Migration Profile

JAPAN

A. Executive Summary

A post-industrial society, Japan is an insular country with one of the highest Human Development Index ratings in the world. Though a popular high end tourism destination, Japan is also a rather homogeneous society with very strict immigration policies. Japan has the lowest asylum intake ratio in the developed world, which it compensates through a very generous UNHCR funding policy. The obligation to file a request in person on Japanese territory makes it difficult or impossible for those who are fleeing conflicts or threats with little or no means to provide the necessary documentation to obtain a visa. At the same time, a special international workers programme allows people to come to Japan from abroad. These workers are often left with no other choice than applying for asylum if they wish to stay longer than the initial duration of their visa. This policy further burdens an already protracted asylum system. As the country is particularly prone to natural and consequent industrial disasters, large internal displacements can occur, as in the wake of the 2011 earthquake. While the effects of these events are temporary for most people, these disasters leave the most destitute in a highly vulnerable position, particularly asylum seekers as well as Japanese nationals who live in poverty. Human trafficking also takes place in Japan, likewise targeting the most vulnerable. It often occurs by luring victims into fraudulent job offers.

B. Country Profile

I. Basic Information

Japan is an archipelago located to the east of Russia and the Korean Peninsula. It is bordered by the North Pacific Ocean and the Sea of Japan. With a land area of 364,485 km^2 and 125,507,472 inhabitants as per July 2020 estimates, Japan is a highly dense country with 347 people per km^2, one-third of which live in and around Tokyo, the capital. The population is currently declining and is expected to reach 100 million by 2050. According to 2016 figures, Japan's ethnic demography is as follows: Japanese 98.1%, Chinese 0.5%, Korean 0.4%, and other 1% (including Filipino, Vietnamese, and Brazilian). Estimates from 2015 show the following religious affiliations: Shintoism 70.4%, Buddhism 69.8% (sometimes practiced jointly with Shintoism), Christianity 1.5%, and other 6.9%. Japan is a constitutional monarchy located at the intersection of three tectonic plates, on the Pacific Ring of Fire, where many volcanic eruptions and earthquakes occur, making it a zone that is prone to

deadly major catastrophes. Compared to other developed economies, Japan has a very low refugee intake, motivated by an age-old isolationist and homogeneous culture.

II. International and Internal Migrants

According to the Internal Migration in the Countries of Asia, the 2015 Census data show that the Japanese are highly mobile with an Aggregate Crude Migration Intensity (ACMI) approaching 20%, down from 28% in 2000. Japan's migration profile is older than other Asian countries, with a migration peak at age 31. With more than 90% of Japan's population living in urban areas, the country is at an advanced stage of the urban transition, and is largely dominated by urban-to-urban migration.

Japan is a homogeneous society that has traditionally been very closed and is shaped by the paradox of isolation. The Government seemingly opts to preserve this homogeneity. This attitude is rooted in history, as Japan was a closed society until 1853. The influx of Vietnamese boat people landing on Japanese shores in the 1980s, as well as the current fear of North Korea, may be reasons for the revival of Japanese isolationism over the past decades. This isolation has clearly impacting Japan's willingness to tackle both legal international migrations and asylum seekers.

Japan's Technical Intern Training Program (TITP) allows citizens from developing countries to develop skills in the fields of manufacturing, construction, agriculture, and health care for up to five years in Japan. The TITP currently welcomes 410,972 international workers. They are hired in their countries of origin by recruiting agencies that then work with Japanese business associations. The number of international workers who are hired through TITP increases by 25.2% on a yearly basis, according to the Ministry of Justice (MoJ). Many of these workers end up applying for refugee status when the duration of their training program is over. The TITP is therefore seen as a way to import cheap labour while not having a proper immigration policy. In reality, TITP overburdens the already slow asylum system, which seems to be the only way for foreigners to stay and work in Japan, though they are rarely approved. According to the Japanese MoJ, the nationality breakdown for TITP beneficiaries in 2019 is as follows: 218,727 people coming from Vietnam, 82,370 from China, 35,874 from the Philippines, 35,404 from Indonesia, 11,325 from Thailand, and 27,272 from other countries, including Cambodia, India, Laos, Mongolia, Bangladesh, Sri Lanka, Myanmar, Bhutan, Uzbekistan, Pakistan, Peru, Nepal, and Indonesia. These are the countries that the government of Japan accepts participants from.

