and her family so that it will lead to a brighter future for children placed in similar situations.

Please Help Support N and her Family and Families in Similar Situations

The court case of N and her family will continue. In the meantime, we must continue to support the lives of the family members. Families who are under provisional release are not allowed to work, and must have continued support.

Sinapis supports other families in similar conditions as N and her family. K from Korea was asked for divorce by her permanent resident husband shortly after her marriage. She and her husband were still in mediation, in the hope of rescuing her marriage, when the immigration office refused to renew her residence status. The

mediation had not yet reached a conclusion, but the immigration office cut off her residence status, as if to take her husband's side. Later, her divorce was finalized, and her four year old daughter also lost her residence status. The mother and child have brought their case to court to have her residence status reinstated.

A from Nigeria has fled the instability at home and came to Japan. Her refugee status was not recognized, and although she has a residence status for designated activities, she is not allowed to work. Currently, she has brought her case to court to revoke the non-recognition of refugee status, and is raising her three year old daughter by herself.

The lives of these women are being supported by donations. But this is not how they want it to be. They do not want charity, and it is their inability to do what is normal, to work and raise their children by themselves that distresses them most. We hope to be able to support them bearing in mind that they are not the "poor family" but "our friends and important children of our society."

Living on edge, in anxiety over the deportation can hamper the physical and emotional growth of the children. We hope to continue supporting the families, in the belief that the day will come when this problem will be solved and children who are born and grow up in Japan can grow in good health and continue to study in Japan.

(Mnet No.197, News-letter of Solidarity Network with Migrants Japan)

A letter from S, a junior high school student who is asking for stay permission

When I was small, my father suddenly disappeared. One day, after a long time, my father came back.

Last year, my father disappeared again. At that time, I was already a junior high school student, so I knew what had happened. Then my father really disappeared. For me, it was as if my father was taken hostage, and killed in the end. The most important person for us was lost.

I learned what it was like to feel the dismay of having my father taken away from me. I never want to experience the feeling of my father taken away again.

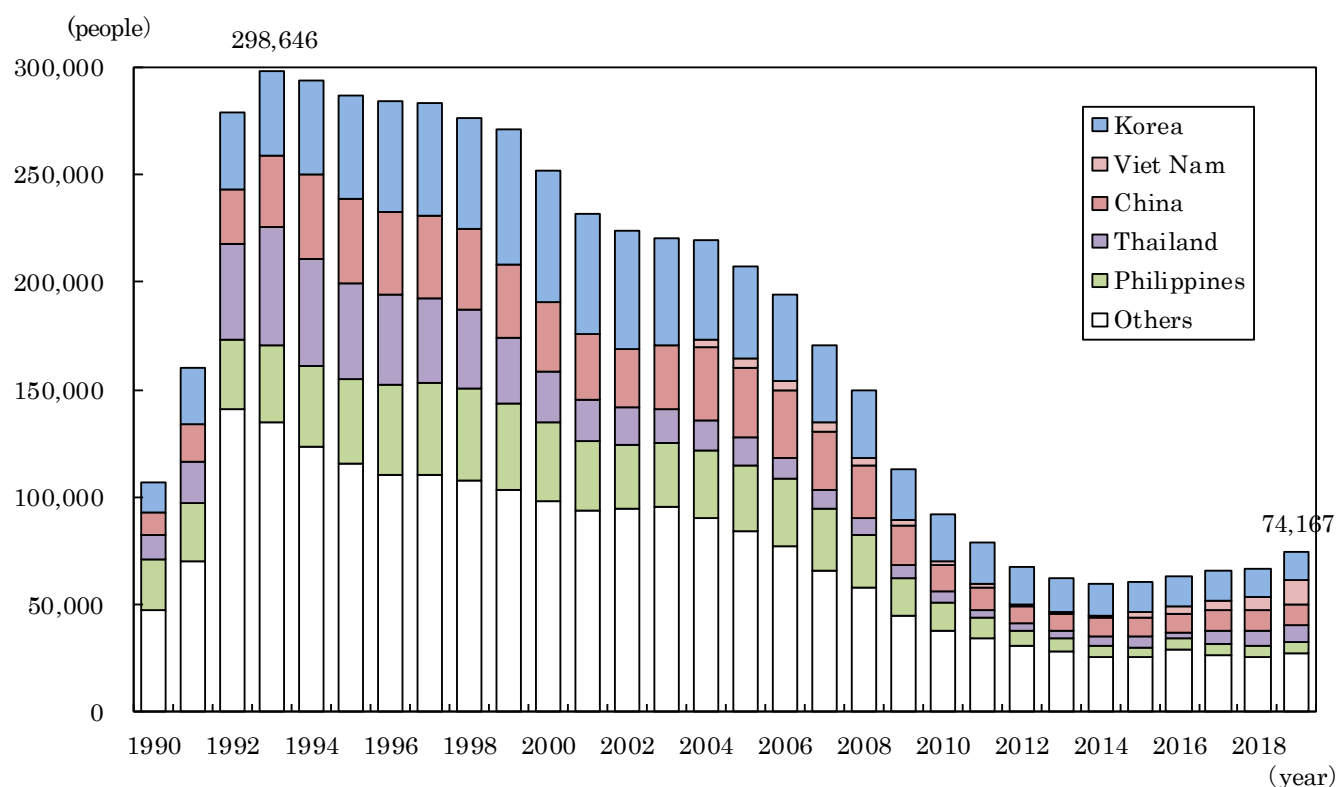
My mother is the person who is supporting me. I can talk to her about anything. If my mother was taken away like my father, I cannot go on living.

