

This statement pertains to the enforcement of the deterioration of the "Immigration Control and Refugee Recognition Act."

On June 10, 2023, the revised "Immigration Control and Refugee Recognition Act" went into effect. This revised law grants immigration authorities the ability to abuse their now expanded discretionary power. This, in turn, could potentially lead to an increase in human rights violations against refugees and undocumented foreigners. The revised law focuses on three main points: (1) an exception to the suspension of deportation, allowing for the forcible deportation of refugee applicants who face danger if returned to their home countries; (2) enhancing surveillance and control over foreigners released from detention through the supervision system; and (3) imposing penalties for refusing deportation.

To fight against these revisions, we must look back and understand why the immigration authorities made these changes, as well as what their intentions and background were.

The government began revising the Immigration Control and Refugee Recognition Act following the death of a Nigerian detainee, Mr. A, who died of starvation during a hunger strike at the Omura Immigration Centre in June 2019. Mr. A's hunger strike was a result of his prolonged detention, and his tragic death brought renewed attention to the issue of long-term detention by the immigration authorities.

The immigration authorities had detained Mr. A for an extended period (three and a half years). They could have released him via provisional release, but they did not. The continued and prolonged detention was a result of the immigration authorities' policies and decisions, and they are fully responsible.

However, after this incident, the immigration authorities shifted the blame for long-term detention onto those who "avoid deportation," stating that the presence of such individuals "not only poses a major obstacle to swift deportation but is also a significant factor in prolonged detention" (statement by the Minister of Justice at a press conference on October 1, 2019). Amid this confusion, they plotted to amend the law to make deportation easier for themselves.

The immigration authorities have intentionally used long-term detention as a means to promote deportation. The authorities have aimed to coerce individuals into returning to their home countries by detaining them, denying them their freedom, and inflicting psychological and physical suffering. Despite these human rights abuses, the authorities refer to those who still refuse to return as "deportation evaders."

The number of people classified by the immigration authorities as "deportation evaders" (ranging between 3,000 and 4,000 from 2012 to the present) has been a target for reduction, primarily through the promotion of deportation. This policy, which can be described as a "deportation-only approach," has led to prolonged detention and incidents such as the starvation death of Mr. A and the death of Ms. Wishma at the Nagoya Immigration Centre. Even those who do not die often suffer from depression, PTSD, and other conditions due to prolonged or repeated detention and provisional release.

Even after enduring harsh long-term detention or living in a state of virtual rightlessness under provisional release, people choose not to return home due to the serious dangers they face, the potential for family dissolution, or the lack of a stable foundation in their home countries. The immigration authorities' policy of excluding these individuals through deportation, while granting only very limited residence rights in Japan, has already proven unfeasible. If the authorities continue to adhere to this policy under the revised law, numerous serious human rights violations, including deaths in detention, will inevitably occur. Moreover, the expanded discretion granted to the immigration authorities by the revised law could lead to even more severe situations for refugees and undocumented residents.

To prevent such outcomes, the immigration authorities must abandon their deportation-only policy. This means shifting their approach to regularizing the residence status of those they currently label as "deportation evaders," allowing them to live with security. We, as citizens, must unite and advocate for this change.

One way to achieve this is to significantly relax the currently stringent criteria for special residence permits. We can also align refugee recognition with international standards, appropriately identifying individuals who deserve refugee status. Under the revised law, our fight to change or normalise the immigration system's operations becomes even more necessary.

People have referred to the violations of human rights in immigration detention facilities as "secret room human rights abuses." However, the exposure of these abuses is growing. Detainees have persistently raised their voices to expose human rights violations, and citizens have acted to highlight these issues, leading to a significant increase in the number of people critically scrutinising the immigration authorities. It is becoming increasingly difficult for the authorities to conceal their human rights violations.

The numerous human rights violations that the immigration authorities have committed by stubbornly adhering to their unfeasible deportation-only policy have created a situation where these abuses can no longer be hidden. If the authorities continue this policy under the revised law, the resulting serious human rights violations will be swiftly exposed, and voices of anger and condemnation will rise both domestically and internationally, encircling the immigration authorities.

We have justice on our side. Let us unite and work together.

Reference

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