The COVID-19 pandemic and lockdown have had very negative consequences on TITP workers. The Immigration Services Agency of Japan temporarily revised the program as follows. First, technical trainees with expired visa status who are unable to return to their home country are eligible to change the residence status to "Designated Activities,", a 6-month visa that permits technical trainees to keep working at the same organisation as before. Second, those who lost their jobs can change to a new employer through a matching process by it the Japanese government with a recruitment agency. The new system makes it possible to reassign unemployed technical trainees to other businesses that are currently understaffed. Unemployed technical trainees are allowed to work in various industries for a period of one year. In addition, TITP workers have become eligible for a COVID-19 payment of 100,000 Japanese Yen.

III. Emigration and Skilled Migration

In 2018, the Japanese Ministry of Foreign Affairs reported that the five main countries hosting the highest number of Japanese nationals were as follows: United States (426,206), China (124,162), Australia (97,223), Thailand (72,754), and Canada (70,025). Other countries also host large numbers of people of Japanese descent, called "*nikkeijin*" in Japanese language. This includes the almost 60,000-strong Japanese community of the Liberdade district of São Paulo, Brazil, which is the biggest Japanese community in any city outside of Japan. Emigration and skilled migration are not seen as problematic for Japan, considering that they are relatively low in relation to Japan's developed and competitive economy.

IV. Forced Migration (internally displaced persons, asylum seekers, refugees, climate-displaced people)

Japan has faced recurrent and volatile waves of internal displacement due to the natural disasters that the country is prone to, including seasonal typhoons and earthquakes. As often occurs in these kinds of events, the most marginalised and vulnerable are most at risk. In 2019, a total of 265,000 people were internally displaced in Japan. Many were able to return home before the end of the year, lowering the definitive figure to 88,000. The average expected number of displacement per year for sudden-onset hazards in Japan is 147,894 (30,439 due to earthquakes, 10,331 for floods, 88,163 for storm surge, 15,980 for tsunamis, 2,981 for cyclonic wind), according to the International Displacement Monitoring Centre (IDMC). Preventive evacuation can also lead to temporary, large-scale population migration. It is nevertheless an effective measure for reducing loss of life when people are exposed to such threats. The way that Japan deals with these risks is generally seen as effective and can be said to have saved many lives. Upon the request of municipalities, the Japanese government decided to start pre-positioning supplies in evacuation centres in 2018, instead of dispatching them after the occurrence of a disaster. This strategy is considerably more efficient and saves a great deal of time. Japan also recognised the existence of "at-home evacuees" who remain in their homes even after they have been damaged due to a disaster, but who utilise evacuation centre facilities because of disruptions of water, electricity, or any other basic supply. Some of these "at-home evacuees" have to live off of food and non-food supplies provided by NGOs. The earthquake that occurred on March 11, 2011 caused over 20,000 casualties, and 250,000 damaged or destroyed buildings. A total of 4.4 million households lost access to electricity and 2.3 million households were without water.

Recent figures for the number of refugees accepted in Japan are strikingly low. As of December 2019, there were 1,732 refugees registered in Japan (including 1,000 from Myanmar and 732 from other countries). A total of 10,375 new applications were submitted to the Japanese authorities in 2019. Despite being the third largest economy on the planet, Japan is one of the world's toughest countries when it comes to refugee policies. Central to Japan's policy is its focus on UNHCR donation, as the country is the fourth-largest government donor. As explained above, this reluctance to welcome refugees is due to geographical, historical, and societal reasons. A *Business Insider* article in 2018 reported on the refugee situation in Japan as follows: "*In 2013, just six applications were approved. Eleven people made the cut the following year, followed by 27 in 2015. Out of the 10,901 people who applied*

in 2016, just 28 were granted refugee status in Japan. The number of applications jumped to more than 19,000 the next year. Only 20 were accepted." In the same article, the head of the Tokyo branch of the United Nations High Commissioner for Refugees (UNHCR) Dirk Hebecker explained that the situation was a by-product of the slow-moving vetting process. Japan requires refugee applications to be submitted in person, while most applicants are from the Middle East and Africa. The MoJ published a guide to the procedure for the recognition of refugee status, which is available in several languages at immigration offices in the country. Travelling to Japan to apply for asylum means applicants must already have a visa, otherwise they will be detained and barred from seeking refugee status. Consequently, the usual way of entering Japan to seek asylum is to be invited into the country by the UN or by Japanese NGOs. Depending on the country of origin, potential tourists must supply bank statements, a certificate from a bank manager, employment documents, passports, and IDs. These are documents that asylum seekers usually do not have. NGOs are not allowed to assist applicants as this responsibility lies with the Japanese government. A study of asylum figures in Japan between 2011 and 2017 showed that the vast majority of asylum seekers in Japan come from one of the following countries: Nepal, the Philippines, Turkey, Vietnam, Sri Lanka, and Indonesia. Their asylum claims are often allegedly based on private issues or economic hardships rather than violations of their civil and political rights. Most enter Japan as students, technical interns, or short-term visitors, and apply for asylum while their residential status in Japan is still valid. According to the Japan Association for Refugees (JAR), asylum seekers choose Japan out of the limited number of options, provided their visa request is approved. Many resorted to paying for fake passports to leave their country of origin.