I don't know anything about Peru. When the immigration official told me, "you will be deported to Peru during the summer holidays," I thought, "why do I have to be forced out, when Japan is the only place I know?"

My future dream is to go to the university and to become an architect. I like using wood to make furniture, so in the future, I would like to study at the university and become an architect building housing using wood.

What happens to me if I am forced out to a country other than Japan? I am scared.

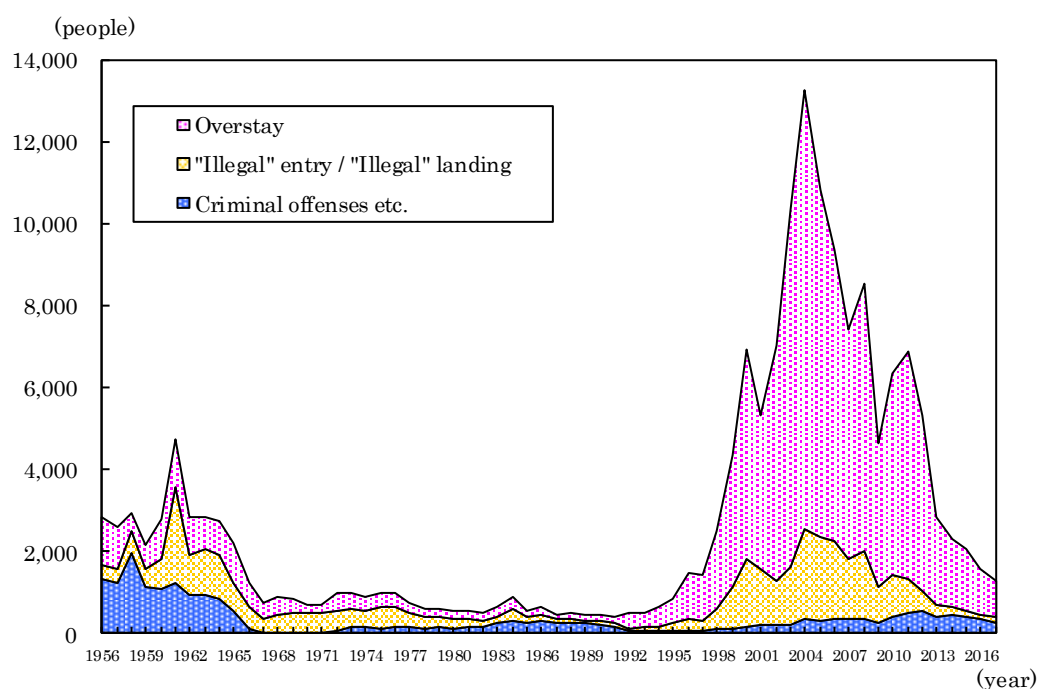
Figure1 Changes in the number of foreign nationals overstaying the authorized period of stay by nationality/region



Note: Number in 1990 is as of 1 July; numbers from 1991 to 1996 are as of 1 May each year; and numbers after 1997 are as of 1 January each year

Source: Compiled by SMJ from the reports of the Immigration Bureau of the Ministry of Justice