Refugees and asylum seekers are more vulnerable in the aftermath of natural disasters. This was the case in the wake of the 2011 earthquake. In order to be allowed to leave Japan and come back at a later stage, foreigners had to request a re-entry permit from the Immigration bureau. However, re-entry permits are not allowed for refugee applicants under the current asylum system, leaving them forced to stay and face the risks of the repercussions, or leave and not be allowed to come back. Many individuals, usually living in extreme poverty due to language barriers and the economic climate, reported feeling imprisoned, forgotten, or severely endangered.

V. Victims of Human Trafficking

In the US State Department's 2020 Trafficking in Persons Report, the section on Japan identified the TITP as facilitating numerous human rights violations. The report notably mentions Filipino house workers who have been given visas since the Japanese government lifted restrictions in July 2017 to "reduce the burden of household chores borne by women" and to encourage Japanese women to re-enter the workforce. While some house worker interns are not taught any skills, contrary to the program's aims, others experience forced labour conditions. These include having their passports confiscated, being given arbitrary salary deductions, being confined to particular accommodations, and being prevented from communicating with anyone beyond their colleagues, all while paying up to $10,000 to participate in the program. The Report states that the Japanese authorities failed to identify even one case of trafficking amongst TITP beneficiaries. This underlines the fact that the authorities do not do enough to tackle the issue. The Report also highlights that Japanese

adults and children, as well as foreigners, are subject to forced labour and sexual trafficking in Japan, and the country is identified as a place of transit for victims. Some women are trapped by marriage offers and end up being forced into sexual trafficking in bars, clubs, brothels, and massage parlours. Others are subject to debt-based coercion, threats of violence or deportation, blackmail, the confiscation of their passport and other documents, and other psychologically coercive methods. Foreign victims are mostly from China, South Korea, Laos, the Philippines, Singapore, and Vietnam. Some have been lured by actor placement agencies and end up coerced into pornographic movies. Japan is indeed home to the culture of *Enjo kosai* or "compensated dating" services and variants of the "JK" business, being especially focused on school girls and boys. A charity was recently created to assist Japanese girls involved in sexual labour.

VI. National Legal Framework

As the fourth-largest donor to UNHCR, Japan is a signatory to the 1951 Convention and 1967 Protocol relating to the Status of Refugees. However, Japan only recognises refugees who are individually targeted and persecuted, regardless of whether they belong to a persecuted minority, or are fleeing war or conflict. Cases for refugee recognition can take years to reach a conclusion, as is frequently the case in Western countries. During that time, asylum seekers have limited access to public social services and face restrictions of freedom of movement. Some asylum seekers without residence permits are kept in detention while others have "Provisional Release" status (PR), for periods of up to three months, after which they have to request an extension, while remaining within an agreed geographical area. A decision by the Japanese cabinet was made on February 19, 2021 in order to revise the Immigration Control and Refugee Recognition Act, intending to prevent the long-term detention of foreign nationals. The UN Human Rights Council Working Group on Arbitrary Detention issued a report in September 2020 stating that the long-term detention of asylum seekers in Japan should be improved in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Though not yet officially passed, it seems the law would remain quite strict. According to the US State Department's Report on Trafficking in People in 2020, Japan's anti-trafficking statute was not in line with international law, though it criminalises sex trafficking and labour trafficking offenses through disparate laws pertaining to prostitution of adults and children, child welfare, immigration, and employment standards. Inducing others into prostitution is a crime according to Article 7 of the Prostitution Prevention Law. Article 8 of the same law increased penalties to up to five years' imprisonment if the defendant received, entered into a contract to receive, or demanded compensation for crimes committed under Article 7. Engaging in, acting as an intermediary for, or soliciting the commercial sexual exploitation of a child is a crime according to the "Act on Regulation and Punishment of Activities Relating to Child Prostitution and Pornography and the Protection of Children." The Act also criminalises the purchase or sale of children for the purpose of exploiting them through prostitution or the production of child pornography, prescribing a maximum penalty of 10 years' imprisonment. According to the report mentioned above, the Japanese government also prosecuted trafficking-related offenses using the Child Welfare Act, which broadly criminalised transporting or harbouring children for the purpose of causing them to commit an obscene or harmful act. Both the Employment Security Act (ESA) and the Labour

Standards Act (LSA) have criminalised forced labour. Many prosecutors reportedly avoided using the ESA and LSA due to a perception that the relatively high penalties were more likely to trigger appellate processes that would decrease their overall conviction rates and negatively impact their professional standing. Civil society organisations reported that reliance on this series of overlapping statutes continued to hinder the government's ability to identify and prosecute trafficking crimes, especially for cases involving forced labour with elements of psychological coercion.

VII. Main Actors

The State

Japan's Reconstruction Agency is a governmental organisation that especially deals with the aftermath of the 2011 earthquake. It has been a vital actor during the lengthy reconstruction process. Otherwise, the administration dealing with refugees and asylum seekers is the Ministry of Justice of Japan.

The Catholic Church

Catholic NGOs are mentioned as members of the Forum for Refugees in Japan（FRJ), a network of 18 NGOs and agencies supporting refugees and asylum seekers who have fled to Japan. FRJ coordinates activities of its members to provide services for refugees such as legal advice, counselling, medical access, accommodation, assistance in education, visiting in detention centres, etc. Among its members are the Catholic Commission of Japan for Migrants, Refugees and People on the Move (JCaRM), the Jesuit Social Center, the Catholic Tokyo International Center (CTIC), and Caritas Japan. The Jesuit Social Center is the liaison centre for all Jesuit activities in Japan, and especially focuses on poverty, human rights, migrant workers, and refugees. Catholic Tokyo International Center (CTIC) provides a wide range of services such as emergency assistance and Japanese lessons to asylum seekers.

Other Organisations

The other members of the FRJ are: the Africa Japan Forum (AJF), Amnesty International Japan, Christian Coalition for Refugee and Migrant Workers (CCRMW), Door to Asylum Nagoya (DAN), International Social Service Japan (ISSJ), Japan Association for Refugees (JAR), Japan Association for UNHCR, Japan Evangelical Lutheran Association (JELA), Japan Lawyers Network for Refugees (JLNR), Stateless Network, Support 21, RAFIQ Japan, Refugees Empowerment Network (REN), and WELgee (WELCOME+refugee). JEN is another Japanese federation of NGOs working on all humanitarian issues, whether in Japan or abroad. The Japanese Red Cross society is a central actor in dealing with catastrophe aftermaths and has activities across the entire country. *Médecins Sans Frontières* (MSF) also responded to the 2011 and 2016 natural disasters in Japan, as well as to the 2020 COVID-19 pandemic.

International Organisations

The Japanese Ministry of Foreign Affairs maintains a list of the International Organisations that have representation and activities in Japan. Among them are: a country office for the

International Organisation on Migrations (IOM); an office for the International Labour Organisation (ILO); an office for the Organisation for the Cooperation of Humanitarian Affairs (OCHA); a representation for the UN Development Programme (UNDP); the UNHCR Regional Representation in Japan; and the UN Office for Disaster Risk Reduction in Japan.

VIII. Other Important Issues

Japan contains 81 parishes, 151 priests (44 diocesan and 107 religious), 1 deacon, and 702 religious (131 brothers and 571 sisters) as per 2018 figures. The Holy Father travelled to Japan in 2019 as part of his Asian tour, at the invitation of the Government of Japan. At that time, the NikkeiAsia news outlet published the following analysis: *"Japanese Catholics comprise only 1% of Japan's population, but in recent decades, the country has become home to a diverse diaspora of Catholics and other Christian denominations. Tokyo's churches are full of believers from the neighboring Philippines and from the West. There are also immigrants and refugees who have found it safer to practice Christianity in Japan than in their native lands in China, Southeast Asia, Africa and the Middle East."* During his Apostolic Journey to Japan, the Holy Father spoke against nuclear weapons, as well as other threats to human life such as climate change, natural catastrophes, economic inequality, and war. Before a crowd of 55,000 gathered for Mass at the local baseball stadium in Nagasaki, Pope Francis said: "*Here in this city, which witnessed the catastrophic humanitarian and environmental consequences of a nuclear attack, our attempts to speak out against the arms race will never be enough.*"

April 2021

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