Figure2 Changes in the number of special permissions to stay by the grounds for deportation



Source: Compiled by SMJ from the reports of the Immigration Bureau of the Ministry of Justice

Table1 Types of special residence permission and examples thereof

Types	Examples
a) Family members of Japanese or other legal long-term residents	Child/ren of Japanese or special permanent residents; those who support their biological child/ren (unmarried minor) with Japanese or special permanent residents; those who are legally married to Japanese or other legal long-term residents
b) Long-term stay families with child/ren attending school, as stipulated in Article 1 of the School Education Act (Article 1 school)	Families with biological child/ren where the parents have been in Japan for 10 years or more, and child/ren was/were born in Japan, or came to Japan in early childhood and is/are attending an Article 1 school
c) Persons receiving treatment for an intractable disease, or their caregivers	Those who have difficulties receiving treatment in their home countries and need to receive treatment in Japan
d) Persons with refugee status that does not lead to refugee recognition	Those who were denied recognition as refugees but were found to have sufficient grounds to be granted special permission to stay
e) Long-term residents who are acknowledged as having built strong ties with Japan	Long-term residents of 20 years or more (generally)
f) Students	In cases where special permission to stay is granted only to children enrolling in an Article 1 school (mainly junior high school students or higher educational institutions) due to the status of their parents' stay ("illegal" entry or breach of penal laws) among families of type b)

Source: Suzuki, Eriko. (2017). "Development of selective migration policy: On going selective exclusion". In: Koido, Akihiro ed., *International comparison research of immigration policy*. Aichi: Nagoya University Press.

Table 1 Mortality incidents in immigration detention facilities

Date	Nationality	Place	Cause of death
Aug., 1997	Iranian	former 2nd Office Building of Tokyo Regional Immigration Bureau	suspected violence by immigration officers resulting in death
Oct., 2001	Vietnamese	Nishi-Nihon Immigration Center	suicide
Dec., 2006	Nigerian	Tokyo Regional Immigration Bureau	dead of disease
Feb., 2007	Ghanaian	Tokyo Regional Immigration Bureau	dead of disease
Jan., 20085	Indian	Nishi-Nihon Immigration Center	suicide
March, 2009	Chinese	Tokyo Regional Immigration Bureau	suicide
Feb., 2010	Brazilian	Higashi-Nihon Immigration Center	suicide
March, 2010	Ghanaian	Narita Airport District Immigration Office	suspected choking death due to suppression by immigration officers during forced repatriation
Apr., 2010	Korean	Tokyo Regional Immigration Bureau	suicide
Apr., 2010	Filipino	Tokyo Regional Immigration Bureau	dead of disease
Dec., 2010	Filipino	Tokyo Regional Immigration Bureau	dead of disease
Oct., 2013	Burmese	Tokyo Regional Immigration Bureau	dead of disease due to medical neglect
March, 2014	Iranian	Higashi-Nihon Immigration Center	dead of disease due to medical neglect
March, 2014	Cameroonian	Higashi-Nihon Immigration Center	dead of disease due to medical neglect
Nov., 2014	Sri Lankan	Tokyo Regional Immigration Bureau	dead of disease due to medical neglect
March, 2017	Vietnamese	Higashi-Nihon Immigration Center	dead of disease due to medical neglect
Apr., 2018	Indian	Tokyo Regional Immigration Bureau	suicide
Jun., 2019	Nigerian	Omura Immigration Center	suspected dead of disease resulting from hunger strike

Source: Compiled by SMJ from the reports of such as the Immigration Bureau of the Ministry of Justice

Table 2 The number of self-injurers in immigration detention facilities

Year	People
2007	31
2008	unknown
2009	44
2010	45
2011	40
2012	41
2013	40
2014	59
2015	51
2016	44
2017	30
2018	43

Note: Number of those who were isolated by reason of self-injury

Source: Compiled by SMJ from the reports of the Immigration Bureau of the Ministry of Justice

Table 3 Changes in the number of long-term inmates

	number of inmates (people)	number of long-term inmates (people) * 6 montes or more	rate of long-term inmates
as of Dec. 12, 2008	1,866	90	4.8%
as of Nov. 5, 2009	1,742	161	9.2%
as of Sep. 30, 2010	1,251	159	12.7%
as of Nov. 1, 2011	1,064	151	14.2%
as of Nov. 5, 2012	1,104	335	30.3%
as of Oct. 31, 2013	973	202	20.8%
as of Oct. 31, 2014	1,046	301	28.8%
as of Nov. 1, 2015	1,070	390	36.4%
as of Nov. 1, 2016	1,162	215	18.5%
as of Oct. 23, 2017	1,372	472	34.4%
as of Dec. 31, 2018	1,246	681	54.7%

Source: Compiled by SMJ from the reports of the Immigration Bureau of the Ministry of Justice

Table 4 The number of inmates by detention periods (as of the end of July, 2018)

	(People)				
	below 6 months	6 months or more below 1 year	1 year or more below 3 years	3 years or more below 5 years	5 years or more
Male	495	217	382	18	2
Female	105	40	50	0	0
Total	600	257	432	18	2

Source: Compiled by SMJ from the reports of the Immigration Bureau of the Ministry of Justice

Guidelines on Special Permission to Stay in Japan

October 2006

Revised July 2009

Immigration Bureau, Ministry of Justice

I Basic rationale on special permission to stay in Japan, and matters taken into account when judging whether to grant permission

When judging whether to grant special permission to stay in Japan, a comprehensive appraisal is made of all relevant circumstances for each individual case. These include the reason for the requested stay, family circumstances, the applicant's conduct, situations in Japan and abroad, consideration of humanitarian grounds, and, moreover, the potential impact on other persons without legal status in Japan. When doing so, the following specific matters are taken into account.

Positive Elements

The following are taken into account as positive elements, in addition to the matters specified in the Immigration Act, Article 50 paragraph 1 items (i) to (iii) (see Annex).

1 Positive elements to be given particular consideration

- (1) When one or both of the applicant's parents are Japanese nationals or special permanent residents.
- (2) When the applicant supports his/her own child (a legitimate child or an illegitimate child acknowledged by his/her father) born of the applicant and a Japanese national or special permanent resident, and when all of the following requirements are applicable:
 - a. When the child is a minor and unmarried.
 - b. When the applicant has parental authority over the child.
 - c. When the applicant has lived together with the child in Japan for a significant period of time, has custody of and raises the child.
- (3) When a marriage between the applicant and a Japanese national or special permanent resident has been legally established (excluding cases in which marriage is feigned or a formal notification of marriage has been submitted with the aim of avoiding deportation), and when both of the following requirements are applicable:
 - a. When the applicant and his or her spouse have cohabited for a significant period of time as a married couple, and are mutually cooperating with and supporting each other.
 - b. When the couple has a child or children, or when there are other reasons to deem that the marriage is stable and mature.

- (4) When the applicant is living together with his/her own child who is enrolled in an institution of primary or secondary education in Japan (excluding educational institutions in which education is given in the child's own language other than Japanese) and has resided in Japan for a significant period of time, and when the applicant has custody of and raises the child.
- (5) When the applicant requires treatment in Japan for a serious illness, etc., or when the applicant's continued presence in Japan is deemed necessary in order to nurse a family member who requires such treatment.

2 Other positive elements

- (1) When the applicant has appeared in person at a regional immigration bureau to report that he or she is residing in the country without legal status.
- (2) When a marriage between the applicant and a person who resides in Japan under a status of residence specified in Appended Table II (see Annex) has been legally established, and when the applicant falls into the category of the above-mentioned 1 (3) a. and b.
- (3) When the applicant supports his/her own child (a legitimate child or an illegitimate child acknowledged by his/her father) who resides in Japan under a status of residence specified in Appended Table II, and when the applicant falls into every category of the above-mentioned 1 (2) a. to c.
- (4) When the applicant is a minor and an unmarried child receiving the support of his/her parent who resides in Japan under a status of residence specified in Appended Table II.
- (5) When the applicant has resided in Japan for a considerable period of time and is deemed to be settled in Japan.
- (6) When there are humanitarian grounds or other special circumstances.

Negative Elements

Negative elements are as follows.

1 Negative elements to be given particular consideration

- (1) When the applicant has been punished for a serious crime, etc.

(Examples)

- When the applicant has been punished with penal servitude for a vicious or serious crime.
 - When the applicant has been punished for smuggling and illegal trafficking of 'goods harmful to society', such as illegal narcotics and firearms.
- (2) When the applicant has committed an offense related to the core of national administration on immigration control, or has committed a significant antisocial offense.

(Examples)

- When the applicant has been punished for abetting illegal employment, crimes related to mass stow-away, illegal receipt or issue of passports, etc.
- When the applicant has been punished for abetting illegal or fraudulent residence in Japan.
- When the applicant has committed an act that significantly compromises the social order of this country, such as personally engaging in prostitution or causing another to engage in prostitution.
- When the applicant has committed an act that significantly infringes human rights, such as human trafficking.

2 Other negative elements

- (1) When the applicant has entered the country illegally by stowing away on a ship, or by using a false passport, etc., or falsifying the status of residence.
- (2) When the applicant has undergone procedures for deportation in the past.
- (3) When the applicant is deemed to have committed other violations of penal law or acts of misconduct similar to these.
- (4) When the applicant has some other problems in the circumstances of his or her residence in Japan.

(Example)

- When the applicant belongs to a criminal organization.

II Judgment on whether to grant special permission to stay in Japan

An application for special permission to stay in Japan is given favorable consideration when, after the items listed above as positive and negative elements have been individually evaluated and given all due consideration, circumstances that should be regarded as positive elements clearly outweigh those that should be regarded as negative elements. Therefore, an application for special permission to stay in Japan is not necessarily given favorable consideration just because a single positive element exists; conversely, the existence of a single negative element will not prevent an application from being given favorable consideration altogether.

The main examples are as follows.

< Examples in which an application for special permission to stay in Japan is given favorable consideration >

- When one or both of the applicant's parents are Japanese nationals or special permanent residents, and when there is deemed to be no particular problem with the circumstances of the applicant's residence, e.g. there has been no violation of other laws or ordinances.
- When the applicant is married to a Japanese national or special permanent resident, and there is deemed to be no particular problem with the circumstances of the applicant's residence, e.g. there has been no violation of other laws or ordinances.
- When the applicant has been resident in Japan for a considerable period of time, has personally reported to a regional immigration bureau that he or she falls into the

category of deportation, and there is deemed to be no particular problem with the circumstances of the applicant's residence, e.g. there has been no violation of other laws or ordinances.

- When the applicant is living together with his/her own child who was born in Japan, has lived for at least 10 years in Japan and is enrolled in an institution of primary or secondary education in Japan, and the applicant has custody of and raises said child, has personally reported to a regional immigration bureau that he or she is staying in Japan illegally, and there is deemed to be no particular problem with the circumstances of residence of both parent and child, e.g. there has been no violation of other laws or ordinances.

< Examples in which an application for special permission to stay in Japan is given unfavorable consideration >

- When the applicant, though living in Japan for at least 20 years and deemed to be settled in Japan, has been punished for crimes such as abetting illegal employment, crimes related to mass stow-away, illegal receipt or issue of passports, etc., and has committed an offense related to the core of national administration on immigration control, or has committed a significant antisocial offense.
- When the applicant, though married to a Japanese national, has committed an act that considerably disturbs the social order of this country, such as having others engage in prostitution.

(Note) Immigration Control and Refugee Recognition Act (extract)

(Special Cases of Determination by the Minister of Justice)

Article 50

The Minister of Justice may, even if he/she finds that the objection filed is groundless, in making the determination set forth in paragraph (3) of the preceding Article, grant the suspect special permission to stay in Japan if the suspect falls under any of the following items:

- (i) He/She has obtained permission for permanent residence.
- (ii) He/She has had in the past a registered domicile in Japan as a Japanese national.
- (iii) He/She resides in Japan under the control of another due to trafficking in persons.
- (iv) The Minister of Justice finds grounds for granting special permission to stay, other than the previous items.

2, 3 (Omitted)

Appendix Table II

Status of Residence	Personal Status or Position for Which Residence is Authorized
Permanent Resident	Those who are permitted permanent residence by the Minister of Justice.
Spouse or Child of Japanese National	The spouses of Japanese nationals, the children adopted by Japanese nationals pursuant to the provisions of Article 817-2 of the Civil Code (Act No.89 of 1896) or those born as the children of Japanese nationals.
Spouse or Child of Permanent Resident	The spouses of those who stay with the status of residence of "Permanent Resident" or "Special Permanent Resident" (hereinafter referred to as "permanent or special permanent resident"), those born as children of a permanent or special permanent resident in Japan who has been residing in Japan.
Long-Term Resident	Those who are authorized to reside in Japan with a designation of period of stay by the Minister of Justice in consideration of special circumstances.